



Sent from [john@schultzes.freeseerve.co.uk](mailto:john@schultzes.freeseerve.co.uk)

29 April 2016

Dear Mr Kinder,

**DRAFT REGULATIONS TO BE MADE UNDER SECTION 153A OF THE SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT ACT 2015**

The purpose of this letter is to ask for an extensive period of consultation on the draft regulations to be made under the new section 153A of the Small Business, Enterprise and Employment Act 2015, and to request that they should be accompanied by a full set of other relevant draft legislation and documents so that the full effect of the secondary legislation may be understood and commented upon.

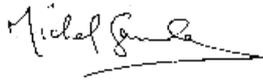
The trade unions that are signatories to this letter oppose the principle of the powers being introduced by the Enterprise Bill, as has been made clear in our consultation responses. So the Government will not be surprised to learn of our close interest in the regulations to be made under the Act, as they will affect many of the members that we collectively represent.

We are aware of and welcome the Minister's commitment that the new regime will not be implemented before 1 October 2016. If the intention is to implement the £95k cap on that date, the fact that the regulations are subject to affirmative resolution procedure will reduce the time between now and 1 October for consultation and the Government's subsequent consideration of points raised during the consultation.

It would not be acceptable for there to be a consultation of just four weeks and over the summer recess, as happened last year when the Government first launched these proposals. So we look forward to due time being given for consultation at this stage.

We would also expect the draft regulations, when published for consultation, to be accompanied by a full equality impact assessment, drafts of any guidance or directions that the Treasury proposes to issue (in the latter case relying on the reference in the new section 153C(4)(b)), and drafts of any regulations proposed under paragraph 4 of Schedule 6 to what will be the Enterprise Act. We would stress the particular importance of the equality impact assessment being published alongside the draft regulations so that the Government sets out how it seeks to justify any directly or indirectly discriminatory aspects of the secondary legislation.

We look forward to a dialogue with the Treasury about the draft regulations and guidance and would welcome the opportunity to discuss these with you during the consultation period.



Michel Saminaden, Honorary Treasurer, ALACE



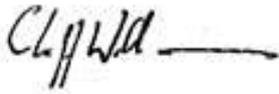
Dave Penman, General Secretary, FDA



Justin Bowden, National Officer, GMB



John Restell, Chief Executive, MiP



Cliff Williams, Assistant General Secretary, UNISON

To:

David Kinder  
Deputy Director Workforce Pay & Pensions  
HM Treasury  
[David.Kinder@hmtreasury.gsi.gov.uk](mailto:David.Kinder@hmtreasury.gsi.gov.uk)