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Public Bill Committee

EMPLOYMENT RIGHTS BILL

Nineteenth Sitting

Tuesday 14 January 2025

(Morning)

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Saturday 18 January 2025

The Committee consisted of the following Members:

Chairs: Sir Christopher Chope, Graham Stringer, Valerie Vaz, † David Mundell

† Bedford, Mr Peter *(Mid Leicestershire)* (Con)
† Darling, Steve *(Torbay)* (LD)
† Fox, Sir Ashley *(Bridgwater)* (Con)
Gibson, Sarah *(Chippenham)* (LD)
† Gill, Preet Kaur *(Birmingham Edgbaston)* (Lab/Co-op)
† Griffith, Dame Nia *(Minister for Equalities)*
† Hume, Alison *(Scarborough and Whitby)* (Lab)
† Kumaran, Uma *(Stratford and Bow)* (Lab)
† Law, Chris *(Dundee Central)* (SNP)
† McIntyre, Alex *(Gloucester)* (Lab)
† McMorrin, Anna *(Cardiff North)* (Lab)
† Madders, Justin *(Parliamentary Under-Secretary of State for Business and Trade)*
Midgley, Anneliese *(Knowsley)* (Lab)
† Murray, Chris *(Edinburgh East and Musselburgh)* (Lab)
† Pearce, Jon *(High Peak)* (Lab)
† Smith, Greg *(Mid Buckinghamshire)* (Con)
† Tidball, Dr Marie *(Penistone and Stocksbridge)* (Lab)
† Timothy, Nick *(West Suffolk)* (Con)
† Turner, Laurence *(Birmingham Northfield)* (Lab)
† Wheeler, Michael *(Worsley and Eccles)* (Lab)

Kevin Maddison, Harriet Deane, Aaron Kulakiewicz, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 14 January 2025

(Morning)

[David Mundell *in the Chair*]

Employment Rights Bill

9.25 am

The Chair: Will everyone please ensure that all their electronic devices are turned off or switched to silent mode? We will now continue line-by-line consideration of the Bill. The grouping and selection list for today's sittings is available in the room and on the parliamentary website. I remind hon. Members about the rules on declarations of interest, as set out in the code of conduct.

Schedule 6

Consequential amendments relating to Part 5

The Parliamentary Under-Secretary of State for Business and Trade (Justin Madders): I beg to move amendment 183, in schedule 6, page 135, line 6, leave out "'Secretary of State'." and insert

"'Gangmasters and Labour Abuse Authority or the Secretary of State'."

This amendment would ensure that section 12(2) of the Gangmasters (Licensing) Act 2004, which makes it an offence for a person to be in possession or control of a "relevant document" that is false or has been improperly obtained with the intention of inducing someone to believe that the person has a licence under that Act, continues to apply in respect of documents issued by the Gangmasters and Labour Abuse Authority in connection with a licence before its abolition.

It is a pleasure to see you in the Chair this morning, Mr Mundell. As is customary, I refer to my declaration of interests and to the Register of Members' Financial Interests.

The amendment is essential to upholding legal continuity and to preventing any ambiguity or loopholes in enforcement. It will ensure that provisions under the Gangmasters (Licensing) Act 2004 remain enforceable. Without the amendment, there is a risk that any improper conduct in relation to documents issued before the abolition of the Gangmasters and Labour Abuse Authority could fall outside the scope of enforcement.

Fraudulent licences have been used to exploit vulnerable workers and to mislead employers, particularly in industries such as agriculture and food processing. The amendment will strengthen deterrence against document fraud and ensure that enforcement agencies retain the tools that they need to protect workers effectively.

Greg Smith (Mid Buckinghamshire) (Con): It is a pleasure to serve under your chairmanship once more, Mr Mundell.

As the Minister has outlined, Government amendment 183 will ensure that section 12(2) of the Gangmasters (Licensing) Act 2004, which makes it an offence for a person to be in possession or control of a relevant document that is false or has been improperly obtained with the intention of inducing someone to believe that the person has a licence under the Act, continues to apply in respect of documents issued by the Gangmasters and Labour Abuse Authority in connection with a licence before its abolition.

Clause 109 will abolish the Gangmasters and Labour Abuse Authority, a non-departmental public body that investigates reports of worker exploitation and illegal activity such as human trafficking, forced labour and illegal labour provision, as well as making offences under the National Minimum Wage Act 1998 and the Employment Agencies Act 1973. Significantly, the Gangmasters and Labour Abuse Authority also issues licences to employment agencies, labour providers or gangmasters who provide workers in the sectors of agriculture, horticulture, shellfish gathering and any associated processing or packaging. That is important work; we do not in any way, shape or form deviate from that.

The Government amendment will rightly ensure that providing false licences remains an offence, including where that was identified before the Bill receives Royal Assent and becomes an Act at some point this year, but I would like to be reassured about the work of the Gangmasters and Labour Abuse Authority in connection with the provisions of the Bill. For example, what will happen to the staff at the authority once it has been abolished? The Bill provides for the transfer of staff, property rights and liabilities to the Secretary of State. Does the Secretary of State envisage redundancies or envisage that the same staff will continue to do the same work under a different ultimate authority? Will the reorganisation lead to any disruption? I think we all accept that any change will bring with it some level of disruption, but how can the disruption be minimised?

Likewise, the amendment appears to ensure continuity with existing legislation once the Bill has passed. I will be grateful if the Minister can confirm that that is the case. If any new powers are being taken, please could they be explained?

Steve Darling (Torbay) (LD): It is a pleasure to serve under your chairmanship, Mr Mundell. I welcome the clarity offered by the Government in the amendment.

Sir Ashley Fox (Bridgwater) (Con): It is a pleasure to serve under your chairmanship, Mr Mundell.

The amendment will ensure that the provisions of section 12(2) of the Gangmasters (Licensing) Act 2004 remain effective even in the context of the changes proposed in the Bill. Section 12(2) will make it a criminal offence for an individual to be in possession or control of a relevant document that is false, is forged or has been improperly obtained with the intention of deceiving others into believing that the individual holds a valid licence under the Act. It is essential that that provision continues to apply to documents issued by the Gangmasters and Labour Abuse Authority before its abolition, ensuring that any fraudulent documents issued before the GLAA is dissolved can still result in prosecution. Maintaining that provision is crucial to preventing exploitation and ensuring that individuals and businesses cannot evade accountability with fraudulent documentation.

Clause 109 proposes to abolish the Gangmasters and Labour Abuse Authority, which plays a significant role in tackling issues such as labour exploitation, human

trafficking and forced labour in certain sectors. The dissolution of the GLAA marks a significant shift in how those matters will be managed. Given the importance of its work, the transition raises important questions about how those responsibilities will be carried forward under the new structures set out by the Bill. The GLAA has played a vital role in regulating the labour market in high-risk industries, so the Government's proposal to abolish it must be accompanied by a clear plan to ensure continuity of its crucial work.

The GLAA is a non-departmental public body that has been responsible for investigating and addressing serious forms of worker exploitation such as human trafficking, forced labour and illegal labour practices. Additionally, it monitors compliance with regulations under the National Minimum Wage Act and the Employment Agencies Act. By issuing licences to employment agencies, labour providers and gangmasters in high-risk sectors, including agriculture, horticulture, shellfish gathering and associated processing and packaging, the GLAA has been instrumental in safeguarding vulnerable workers and preventing exploitation.

Chris Murray (Edinburgh East and Musselburgh) (Lab): For the four years before I was elected to this place, I worked in Scotland on combating human trafficking and labour exploitation, and I did a lot of work with the GLAA. Quite properly, the hon. Gentleman lists the industries with which it was associated, such as shellfish, agriculture and horticulture. Although the GLAA was set up to address those things, in Scotland we had only one member of staff inspecting all that coastline and all that land, and the authority was not really equipped or able to do the job that it was set up to do.

Having reflected on how the GLAA has operated and on its lack of power and capacity—that is absolutely not a comment on the ability of the staff, who are severely overworked—and given the scale of the crisis, I would argue that it is appropriate to look at how effective the GLAA is and then bolster that by putting it into a fair work agency, rather than having a very small group of people unable to deal with the task that they face. Things like labour exploitation and human trafficking have not gone down as a result of the GLAA, which tells us that we do need to revisit and restructure the organisation.

Sir Ashley Fox: The hon. Member makes a number of valuable points. The proposed removal of the GLAA raises concerns about how its important functions will be handled. It is imperative that a robust alternative structure be put in place to address those critical issues and to continue protecting workers' rights and preventing exploitation.

The GLAA's work is crucial in specific sectors in which workers are at a heightened risk of exploitation. They include agriculture, horticulture, shellfish gathering and the associated processing and packaging industries. Such sectors often rely on seasonal or temporary labour, which makes workers more vulnerable to abuse. The GLAA has been tasked with ensuring that employment agencies and gangmasters in those areas are properly licensed and comply with legal and ethical standards. Without a continued effective regulatory body, there is a risk that workers in those sectors could face greater vulnerability to exploitation. The amendment ensures that even after the GLAA is abolished, protections relating to fraudulent licences remain in place to help to prevent future abuses in those critical sectors.

Although the amendment will rightly ensure that the offence of providing false licences will continue, including for cases identified prior to the passage of the Bill, there remains a need for reassurance about the future of the GLAA's core responsibilities. The work of the GLAA in investigating and responding to incidents of worker exploitation is vital. As the Bill progresses, it is crucial that there is a clear and publicly communicated plan for transferring and maintaining those functions under the new framework. The question remains of how those critical duties will be continued effectively under the new system. What mechanisms are in place to ensure that the same level of oversight and enforcement will be maintained without compromising workers' protections?

One significant issue that arises from the abolition of the GLAA is the future of its staff. The Bill stipulates that staff, property, rights and liabilities will be transferred to the Secretary of State. However, there is a need for further clarity on the fate of staff members, who have been dedicated to the GLAA's mission. Will there be redundancies, or will staff members be reassigned to continue their work under a new authority such as the fair work agency? In the latter case, it will be essential to understand how that transition will be managed. Will those staff members continue to do the same work, or will there be changes to their roles? Furthermore, will the reorganisation cause any disruption to the ongoing work of tackling labour exploitation and illegal labour practices? Minimising disruption in that process is crucial to ensure that there is no gap in the important regulatory and enforcement work carried out by the GLAA.

Government amendment 183 appears to be designed to ensure that existing legislation, particularly in relation to worker protections and the regulation of labour providers, continues to apply once the Bill passes. It would have been reassuring to have confirmation that the intention behind the amendment is to maintain the existing legal framework and obligations. The continuity of those provisions is critical to ensuring that workers remain protected and that the work of tackling exploitation and human trafficking continues without interruption. I would be grateful for the Minister's confirmation that the amendment will ensure that the key elements of existing legislation remain in force.

Finally, if the Bill introduces any new powers, it is important that the need for those powers be fully explained and understood. The amendment and the Bill more broadly implement changes that could have significant implications both for employers and for their employees. It would be helpful to have clarification on whether the new powers will be used to expand the role of the Secretary of State or the fair work agency in monitoring and regulating sectors previously overseen by the GLAA. How will those new powers affect existing regulations? What safeguards will be in place to ensure that they are used appropriately and effectively?

Justin Madders: That was quite a lengthy debate for a technical amendment. This amendment to schedule 6 will ensure continuity of function, which was one of the main points that the shadow Minister and the hon. Member for Bridgwater made. We are alive to their concern that there is a hole through which provisions

[Justin Madders]

can fall: there are a number of amendments to make sure that there is continuity of legal force and in the ability to carry out the functions of the predecessor authorities.

Both hon. Members asked about redundancies. It is premature to talk about operational matters of that nature. The impact assessment is being carried out on the basis of the existing budgets of the relevant agencies. No reduction in staff members is anticipated, but as we move forward, efficiencies and duplications may become apparent when the agencies are merged, which may lead to other changes to the way in which matters are carried out, and those will clearly be dealt with.

There was a concern that the reorganisation could lead to disruption, which is certainly not our intention. We expect the agencies to be able to continue to carry out existing investigations—indeed, many of the amendments are being made with that in mind to ensure that continuity is preserved. I remind Opposition Members that the purpose of the fair work agency is to ensure that intelligence is shared and resources are pooled so that we can be more effective in our labour market abuse enforcement mechanisms. That has been widely supported across the entire group of stakeholders.

In terms of oversight, there will be an advisory board, reports and strategies and the Secretary of State will be answerable to Parliament for the work of the fair work agency. We will no doubt return to that on a number of occasions as the detail is fleshed out. I commend the amendments to the Committee.

Amendment 183 agreed to.

Amendments made: 102, in schedule 6, page 137, line 13, at end insert—

"(3A) In the italic heading before paragraph 10, omit "of Authority"."

This amendment makes a minor drafting correction.

Amendment 103, in schedule 6, page 137, line 15, leave out "the heading and".—*(Justin Madders.)*

This is consequential on amendment 102.

Justin Madders: I beg to move amendment 104, in schedule 6, page 140, line 26, leave out "and (4)" and insert ", (4), (8) and (9)".

This amendment, and amendments 105 and 106, make further minor amendments of section 114B of the Police and Criminal Evidence Act 1984 as a result of the replacement of labour abuse prevention officers by enforcement officers under Part 5 of the Bill.

The Chair: With this it will be convenient to discuss Government amendments 105 and 106.

Justin Madders: Schedule 6 outlines consequential amendments to other legislation and will ensure consistency with the provisions introduced by the Bill. It will also ensure that our legislative framework is cohesive and functional.

The amendments will make essential technical adjustments to section 114B of the Police and Criminal Evidence Act 1984 to reflect the replacement of labour abuse prevention officers with enforcement officers, as defined in part 5 of the Bill. They will update references, revise definitions and ensure consistency between this Bill and existing legislation. The amendments will avoid confusion and ensure that our statutory framework functions effectively. I commend these minor technical amendments to the Committee.

Greg Smith: I am grateful to the Minister for explaining these further minor amendments to section 114B of the Police and Criminal Evidence Act, being made as a result of the replacement of labour abuse prevention officers with enforcement officers under part 5 of the Bill. The amendments are another consequence of centralising the different enforcement agencies that operate under the auspices of the fair work agency.

I would be grateful to have the Minister's reassurance that all current enforcement work will still be able to be carried out to the same standard during the period of reorganisation. In the previous debate, he indicated that he did not expect disruption; I gently put it to him that that is probably on the optimistic end of the scale. No matter the good intention behind any reorganisation, or the will, endless planning and everything that goes into it from a lot of good people putting in a lot of hard work, the reality is that any reorganisation can cause disruption, either in its own right or through unexpected events.

I will give a parallel closer to home. In my constituency, Buckinghamshire unitary council was created to go live just as the pandemic was starting. Four district councils and a county council were put together at the point at which we were all sent home, so everyone was working from home and having to rise to a local authority's duties to put in place resilience measures to support people through the pandemic.

9.45 am

My point is that events happen. Although the Minister is optimistic, with his natural sunny disposition, about the lack of disruption that the reorganisation will bring, I gently ask him to consider whether the tyres have been properly kicked in the planning steps and whether the necessary due process has been followed to ensure that any disruption through the reorganisation is genuinely minimised. Although no one can expect the unexpected, I ask that steps be taken should something derail timescales or get in the way of the reorganisation.

Sir Ashley Fox: Amendments 104 to 106 propose minor but necessary changes to section 114B of the Police and Criminal Evidence Act 1984, arising from the changes introduced under part 5 of the Bill, particularly the replacement of labour abuse prevention officers by enforcement officers. The intention behind the change is to streamline and update the regulatory framework in response to the restructuring of enforcement roles. By introducing enforcement officers under the new structure, the Government aim to enhance the effectiveness of labour abuse prevention while ensuring that there is no gap in oversight and enforcement. These minor amendments are crucial to align existing legislation with the nearly structured responsibilities and authority of enforcement officers, who will now take on the duties previously held by labour abuse prevention officers.

The centralisation of enforcement agencies under the fair work agency is part of a broader effort to centralise and co-ordinate the various enforcement agencies that currently operate. By bringing the enforcement bodies

together under a single umbrella, the Government aim to create a more co-ordinated, efficient and consistent approach to tackling labour abuses and ensuring that workers' rights are upheld across different sectors. The centralisation process is designed to improve the effectiveness of enforcement and simplify the regulatory landscape for both businesses and workers, but as we move through the reorganisation period, it is essential that all enforcement activities continue to be carried out seamlessly, without any disruption or decrease in the standard of oversight. That is particularly important as the new system is put in place, as workers rely on enforcement mechanisms to protect their rights.

I seek reassurance on the continuity of enforcement standards during the reorganisation. Given the significant structural changes involved, I ask the Minister to assure me that all current enforcement work will continue to be carried out to the same high standard during the transition period. The centralisation of enforcement agencies is a significant undertaking, and it is vital that the effectiveness of enforcement operations is not compromised during the restructuring process. Workers and businesses must be confident that the protections afforded by the existing enforcement framework will remain intact, and that enforcement officers will have the tools, resources and authority that they need to address breaches of the law effectively. I would appreciate clarification on how the Government plan to ensure that no enforcement gaps occur during the reorganisation, and that current and future enforcement work will be conducted at the same high level of competence.

Justin Madders: It seems we have a little double act developing on the Opposition Front Bench. It reminds me a little bit of Waldorf and Statler, without the puns. Both the hon. Member for Mid Buckinghamshire and the hon. Member for Bridgwater sought similar and important assurances that the work of the agencies would be able to be carried out effectively during this period of transition. I note what the hon. Member for Mid Buckinghamshire mentioned about the Mid Buckinghamshire reorganisation.

Greg Smith: All of Buckinghamshire.

Justin Madders: All of Buckinghamshire, yes—with the hon. Member right in the middle where he truly belongs. I do recall that the previous Government decided to set up the UK Health Security Agency in the middle of the pandemic, which was a challenging time to do that. It has been shown that the people doing the job day to day can continue to do it while the institutional reform carries on, making it more likely that they will be effective in carrying out their work through the sharing of resources, evidence and expertise, as well as, hopefully, a more unified approach to enforcement. Clearly, we want those doing the day-to-day work to be able to carry on doing that and a number of these amendments enable them to do that. We hope that, as the agency forms and more joint working is developed, they will become more effective.

Amendment 104 agreed to.

Amendments made: 105, in schedule 6, page 140, line 26, at end insert—

'(4A) In subsection (10), for "Any other" substitute "A".'

See the explanatory statement for amendment 104.

Amendment 106, in schedule 6, page 140, line 27, leave out sub-paragraph (5) and insert—

'(5) For subsection (11) substitute—

"(11) In this section—

"enforcement officer" has the meaning given by section 72(3)

of the Employment Rights Act 2025;

"labour market offence" has the same meaning as in Part 5 of that Act (see section 112(1) of that Act).'"—*(Justin Madders.)*

See the explanatory statement for amendment 104.

Justin Madders: I beg to move amendment 184, in schedule 6, page 141, line 7, at end insert—

"Employment Tribunals Act 1996

70A In section 19A of the Employment Tribunals Act 1996 (conciliation: recovery of sums payable under settlements), omit subsection (10A)."

This amendment provides for a minor consequential amendment relating to Part 5 of the Bill.

The Chair: With this it will be convenient to discuss Government amendment 188.

Justin Madders: Schedule 6 makes consequential amendments to existing legislation to ensure consistency with the new provisions introduced by the Bill. The amendments make essential technical adjustments to the Employment Tribunals Act 1996 and the Small Business, Enterprise and Employment Act 2015, updating references and ensuring consistency between the Bill and existing legislation.

Government amendment 184 omits section 19A(10A) of the Employment Tribunals Act 1996, which makes provision for the disclosure of settlement terms to an enforcement officer appointed under section 37M of the same Act. Section 37M is repealed by the Bill, as it has been superseded by the new provisions of the Bill on the appointment of fair work agency officers. Clauses 98 and 99(1) of the Bill provide gateways for the disclosure of information to fair work agency officers. Government amendment 184 repeals section 19A(10A), as the provision is no longer required in the light of the new provisions introduced by the Bill. Government amendment 188 is consequential to Government amendment 184. The amendment prevents confusion and ensures our statutory framework continues to function effectively.

Greg Smith: For the next part of the double act —I will casually ignore the Minister's comparison—I will speak to Government amendments 184 and 188. Amendment 184 is a minor amendment relating to part 5 of the Bill and amendment 188 is consequential on amendment 184. As the Minister said, amendment 184 removes section 19A(10A) of the Employment Tribunals Act 1996. Section 19A concerns the

"recovery of sums payable under settlements"

and subsection (10A) provides that the court may make provision as to the time within which an application to the county court for a declaration under subsection (4) is to be made. Subsection (4) states:

"A settlement sum is not recoverable under subsection (3) if—

(a) the person by whom it is payable applies for a declaration that the sum would not be recoverable from him under the general law of contract, and

(b) that declaration is made."

[Greg Smith]

Notwithstanding the Minister's explanation, it is still not entirely clear to the Committee, or indeed to the whole House, why it is necessary to delete subsection (10A) from the Employment Tribunals Act 1996. I am sure there is a very convoluted reason for it out there somewhere, but it seems to us that the will of the Government in putting this legislation before Parliament does not need that deletion in order to function. I would be grateful if the Minister gave a fuller explanation of the need for that deletion in his summing-up.

Sir Ashley Fox: Amendment 184 proposes the removal of subsection (10A) from section 19A of the Employment Tribunals Act 1996, which deals with the recovery of sums payment under settlements, specifically addressing situations in which a party seeks a declaration from the court regarding the recoverability of a settlement sum.

Under subsection (10A), the court has the discretion to make provisions regarding the timeframe within which an application must be made to the county court for a declaration under subsection (4). Subsection (4) essentially provides that a settlement sum will not be recoverable if the person liable to pay the sum seeks a declaration from the court that, under general contract law, the sum is not recoverable from them. The removal of subsection (10A) raises important questions about the implications of the timing and procedure of such applications.

Given that the removal of subsection (10A) may have significant consequences for how significant settlement sums are handled and claims are processed in the future, will the Minister explain why this provision is being deleted? Understanding the reasoning behind the change is important for assessing its potential impact on workers and employers. Will the removal of this provision simplify the process for parties seeking a declaration regarding the recoverability of settlement sums or will it introduce new challenges or delays in the legal process? Furthermore, how will this change affect the ability of individuals to seek a fair resolution in cases where disputes over settlement sums arise? Clarification from the Minister on these points would be appreciated as it would help ensure that stakeholders fully understand the intended effects.

Justin Madders: Hopefully, I can put Opposition Members' minds at rest about the need for the amendment. It is about simplifying the legislative framework. Section 19A(10A) of the 1996 Act is about disclosure of settlement terms to enforcement officers who are appointed under section 37M of that Act. As that is now being repealed by and superseded by the provisions in this Bill, particularly clauses 98 and 99, that provision is no longer required in the 1996 Act. That is why it is being removed; the current arrangements remain in place, but they will all be in one place, in this Bill. We hope that will provide clarity and certainty for those who wish to avail themselves of the rights and obligations under this legislation.

Amendment 184 agreed to.

Justin Madders: I beg to move amendment 185, in schedule 6, page 141, line 33, leave out from "2025)" to end of line 2 on page 142 and insert

"acting in the exercise of functions conferred on them by virtue of section 114B of the Police and Criminal Evidence Act 1984;";".

This amendment is consequential on amendment 186.

The Chair: With this it will be convenient to discuss Government amendments 187 and 186.

Justin Madders: The amendments make essential adjustments to the Employment Rights Bill ensuring that there is a process for appropriate oversight of police powers used by officers within the fair work agency. There will be a subsection of enforcement officers within the fair work agency who will be able to use police powers under the Police and Criminal Evidence Act. It is important that there is appropriate oversight of officers using these powers as part of their investigations.

This is not a new power. Currently, Labour abuse prevention officers within the Gangmasters and Labour Abuse Authority are able to use these Police and Criminal Evidence Act powers. Any complaints or allegations of misconduct are investigated by the Independent Office for Police Conduct, thereby ensuring that enforcement officers use their powers responsibly and within legal boundaries. The amendments ensure that the existing oversight arrangements with the IOPC can continue with the fair work agency on abolition of the GLAA. On that note, I hope the Committee will accept amendments 185, 186 and 187.

10 am

Greg Smith: I am grateful for the Minister's brief explanation of Government amendments 185 to 187, which enable the Secretary of State to make regulations enabling the director general of the Independent Office for Police Conduct to deal with complaints and misconduct relating to enforcement officers who exercise police powers. Amendments 186 and 187 allow the Secretary of State to make regulations to deal with complaints. Misconduct relating to enforcement officers created by the Bill who exercise the powers in amendment 185 is consequential to amendments 186 and 187. Amendment 186 states that the Secretary of State

"may make regulations conferring functions on the Director General in relation to enforcement officers acting in the exercise of functions conferred on them by virtue of section 114B of the Police and Criminal Evidence Act 1984."

Can the Minister provide examples of the sorts of functions it is envisaged the Secretary of State will confer by regulations and how those powers will be used? Probably more significant to this debate and to give us the full picture, will the Independent Office for Police Conduct be granted greater powers to investigate misconduct claims? Will it have additional sanctions compared to that which it is already able to impose? If so, what are they and what will be the resourcing implications for the Independent Office for Police Conduct to take on oversight of the reorganisation?

We can all accept that many elements of the public sector are incredibly stretched. Whenever any reorganisation comes about or there is a need to oversee new bodies, there will be a resource implication. No matter how well intentioned the provisions of the Bill and the three amendments are, there will be a resource implication, even if it is a minor one. It is important that the Government acknowledge that and make a clear, unambiguous commitment to the resourcing of the Independent Office for Police Conduct to take on oversight of the reorganisation and future enforcement officers and their functions.

Sir Ashley Fox: Amendments 186 and 187 propose important changes that would grant the Secretary of State the power to make regulations enabling the director general of the Independent Office for Police Conduct to handle complaints and misconduct related to enforcement officers who exercise police powers. This would involve granting the IOPC the authority to oversee complaints regarding enforcement officers as they carry out their duties, particularly when acting within the scope of the powers given to them under section 114B of the Police and Criminal Evidence Act 1984.

Amendment 185 is consequential to those changes, ensuring that the necessary legislative framework aligns with the proposed regulations. Specifically, amendment 186 outlines that the Secretary of State will have the authority to make regulations that will confer specific functions on the director general of the IOPC. Those functions would relate to enforcement officers when they exercise powers granted to them through section 114B of the 1984 Act, which provides enforcement officers with certain powers, and this amendment ensures that there are appropriate mechanisms in place to address any complaints or allegations of misconduct arising from their use of these powers.

I would be grateful if the Minister provided further clarification on the scope of these regulations. Specifically, it would be helpful to understand what types of function the Secretary of State is likely to impose on the director general of the IOPC. For instance, will the regulations specify procedures for investigating complaints, the methods of oversight, or protocols for handling disciplinary actions against enforcement officers? What types of misconduct or complaint are anticipated to fall within this framework? Moreover, how do the Government envisage the IOPC's role evolving, with the additional responsibility for overseeing enforcement officers under these amendments?

Understanding the intended use of these powers will help stakeholders anticipate the practical effects of these changes and their potential impacts on enforcement officers' accountability. A key concern is whether the IOPC will be granted greater powers under this proposed framework. The IOPC's current remit covers complaints and misconduct relating to police officers, but the introduction of enforcement officers who possess police powers raises important questions about whether the IOPC will have the authority to investigate misconduct claims against those officers in a similarly robust manner. Will the IOPC be granted expanded investigatory powers to ensure that complaints involving enforcement officers are handled thoroughly and impartially?

Additionally, will the IOPC have the authority to impose sanctions on enforcement officers found to have committed misconduct? If sanctions are available, it would be useful to understand what types of action the IOPC could take, such as recommending disciplinary measures, issuing fines or referring cases for criminal prosecution.

Providing clarity on the scope of the IOPC's powers in relation to enforcement officers will be crucial for ensuring that those officers remain accountable for their actions while exercising their police powers.

Justin Madders: I am grateful to Opposition Members for raising those questions. I can reassure them that this is not about creating new powers, either for enforcement officers or for the IOPC. It is about transferring the existing responsibility that the IOPC has for designated officers with police-style powers to the fair work agency. The discussions have been on the basis that there would not be any additional resource implications for the IOPC. Obviously, if that were to change in due course, when the fair work agency is under way, there would be discussions about that. It is simply about the existing powers under section 114B of the Police and Criminal Evidence Act being applicable to the enforcement officers of the fair work agency on exactly the same basis as they are now. I hope that that has put Opposition Members' minds at rest. On that note, I commend the amendments to the Committee.

Amendment 185 agreed to.

Amendments made: 187, in schedule 6, page 142, line 3, after "(3)" insert "—

(i) after paragraph (bc) insert—

'(bca) any regulations under section 26CA of this Act (enforcement officers appointed under Employment Rights Act 2025);';

(ii)".

See the explanatory statement for amendment 186.

Amendment 186, in schedule 6, page 142, line 3, at end insert—

"(2A) After section 26C insert—

'26CA Enforcement officers appointed under Employment Rights Act 2025

(1) The Secretary of State may make regulations conferring functions on the Director General in relation to enforcement officers acting in the exercise of functions conferred on them by virtue of section 114B of the Police and Criminal Evidence Act 1984.

(2) In this section "enforcement officer" means a person appointed by the Secretary of State under section 72 of the Employment Rights Act 2025.

(3) Regulations under this section may, in particular—

(a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;

(b) make provision for payment by the Secretary of State to, or in respect of, the Office or in respect of the Director General.

(4) The Director General and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—

(a) the Director General has functions by virtue of this section, and

(b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.

(5) The Secretary of State or an enforcement officer may disclose information to the Director General, or to a person acting on the Director General's behalf, for the purposes of the exercise by the Director General, or by any person acting on the Director General's behalf, of a relevant complaints function.

(6) The Director General and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—

(a) by virtue of this section, or

(b) under the Parliamentary Commissioner Act 1967.

(7) Regulations under this section may, in particular, make—

(a) further provision about the disclosure of information under subsection (5) or (6);

(b) provision about the further disclosure of information that has been so disclosed.

(8) A disclosure of information authorised by this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(9) But this section does not authorise a disclosure of information that—

(a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account), or

(b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(10) In this section—

"the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

"relevant complaints function" means a function in relation to the exercise of functions by enforcement officers.'"

This amendment and amendment 187 would enable the Secretary of State to make regulations enabling the Director General of the Independent Office for Police Conduct to deal with complaints and misconduct relating to enforcement officers who are exercising police powers.

Amendment 188, in schedule 6, page 143, line 19, leave out "subsection" and insert "subsections (4) and".

This amendment is consequential on amendment 184.

Amendment 189, in schedule 6, page 144, line 10, at end insert—

"Sentencing Act 2020

92A In section 379(1) of the Sentencing Act 2020 (other behaviour orders etc), after the entry for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 insert—

'Employment Rights Act 2025		
section 90	labour market enforcement order	labour market offence within the meaning of Part 5 of that Act.'"

—(Justin Madders.)

This amendment makes a consequential amendment to the Sentencing Act 2020 to include labour market enforcement orders in the list of orders that may be made on conviction by a criminal court but are not dealt with in that Act.

Justin Madders: I beg to move amendment 190, in schedule 6, page 144, line 10, at end insert—

"Police, Crime, Sentencing and Courts Act 2022

92B In Part 2 of Schedule 3 to the Police, Crime, Sentencing and Courts Act 2022 (extraction of information from electronic devices: authorised persons in relation to all purposes within section 37), after the entry relating to section 15 of the Gangmasters (Licensing) Act 2004 insert—

'A person who is an enforcement officer for the purposes of Part 5 of the Employment Rights Act 2025.'"

This amendment would authorise enforcement officers under Part 5 of the Bill to exercise the powers conferred by section 37 of the Police, Crime, Sentencing and Courts Act 2022 to extract information stored on electronic devices for the purposes of, among other things, criminal investigations.

Government amendment 190 is another technical amendment to ensure continuity and effectiveness of the enforcement power under section 37 of the Police, Crime, Sentencing and Courts Act 2022. The Bill provides the building blocks for us to set up the fair work agency, which involves transferring enforcement functions that are currently split between multiple bodies, including the Gangmasters and Labour Abuse Authority. The GLAA office currently exercises its power across the UK under section 37 of the 2022 Act. Without this amendment, enforcement officers in England, Wales and Scotland would not have access to critical investigatory powers under that Act. Only officers enforcing the Gangmasters (Licensing) Act 2004 in Northern Ireland would retain those powers, creating an unjustifiable enforcement gap.

Investigations increasingly rely on access to electronic data, such as payroll records and communication logs. Excluding fair work agency officers from these powers would severely hinder their ability to obtain critical information, leaving them ill-equipped to tackle non-compliance and labour exploitation effectively.

The amendment ensures that enforcement powers remain consistent across England, Wales, Scotland and Northern Ireland, aligning with the policy aim of the fair work agency to deliver robust and uniform enforcement. Fair work agency officers would exercise the section 37 power in relation to labour market offences. That expands the scope of the power, as currently the power is exercised by GLAA officers only in connection with enforcement of the 2004 Act.

This amendment would mean that the power is used by fair work agency officers to enforce the broader range of legislation under their remit, which means that the power could be exercised in relation to any labour market offence, instead of just offences under the 2004 Act. That will prevent any disparity in enforcement capabilities that could undermine efforts to protect vulnerable workers and uphold compliance.

This amendment corrects a minor technical oversight during the drafting process, ensuring that the legislation accurately reflects operational needs. It aligns with the overarching policy intention to ensure that there is no reduction in enforcement capability as enforcement bodies transfer into the fair work agency, and it directly addresses concerns and strengthens the Bill's overall effectiveness. In conclusion, this amendment is essential to prevent enforcement gaps, ensure parity across jurisdictions, and equip enforcement officers with the tools that they need to combat exploitation in the modern economy.

Greg Smith: As the Minister outlined in his opening remarks, Government amendment 190 would authorise enforcement officers, under part 5 of the Bill, to exercise the powers conferred by section 37 of the Police, Crime, Sentencing and Courts Act 2022 to extract information stored on electronic devices for the purposes of, among other things, criminal investigations.

As I understand it, the power conferred by section 37 of the 2022 Act may be exercised only for the purposes of preventing, detecting, investigating or prosecuting crime; helping to locate a missing person; or protecting a child or at-risk adult from neglect or physical, mental or emotional harm. How often does the Minister envisage that that power would be needed when enforcing employment law?

It is a very important power in the cases that I have outlined—not least for the critical work of protecting children and at-risk adults from neglect or physical, mental or emotional harm—but, I repeat, how often

does the Minister envisage that it will be needed in employment law? What safeguards will be in place to prevent an inappropriate or intrusive use of the power? It seems an odd fit in this Bill.

Those matters are all rightly—I have double underlined that word—covered in other parts of legislation and enforced daily by the police and other agencies. His Majesty's loyal Opposition salute everyone involved in the prevention of harm and the prosecution of its perpetrators, but I repeat that the power seems an odd fit with this Bill.

Nick Timothy (West Suffolk) (Con): Government amendment 190 seeks to amend the Police, Crime, Sentencing and Courts Act 2022 by extending the powers conferred by section 37 of that Act to enforcement officers for the purposes of part 5 of this Bill. Section 37 of the 2022 Act allows the authorities to extract information shared on electronic devices for the purposes, among other things, of criminal investigations. I have some familiarity with these issues from my time working with the police, security and intelligence agencies and other public bodies with investigatory responsibilities when I worked in the Home Office between 2010 and 2015. Then, we were confronted with the danger that changing technology meant that the ability of these important public agencies to access the communications data necessary for their work was diminishing. That was because the nature of the way we communicate was changing from conventional phone calls and written material to internet-based communication. That obviously included methods such as messaging services like WhatsApp and Signal but also messaging within other apps like Facebook or even within online gaming systems.

10.15 am

I say this because these powers can be very controversial. I am thinking of the Liberal Democrats, who are sitting alongside us today, because I remember the controversies within the coalition Government at the time when we were considering these kinds of powers. It can be difficult to strike the balance between the need for law enforcement in the age of sophisticated and complex communication and the need for privacy and safeguards to ensure that access to that kind of information is never abused.

It is vital to remember that communications data of the kind I am describing is not the same as interception, which has a completely different legal framework and oversight regime, and quite rightly so. I do not think anybody here wants to stray into that. Communications data is very different, since it relates to the what, when and where of a communication.

I would like to ask the Minister about access to communications data for these purposes. I understand that this amendment is slightly different, as it relates to information that is voluntarily provided when the person under investigation agrees to hand over an electronic device to the authorised investigator. What access to communications data will enforcement officers have under the law for the purposes of upholding employment rights? How will the voluntary provision of a device, as envisaged in this amendment, work? Will there be backstop powers for enforcement officers in the event that the person investigated refuses to hand over their device?

The Police, Crime, Sentencing and Courts Act 2022 says that the power may only be exercised if it is for the purposes of

"preventing, detecting, investigating or prosecuting crime".

What, for the purposes of this Bill does "preventing" mean? Are there definitions or thresholds for triggering the power? If not, why not? That seems to be a reasonable proposition. Will it be triggered simply by the judgment of an enforcement officer? If so, what safeguards will there be? What training will be introduced to make sure that the power will not be abused? What oversight will there be, and what sanctions will apply if the power is indeed misused? We hope it will not be, but we know from experience that powers sometimes can be.

The 2022 Act also says that the power can be used only when the authorised person "reasonably believes" that information on the device is relevant to the purpose of, in this case, enforcement of employment law and is "necessary and proportionate". Again, what safeguards will there be? What training will be made available? What oversight will there be? In sum, what protections will there be from the abuse of these kinds of necessarily intrusive powers?

The 2022 Act further says that the authorised person

"must, to be satisfied that the exercise of the power…is proportionate"

ascertain that there are

"no other means of obtaining the information"

sought by the enforcement officer that avoid the risk of disproportionality, or there are other such means but it is not reasonably practicable to use them. Can the Minister tell us what the definitions are of the terms set out in these tests for the purpose of the Bill—"proportionality", "reasonably practicable" and so on?

The enforcement officer, under the terms of the 2022 Act, must also be satisfied in advance of accessing a device that, to assess proportionality, he or she has considered

"the amount of confidential information likely to be stored on the device".

I find that a little confusing, so I would appreciate it if the Minister explained how an enforcement officer is expected to know the amount of confidential information stored on the device in advance of accessing said device.

I understand that there is also a code of practice, written to help officers currently entitled to use the powers under the 2022 Act to assess their ability to do so in accordance with the law. What plans does the Minister have to update that code in light of Government amendment 190, to ensure that it reflects the application of those powers in the Bill?

Sir Ashley Fox: The amendment would grant enforcement officers, under part 5 of the Bill, the authority to exercise the powers outlined in section 37 of the Police, Crime, Sentencing and Courts Act 2022. Specifically, it would enable those officers to extract information from electronic devices in certain circumstances. Of course, everyone now carries one of those electronic devices.

The amendment is designed to support enforcement officers in carrying out their duties, including the investigation and enforcement of employment laws, particularly in cases that may involve criminal activities, such as exploitation, trafficking or financial misconduct.

[Sir Ashley Fox]

The ability to access electronic devices and retrieve relevant data will aid in gathering evidence and conducting thorough investigations, especially when digital evidence is critical to uncovering illegal practices.

To clarify the scope of that power, section 37 of the 2022 Act limits the use of the power to specific purposes. The powers can be exercised for the following objectives: preventing crime, which could include investigating cases of worker exploitation, trafficking or other forms of criminal behaviour related to employment law; detecting criminal activity, such as fraudulent schemes or illegal practices by employers; investigating crimes, especially where there is a digital trail or evidence related to labour abuse, fraud or similar issues that could be crucial to the case; prosecuting crime and ensuring that the evidence gathered can be used in legal proceedings to hold perpetrators accountable; locating missing persons, which could be relevant in situations involving forced labour or human trafficking; and protecting vulnerable individuals, such as children or at-risk adults, from harm, including neglect or physical, mental or emotional abuse in the workplace.

Those strict conditions are in place to ensure that the powers are used appropriately and only when there is a legitimate and necessary reason to extract information from electronic devices. While that power can be extremely valuable in investigating serious crimes, it is important to consider how often such powers will be needed when enforcing employment law specifically. The nature of employment law enforcement does not always require the same level of investigation into criminal activities as, for example, police work or national security investigations. Thus, I would appreciate an insight from the Minister regarding the frequency with which the power is likely to be used in the enforcement of employment laws. Is the power expected to be a routine tool, or will it be reserved for exceptional circumstances where there is significant evidence suggesting the need for such an intrusive measure?

Additionally, it is crucial to ensure that safeguards are in place to prevent any inappropriate or intrusive use of the power. Given the sensitivity of extracting data from electronic devices, there is a need for strict guidelines and oversight to ensure that the power is not abused. How will the Government ensure that the power is used proportionately and responsibly? What measures will be put in place to prevent overreach and protect the privacy of individuals who are not involved in criminal activity? For example, will there be a requirement for judicial authorisation before enforcement officers can access private data? Will there be any independent oversight to review the use of these powers and prevent misuse?

I would be grateful if the Minister outlined the safeguards and controls that will be implemented to ensure that the power is not used excessively or for purposes outside its intended scope. Furthermore, what will the procedures be for ensuring accountability and transparency in the use of this power?

Justin Madders: The shadow Minister and the hon. Member for Bridgwater asked me the "how long is a piece of string?" question—that is, how often the powers will be used. The best thing I can do is to come back to both of them with how often they have been used in recent times because, of course, there is an existing power with the Gangmasters and Labour Abuse Authority.

I was asked various questions about the use of powers, oversight and so on. Clauses 78 and 79 set out the powers that officers have. As we have discussed, we expect that these things will be the culmination of an ongoing dialogue between a particular business and the fair work agency. When there is non-compliance, these powers can be used as a last resort. Clause 83 sets out some of the oversight provisions.

Nick Timothy: Government amendment 190 is about the powers in section 37 of the Police, Crime, Sentencing and Courts Act 2022, which relate to the voluntary provision of a device for an enforcement officer to access. If there is not agreement, I am not sure what arises. The Minister just said that the proposal is about dealing with a situation whereby a negotiation between the fair work agency and the company has not led to a resolution. What happens if there is not agreement?

Justin Madders: As I said, if there is not agreement, the provisions in clauses 78, 79 and 83, which we debated last week, will come into play.

On the existing framework, the powers that we have set out are already in use. The Bill will make them available to all enforcement officers. They will be used only by people who have sufficient training and oversight within the organisation.

I was asked whether the code of practice will be updated. We are engaging with the Home Office on that. That is something that needs to be considered, given that the agency is being formed.

The hon. Member for West Suffolk was right to ask about proportionality. We do not see that there will be any change in how the system works on an operational basis as a result of these amendments. They really are about transposing the existing powers and safeguards into the Bill.

Amendment 190 agreed to.

Question proposed, That the schedule, as amended, be the Sixth schedule to the Bill.

Justin Madders: Part 5 of the Bill lays the groundwork for the creation of the fair work agency. It involves abolishing the Gangmasters and Labour Abuse Authority and the Director of Labour Market Enforcement, and transferring their functions to the Secretary of State.

Schedule 6 sets out consequential amendments that we are making to various Acts of Parliament as a result of these reforms. Part 1 of the schedule covers the consequential amendments to existing powers under relevant pieces of labour market legislation. Part 2 sets out the changes required to other Acts. The schedule is necessary to deliver a functioning and cohesive statute book and to deliver the policy intention of upgrading enforcement of workers' rights.

10.30 am

Greg Smith: Through this morning's debate on the 10 Government amendments to schedule 6, most of the points about the schedule have been well aired. As we consider whether it should fully stand part of the Bill,

however, I genuinely believe that a number of questions posed—in particular by my hon. Friends the Members for West Suffolk and for Bridgwater—on the practicalities of the transfer of some of the powers have not been adequately addressed during the debate by the Minister.

We do not challenge or seek to undermine in any way, shape or form the intention of the schedule. I appreciate the Minister's willingness to write to me on a couple of the points I made, and I accept the good faith in which that offer was made, but any transition involves some disruption. That is simply a fact of life, and I think that the Government would do well, given the good intent of what the schedule seeks to do, to reassure not just the Committee, but the whole House and the country at large, that that disruption will in fact be minimised and practical steps taken to make that the case.

Fundamentally, however, His Majesty's loyal Opposition understand and accept the necessity of the schedule. We just think that some unanswered questions remain.

Steve Darling: I echo the shadow Minister, who sits to my right—in more ways than one. Definitely, further clarity from the Minister would be welcome.

Justin Madders: I understand what the Opposition Members are saying. They seek reassurance that there will be no disruption to the good work that goes on already, and clearly, that is our intent. We will keep a close eye on how this works when the Bill has passed and received Royal Assent. A lot of the operational questions that have been asked will emerge during that time. Whether the hon. Member for Mid Buckinghamshire remains my shadow—either of us could of course be moved on at any point—it would be perfectly reasonable for us to keep the Opposition updated on operational decisions and how the fair work agency emerges. There will of course be further parliamentary opportunities for scrutiny as more detail emerges.

Question put and agreed to.

Schedule 6, as amended, accordingly agreed to.

Schedule 7

Transitional and saving provision relating to Part 5

Justin Madders: I beg to move amendment 191, in schedule 7, page 146, line 19, after "by" insert "or in relation to".

This amendment and amendment 192 ensure that things done in relation to existing enforcement officers, for example, before the coming into force of Part 5 of the Bill continue to have effect as if done in relation to the Secretary of State.

The Chair: With this it will be convenient to discuss Government amendments 192, 197 and 200.

Justin Madders: The schedule sets out transitional and savings provisions. It ensures a smooth changeover from the existing enforcement framework to the new provisions introduced by the Bill. That is of course important because it makes our legislative framework cohesive and functional.

Government amendment 191 is a necessary technical provision to ensure that the transition of enforcement responsibilities under part 5 of the Bill is well ordered. By clarifying that actions taken not just "by" but "in relation" to enforcement officers will continue to have effect as if done in relation to the Secretary of State, we are safeguarding a continuity in enforcement processes and ensuring no disruption to ongoing cases or decisions, which I am sure Members will be relieved to hear.

Government amendment 192 makes a consequential change to align with Government amendment 191, and Government amendments 197 and 200 make minor drafting changes in schedule 7. They do not affect the substance of the Bill, but they improve its clarity and accuracy. I hope that hon. Members will support what I imagine are uncontroversial amendments and support achieving the aim of ensuring continuity and cohesiveness as we move forward. On that note, I commend the amendments to the Committee.

Greg Smith: Government amendments 191 and 192 ensure that things done "in relation to" existing enforcement officers—for example, before part 5 of the Bill comes into force—continue to have effect as if done "in relation to" the Secretary of State. I fully accept that Government amendments 197 and 200 make minor drafting changes, which look as though they ensure legal continuity—that would be the case, based on the Minister's opening remarks—and therefore seem sensible, given the policy direction.

I can conclude my comments on the amendments only by asking the usual question, which I have asked many times in Committee and fear I will ask a few more times during the debate over the remainder of today, Thursday and next Tuesday: should the amendments have been included in the Bill on its introduction? This is yet another example of why it is foolish to rush anything, particularly getting a Bill out in 100 days and its consideration in Committee.

Sir Ashley Fox: Government amendments 191 and 192 are designed to ensure legal continuity for actions and decisions made regarding existing enforcement officers prior to the implementation of part 5 of the Bill. They stipulate that any actions or procedures carried out "in relation to" enforcement officers before the new provisions come into force, such as appointments, disciplinary actions or administrative functions, will continue to have the same legal effect as if they had been made "in relation to" the Secretary of State. That is important, because it prevents any disruption or confusion in the legal standing of prior actions, ensuring that they are not rendered ineffective by the changes introduced by the Bill. Essentially, the amendments provide a mechanism to ensure that the transition to the new legal framework does not invalidate or interfere with prior administrative or operational activities.

The rationale behind the amendments is straightforward: it is legal continuity. As enforcement officers are brought under a new regulatory framework, it is crucial that past actions related to their roles, such as those conducted before the Bill takes effect, are preserved and do not need to be revisited or re-executed under the new provisions. That ensures that there is no disruption in the functioning of enforcement operations and that any ongoing matters involving enforcement officers continue seamlessly under

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the authority of the Secretary of State. The amendments clarify that past decisions and procedures will be treated as if they were made under the authority of the new system, which will help to avoid any potential legal challenges or confusion.

Amendments 197 and 200 involve relatively minor drafting changes. Although the specifics of those changes may not substantially alter the substance of the Bill, they are important for clarity, consistency and precision in the text. These types of amendments typically address technical issues, such as language inconsistencies, ambiguities or minor adjustments to improve the readability and legal accuracy of the provisions. Although they do not represent major shifts in policy, such amendments are crucial in ensuring that the Bill's provisions are clear, unambiguous and legally sound. Even small drafting changes play an important role in improving the overall functionality and effectiveness of the legislation.

Amendments 197 and 200 help to fine-tune the Bill's language, ensuring that there are no interpretive uncertainties that could arise during its application. By addressing potential issues in the drafting, the amendments help to streamline the implementation process and reduce the risk of legal challenges or confusion in future interpretations of the law.

Taken together, the amendments—particularly amendments 191 and 192—help to ensure that there is no legal disruption when the provisions in part 5 of the Bill come into effect. That is an essential part of the legislative process, as it guarantees that previous actions remain valid and that transition to a new regulatory framework is smooth. In addition, the minor drafting changes provided by amendments 197 and 200 contribute to legal clarity, ensuring that the Bill's language is precise and consistent, which will help to avoid any future complications in the application of the law.

Although these changes are reasonable and sensible, in the light of the Bill's policy objectives, it is worth noting that they should ideally have been included at the time of the Bill's introduction. The legal continuity ensured by amendments 191 and 192, as well as the technical refinements in amendments 197 and 200, could have been addressed earlier in the drafting process, to ensure that the Bill was as comprehensive and clear as possible from the outset. None the less, these changes at this stage still serve to enhance the legal robustness and practical application of the Bill, which will ultimately contribute to more effective enforcement and smoother implementation.

Justin Madders: I think both Opposition Members who spoke were supportive of the amendments, although they raised legitimate questions about why they were necessary. As the shadow Minister pointed out, we had an ambitious timetable—a manifesto commitment—to issue the Bill within 100 days. Even when Bills are many years in gestation, there are often amendments in Committee to clarify issues, and to ensure that the Bill does what it says on the tin and is legally coherent. These amendments are an example of that process. I am sure Members appreciate how important it is that the amendments are passed, so that we can ensure that everything carries on and is as effective as possible.

Amendment 191 agreed to.

Amendment made: 192, in schedule 7, page 146, line 24, after "by" insert "or in relation to".—*(Justin Madders.)*
See the explanatory statement for amendment 191.

Justin Madders: I beg to move amendment 193, schedule 7, page 147, line 2, at end insert—

"( ) an officer acting for the purposes of Part 2A of the Employment Tribunals Act 1996;"

The effect of this amendment is that the transitional provision in paragraph 6 of Schedule 7 to the Bill would apply in relation to officers acting for the purposes of Part 2A of the Employment Tribunals Act 1996 (which relates to the enforcement of employment tribunal awards). The functions of such officers are being transferred to the Secretary of State by the Bill.

The Chair: With this it will be convenient to discuss Government amendments 194 and 195.

Justin Madders: Government amendment 193 makes transitional provision in relation to the transfer of functions of officers acting for the purposes of part 2A of the Employment Tribunals Act 1996 to the Secretary of State. That transitional provision will ensure that anything done by those officers acting for the purposes of part 2A of that Act, relating to enforcement of financial awards by employment tribunals, will continue to have effect. As such, the amendment allows for the continuity of enforcing employment rights once the Bill has passed.

Amendment 194 facilitates a minor drafting change as a consequence of Government amendment 195. Amendment 195 ensures that officers of the Gangmasters and Labour Abuse Authority, acting under any enactment other than the Gangmasters (Licensing) Act 2004, are within the scope of schedule 7. That ensures that things done by them before commencement of the Bill continue to have effect after commencement. I am sure hon. Members will appreciate that the effect of the amendments is solely to ensure that the legislation is clear and unambiguous and that any activity will continue on that basis.

10.45 am

Greg Smith: Government amendment 193 ensures that the transitional provision in paragraph 6 of schedule 7 would apply in relation to officers acting for the purposes of part 2A of the Employment Tribunals Act 1996, which relates to the enforcement of employment tribunal awards. The function of such officers is being transferred to the Secretary of State by the Bill. Amendments 194 and 195 are similar to some of the amendments in the previous group—I fully accept that these are minor drafting changes.

Overall, the changes introduced by this group look as though they ensure legal continuity so that the fair work agency can act as the enforcement authority. That seems sensible, given the policy direction behind the Employment Rights Bill that has been outlined by the Minister and the wider Government. However, I ask again for updates on ensuring the effectiveness of the enforcement of employment law during the period of transition, and about the processes that will be put in place to minimise disruption for businesses, which we have spoken about at length earlier, and to ensure effective enforcement. Again, it is hard to envisage why this set of amendments were not considered at first publication of the Bill; they seem entirely sensible, but it is a mystery why they were lacking the first time round.

Sir Ashley Fox: Amendment 193 addresses the need for a seamless transition in the enforcement of employment tribunal awards. It specifically ensures that the transitional provision in paragraph 6 of schedule 7 to the Bill will apply to officers acting under part 2A of the 1996 Act, which governs the enforcement of employment tribunal awards. This is an important step as the enforcement of the tribunal awards will now fall under the responsibility of the Secretary of State, as stipulated in the Bill. By making the provision, the amendment ensures that the functions previously handled by officers enforcing tribunal awards will continue smoothly during the transition, even as the legal authority for enforcement shifts.

The inclusion of the amendment is crucial for legal continuity. It guarantees that actions taken by officers acting under the 1996 Act will still have legal effect even as their functions are transferred to the Secretary of State and the fair work agency. The amendment essentially ensures that any ongoing enforcement activities related to employment tribunal awards remain valid, preventing legal confusion or disruption during the reorganisation. It also ensures that the change in responsibility from individual enforcement officers to the Secretary of State does not cause any delay or interruption in enforcement actions. This will help to maintain confidence in the process, both for workers seeking to enforce their tribunal awards and businesses affected by these decisions.

Justin Madders: Opposition Members raise the same point as before about why we have had to introduce this amendment now. I refer the shadow Minister to my previous comments on that matter; no doubt I may do so again.

Both Opposition Members have rightly raised the concern about ensuring continuity when the body is instigated. Clearly, what we would expect and hope is that the day-to-day operations of enforcement officers on the ground are not impinged or affected by the creation of the agency. The Bill and a number of amendments are about ensuring that their functions continue smoothly.

Amendment 193 agreed to.

Amendments made: 194, in schedule 7, page 147, leave out line 6.

See the explanatory statement for amendment 195.

Amendment 195, in schedule 7, page 147, line 11, at end insert—

"( ) an officer of the Gangmasters and Labour Abuse Authority acting for the purposes of any other enactment."—*(Justin Madders.)*

This amendment and amendment 194 make a minor drafting change.

Justin Madders: I beg to move amendment 196, in schedule 7, page 147, line 11, at end insert—

"(4A) Sub-paragraphs (1) to (3) are subject to the remaining provisions of this Schedule (and see also section 114, which confers power to make transitional or saving provision)."

This amendment makes it clear that the general provision in paragraph 6 of Schedule 7 is subject to any more specific provision in that Schedule.

The Chair: With this it will be convenient to discuss Government amendments 198 and 199.

Justin Madders: Amendment 196 will ensure that there is a smooth transition in the frameworks. Amendment 198 is a transitional provision ensuring that anything done by a labour abuse prevention officer before the abolition of the GLAA continues to have effect as if done under the fair work agency. Amendment 199 is another transitional provision for warrants that have been granted under the Gangmasters (Licensing) Act 2004, but not yet executed. It allows those warrants to have the same effect as before. It is a continuation of the amendments we have debated this morning, ensuring that enforcement officers have continuity when delivering their functions.

Greg Smith: Amendment 196 makes it clear that the general provision in paragraph 6 of schedule 7 is subject to any more specific provision in that schedule. Amendment 198 makes transitional provision to ensure that things done by or in relation to labour abuse prevention officers before the abolition of the Gangmasters and Labour Abuse Authority continue to have effect as if done by or in relation to enforcement officers granted the equivalent powers under section 114B of the Police and Criminal Evidence Act 1984.

Amendment 199 makes transitional provision in relation to warrants under section 17 of the Gangmasters (Licensing) Act, which is being re-enacted for England, Wales and Scotland, with some changes, through clause 83. In particular, proposed new paragraph 7C of schedule 7 of the Bill provides that, where a warrant issued under section 17 of the 2004 Act has not yet been executed, the warrant is treated as if issued under clause 83, but any changes introduced by the Bill that would not have applied if the warrant had been executed under section 17 —in particular the additional requirements in part 3 of new schedule 1—are disapplied.

On the face of it, these are sensible amendments to make sure that nothing falls through the cracks as enforcement functions transfer to the fair work agency. A number of Government amendments of this nature have been considered by the Committee. This set of amendments therefore leaves me slightly nervous, not about the intention, but about whether anything else has been missed. I would appreciate the Minister's reassurance on that point.

Sir Ashley Fox: Amendment 196 seeks to clarify the applicability of general and specific provisions and the relationship between the general provision outlined in paragraph 6 of schedule 7 and any more specific provision within that schedule. The amendment ensures that, in the event of a conflict or overlap between general and specific provisions, the more detailed or specific provisions will take precedence. This is an important measure for maintaining legal clarity and consistency in the application of the Bill. By prioritising specific provisions where applicable, the amendment prevents any unintended gaps or inconsistencies in the legal framework, ensuring that enforcement activities and related actions are governed by the most precise and relevant rules.

Amendment 198 introduces a transitional provision designed to ensure that actions taken by or in relation to labour abuse prevention officers prior to the abolition of the Gangmasters and Labour Abuse Authority will continue to be recognised as valid. Specifically, it ensures that any activities, decisions or functions performed by those officers before the GLAA's dissolution will have

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the same legal effect as if they had been carried out by or in relation to enforcement officers who have been granted equivalent powers under section 114B of the Police and Criminal Evidence Act 1984. This is critical because it provides a seamless transition as enforcement responsibilities are transferred, making certain that actions taken by the GLAA's officers before the abolition of the agency are not rendered void or ineffective.

The amendment is vital for legal continuity. It guarantees that there will be no disruption in enforcement activities during the transition period. Officers who previously worked under the authority of the GLAA, particularly those involved in tackling labour abuse, will carry out their roles without interruption, as their actions will be treated as if undertaken by enforcement officers with the equivalent legal powers. The measure strengthens the overall framework for worker protection and labour abuse prevention, ensuring that the enforcement of relevant laws continues smoothly as the responsibility shifts to new authorities.

Amendment 199 focuses on the transitional provision for warrants issued under section 17 of the 2004 Act, which is being re-enacted in a revised form as clause 83 of the Bill. The amendment introduces new paragraph 7C, which addresses the scenario where a warrant issued under section 17 has not yet been executed at the time of the change. In such cases, the warrant will be treated as if it were issued under the new provisions in clause 83, but with a critical distinction. Any changes introduced by the Bill that would not have applied under section 17, such as the additional requirements in part three of new schedule 1, will be disapplied.

The purpose of the amendment is to ensure that any ongoing enforcement actions involving warrants issued under the old regime are not hindered or invalidated by the transition to the new framework. By allowing the warrants to be treated as though they were issued under the new clause, the amendment facilitates a smoother enforcement process and reduces the risk of legal challenges or procedural delays. This is an important safeguard for the enforcement of labour laws and ensures that the power to execute warrants continues without disruption, regardless of the legislative changes.

Justin Madders: I sense that the Opposition Members are supportive of the amendments. The shadow Minister challenged me on whether there will be any more minor or consequential amendments. I cannot give him an absolute guarantee on that; it is always an iterative process when Bills are issued; we take notice of what stakeholders say in their feedback, as well as other Government Departments. Of course, it is important that we get these things done before the Bill becomes law, by which time it is too late. I hope the Committee is reassured that there is an ongoing process to ensure that there is certainty and coherence in the legislation as we prepare for Report.

Amendment 196 agreed to.

Amendments made: 197, in schedule 7, page 147, line 25, after "repeal" insert "of that provision".

This amendment makes a minor drafting change.

Amendment 198, in schedule 7, page 147, line 27, at end insert—

"Labour abuse prevention officers

7A (1) Anything which—

(a) was done by or in relation to a labour abuse prevention officer in, or in connection with, the exercise of a function conferred on the officer by virtue of section 114B of the Police and Criminal Evidence Act 1984 ("PACE"), and

(b) is in effect immediately before the day on which paragraph 67 of Schedule 6 comes into force ("the relevant day"),

has effect, on and after that day, as if done by or in relation to a relevant enforcement officer.

(2) Anything which—

(a) relates to a function conferred on a labour abuse prevention officer by virtue of section 114B of PACE, and

(b) immediately before the relevant day, is in the process of being done by or in relation to such an officer,

may be continued, on and after that day, by or in relation to a relevant enforcement officer.

(3) In this paragraph—

"labour abuse prevention officer" has the meaning given by section 114B of PACE (as that section had effect immediately before the relevant day);

"relevant enforcement officer" , in relation to a function conferred by virtue of section 114B of PACE, means an enforcement officer on whom that function is conferred by virtue of that section (as it has effect on and after the relevant day)."

This amendment makes transitional provision to ensure that things done by or in relation to labour abuse prevention officers before the abolition of the Gangmasters and Labour Abuse Authority continue to have effect as if done by or in relation to enforcement officers granted the equivalent powers under the Police and Criminal Evidence Act 1984 by virtue of section 114B of that Act.

Amendment 199, in schedule 7, page 147, line 27, at end insert—

"Warrants

7B (1) This paragraph applies to an application for a warrant under section 17 of the Gangmasters (Licensing) Act 2004 ("the 2004 Act") which—

(a) is made in England and Wales or Scotland before the day on which paragraph 42 of Schedule 6 comes into force, and

(b) is not determined or withdrawn before that day.

(2) The application is to be treated, on and after that day, as an application made by an enforcement officer for a warrant under section 83 of this Act.

7C (1) This paragraph applies to a warrant under section 17 of the 2004 Act which—

(a) is issued under that section before the day on which paragraph 42 of Schedule 6 comes into force, and

(b) is not executed before that day.

(2) The warrant is to be treated for the purposes of section 83 of this Act as if it had been issued under that section.

(3) That section applies in relation to the warrant as if—

(a) in subsection (4)(a) , after "bring" there were inserted "any persons or", and

(b) after subsection (4) there were inserted—

"(4A)On leaving any premises which an enforcement officer is authorised to enter by a warrant under this section, the officer must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as the officer found them."

(4) Section (*Warrants*) and Schedule (*Warrants under Part 5: further provision*) do not apply in relation to the warrant."

This amendment makes transitional provision in relation to warrants under section 17 of the Gangmasters (Licensing) Act 2004, which is being re-enacted for England and Wales and Scotland (with some changes) as clause 83. In particular, new paragraph 7C provides that, where a warrant issued under section 17 has not yet been executed, the warrant is treated as if issued under clause 83, but any changes introduced by the Bill which would not have applied if the warrant had been executed under section 17 (in particular, the additional requirements in Part 3 of NS1) are disapplied.

Amendment 200, in schedule 7, page 147, line 40, leave out "that person" and insert "the enforcing authority".—*(Justin Madders.)*

This amendment makes a minor drafting change.

11am

Justin Madders: I beg to move amendment 201, in schedule 7, page 148, line 16, at end insert—

"8A "(1) This paragraph applies to information which—

(a) was obtained in the course of—

(i) exercising the powers conferred by section 9 of the Employment Agencies Act 1973 ("the 1973 Act"), or

(ii) exercising powers by virtue of section 26(1) of the Immigration Act 2016, and

(b) immediately before the coming into force of paragraph 2 of Schedule 6, is held by an officer acting for the purposes of the 1973 Act.

(2) On the coming into force of that paragraph, information to which this paragraph applies vests in the Secretary of State."

See the explanatory statement for Amendment 202.

The Chair: With this it will be convenient to consider Government amendment 202.

Justin Madders: Existing enforcement bodies will have obtained information prior to the creation of the fair work agency. This information may be needed by the Secretary of State once part 5 of the Bill comes into force. Schedule 7 therefore provides for transitional and saving provisions to enable that. Amendments 201 and 202 provide that information obtained by officers acting under existing legislation prior to the coming into force of part 5 of the Bill, and which is held by the Secretary of State, can be used or disclosed in accordance with clause 98.

Greg Smith: Amendments 201 and 202 provide that information that was obtained before the coming into force of part 5 of the Bill by officers acting under existing legislation and is held by the Secretary of State can be used or disclosed by the Secretary of State in accordance with clause 98. These are sensible amendments on the face of it, to make sure nothing falls through the cracks as the enforcement functions transfer to the fair work agency—very similar to the previous set of amendments that we have just considered. It is part of a continuing theme of amendments of this nature that we as a Committee are being asked to consider.

I heard the Minister's response to the previous debate about this being an iterative process and about the need to listen and best understand concerns or practical points raised by those being asked to prepare for and ultimately do this work. It remains a legitimate point of nervousness that there will be more such cracks that need repairing as part of this Bill. Accepting the Minister's good faith in his explanation on the previous set of amendments, I put on record that we remain a little nervous that more cracks will need that legislative repair as the Bill goes forward.

We urge the Government to get on at pace with the conversations necessary to ensure that they have best understood where any further edits may be required—preferably before Report stage in the House of Commons, but if it does have to bleed into the time when the Bill goes to the other place, so be it. However, I think it would a far more satisfactory position if we were able to consider at our end of the building any further amendments that may be required before we ask their lordships to consider the Bill.

Sir Ashley Fox: Government amendments 201 and 202 are designed to address a key aspect of the transition process under the Bill. Specifically, they are designed such that any information that was obtained prior to the coming into force of part 5 of the Bill by officers operating under existing legislation and is currently held by the Secretary of State, can still be used or disclosed in accordance with the provisions outlined in clause 98 of the Bill.

That is crucial because, as enforcement functions transfer to the fair work agency, there needs to be continuity in how information is handled. By allowing the Secretary of State to continue using and disclosing this information under the new framework, the amendments ensure that no critical data or intelligence gathered under the previous system is lost or becomes unusable during the transition.

This provision is particularly important for maintaining continuity in enforcement activities. The information collected by officers acting under earlier laws may be vital for ongoing investigations or enforcement actions. For instance, data about businesses that are non-compliant with labour laws, or evidence of potential worker exploitation, could be crucial for future legal proceedings or further investigations.

Mr Peter Bedford (Mid Leicestershire) (Con): Does my hon. Friend agree that it would have been better and more efficient for the Bill to come before the House in a more final version, which may have put at ease many of us with concerns about the cracks that may still exist?

Sir Ashley Fox: My hon. Friend makes a valuable point. The reason that the Bill is in such poor condition is that the Labour party was under a political obligation to its trade union friends to bring it forward within 100 days. Had it waited a month or two, we would not have needed such detailed scrutiny and so many Government amendments. Occasionally one hears a tut or a groan from Government Members as we try to scrutinise the Bill, but really it is entirely the Government's fault for bringing forward such a poorly drafted piece of legislation.

As I was saying, without amendments 201 and 202, confusion or legal obstacles could prevent the use of such information, creating gaps in the enforcement process. By making it clear that the Secretary of State has the authority to use and disclose such information

[Sir Ashley Fox]

under clause 98, the amendments ensure that the enforcement process remains uninterrupted, effective and legally coherent.

Overall, the amendments are sensible and necessary to guarantee that nothing falls through the cracks as the responsibilities for enforcing labour laws transition from existing structures to the fair work agency. As the Bill centralises enforcement functions, it is essential that any information collected under the old system remains accessible and usable by the new agency. That is particularly important given the potential impact on ongoing investigations, compliance checks and prosecutions. By ensuring that previously collected information can still be used effectively, the amendments will help to prevent disruptions or delays in enforcement, safeguarding both workers and businesses.

It is worth noting that the transition to a new enforcement structure can often be fraught with challenges. The Bill will alter not only the bodies responsible for enforcement, but the way in which information and data are managed. The amendments will help address the practical aspects of the transition, ensuring that the fair work agency has the resources and information it needs to continue performing its duties effectively. In doing so, they will create a smoother handover of powers and responsibilities from the previous enforcement regime to the new framework.

Throughout the Committee's proceedings, we have debated many Government amendments of a similar nature. Amendments 201 and 202 are necessary to fine-tune the Bill and ensure that all aspects of the transition are fully addressed, but the sheer volume of amendments at this stage leaves me with some concern, as it suggests that the Bill may not have fully accounted for all the transitional issues at the outset, and there may still be elements that have not been addressed. Given the complexity of centralising such a significant portion of the enforcement process, it is natural to be cautious about whether any areas may have been overlooked. While these amendments are clearly intended to provide clarity and ensure continuity, the volume of amendments suggests that there may still be unanswered questions or unforeseen gaps in the transition process, which leaves me somewhat nervous that issues may have been missed in the initial drafting of the Bill. We have certainly seen that happen often enough thus far. It is crucial that all challenges or concerns relating to the transfer of enforcement powers are adequately addressed before the Bill passes. As such, I believe it is important to consider whether there are any outstanding issues that might affect the long-term success of the transition.

Given the number of amendments and the complexity of the transition, I would appreciate the Minister's reassurance that there is a comprehensive understanding of the full scope of the changes and that no essential elements have been left unaddressed. Are the Government confident that all necessary steps have been taken to ensure a smooth and effective transition? In particular, can the Minister assure us that the fair work agency will be fully equipped to handle its new responsibilities, including that it will be able to utilise critical information from the prior enforcement system without any disruptions? I would also like to hear about the monitoring processes that will be in place to oversee the transition period and ensure that any unforeseen issues are quickly addressed, which is vital for maintaining business confidence and worker protections throughout the period of change.

While the amendments are crucial for ensuring that enforcement activities continue smoothly during the transition, they should ideally have been made earlier in the process to avoid the need for these later clarifications. Having a more comprehensive and cohesive framework in place at the outset would have reduced uncertainty and provided greater assurance to all parties involved. Nevertheless, the amendments go a long way to addressing the issues that could arise during the handover of enforcement responsibilities, and ensuring that the transition to the fair work agency will be as smooth and effective as possible.

Justin Madders: The shadow Minister asked whether it is our intention to have the Bill shipshape before we send it to the other place. That is absolutely our intention, and the amendments that have been debated today are part of that.

The criticism from the hon. Member for Bridgwater about the number of Government amendments has been noted. It was important that we kept to our manifesto commitment to issue the Bill within 100 days, but I have to say that when I was an Opposition Member I do not think I ever sat on a Bill Committee where the Government did not introduce their own amendments. If he is able to come up with some examples, I would be delighted to hear from him. I am afraid he will probably have to sit on a few more Bill Committees, and he will see that that is perfectly normal in the way these things work. After a Bill is published, it has more eyes on it; other stakeholders, Government Departments and agencies get to see it, and they offer views and feedback. It is right that we take account of those views and make what are often technical and minor amendments to make sure that the Bill has the intended legal effect.

The hon. Member asked whether any other essential elements have been omitted. The amendments we are debating are about ensuring that the fair work agency is functioning and effective from Royal Assent. I cannot give him a guarantee that there will not be other things that come out, but we have been doing a considerable amount of work, as can be seen by the number of amendments, to make sure that the Bill will be fully operational and that there will be no effect on the day-to-day running of the work of the enforcement officers and the creation of the fair work agency.

Amendment 201 agreed to.

Amendment made: 202, in schedule 7, page 148, line 19, leave out from "to" to end of line 20 and insert "—

(a) any information which the Secretary of State obtains by virtue of paragraph 8A;

(b) any information which, immediately before the coming into force of paragraph 20 of Schedule 6, the Secretary of State holds by virtue of section 15(2) of the National Minimum Wage Act 1998;

(c) any information which, immediately before the coming into force of paragraph 21 of that Schedule, the Secretary of State holds by virtue of section 16(2) of that Act;

(d) any information which the Secretary of State obtains by virtue of a property transfer scheme under paragraph 2 of this Schedule."—*(Justin Madders.)*

This amendment and Amendment 201 would provide that information which was obtained before the coming into force of Part 5 of the Bill by officers acting under existing legislation and is held by the Secretary of State can be used or disclosed by the Secretary of State in accordance with clause 98.

11.15 am

Justin Madders: I beg to move amendment 203, in schedule 7, page 148, line 20, at end insert—

"9A The repeal of section 9 of the Employment Agencies Act 1973 (inspection) by paragraph 3 of Schedule 6 does not prevent the use in evidence against a person, in criminal proceedings taking place on or after the day on which that repeal comes into force, of a statement made before that day by the person in compliance with a requirement under that section (subject to subsection (2B) of that section)."

Section 9(3) of the Employment Agencies Act 1973 provides that a statement made by a person in compliance with a requirement made under that section to provide information may be used in evidence in criminal proceedings against the person. This amendment enables such a statement to be used in criminal proceedings taking place after the repeal of section 9 by the Bill.

Schedule 7 sets out transitional and savings provisions ensuring a smooth changeover from the existing enforcement framework to the new provisions. That is important, as Members have debated at length already. Amendment 203 addresses the repeal of section 9 of the Employment Agencies Act 1973 and the evidentiary treatment of statements obtained under that provision. The amendment will ensure that such statements can continue to be used in criminal proceedings post repeal, subject to existing protections against self-incrimination under section 9(2B). This is a targeted, proportionate and necessary amendment, which safeguards the integrity of enforcement proceedings during a period of legislative transition. On that basis, I commend the amendment to the Committee.

Greg Smith: As the Minister outlined, Government amendment 203 relates to section 9 of the Employment Agencies Act 1973, which provides that a statement made by a person in compliance with a requirement under that section to provide information may be used in evidence in criminal proceedings against the person. The amendment enables such a statement to be used in criminal proceedings taking place after the repeal of section 9 by the Bill.

Similar to the previous two groups of amendments we have considered, this is a sensible amendment to make sure that nothing falls through the cracks as enforcement functions transfer to the fair work agency. It is all part of a continuing theme, and the points that I made in the previous debate apply as much to amendment 203 as they did to the previous amendments.

I understand what the Minister said about every Bill being subject, during its passage, to a number of technical amendments by Governments of all different political compositions. I gently it put back to him that this Bill seems to have had an extremely high number of technical Government amendments, and that all tracks back to the unnecessary speed with which it was presented to Parliament.

Government amendment 204 contains transitional provision to ensure that once the functions of the Gangmasters and Labour Abuse Authority under the Modern Slavery Act 2015—

The Chair: Order. We will debate amendment 204 separately.

Greg Smith: I am sorry, Mr Mundell.

Sir Ashley Fox: Government amendment 203 seeks to address an important transitional issue arising from the repeal of section 9 of the Employment Agencies Act 1973 by the Bill. Section 9 currently stipulates that a statement made by an individual in compliance with a requirement to provide information under that section may be used as evidence in criminal proceedings against them. The amendment ensures that any statements made under the provisions of section 9 prior to its repeal can still be used in criminal proceedings that occur after the repeal takes effect.

The amendment is a necessary adjustment to maintain the integrity of the legal process. It will ensure that evidence obtained while section 9 was in effect remains valid and admissible in criminal cases, even after the section's formal removal from the statute. Without the amendment, there could be ambiguity and potential legal challenges regarding the admissibility of evidence, which could undermine ongoing enforcement efforts and hinder the administration of justice. By making this provision, the Government ensure that no gaps are created in the legal framework, preserving continuity and clarity in the application of the law.

As we transition enforcement functions to the fair work agency, such amendments are vital to ensure the process is as seamless as possible. The purpose of amendment 203, and others like it, is to safeguard that critical aspects of the previous legal framework remain intact, even as the functions are reassigned or modified under the Bill. The changeover to the fair work agency is a significant shift, and these amendments are an important step in maintaining enforcement consistency. Given the complexity of transferring powers and responsibilities between agencies, the amendments ensure that no legal actions or evidence will fall through the cracks during the transition. They will ensure that enforcement remains robust, and that any evidence gathered or actions taken before the changeover still hold legal weight under the new system.

Although the adjustments are sensible and necessary, the number of Government amendments made in Committee leaves me with some concern about whether every possible issue has been addressed. The amendments we have seen so far have been well intentioned and critical for ensuring legal continuity, but I would appreciate the Minister's reassurance that nothing has been overlooked in this important process.

As we know, the task of realigning enforcement powers can be complex, and with numerous provisions being amended or repealed, the risk of something slipping through the cracks is a valid concern. Opposition Members are asking for clarity that even with these detailed and helpful amendments, the transition to the fair work agency will not inadvertently create gaps or unintended consequences. I urge the Minister to provide additional assurances that all potential legal or procedural pitfalls have been anticipated, and that the Government have taken every necessary step to guarantee that the work of enforcement officers and the legal process will continue without interruption. Although the amendments are certainly a step in the right direction, we must remain vigilant to ensure that the full scope of the transition is properly managed and that the system continues to protect the rights of workers effectively.

Justin Madders: I believe I have already addressed the concerns raised by the hon. Member for Bridgwater on several occasions this morning, although I take his points.

Amendment 203 agreed to.

Justin Madders: I beg to move amendment 204, in schedule 7, page 148, line 28, at end insert—

"10A (1) Where—

(a) a slavery and trafficking prevention order requires a person to notify the Gangmasters and Labour Abuse Authority in accordance with section 19 of the Modern Slavery Act 2015 ("the 2015 Act"), and

(b) immediately before the day on which paragraph 53 of Schedule 6 comes into force, that requirement has not been complied with,

that requirement has effect, on and after that day, as a requirement to notify the Secretary of State.

(2) On and after the coming into force of paragraph 54 of Schedule 6, the reference in section 20(2)(g) of the 2015 Act (as amended by that paragraph) to a slavery and trafficking prevention order made on an application under section 15 of that Act by the Secretary of State includes a reference to such an order made on an application under that section by the Gangmasters and Labour Abuse Authority.

(3) In this paragraph "slavery and trafficking prevention order" has the same meaning as in the 2015 Act.

10B (1) Where—

(a) a slavery and trafficking risk order requires a person to notify the Gangmasters and Labour Abuse Authority in accordance with section 26 of the Modern Slavery Act 2015 ("the 2015 Act"), and

(b) immediately before the day on which paragraph 56 of Schedule 6 comes into force, that requirement has not been complied with,

that requirement has effect, on and after that day, as a requirement to notify the Secretary of State.

(2) On and after the coming into force of paragraph 57 of Schedule 6, the reference in section 27(2)(g) of the 2015 Act (as amended by that paragraph) to a slavery and trafficking risk order made on an application under section 23 of that Act by the Secretary of State includes a reference to such an order made on an application under that section by the Gangmasters and Labour Abuse Authority.

(3) In this paragraph "slavery and trafficking risk order" has the same meaning as in the 2015 Act."

This amendment contains transitional provision to ensure that, once the functions of the Gangmasters and Labour Abuse Authority under the Modern Slavery Act 2015 have been transferred to the Secretary of State, that Act continues to operate as intended.

The amendment is essential to ensure the seamless and effective operation of the Modern Slavery Act 2015 during the transition of functions from the Gangmasters and Labour Abuse Authority to the Secretary of State. At its core, it is about continuity and clarity. Slavery and trafficking prevention and risk orders are critical tools in the fight against modern slavery. They impose important requirements on individuals for the purpose of protecting people from being victims of modern slavery, including requirements to notify enforcement authorities, and those obligations must remain enforceable.

Without the amendment, there is a clear risk that existing legal obligations could become unclear, creating loopholes for offenders to exploit. The amendment ensures that notification requirements transfer seamlessly to the Secretary of State, safeguarding our ability to hold individuals accountable and protect victims of exploitation. It also ensures that where an application is made to vary, renew or discharge a slavery and trafficking order, the courts can treat orders originally made by the GLAA as if they had been made by the Secretary of State. That provides legal certainty for courts, enforcement agencies and affected individuals alike.

This is a technical but vital amendment that protects the integrity of the legal framework and ensures continuity.

Greg Smith: Apologies for my premature comments on amendment 204, Mr Mundell; I accidently believed it had been grouped with the previous amendment.

Amendment 204 contains transitional provision to ensure that, once the functions of the Gangmasters and Labour Abuse Authority under the Modern Slavery Act 2015 have been transferred to the Secretary of State, that Act continues to operate as intended. I would be grateful for the Minister's assessment of how the creation of the fair work agency will allow for more effective identification and prevention of modern slavery offences. As we debate the amendment, it is important that we are fully appraised of the detail and the assessment that the Minister, the wider Department for Business and Trade and the Government have made. This is an important matter that all Committee members, and Members of the wider House of Commons, take incredibly seriously, and I urge the Minister to do so.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.