



House of Commons

Wednesday 14 May 2014

CONSIDERATION OF BILL

New Amendments handed in are marked thus ★

DEREGULATION BILL, AS AMENDED

NOTE

The Amendments have been arranged in accordance with the Deregulation Bill (Programme (No. 2)) Motion to be proposed by Oliver Letwin.

NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SALE OF ALCOHOL AND AMENDMENTS TO CLAUSES 45 TO 49; AMENDMENTS TO SCHEDULE 18

Sale of alcohol: community events etc and ancillary business sales

Tom Brake
Oliver Heald

NC5

To move the following Clause:—

- (1) In section 2 of the Licensing Act 2003 (authorisation for licensable activities etc), after subsection (1) insert—
 - “(1A) The licensable activity of selling alcohol by retail may be carried on if each sale is a permitted sale by virtue of Part 5A.”
- (2) After Part 5 of that Act, insert the Part set out in Schedule (*Part to be inserted as Part 5A of the Licensing Act 2003*) to this Act.
- (3) In section 136 of that Act (unauthorised licensable activities), at the end of subsection (5) insert—
 - “In addition, for the purposes of this Part the licensable activity of selling alcohol by retail is under and in accordance with an authorisation if each sale is a permitted sale by virtue of Part 5A.”
- (4) In section 140 of that Act (allowing disorderly conduct on licensed premises etc)—
 - (a) omit the “and” before subsection (2)(d);
 - (b) after that paragraph insert “, and
 - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”

Deregulation Bill, *continued*

- (5) In section 141 of that Act (sale of alcohol to a person who is drunk)—
- (a) omit the “and” before subsection (2)(d);
 - (b) after that paragraph insert “, and
 - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”;
 - (c) in subsection (3), after “This section” insert “(except subsection (2)(e))”.
- (6) In section 143 of that Act (failure to leave licensed premises etc)—
- (a) omit the “and” before subsection (2)(d);
 - (b) after that paragraph insert “, and
 - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”
- (7) In section 144 of that Act (keeping of smuggled goods)—
- (a) omit the “and” before subsection (2)(d);
 - (b) after that paragraph insert “, and
 - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”
- (8) In section 147A of that Act (persistently selling alcohol to children)—
- (a) in subsection (1)(b), for the words from “either” to “Part 5” substitute “licensed premises, premises authorised to be used for a permitted temporary activity by virtue of Part 5 or premises specified in a Part 5A notice”;
 - (b) in subsection (4), after paragraph (b) insert “or
 - (c) the person or one of the persons who gave a Part 5A notice in respect of the premises.”
- (9) In section 153 of that Act (prohibition of unsupervised sales by children)—
- (a) omit the “and” before subsection (4)(c);
 - (b) after that paragraph insert “, and
 - (d) in relation to a sale by retail that is a permitted sale by virtue of Part 5A—
 - (i) the person who gave the Part 5A notice, or
 - (ii) any individual aged 18 or over who is authorised for the purposes of this section by that person.”
- (10) In section 159 of that Act (interpretation of Part 7), at the end of the definition of “relevant premises” insert “, or
 - (d) except in sections 145 and 152, premises that (by reason of being specified in a Part 5A notice) are premises on which a sale by retail of alcohol is capable of being a permitted sale by virtue of Part 5A;”.
- (11) In section 194 of that Act (index of defined expressions) insert the following entries at the appropriate places—
- | | |
|---|--------------------|
| “Part 5A notice | section 110A(2)” |
| “relevant licensing authority, in Part 5A | section 110N” |
| “relevant person, in Part 5A | section 110D(11)”. |
- (12) In section 197 of that Act (regulations and orders)—
- (a) in subsection (3) (which lists exceptions to the use of the negative procedure), after paragraph (c) insert—

Deregulation Bill, continued

- “(cza) regulations under section 110B(2), (3) or (7) or 110C(2), (3), (5) or (6) (regulations relating to sales of alcohol permitted by virtue of Part 5A),”;
- (b) in subsection (4) (which specifies when the affirmative procedure is required)—
- (i) after “or (g)” insert “or regulations within subsection (3)(cza)”;
- (ii) after “the order” insert “or regulations”.

Member’s explanatory statement

This amendment, together with amendment NS1, inserts new Part 5A into the Licensing Act 2003 (with consequential provision to other Parts of that Act) to introduce a new procedure for authorising the sale of alcohol where the sale is ancillary to a community event or to the provision of other goods or services by a business.

Tom Brake
Oliver Heald

NS1

To move the following Schedule:—

‘PART TO BE INSERTED AS PART 5A OF THE LICENSING ACT 2003

“PART 5A

SALE OF ALCOHOL AT COMMUNITY EVENTS ETC AND ANCILLARY BUSINESS
SALE OF ALCOHOL

Conditions for permitted sales

110A General conditions

- (1) A sale by retail of alcohol is a permitted sale by virtue of this Part if—
- (a) the community event conditions (set out in section 110B or in regulations made under that section) or the ancillary business sales conditions (set out in section 110C or in regulations made under that section) are satisfied in relation to it, and
- (b) the conditions set out in subsections (2) to (5) below are satisfied in relation to it.
- (2) The sale must take place on premises specified in a notice that complies with section 110D (a “Part 5A notice”).
- (3) No counter notice under section 110J must have been given in relation to the Part 5A notice.
- (4) The sale must take place during the period of 36 months beginning with the date when the Part 5A notice takes effect.
- (5) The sale must take place between 07.00 a.m. and 11.00 p.m.

110B Community event conditions

- (1) The community event conditions, in relation to a sale by retail of alcohol, are the conditions set out in subsections (2) to (6) and any additional conditions set out in regulations under subsection (7).

Deregulation Bill, *continued*

- (2) The sale must be made by or on behalf of a body that is—
 - (a) of a prescribed description,
 - (b) does not trade for profit, and
 - (c) meets any prescribed criteria.
- (3) The sale must be ancillary to an event that—
 - (a) is taking place on the premises,
 - (b) is organised by the body by or on whose behalf the sale is made,
 - (c) has been advertised in advance, and
 - (d) meets any prescribed criteria.
- (4) The sale must take place on the premises during the course of the event.
- (5) The alcohol must be sold for consumption on the premises during the course of the event.
- (6) The number of persons present on the premises at the time of the sale must not exceed 300.
- (7) Regulations may provide for additional conditions prescribed in the regulations to be community event conditions.

110C Ancillary business sales conditions

- (1) The ancillary business sales conditions, in relation to a sale by retail of alcohol, are the conditions set out in subsections (2) to (5) and any additional conditions set out in regulations under subsection (6).
- (2) The sale must be made by or on behalf of a body that—
 - (a) is of a prescribed description, and
 - (b) meets any prescribed criteria.
- (3) The sale must take place on premises that—
 - (a) are managed by the body by or on whose behalf the sale is made,
 - (b) are of a prescribed description, and
 - (c) meet any prescribed criteria.
- (4) The sale must be ancillary to the provision of goods or services to a person on the premises where the sale takes place.
- (5) Except in prescribed circumstances, the alcohol must be sold for consumption on those premises.
- (6) Regulations may provide for additional conditions prescribed in the regulations to be ancillary business sales conditions.

*Part 5A notices***110D Conditions for validity of notices**

- (1) A notice complies with this section if the conditions set out in subsections (2) to (10) are satisfied in relation to the notice.
- (2) The notice must specify whether—

Deregulation Bill, *continued*

- (a) the community event conditions (set out in section 110B or in regulations under that section), or
 - (b) the ancillary business sales conditions (set out in section 110C or in regulations under that section),
- will be satisfied in relation to sales of alcohol on the premises in question.
- (3) The notice must specify (for the purposes of section 110A(2))—
 - (a) in the case of a notice that specifies the ancillary business sales conditions, the set of premises to which it relates;
 - (b) in the case of a notice that specifies the community event conditions, no more than three sets of community premises, each of which must be wholly or partly in the area of the same licensing authority.
 - (4) The notice must be given, on behalf of the body by or on whose behalf the sale of alcohol on the premises would take place, by a person who is aged 18 or over and is concerned in the management of the body.
 - (5) The notice must be given to the relevant licensing authority, accompanied by the prescribed fee.
 - (6) Unless the notice is given to the relevant licensing authority by means of a relevant electronic facility, a copy of the notice must be given to each relevant person.
 - (7) The notice must be in the prescribed form.
 - (8) The notice must specify the date when it takes effect.
 - (9) The specified date must be at least 10 working days, but no more than 3 months, after the day on which the notice is given.
Where subsection (6) applies, the notice is treated as given only when that subsection is complied with.
 - (10) The notice must contain any other information that regulations require it to contain.
 - (11) In this Part, “relevant person”, in relation to any premises, means—
 - (a) the chief officer of police for any police area in which the premises are situated;
 - (b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.

110E Special restriction on giving of notices

- (1) This section applies where—
 - (a) a Part 5A notice is given on behalf of a body, and
 - (b) a counter notice under section 110J is given in relation to the Part 5A notice.
- (2) No further Part 5A notice may be given in respect of any premises specified in the notice, whether on behalf of that body or on behalf of another body that is an associate of it, before the end of the period of 12 months beginning with the day on which the counter notice is given.

Deregulation Bill, *continued*

- (3) However, the restriction in subsection (2) ceases to apply if the counter notice is revoked under section 110K or quashed by a court.
- (4) For the purposes of this section, a body is an associate of another body if it would be an associate of the other body for the purposes of the Estate Agents Act 1979 (see section 32(4) to (6) of that Act).

110F Date when Part 5A notice takes effect

- (1) A Part 5A notice takes effect on the date specified under section 110D(8).
- (2) Subsection (1) does not apply if a counter notice is given under section 110J in relation to the notice.
(For the case where a counter notice is revoked or quashed by a court, see section 110K(2).)

110G Acknowledgement of notice etc

- (1) This section applies where a relevant licensing authority receives a notice that is, or purports to be, a Part 5A notice.
- (2) The authority must give written acknowledgement of the receipt of the notice to the person who gave it.
- (3) The acknowledgment must be given—
 - (a) before the end of the first working day following the day on which it was received, or
 - (b) if the day on which it was received was not a working day, before the end of the second working day following that day.
- (4) If the licensing authority is of the opinion that the notice does not comply with section 110D, the authority must as soon as possible give to the person who gave the notice written notification of the reasons for its opinion.
- (5) Subsection (2) does not apply where, before the time by which acknowledgement of the receipt of the notice must be given in accordance with subsection (3), the person who gave the notice has been given a counter notice under section 110J.

110H Theft, loss etc of Part 5A notice

- (1) Where a Part 5A notice is lost, stolen, damaged or destroyed, the person who gave the notice may apply to the relevant licensing authority for a copy of the notice.
- (2) The application must be accompanied by the prescribed fee.
- (3) Where an application is made in accordance with this section, the licensing authority must issue the applicant with a copy of the notice (certified by the authority to be a true copy) if it is satisfied that the notice has been lost, stolen, damaged or destroyed.
- (4) This Act applies in relation to a copy issued under this section as it applies in relation to an original notice.

Deregulation Bill, *continued**Objections and counter notices***110I Objection to Part 5A notice by a relevant person**

- (1) Where a relevant person who is given a Part 5A notice is satisfied that allowing alcohol to be sold on the premises (or any of the premises) to which the notice relates would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an “objection notice”)—
 - (a) to the relevant licensing authority,
 - (b) to the person who gave the Part 5A notice, and
 - (c) to every other relevant person.
- (2) Subsection (1) does not apply at any time after the relevant person has received a copy of a counter notice under section 110J in relation to the Part 5A notice.
- (3) An objection notice may be given only during the period beginning with the day on which the relevant person is given the Part 5A notice and ending with the third working day following that day (“the three-day period”).
- (4) The restriction in subsection (3) does not apply to an objection notice based on—
 - (a) things occurring after the end of the three-day period, or
 - (b) information that the relevant person was unaware of, and could not with reasonable diligence have discovered, until after the end of that period.

110J Counter notices

- (1) Where a relevant licensing authority receives a Part 5A notice, the relevant licensing authority may—
 - (a) give the person who gave the Part 5A notice a counter notice under this section;
 - (b) give a copy of the counter notice to each relevant person.
- (2) Where the relevant licensing authority receives an objection notice given in compliance with the requirement imposed by section 110I(3), the relevant licensing authority must decide whether to give a counter notice (and, if it does so decide, give that notice) no later than whichever of the following is the earlier—
 - (a) the day before the date when the Part 5A would take effect (see section 110D(8));
 - (b) the expiry of the period of 28 days beginning with the day on which the objection notice is received by the relevant licensing authority.
- (3) The power conferred by subsection (1) may not be exercised at any time after the Part 5A notice takes effect unless an objection notice under section 110I has been given, by virtue of subsection (4) of that section, in relation to the notice.
- (4) The counter notice must—
 - (a) be in the prescribed form, and
 - (b) be given in the prescribed manner.

Deregulation Bill, *continued***110K Counter notices: revocation etc**

- (1) A relevant licensing authority must revoke a counter notice given under section 110J if—
 - (a) the counter notice was given in consequence of one or more objection notices under section 110I, and
 - (b) the objection notice or (as the case may be) each of them is withdrawn by the person who gave it or is quashed by a court.
- (2) Where a counter notice is revoked or is quashed by a court—
 - (a) the counter notice is disregarded for the purposes of section 110A(3), except in relation to any time before the day on which it is revoked or quashed,
 - (b) the Part 5A notice takes effect on that day, and
 - (c) the relevant licensing authority must as soon as possible notify the person who gave the Part 5A notice of the date on which it takes effect.

*Rights of entry, production of notice, etc***110L Right of entry where Part 5A notice given**

- (1) A constable or an authorised officer may, at any reasonable time, enter premises to which a Part 5A notice relates to assess the likely effect of the notice on the promotion of the crime prevention objective.
- (2) An authorised officer exercising the power conferred by this section must, if so requested, produce evidence of the officer's authority to exercise the power.
- (3) It is an offence intentionally to obstruct an authorised officer exercising a power conferred by this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) In this section "authorised officer" means—
 - (a) an officer of the licensing authority in whose area the premises are situated, or
 - (b) if the premises are situated in the area of more than one licensing authority, an officer of any of those authorities, authorised for the purposes of this Act.

110M Duty to keep and produce Part 5A notice

- (1) This section applies whenever premises are being used for sales of alcohol which are, or are purported to be, permitted sales by virtue of this Part.
- (2) The person who gave the Part 5A notice must secure that a copy of the notice is either—
 - (a) prominently displayed at the premises, or
 - (b) kept at the premises in the custody of that person or of someone who is present and working at the premises and whom that person has nominated for the purposes of this section (a "nominated person").

Deregulation Bill, *continued*

- (3) Where a copy of the Part 5A notice is kept in the custody of a nominated person (and not prominently displayed at the premises) the person who gave the Part 5A notice must secure that a notice—
 - (a) stating that the Part 5A notice is in the nominated person’s custody, and
 - (b) specifying the position held at the premises by the nominated person,
 is prominently displayed at the premises.
- (4) It is an offence for the person who gave the Part 5A notice to fail, without reasonable excuse, to comply with subsection (2) or (where it applies) subsection (3).
- (5) Where—
 - (a) a copy of the Part 5A notice is not prominently displayed at the premises, and
 - (b) no notice is displayed as mentioned in subsection (3),
 a constable or authorised officer may require the person who gave the Part 5A notice to produce a copy of it for examination.
- (6) Where a notice is displayed as mentioned in subsection (3), a constable or authorised officer may require the nominated person to produce a copy of the Part 5A notice for examination.
- (7) An authorised officer exercising the power conferred by subsection (5) or (6) must, if so requested, produce evidence of the officer’s authority to exercise the power.
- (8) It is an offence for a person to fail, without reasonable excuse, to produce a copy of a Part 5A notice in accordance with a requirement under subsection (5) or (6).
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (10) In this section “authorised officer” has the meaning given in section 110L(5).

Supplementary

110N The relevant licensing authority

- (1) For the purposes of this Part, the “relevant licensing authority”, in relation to any premises, is determined in accordance with this section.
- (2) In the case of a Part 5A notice that specifies the ancillary business sales conditions or in the case of Part 5A notice that specifies the community event conditions in relation to only one set of premises, the relevant licensing authority is, subject to subsection (3), the authority in whose area the premises are situated.
- (3) Where the premises are situated in the areas of two or more licensing authorities, the relevant licensing authority is—
 - (a) the licensing authority in whose area the greater or greatest part of the premises is situated, or
 - (b) if there is no authority to which paragraph (a) applies, such one of the authorities as the person giving the Part 5A notice may choose.

Deregulation Bill, continued

- (4) In the case of a Part 5A notice that specifies the community event conditions in relation to more than one set of premises, the relevant licensing authority is—
- (a) if there is only one licensing authority in whose area each set of premises is wholly or partly situated, that licensing authority;
 - (b) if each set of premises falls partly in the area of one authority and also partly in the area of another, such one of them as the person giving the Part 5A notice may choose.”.

Member’s explanatory statement

This amendment inserts the new Part 5A of the Licensing Act 2003 (see the explanatory statement to amendment NC5).

Tom Brake
Oliver Heald

58

Schedule 18, page 157, line 11, at end insert—

‘Mining Industry Act 1920 (c. 50)

3A The Mining Industry Act 1920 is repealed.

3B In consequence of paragraph 3A, in Schedule 4 to the Mines and Quarries Act 1954, omit the entry for the Mining Industry Act 1920.

‘Mining Industry Act 1926 (c. 28)

3C (1) In the Mining Industry Act 1926, omit section 20 (which confers power on coal-mining companies to establish profit sharing schemes irrespective of the terms of their articles of association).

(2) The repeal made by sub-paragraph (1) is to have no effect in relation to any scheme still in existence that was established, and is being carried on, in reliance on the power conferred by section 20 of the Mining Industry Act 1926.’

Member’s explanatory statement

This amendment repeals administrative arrangements in the Mining Industry Act 1920 which are no longer needed in relation to the mining industries today, and an unnecessary provision permitting profit-sharing by coal mining companies in the Mining Industry Act 1926. The repeals do not affect mining rights.

Tom Brake
Oliver Heald

75

Schedule 18, page 159, line 32, at end insert—

‘Merchant Shipping Act 1988 (c. 12)

The Merchant Shipping Act 1988 is repealed.’.

Member’s explanatory statement

This amendment repeals the Merchant Shipping Act 1988 in the United Kingdom. The only operative provision is section 37. Section 37 provides for the disapplication of the requirements of section 34 of the Coast Protection Act 1949, which has been repealed.

Deregulation Bill, continued

Tom Brake
Oliver Heald

59

Schedule 18, page 162, line 2, at end insert—

‘The Milk (Cessation of Production) (Northern Ireland) Order 1985 (S.I. 1985/958 (N.I. 9)) is revoked.’.

Member’s explanatory statement

This amendment revokes the Milk (Cessation of Production) (Northern Ireland) Order 1985. All schemes made under this Order were revoked in 2007, and it is not intended to make any further schemes under it. The underlying European milk quota system is intended to cease with effect from 31 March 2015.

Mr William Cash
Mr Bernard Jenkin
Thomas Docherty
Oliver Heald
Tom Brake

4

Schedule 18, page 162, line 22, at end insert—

‘PART 7A

CIVIL LAW

Defamation Act 1996 (c.31)

34A Omit section 13 of the Defamation Act 1996 (which allows an individual litigant in defamation cases to waive the ban in Article IX of the Bill of Rights on proceedings in Parliament being impeached or questioned in court).’.

Member’s explanatory statement

The Joint Committees on Parliamentary Privilege in 1999 and 2013 both recommended the repeal of this hardly-used provision.

Tom Brake
Oliver Heald

60

Schedule 18, page 163, line 12, at end insert—

‘PART 9

HOUSING

Housing Act 1988 (c. 50)

36 (1) Paragraph 3 of Schedule 18 to the Housing Act 1988 (saving provision in respect of repeal of sections 56 to 58 of the Housing Act 1980) ceases to have effect in relation to tenancies of dwelling-houses in England.

(2) Accordingly, in that paragraph of that Schedule, after “tenancy” insert “of a dwelling-house in Wales”.’.

Member’s explanatory statement

This amendment provides that the saving provision in paragraph 3 of Schedule 18 to the Housing Act 1988 ceases to have effect in relation to tenancies of dwelling-houses in England (and so will continue only for Wales). This is because no assured tenancies under section 56 of the Housing Act 1980 remain in existence for England.

Deregulation Bill, continued

Philip Davies

73

Schedule 18, page 163, line 12, at end insert—

‘PART 9
COMMUNICATIONS

Copyright Design and Patents Act 1988

37 The Copyright, Designs and Patents Act 1988 is amended as follows.

38 Section 73 of the Copyright, Designs and Patents Act 1988 (Reception and re-transmission of wireless broadcast by cable) is revoked.’

Member’s explanatory statement

Section 73 was introduced in the 1980s to encourage cable roll-out as a competing platform to terrestrial (analogue) television. This has clearly now been achieved and cable is a highly-effective and well-resourced competitor to Sky and Freeview.

*NEW CLAUSES AND NEW SCHEDULES RELATING TO HEALTH AND SAFETY AT WORK
AND AMENDMENTS TO CLAUSE 1*

*Requirements to wear safety helmets: exemption for Sikhs: Northern Ireland*Tom Brake
Oliver Heald

NC2

To move the following Clause:—

- ‘(1) Article 13 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990 (S.I. 1990/246) is amended in accordance with subsections (2) to (8).
- (2) In paragraph (1), for “on a construction site” substitute “at a workplace”.
- (3) In paragraph (2), in sub-paragraph (a), for “on a construction site” substitute “at a workplace”.
- (4) In paragraph (5), in the opening words, for “on a construction site” substitute “at a workplace”.
- (5) After paragraph (6) insert—
 - “(6A) This Article does not apply to a Sikh who—
 - (a) works, or is training to work, in an occupation that involves (to any extent) providing an urgent response to fire, riot or other hazardous situations, and
 - (b) is at the workplace—
 - (i) to provide such a response in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or
 - (ii) to receive training in how to provide such a response in circumstances of that kind.
 - (6B) This Article also does not apply to a Sikh who—
 - (a) is a member of Her Majesty’s forces or a person providing support to Her Majesty’s forces, and
 - (b) is at the workplace—

Deregulation Bill, *continued*

- (i) to take part in a military operation in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or
 - (ii) to receive training in how to take part in such an operation in circumstances of that kind.”
- (6) In paragraph (7)—
- (a) omit the definitions of “building operations”, “works of engineering construction” and “construction site”;
 - (b) before the definition of “injury”, insert—
 ““Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006;”;
 - (c) at the end insert—
 ““workplace” means any premises where work is being undertaken, including premises occupied or normally occupied as a private dwelling; and “premises” includes any place and, in particular, includes—
 - (e) any vehicle, vessel, aircraft or hovercraft,
 - (f) any installation (including a floating installation or one resting on the seabed or its subsoil or on other land covered with water or its subsoil), and
 - (g) any tent or moveable structure.”
- (7) In paragraph (8), in sub-paragraph (b), for “on a construction site” substitute “at a workplace”.
- (8) In the heading, for “on construction sites” substitute “at workplaces”.
- (9) Article 13A of that Order (protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets) is amended as follows.
- (10) In paragraph (1)—
- (a) in sub-paragraph (a), for “on a construction site” substitute “at a workplace”;
 - (b) in sub-paragraph (b), for “on such a site” substitute “at such a workplace”.
- (11) In paragraph (3), for “Paragraphs (7) and (8)” substitute “Paragraphs (6A) to (8)”.

Member’s explanatory statement

This new clause extends the scope of the exemption under Article 13 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990, currently limited to construction sites, so that turban-wearing Sikhs will be exempt from legal requirements to wear a safety helmet in a workplace of any kind (subject to exceptions set out in Article 13(6A) and (6B), as amended).

Chi Onwurah
Toby Perkins

Deregulation Bill, continued*NEW CLAUSES AND NEW SCHEDULES RELATING TO APPRENTICESHIPS AND AMENDMENTS TO CLAUSES 3 AND 4 AND SCHEDULES 1 AND 13**English apprenticeships: disclosure of information*

Tom Brake
Oliver Heald

NC1

To move the following Clause:—

- ‘(1) The Commissioners may disclose information held by them to the Secretary of State, or to a person providing services to the Secretary of State, for the purpose of the Secretary of State’s functions in relation to approved English apprenticeships.
- 5 (2) The Secretary of State, or a person providing services to the Secretary of State, may disclose information to the Commissioners, or to a person providing services to them, for the purpose of arrangements made under section 4(1) or for the purpose of requesting the Commissioners to disclose information under subsection (1) of this section.
- 10 (3) Information disclosed under subsection (1) may not be disclosed by the recipient of the information to any other person without the consent of the Commissioners.
- (4) If a person discloses, in contravention of subsection (3), any revenue and customs information relating to a person whose identity—
- 15 (a) is specified in the disclosure, or
- (b) can be deduced from it,
- section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.
- (5) In this section—
- 20 “approved English apprenticeship” has the same meaning as in Chapter A1 of the Apprenticeships, Skills, Children and Learning Act 2009 (see Schedule 1);
- “revenue and customs information relating to a person” has the same meaning as in section 19 of the Commissioners for Revenue and Customs
- 25 Act 2005 (see section 19(2) of that Act).’

Member’s explanatory statement

This amendment, with amendment 10, replaces clause 4(5) to (8) with a new clause to authorise the sharing of information relating to approved English apprenticeships. The Secretary of State and HMRC may share such information with each other and with each other’s service providers (if any).

As an Amendment to Tom Brake’s proposed New Clause (NC1) (*English apprenticeships: disclosure of information*)

Chi Onwurah
Toby Perkins
Kelvin Hopkins

(a)

Line 18, at end insert—

- ‘(4A) The Secretary of State shall, within six months of this section coming into force, lay a Report before both Houses of Parliament setting out—

Deregulation Bill, *continued*

- (a) what information has been shared or is intended to be shared by virtue of this section,
- (b) by what process the Commissioners and Secretary of State agreed on the information to be shared,
- (c) which departments and agencies will have access to that information and for what purpose,
- (d) whether some or all of that information was shared or will be shared in anonymised form,
- (e) whether that information included or will include—
 - (i) confidential information, or
 - (ii) personal data (including sensitive personal data) as defined in the Data Protection Act 1998, and
- (f) how the provisions of this section fit with the Government’s data sharing strategy.’.

Tom Brake
Oliver Heald

5

Clause 3, page 2, line 22, at end insert—

‘() Part 4 of the Schedule contains transitional provision.’.

Member’s explanatory statement

This amendment is consequential on amendment 35.

Tom Brake
Oliver Heald

6

Clause 4, page 2, line 26, leave out from ‘of’ to end of line 28 and insert ‘apprenticeship payments.

() “Apprenticeship payments” are payments that may be made by the Secretary of State to any person—

- (a) for the purpose of encouraging the provision of opportunities for individuals to complete approved English apprenticeships or to undertake work following the completion of such apprenticeships, or
- (b) otherwise in connection with approved English apprenticeships.’.

Member’s explanatory statement

This amendment is to ensure that the Secretary of State may make arrangements with HMRC for HMRC to administer payments that may be made by the Secretary of State to any person in connection with approved English apprenticeships.

Tom Brake
Oliver Heald

7

Clause 4, page 2, line 28, at end insert—

‘() The arrangements that may be made under subsection (1) include arrangements under which the Commissioners are responsible for recovery where an

Deregulation Bill, continued

apprenticeship payment is made but the whole or any part of it is (for whatever reason) recoverable by the Secretary of State.’.

Member’s explanatory statement

This amendment clarifies, for the avoidance of doubt, that arrangements made under clause 4(1) may include responsibility for HMRC to recover any apprenticeship payments which are recoverable by the Secretary of State.

Tom Brake
Oliver Heald

8

Clause 4, page 2, line 33, leave out ‘employers’ and insert ‘persons of a description specified in the regulations’.

Member’s explanatory statement

This amendment is consequential on amendment 6.

Tom Brake
Oliver Heald

9

Clause 4, page 2, line 38, leave out from ‘with’ to end of line 39 and insert ‘approved English apprenticeships’.

Member’s explanatory statement

This amendment is consequential on amendment 6.

Tom Brake
Oliver Heald

74

Clause 4, page 2, line 39, at end insert—

- ‘() The regulations may, in particular, also provide that, where the Commissioners are responsible for recovering the whole or any part of an apprenticeship payment from a person of a description specified in the regulations, they may do so by deducting the amount from any payments that they would otherwise be required to make to that person and that are of a kind specified in the regulations.’.

Member’s explanatory statement

This amendment ensures that, for the purposes of arrangements under clause 4(1), HMRC may make regulations to enable them to recover apprenticeship payments from persons, who will be described in the regulations, by making deductions from payments that HMRC would otherwise have to make.

Tom Brake
Oliver Heald

10

Clause 4, page 3, line 1, leave out subsections (5) to (8).

Member’s explanatory statement

This amendment is consequential on amendment NCI.

Tom Brake
Oliver Heald

11

Clause 4, page 3, leave out lines 27 to 29.

Member’s explanatory statement

This amendment is consequential on amendment NCI.

Deregulation Bill, continued

Tom Brake
Oliver Heald

27

Schedule 1, page 53, line 9, leave out ‘prepare and’.

Member’s explanatory statement

This amendment removes the requirement that the Secretary of State must prepare apprenticeship standards. It is related to amendment 28.

Tom Brake
Oliver Heald

28

Schedule 1, page 53, line 11, at end insert—

‘() Each standard must be—

(a) prepared by the Secretary of State, or

(b) prepared by another person and approved by the Secretary of State.’

Member’s explanatory statement

This amendment allows for any person, including employers, to prepare apprenticeship standards (as well as the Secretary of State). A standard must be approved by the Secretary of State if it is prepared by another person.

Tom Brake
Oliver Heald

29

Schedule 1, page 53, line 19, leave out from ‘State’ to end of line 24 and insert ‘may—

(a) publish a revised version of a standard, or

(b) withdraw a standard (with or without publishing another in its place).’

Member’s explanatory statement

This amendment, which is related to amendment 30, allows for the Secretary of State to publish an amended version of a standard or to withdraw a standard (with or without publishing another one).

Tom Brake
Oliver Heald

30

Schedule 1, page 53, line 24, at end insert—

‘() Revisions of a standard may be—

(a) prepared by the Secretary of State, or

(b) prepared by another person and approved by the Secretary of State.’

Member’s explanatory statement

This amendment allows for any person, including employers, to prepare revisions of apprenticeship standards (as well as the Secretary of State). A standard must be approved by the Secretary of State if it is prepared by another person.

Tom Brake
Oliver Heald

31

Schedule 1, page 53, leave out lines 25 to 27.

Member’s explanatory statement

This amendment removes the express provision for employers or their representatives to make proposals to the Secretary of State about standards. This is considered unnecessary in the light of amendments 28 and 30 which allow for an enhanced role for employers and other persons.

Deregulation Bill, *continued*

Tom Brake
Oliver Heald

32

Schedule 1, page 55, line 25, at end insert—

- ‘1A (1) Section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 (provision of financial resources) is amended as follows.
- (2) In subsection (1), after “financial resources” insert “under this subsection”.
- (3) After subsection (1) insert—
- “(1A) The Secretary of State may secure the provision of financial resources to any person under this subsection (whether or not the resources could be secured under subsection (1))—
- (a) for the purpose of encouraging the provision of opportunities for individuals to complete approved English apprenticeships or to undertake work following the completion of such apprenticeships, or
- (b) otherwise in connection with approved English apprenticeships.”
- (4) In subsection (3), after “subsection (1)” insert “or (1A)”.
- (5) In subsection (4), after “subsection (1)(c)” insert “or (1A)”.
- 1B (1) Section 101 of that Act (financial resources: conditions) is amended as follows.
- (2) In subsection (2)—
- (a) after “may” insert “(among other things)”;
- (b) omit paragraph (b).
- (3) Omit subsections (4) and (5).
- 1C In section 103 of that Act (means tests), in subsection (1) (as amended by paragraph 13C of Schedule 13) after “section 100(1)(c), (d) or (e)” insert “or (1A)”.

Member’s explanatory statement

This amendment is to ensure that the Secretary of State may make payments relating to approved English apprenticeships under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 (provision of financial resources). It makes consequential changes to sections 100, 101 and 103 of that Act.

Tom Brake
Oliver Heald

33

Schedule 1, page 56, line 17, leave out ‘employment’ and insert ‘service’.

Member’s explanatory statement

This amendment, together with amendment 34, is to clarify that “apprenticeship training” in section 83 of the Apprenticeships, Skills, Children and Learning Act 2009 includes training provided in connection with any contract of service or contract of apprenticeship.

Tom Brake
Oliver Heald

34

Schedule 1, page 56, line 18, after ‘agreement)’ insert ‘or contract of apprenticeship’.

Member’s explanatory statement

See amendment 33.

Deregulation Bill, continued

Tom Brake
Oliver Heald

35

Schedule 1, page 57, line 38, at end insert—

‘PART 4

TRANSITIONAL PROVISION

The provision that may be included in an order under section 77(7) in connection with the coming into force of paragraph 1 of this Schedule includes provision—

- (a) for work done by a person under an arrangement described in the order to be treated as work done under an approved English apprenticeship within the meaning of the Apprenticeships, Skills, Children and Learning Act 2009, where the person begins to work under the arrangement before the paragraph comes into force and continues to do so (for any period) afterwards;
- (b) for a standard published by the Secretary of State before the paragraph comes into force, in connection with work that by virtue of provision made under paragraph (a) is treated as work done under an approved English apprenticeship, to be treated as if it were an approved apprenticeship standard published under section A2 of the 2009 Act in relation to the approved English apprenticeship.’

Member’s explanatory statement

This amendment provides that the Secretary of State may by order make certain transitional provision, in particular, provision for work to be treated as if it were done under an approved English apprenticeship where the work was done under other specified arrangements before paragraph 1 of Schedule 1 comes into force.

Tom Brake
Oliver Heald

55

Schedule 13, page 142, line 14, leave out paragraph 8 and insert—

‘8 Omit section 85 (provision of apprenticeship training etc for persons within section 83 or 83A).’

Member’s explanatory statement

This amendment repeals section 85 of the Apprenticeships, Skills, Children and Learning Act 2009 (which imposes a duty on the Chief Executive of Skills Funding to make reasonable efforts to secure employer participation in certain apprenticeship training) instead of transferring the duty to the Secretary of State.

Tom Brake
Oliver Heald

56

Schedule 13, page 142, line 40, leave out paragraph 13 and insert—

‘13 (1) Section 100 (provision of financial resources) is amended as follows.

(2) In subsection (1)—

- (a) in the opening words, for “Chief Executive” substitute “Secretary of State”;
- (b) in paragraph (a), for “Chief Executive’s remit” substitute “Secretary of State’s remit under this Part”;

Deregulation Bill, *continued*

- (c) omit paragraph (f).
- (3) Omit subsection (2).
- (4) In subsection (3)—
 - (a) in the opening words, for “Chief Executive” substitute “Secretary of State”;
 - (b) in paragraph (c), for “Chief Executive” substitute “Secretary of State”.
- (5) In subsection (4), for “Chief Executive” substitute “Secretary of State”.
- 13A (1) Section 101 (financial resources: conditions) is amended as follows.
 - (2) In subsection (1), for “by the Chief Executive” substitute “by the Secretary of State under section 100”.
 - (3) In subsection (3)—
 - (a) in paragraph (a), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
 - (b) in paragraph (b)—
 - (i) for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
 - (ii) for “the functions of the office” substitute “functions under this Part”.
 - (4) In subsection (6)—
 - (a) in paragraph (a), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
 - (b) in paragraph (b), for “Chief Executive” substitute “Secretary of State”.
- 13B (1) Section 102 (performance assessments) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “Chief Executive” substitute “Secretary of State”;
 - (b) for “Chief Executive’s remit” substitute “Secretary of State’s remit under this Part”.
 - (3) In subsection (2), for “Chief Executive” substitute “Secretary of State”.
- 13C (1) Section 103 (means tests) is amended as follows.
 - (2) In subsection (1), for “The Chief Executive” substitute “For the purpose of the exercise of the powers under section 100(1)(c), (d) or (e), the Secretary of State”.
 - (3) Omit subsection (2).’.

Member’s explanatory statement

This amendment transfers the funding powers of the Chief Executive of Skills Funding under sections 100 to 103 of the Apprenticeships, Skills, Children and Learning Act 2009 to the Secretary of State.

Deregulation Bill, continued

*NEW CLAUSES AND NEW SCHEDULES RELATING TO DRIVING AND TO ROADS,
RAILWAYS, TRAMWAYS AND OTHER MEANS OF TRANSPORT AND AMENDMENTS TO
CLAUSES 6 TO 10 AND 30 TO 33 AND SCHEDULES 2 AND 3 AND 8 TO 10*

Removal of restriction on investigation of tramway accidents in Scotland by RAIB

Tom Brake
Oliver Heald

NC4

To move the following Clause:—

- ‘(1) The Railways and Transport Safety Act 2003 is amended as follows.
- (2) In section 14 (extent of Part 1: investigation of railway accidents by Rail Accident Investigation Branch), omit subsection (2) (which prevents the Part from applying to tramways in Scotland).
- (3) In consequence of subsection (2), omit section 1(3).’

Member’s explanatory statement

Part 1 of the Railways and Transport Safety 2003 does not currently apply to tramways in Scotland and so the Rail Accident Investigation Branch cannot investigate tramway accidents there. This amendment removes that restriction.

Footpaths: provisions to stop up or divert due to privacy, safety or security

Bill Wiggin

NC15

★ To move the following Clause:—

- ‘(1) The Highways Act 1980 is amended as follows.
- (2) In section 118 (Stopping up of footpaths, bridleways and restricted byways), in subsection (1) after “on the ground that it is not needed for public use”, insert “or the public need could reasonably be provided by an alternative public right of way or highway nearby”.
- (3) After subsection (1) insert—
 - “(1A) When making a determination under subsection (1A) the council and Secretary of State shall have regard to the presumption that footpaths should not pass through farmyards, gardens, commercial premises or other land where privacy, safety or security are an issue.”.
- (4) In section 119 (Diversion of footpaths, bridleways and restricted byways), subsection (6A) after “a public right of way”, insert “, and the presumption that paths should not pass through farmyards, commercial areas, gardens or other land where privacy, safety or security is an issue.”.’



 Deregulation Bill, *continued*

Mary Creagh
 Richard Burden
 Chi Onwurah
 Caroline Lucas
 Barbara Keeley
 Tom Greatrex

Mrs Mary Glendon

Page 5, line 31, leave out Clause 8, Clause 9 and Clause 10.

61

Tom Brake
 Oliver Heald

Clause 31, page 24, line 2, at end insert—

‘(aa) the duration of driving licences to be granted to drivers with relevant or prospective disabilities;’.

Member’s explanatory statement

Clause 31 introduces Schedule 9 to the Bill. This amendment is consequential on the addition of a new Part to Schedule 9 by amendment 51.

13

Mr Gordon Marsden
 Dr Alan Whitehead
 Chi Onwurah
 John McDonnell

Clause 33, page 24, line 16, leave out paragraphs (a) and (b) and insert ‘in paragraph (a) leave out from “if new and important evidence” to “discovered” and insert “where secondary investigations have enabled more new, significant, or important evidence to become available, having particular regard to—

- (i) enhancing and preserving the rights of those affected by a maritime accident to learn from the proceedings of such reinvestigations and conclusions drawn from them; and
- (ii) future safety issues and measures.”’.

1

Tom Brake
 Oliver Heald

Schedule 2, page 58, line 11, leave out ‘authorise the person to apply’ and insert ‘require the person’.

Member’s explanatory statement

This amendment is a drafting improvement to make new section 124(3)(a) of the Road Traffic Act 1988 more consistent with the new system for registering driving instructors.

36

Deregulation Bill, *continued*

Tom Brake
Oliver Heald

37

Schedule 2, page 58, line 34, leave out ‘applicant’ and insert ‘person’.

Member’s explanatory statement

This amendment is a drafting change to improve the cross-reference between new section 125(3D) and 125ZA(4)(ba) of the Road Traffic Act 1988.

Tom Brake
Oliver Heald

38

Schedule 2, page 61, line 20, at end insert—

‘unless the Registrar considers it appropriate for the application to be made at such earlier time as may be specified by the Registrar.’’.

Member’s explanatory statement

This amendment will enable the Registrar to allow an application to undergo a further emergency control assessment under section 133B(4) to be made before the end of the six month period referred to in new section 133B(5A).

Tom Brake
Oliver Heald

39

Schedule 2, page 62, line 32, leave out ‘applicant’ and insert ‘person’.

Member’s explanatory statement

This amendment is a drafting change to improve the cross-reference between new section 125(2D) and 125(5A) of the Road Traffic Act 1988.

Tom Brake
Oliver Heald

40

Schedule 2, page 65, line 25, leave out paragraph 22.

Member’s explanatory statement

This amendment is consequential on amendment 43.

Tom Brake
Oliver Heald

41

Schedule 2, page 67, line 39, leave out from “assessment” to end of line 40 and insert ‘—

(i) under section 125(2C) or 129(1B), or

(ii) as mentioned in section 125(5)(a)(ii) or 129(5ZA),’.

Member’s explanatory statement

This amendment amends new subsection 133B(2A), inserting references to section 129(1B) and section 129(5ZA) to ensure that the ability to re-take failed emergency control assessments applies to assessments taken in connection with licences as well as to those taken in connection with registration.

Deregulation Bill, *continued*

Tom Brake
Oliver Heald

42

Schedule 2, page 68, line 8, at end insert—

‘unless the Registrar considers it appropriate for the application to be made at such earlier time as may be specified by the Registrar.’’.

Member’s explanatory statement

This amendment makes the same change for Part 2 of Schedule 2 to the Bill that amendment 38 makes for Part 1 of Schedule 2.

Tom Brake
Oliver Heald

43

Schedule 2, page 68, line 30, at end insert—

‘Part 5 has effect as if after section 133D there were inserted—

“133E Direction to disregard emergency control assessment requirement

- (1) This section applies where a person has been required—
 - (a) under section 125(2C) or 129(1B), or
 - (b) as mentioned in section 125(5)(a)(ii) or 129(5ZA),
 to submit himself for an emergency control assessment.
- (2) At any time before the assessment takes place the Registrar may withdraw the requirement (in which case this Part applies as if the requirement had never been imposed).
- (3) At any time after the assessment takes place the Registrar may direct that the requirement is to be disregarded for the purposes of this Part (and accordingly any condition that the person holds an emergency certificate is to cease to apply).
- (4) Notice of—
 - (a) the withdrawal of a requirement under subsection (2), or
 - (b) a direction under subsection (3),
 must be given to the person on whom the requirement was imposed.’’.

Member’s explanatory statement

This amendment extends what was new section 128ZZA so that the Registrar’s powers under the section cover emergency control assessments in connection with licences. The new section is inserted after section 133D to reflect its revised content. The amendment which inserted new section 128ZZA is removed by amendment 40.

Tom Brake
Oliver Heald

44

Schedule 2, page 69, line 14, leave out ‘In’.

Member’s explanatory statement

This amendment is consequential on amendment 47.

Deregulation Bill, continued

Tom Brake
Oliver Heald

45

Schedule 2, page 69, line 16, after ‘2006,’ insert ‘is amended as follows.
(2) ’.

Member’s explanatory statement

This amendment is consequential on amendment 47.

Tom Brake
Oliver Heald

46

Schedule 2, page 69, line 18, at end insert—

‘() in the second column, for “for registration as disabled driving instructor” substitute “to be registered in respect of driving instruction”.’.

Member’s explanatory statement

Amendments 46, 47, 48 and 49 add further consequential amendments to Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988, to reflect the amendments to the Road Traffic Act 1988 made by Schedule 2 to the Bill.

Tom Brake
Oliver Heald

47

Schedule 2, page 69, line 19, at end insert—

‘(3) In the entry for section 133C(4) of the Road Traffic Act 1988, in the second column, omit “disabled”.

(4) In the entry for section 133D of the Road Traffic Act 1988, in the second column, for “disabled persons” substitute “persons required to hold an emergency control certificates”.’.

Member’s explanatory statement

See amendment 46.

Tom Brake
Oliver Heald

48

Schedule 2, page 69, line 25, at end insert—

‘(aa) in the second column, for “for registration as disabled driving instructor” substitute “to be registered in respect of driving instruction”.’.

Member’s explanatory statement

See amendment 46.

Tom Brake
Oliver Heald

49

Schedule 2, page 69, line 26, at end insert—

‘(3) In the entry for section 133C(4) of the Road Traffic Act 1988, in the second column, omit “disabled”.

(4) In the entry for section 133D of the Road Traffic Act 1988, in the second column for “disabled persons” substitute “persons required to hold emergency control certificates”.’.

Deregulation Bill, continued
Member's explanatory statement*See amendment 46.*

Tom Brake
Oliver Heald

51

Schedule 9, page 118, line 26, at end insert—

 PART A1

 DURATION OF DRIVING LICENCES TO BE GRANTED TO DRIVERS WITH RELEVANT OR
 PROSPECTIVE DISABILITIES

- A1 Part 3 of the Road Traffic Act 1988 (licensing of drivers of vehicles) is amended as follows.
- A2 In section 99 (duration of licences of drivers of motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle), in subsection (1)(b) (duration of licence to be granted to person suffering from relevant or prospective disability), for the words from “of not more than” to “may determine” substitute “as the Secretary of State may determine which shall be a period—
- (i) of not more than ten years and not less than one year, ending on or before the seventieth anniversary of the applicant’s date of birth, or
 - (ii) where, at the time the licence is granted, there are less than three years until that seventieth anniversary or where the licence is granted on or after that anniversary, of not more than three years and not less than one year”.
- A3 In consequence of paragraph A2, in section 100(1)(b) (appeals relating to licences: determination under section 99(1)(b))—
- (a) for “three” substitute “ten”;
 - (b) after “or less” insert “or, where sub-paragraph (ii) of section 99(1)(b) applies, for three years or less”.

Member's explanatory statement

This amendment increases the period for which a driving licence for non-vocational drivers suffering from a relevant or prospective disability can be granted from a maximum of three years to a maximum of ten years, ending no later than the driver's 70th birthday. Once a driver is over 67, the maximum is three years.

Deregulation Bill, continued

NEW CLAUSES AND NEW SCHEDULES RELATING TO TV LICENSING AND AMENDMENTS TO CLAUSES 51 AND 52

Chi Onwurah
Helen Goodman

62

Clause 51, page 37, line 2, at end insert—

- ‘(3) The Secretary of State must lay the terms of reference of a review under subsection (1) before each House of Parliament.’

Tom Brake
Oliver Heald

14

Clause 52, page 37, line 13, after ‘be’ insert ‘—

(a) ’.

Member’s explanatory statement

This amendment is a drafting amendment related to amendment 15.

Tom Brake
Oliver Heald

15

Clause 52, page 37, line 14, at end insert ‘, or

- (b) such amount, not exceeding a maximum amount specified in the regulations, as may be determined by a body so specified.’.

Member’s explanatory statement

In the event of the Secretary of State deciding to make regulations replacing the TV licensing offences with a civil penalty regime, this amendment would allow the regulations to provide for the amount of the penalty to be determined by a body specified in the regulations, subject to a maximum amount specified in the regulations.

Chi Onwurah
Helen Goodman

63

Clause 52, page 38, line 16, at end insert—

- ‘(14) The power conferred by subsection (1) may not be exercised until after the BBC’s Royal Charter has next been reviewed.’.

Deregulation Bill, continued*REMAINING NEW CLAUSES; REMAINING NEW SCHEDULES; REMAINING PROCEEDINGS
ON CONSIDERATION**Limit on indemnity required under Outer Space Act 1986*

Tom Brake
Oliver Heald

NC3

To move the following Clause:—

- (1) The Outer Space Act 1986 is amended as follows.
- (2) In section 3 (prohibition of unlicensed activities), after subsection (3) insert—
 - “(3A) An order under subsection (3) may—
 - (a) provide that section 10(1) does not apply to a person to the extent that the person is carrying on activities that do not require a licence by virtue of the order;
 - (b) specify the maximum amount of a person’s liability under section 10(1) so far as the liability relates to the carrying on of activities that do not require a licence by virtue of the order.”
- (3) In section 5 (terms of licence), after subsection (2) insert—
 - “(3) A licence must specify the maximum amount of the licensee’s liability to indemnify Her Majesty’s government in the United Kingdom under section 10 in respect of activities authorised by the licence.”
- (4) In section 10 (obligation to indemnify government against claims), after subsection (1) insert—
 - “(1A) Subsection (1) is subject to—
 - (a) any limit on the amount of a person’s liability that is specified in a licence, and
 - (b) any order made under section 3(3).”
- (5) The Secretary of State may vary any licence under section 4 of the 1986 Act that is held at the time when this section comes into force so as to specify the maximum amount of the licensee’s liability under section 10 of that Act.
- (6) A variation under subsection (5) is to be made by giving notice in writing to the licensee.
- (7) The power under section 15(6) of the 1986 Act may be exercised so as to extend to any of the Channel Islands, the Isle of Man or any British overseas territory any provision made by this section (subject to any specified exceptions or modifications).’.

Member’s explanatory statement

Section 10 of the Outer Space Act 1986 requires people carrying out certain space activities to indemnify the UK government against claims arising out of the activities. The new clause makes provision for limiting the amount of the liability under the indemnity.

Deregulation Bill, continued

Power of HMRC to disclose information for purposes of certain litigation

Tom Brake
Oliver Heald

NC6

To move the following Clause:—

- ‘(1) The Commissioners for Her Majesty’s Revenue and Customs may disclose information held by them—
- (a) to a person who is entitled to bring proceedings under the fatal accidents legislation or for whose benefit such proceedings may be brought, for use in connection with the proceedings or in reaching a settlement without the need to bring proceedings;
 - (b) to a person who is entitled to bring proceedings for damages for personal injury for the benefit of the estate of a deceased person, for use in connection with the proceedings or in reaching a settlement without the need to bring proceedings;
 - (c) to a person who has made or who wishes to make an application for a payment under the Diffuse Mesothelioma Payment Scheme on the basis that he or she is eligible for such a payment under section 3 of the Mesothelioma Act 2014 (eligibility of dependants for payments under the Scheme), for use in connection with the application.
- (2) “The fatal accidents legislation” means—
- (a) the Fatal Accidents Act 1976;
 - (b) the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18));
 - (c) section 4 of the Damages (Scotland) Act 2011.’

Member’s explanatory statement

This amendment allows Revenue and Customs officials to disclose information HMRC holds to persons entitled to make claims under fatal accidents legislation, to persons entitled to bring proceedings for personal injury for the benefit of a deceased person’s estate or to persons claiming to be eligible under section 3 of the Mesothelioma Act 2014 for a payment under the Diffuse Mesothelioma Payment Scheme.

Combining different forms of subordinate legislation

Tom Brake
Oliver Heald

NC7

To move the following Clause:—

- ‘(1) Any provision that may be made by order, regulations or rules made by statutory instrument may be made by any other of those forms of legislation made by statutory instrument.
- (2) Subsection (1) does not affect the procedure for making the instrument.
- (3) A reference in any enactment or other instrument to an order, regulations or rules under an enactment (however expressed) includes a reference to provision made under it because of subsection (1).
- (4) Subsection (1) does not apply in relation to any power of the Welsh Ministers to make provision by statutory instrument.’

Deregulation Bill, continued
Member's explanatory statement

This clause allows powers to make an order, regulations or rules to be used to make a combined instrument. At the moment it is sometimes necessary to make several instruments on a single topic because the enabling powers are expressed differently. In appropriate cases, using a single instrument would allow the legislation to be set out in a more coherent way and in one place.

Replacing homes lost through the Preserved Right to Buy

Caroline Lucas

NC8

To move the following Clause:—

- ‘(1) Within one year of this Act receiving Royal Assent, the Secretary of State shall lay before each House of Parliament a plan to—
- (a) replace the homes lost through the Preserved Right to Buy;
 - (b) review the effectiveness of the current Right to Buy policy.
- (2) Before making any further changes to Right to Buy, the Secretary of State must carry out and publish an assessment of the impact of Right to Buy policy on affordable housing supply since 2012.’

Member's explanatory statement

This new clause would require the Minister to produce a plan to replace affordable homes lost in England as a result of Right to Buy, review the effectiveness of current policy and carry out an assessment of changes since 2012 before making further policy changes.

Licensing: review of legislation

Chris Williamson

NC9

To move the following Clause:—

- ‘(1) No later than the end of the period of six months beginning with the day on which this Act is passed, the Secretary of State must commence a cross-government review of all legislation relating to local authority licensing, consents, permits and registrations.
- (2) The review must include a review of whether and if so how the legislation can be simplified and consolidated.
- (3) A report on the review must be presented to Parliament by the Secretary of State no later than the end of the period of 24 months beginning with the day on which the review is commissioned.’
-

Deregulation Bill, *continued*

Repeal of the Sunday Trading Act 1994

Philip Davies

NC10

To move the following Clause:—

- ‘(1) The Sunday Trading Act 1994 is amended as follows.
 - (2) Paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 (which restricts Sunday trading at large shops) is repealed.
 - (3) Section 2, subsection (5) of that Act and Schedule 3 to the Act (which restricts loading and unloading at large shops on Sunday mornings) are repealed.’
-

Extending of Sunday trading hours

Philip Davies

NC11

To move the following Clause:—

- ‘(1) The Sunday Trading Act 1994 is amended as follows.
 - (2) In Schedule 1, paragraph 2(3), leave out “six” and insert “eight”.
 - (3) In Schedule 1, paragraph 2(3), leave out “6 p.m.” and insert “8 p.m.”.’
-

Suspension of restriction of Sunday trading hours

Philip Davies

NC12

To move the following Clause:—

- ‘(1) Paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 (which restricts Sunday opening at large shops) does not apply during the suspension period.
- (2) But Schedule 3 to that Act (which restricts loading and unloading at large shops on Sunday mornings) is to apply during the suspension period to any shop to which it would apply during that period were it not for the disapplication made by subsection (1).
- (3) “The suspension period” means the part of the Glasgow 2014 Commonwealth Games period which—
 - (a) begins with Sunday 27 July 2014, and
 - (b) ends with Sunday 3 August 2014.
- (4) Where a shop worker gives an opting-out notice in the pre-Games period that relates to work at an exempted large shop, section 41(3), of the Employment Rights Act 1996 has effect as if the notice period in relation to the shop worker were the period which—
 - (a) begins with the day on which the notice is given, and
 - (b) ends two months after that day, or with Sunday 3 August 2014 (if that is later).

Deregulation Bill, continued

- (5) Section 42(2) of that Act accordingly has effect in relation to the shop worker as if the reference to three months were a reference to the notice period as it is modified by subsection (1).
- (6) Where the opting-out notice includes an express statement to the effect that the shop worker objects to Sunday working only during the suspension period, the shop worker is to be treated for the purposes of that Act as having given an opting-in notice at the end of that period.
- (7) The “pre-Games period” is the period which—
 - (a) begins with the day on which this Act is passed, and
 - (b) ends with Sunday 3 August 2014.
- (8) An “exempted large shop” is a shop to which paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 would apply during the suspension period were it not for the disapplication made by section 1(1).
- (9) In this section—
 - (a) “opting-in notice”, “opting-out notice” and “shop worker” each have the same meaning as in the Employment Rights Act 1996, and
 - (b) “suspension period” has the meaning given in section 1(3).’.

Suspension of restriction on Sunday trading hours

Philip Davies

NC13

To move the following Clause:—

- ‘(1) Paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 (which restricts Sunday opening at large shops) does not apply during the suspension period.
- (2) But Schedule 3 to that Act (which restricts loading and unloading at large shops on Sunday mornings) is to apply during the suspension period to any shop to which it would apply during that period were it not for the disapplication made by subsection (1).
- (3) “The suspension period” means the part of the Rugby World Cup 2015 period, which—
 - (a) begins with Sunday 20 September 2015, and
 - (b) ends with Sunday 25 October 2015.
- (4) Where a shop worker gives an opting-out notice in the pre-Rugby Cup period that relates to work at an exempted large shop, section 41(3) of the Employment Rights Act 1996 has effect as if the notice period in relation to the shop worker were the period which—
 - (a) begins with the day on which the notice is given, and
 - (b) ends with Saturday 31 October 2015.
- (5) Section 42(2) of that Act accordingly has effect in relation to the shop worker as if the reference to three months were a reference to the notice period as it is modified by subsection (1).
- (6) Where the opting-out notice includes an express statement to the effect that the shop worker objects to Sunday working only during the suspension period, the shop worker is to be treated for the purposes of that Act as having given an opting-in notice at the end of that period.
- (7) The “pre-Rugby Cup period” is the period which—
 - (a) begins on Friday 17 July 2015, and

Deregulation Bill, continued

- (b) ends with Friday 11 September 2015.
- (8) An “exempted large shop” is a shop to which paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 would apply during the suspension period were it not for the disapplication made by section 1(1).
- (9) In this section—
- (a) “opting-in notice”, “opting-out notice” and “shop worker” each have the same meaning as in the Employment Rights Act 1996, and
- (b) “suspension period” has the meaning given in section 1(3).’.

Further exemption to Sunday trading hours: garden centres

Philip Davies

NC14

To move the following Clause:—

- ‘(1) The Sunday Trading Act 1994 is amended as follows.
- (2) In Schedule 1, paragraph 3(1), after paragraph (k) at end insert—
- “(1) any garden centres.’.

Tom Brake
Oliver Heald

12

Clause 15, page 12, line 42, after ‘(general))’ insert ‘—

- () in subsection (1) (fees for grant or maintenance of recognition of professional body), in paragraph (b) (power to refuse recognition, or revoke order of recognition, where fee not paid), after “391(1)” insert “or (2)”.’.

Member’s explanatory statement

This amendment allows the Secretary of State to revoke or refuse recognition of a professional body recognised for the purpose of authorising partially authorised insolvency practitioners, where the body has not paid a fee in connection with the grant or maintenance of its recognition.

Jonathan Reynolds
Tom Greatrex
Graham Stringer
Joan Walley

2

Clause 28, page 23, line 13, at end insert—

- ‘(2) This section and section 29 shall not come into force until the Secretary of State has laid a Zero-Carbon Housing Strategy before both Houses of Parliament.’.

 Deregulation Bill, *continued*

Tom Brake
Oliver Heald

16

- Clause 56, page 40, line 16, leave out paragraph (a) and insert—
- () in paragraph 7, after “paragraph 4 above” insert “that relates to material that consists of or includes journalistic material”;
 - () in paragraph 8, for “such an order” substitute “an order under paragraph 4 above that relates to material that consists of or includes journalistic material”;
 - () in paragraph 9, for “Such a notice” substitute “Notice of an application for an order under paragraph 4 above that relates to material that consists of or includes journalistic material”;
 - () in paragraph 10, for “this Schedule” (in each place where it occurs) substitute “paragraph 8”.

Member’s explanatory statement

Clause 56(3) allows Criminal Procedure Rules to supply the procedure on an application for a production order under Schedule 1 to the Police and Criminal Evidence Act 1984. This amendment, with amendment 17, excepts any application which relates to material that consists of or includes journalistic material, as defined by section 13 of the 1984 Act, and ensures that the procedure for such applications continues to be dealt with in Schedule 1.

Tom Brake
Oliver Heald

17

- Clause 56, page 40, line 21, at end insert ‘, other than proceedings for an order under paragraph 4 above that relates to material that consists of or includes journalistic material.’.

Member’s explanatory statement

See the explanatory statement for amendment 16.

Tom Brake
Oliver Heald

18

- Clause 67, page 45, line 40, at end insert ‘or by the National Assembly for Wales constituted by the Government of Wales Act 1998.’

Member’s explanatory statement

This amendment ensures that the power to spell out dates described in legislation cannot be used to amend subordinate legislation made by the National Assembly for Wales.

Caroline Lucas

64

- Page 47, line 15, leave out Clauses 70 to 73.

Member’s explanatory statement

This amendment removes the requirement on persons exercising a regulatory function to have regard to the desirability of promoting economic growth.

Deregulation Bill, *continued*

Caroline Lucas

65

Clause 70, page 47, line 16, leave out ‘economic growth’ and insert ‘sustainable development’.

Member’s explanatory statement

This amendment substitutes the requirement on persons exercising a regulatory function to have regard to the desirability of promoting economic growth with a requirement to have regard to the desirability of promoting sustainable development.

Caroline Lucas

66

Clause 70, page 47, line 19, leave out ‘economic growth’ and insert ‘sustainable development’.

Caroline Lucas

67

Clause 70, page 47, line 21, leave out ‘economic growth’ and insert ‘sustainable development’.

Caroline Lucas

69

Clause 70, page 47, line 23, leave out ‘only’.

Member’s explanatory statement

This amendment makes it clear that a person exercising a regulatory function under this section must take regulatory action when needed.

Caroline Lucas

68

Clause 72, page 48, line 17, leave out ‘economic growth’ and insert ‘sustainable development’.

Caroline Lucas

70

Clause 73, page 48, line 36, after ‘72’, insert “‘sustainable development’ means development that meets the needs of the present without compromising the ability of existing communities and future generations to meet their own needs; and that contributes to the principles that the nation and areas within it should live within their environmental limits, should achieve a sustainable economy and should seek to ensure a strong, healthy and just society.’”.

Member’s explanatory statement

This defines sustainable development in terms recommended by the Communities and Local Government Select Committee 2011 inquiry into the National Planning Policy Framework, which drew on the 2005 UK Sustainable Development Strategy.

 Deregulation Bill, *continued*

Tom Brake
Oliver Heald

19

Clause 76, page 50, line 14, after ‘Sections’ insert ‘(Power of HMRC to disclose information for purposes of certain litigation)’.

Member’s explanatory statement

This amendment provides for the new clause inserted by amendment NC6 to extend to England and Wales, Scotland and Northern Ireland.

Tom Brake
Oliver Heald

20

Clause 76, page 50, line 14, after ‘Sections’ insert ‘51, 52,’.

Member’s explanatory statement

This amendment extends clauses 51 and 52 (TV licensing) to the whole of the United Kingdom.

Tom Brake
Oliver Heald

21

Clause 76, page 50, line 14, after ‘67’ insert ‘, (Combining different forms of subordinate legislation)’

Member’s explanatory statement

This amendment ensures that the new clause mentioned in it extends to England and Wales, Scotland and Northern Ireland.

Tom Brake
Oliver Heald

22

Clause 76, page 50, line 15, at end insert—

‘() Her Majesty may by Order in Council provide for any of the provisions of section 52 to extend, with or without modifications, to any of the Channel Islands or the Isle of Man.’

Member’s explanatory statement

This amendment allows the provisions of clause 52 to be extended to the Channel Islands or Isle of Man.

Jonathan Reynolds
Tom Greatrex
Graham Stringer
Joan Walley

3

Clause 77, page 50, line 25, at end insert ‘, subject to the condition in subsection (2) of that section;’.

Member’s explanatory statement

This amendment is consequential on amendment 2.

Tom Brake
Oliver Heald

24

Clause 77, page 50, line 26, after ‘33’ insert ‘and (Removal of restriction on investigation of tramway accidents in Scotland by RAIB)’.

Deregulation Bill, continued

Member's explanatory statement

This amendment has the effect that the new clause inserted by amendment NC4 will come into force 2 months after the Bill receives Royal Assent.

Tom Brake
Oliver Heald

25

Clause 77, page 50, line 33, after '67' insert ', (Combining different forms of subordinate legislation)'

Member's explanatory statement

This amendment ensures that the new clause mentioned in it comes into force 2 months after the Bill is passed.

Tom Brake
Oliver Heald

26

Clause 77, page 50, line 37, after 'Parts' insert 'A1,'.

Member's explanatory statement

This amendment has the effect that the new Part added to Schedule 9 to the Bill by amendment 51 will come into force 2 months after the Bill receives Royal Assent.

Tom Brake
Oliver Heald

50

Schedule 6, page 88, line 13, at end insert—

(1) The following repeals are made in consequence of paragraphs 18 and 19.

(2) In the Insolvency Act 1986—

- (a) in section 1(2), omit "or authorised to act as nominee,";
- (b) in section 2(4), omit " , or authorised to act as nominee,";
- (c) in section 4(2), omit "or authorised to act as nominee,";
- (d) in section 7(5), omit "or authorised to act as supervisor,";
- (e) in Schedule A1—

- (i) in paragraph 28(1), omit " , or authorised to act as nominee,";

- (ii) in paragraph 31(2), omit " , or authorised to act as nominee,";

- (iii) in paragraph 33(1), omit " , or authorised to act as nominee,";

- (iv) in paragraph 39(6), omit " , or authorised to act as supervisor,".

(3) In the Insolvency Act 2000, omit section 4(3) and (4).

(4) In Schedule 6 to the Mental Capacity Act 2005, omit paragraph 31(2).'

Member's explanatory statement

This amendment makes amendments that are consequential on the repeal (by Part 6 of Schedule 6 to the Bill) of provisions allowing individuals to be authorised to act solely as nominees or supervisors in voluntary arrangements.

 Deregulation Bill, *continued*

Tom Brake
Oliver Heald

52

Schedule 12, page 136, line 29, after ‘subsection (1)’ insert ‘(like the power in subsection (1) of section one of this Act)’.

Member’s explanatory statement

The amendment equates the Bill’s existing amendment to the Destructive Imported Animals Act 1932 (making explicit that the power to make control orders for other destructive non-indigenous animals under section 10(1) includes power of revocation and amendment) to the power to make similar orders for musk rats under section 1(1).

Tom Brake
Oliver Heald

53

Schedule 12, page 137, line 12, leave out ‘The Secretary of State’ and insert ‘Lantra (the company registered in England and Wales with the company registration number 2823181)’.

Member’s explanatory statement

Following a DEFRA consultation (undertaken with the Scottish and Welsh Governments), this amendment makes Lantra (the UK’s Sector Skills Council for land-based and environmental industries), rather than the Secretary of State, the successor to the Council for Small Industries in Rural Areas as an appointer of a member of the Farriers Registration Council.

Tom Brake
Oliver Heald

54

Schedule 12, page 137, line 14, leave out sub-paragraph (3).

Member’s explanatory statement

This amendment is consequential on amendment 53. As the Secretary of State is no longer to have the power to appoint a member of the Farriers Registration Council, this amendment removes the requirement for the Secretary of State to consult the Scottish Ministers before making an appointment.

Dr Julian Huppert

71

Schedule 14, page 147, line 22, at end insert—

‘Eligibility for Higher Education Funding

1A The Schedule to the Education (Prescribed Courses of Higher Education) Regulations 1993 is amended as follows—

- (1) In paragraph 3, after “Technology Education Council”, insert “or Level 5 Cambridge Technical Diploma or equivalent”.
 - (2) In paragraph 4, after “Technology Education Council”, insert “or Level 4 Cambridge Technical Diploma or equivalent”.
-

Deregulation Bill, *continued*

Tom Brake
Oliver Heald

57

- Schedule 15, page 150, line 26, leave out paragraph 2 and insert—
- ‘2 (1) Omit sections 110 and 111 of the School Standards and Framework Act 1998 (which require the governing bodies of certain schools to adopt home-school agreements), and the italic cross-heading before those sections.
- (2) In consequence of sub-paragraph (1)—
- (a) in section 138(4)(a) of that Act, omit “, 110(10)”;
 - (b) in the Learning and Skills Act 2000, in Schedule 9, omit paragraph 85;
 - (c) in the Education Act 2002, in Schedule 7, omit paragraph 9;
 - (d) in the Education Act 2011, in Schedule 13, omit paragraph 10(9).

Member’s explanatory statement

Paragraph 2 of Schedule 15 currently provides for the requirement that governing bodies of certain schools (maintained schools, city technology colleges, city colleges for the technology of the arts and Academy schools) adopt home-school agreements to cease to apply in England. The amendment substitutes a new paragraph 2 which provides for the requirement to cease to apply in both England and Wales.

ORDER OF THE HOUSE [3 FEBRUARY 2014]

That the following provisions shall apply to the Deregulation Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 25 March 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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Deregulation Bill, continued

DEREGULATION BILL (PROGRAMME (NO. 2))

Mr Oliver Letwin

That the Order of 3 February 2014 (Deregulation Bill (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration—
 - (a) shall be taken on the days shown in the first column of the following Table and in the order so shown; and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times shown in the second column of the Table.

TABLE*First day*

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to the sale of alcohol and amendments to Clauses 45 to 49; amendments to Schedule 18	3.00 pm
New Clauses and new Schedules relating to health and safety at work and amendments to Clause 1	5.00 pm
New Clauses and new Schedules relating to apprenticeships and amendments to Clauses 3 and 4 and Schedules 1 to 13.	7.00 pm

Second day

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to driving and to roads, railways, tramways and other means of transport and amendments to Clauses 6 to 10 and 30 to 33 and Schedules 2 and 3 and 8 to 10	Three hours before the moment of interruption
New Clauses and new Schedules relating to TV licensing and amendments to Clauses 51 and 52; remaining new Clauses; remaining new Schedules; remaining proceedings on Consideration	One hour before the moment of interruption

Deregulation Bill, *continued*

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.
-