



# House of Commons

## NOTICES OF AMENDMENTS

given on

**Thursday 13 March 2014**

*For other Amendment(s) see the following page(s):  
Deregulation Bill Committee 44-49*

### **PUBLIC BILL COMMITTEE**

### **DEREGULATION BILL**

*Mechanically propelled vehicles on unsealed roads: removal of burdens*

John Hemming

**NC3**

To move the following Clause:—

- ‘(1) Within one year of the coming into force of this section the Secretary of State shall lay before both Houses of Parliament a report containing an assessment of the burdens and costs caused by the use of mechanically propelled vehicles on unsealed rights of way to—
  - (a) the users of such rights of way,
  - (b) landowners, and
  - (c) other interested parties.
- (2) A report under subsection (1) shall include—
  - (a) proposals to alleviate such burdens and costs, and
  - (b) an assessment as to whether legislation should continue to permit mechanically propelled vehicles to use unsealed rights of way.
- (3) The Secretary of State may through regulations implement any proposals contained in the report under subsection (1).
- (4) Regulations made under subsection (3) shall be made by statutory instrument.
- (5) A statutory instrument under subsection (4) shall not be made unless a draft has been laid before and approved by both Houses of Parliament.
- (6) The Secretary of State shall not issue a report under subsection (1) until he has consulted with such interested parties as he thinks fit.’

---

**Deregulation Bill, *continued***
*Housing revenue account*

Chris Williamson

NC4

To move the following Clause:—

‘In section 171 of the Localism Act 2011 (which makes provision about limits on indebtedness in relation to local housing authorities’ housing revenue accounts) for subsections (1) to (5) substitute—

- “(1) A local housing authority that keeps a Housing Revenue Account shall keep under review the amount of housing debt that it holds.
- (2) In doing so, the local housing authority must have regard to—
- (a) any determination made by it under section 3 of the Local Government Act 2003 (duty to determine affordable borrowing limit); and
  - (b) any guidance issued or approved by the Secretary of State under this section in relation to the amount of housing debt that a local housing authority may hold.”’.

*Licensing: review of legislation*

Chris Williamson

NC5

To move the following Clause:—

- ‘(1) No later than the end of the period of 6 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 18 months beginning with the day on which this Act is passed.’.

Tom Brake  
Oliver Heald

17

Clause 58, page 39, line 15, at end insert—

- ‘() An order under this section may not amend subordinate legislation made by the Welsh Ministers.’.

***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 Welsh Ministers.*

Tom Brake  
Oliver Heald

18

Clause 58, page 39, line 30, leave out from second ‘legislation’ to end of line 32 and insert—

“‘subordinate legislation’ has the same meaning as in the Interpretation Act 1978.”’.

---

**Deregulation Bill, continued****Member's explanatory statement**

*This amendment is consequential on amendment 17.*

Tom Brake  
Oliver Heald

19

Schedule 17, page 143, line 11, at end insert—

*'Atomic Energy Act 1946 (c. 80)*

- 10A Omit sections 6 and 7 of, and Schedule 1 to, the Atomic Energy Act 1946 (which confer powers to do work for the purpose of discovering certain minerals and to compulsorily acquire rights to work such minerals).
- 10B (1) The following amendments are made in consequence of paragraph 10A.
- (2) In the 1946 Act—
- (a) in section 15(1), omit the words “, except an order made under section seven thereof or an order varying or revoking such an order,”;
  - (b) in section 16, omit the words from “Provided that” to the end of the section;
  - (c) in section 19, omit paragraphs (c) and (d);
  - (d) in section 20(1), omit the words “, except sections six and seven thereof,”.
- (3) In the Atomic Energy Authority Act 1954, in Schedule 3, omit—
- (a) the paragraph beginning “In subsection (1) of section seven”;
  - (b) the paragraph beginning “At the end of section sixteen”;
  - (c) the paragraph beginning “In paragraph (c) of section nineteen”.

**Member's explanatory statement**

*This amendment removes the Secretary of State's powers to carry out work on any land to discover whether minerals from which “prescribed substances” (such as uranium) can be obtained are present and to acquire compulsorily the exclusive right to work such minerals. The powers have not been used for at least thirty years and are no longer needed.*

Tom Brake  
Oliver Heald

20

Schedule 17, page 143, line 21, at end insert—

*'Nuclear Industry (Finance) Act 1977 (c. 7)*

- 12A Omit section 3 of the Nuclear Industry (Finance) Act 1977 (which provides for expenditure which the Secretary of State may incur with a view to, or in connection with, the acquisition of shares etc in the National Nuclear Corporation Limited to be paid out of money provided by Parliament).

**Member's explanatory statement**

*This amendment removes the Secretary of State's power to incur expenditure in the acquisition of shares or securities of the National Nuclear Corporation Limited (NNCL). NNCL is now wholly in private ownership and this power is no longer needed.*

---

**Deregulation Bill, *continued***

Tom Brake  
Oliver Heald

21

Schedule 17, page 146, line 5, at end insert—

*Breeding of Dogs Act 1973 (c. 60)*

23A In section 1 of the Breeding of Dogs Act 1973 (licensing of breeding establishments for dogs), omit subsection (4)(i) (requirement for local authority, in determining whether to grant a licence, to have regard to the need for securing the keeping of accurate records).

23B (1) The following amendments are made in consequence of paragraph 23A.

(2) In section 1 of the Breeding of Dogs Act 1973—

(a) at the end of subsection (4)(g), insert “and”;

(b) omit the “and” following subsection (4)(h);

(c) in the closing words of subsection (4), for “paragraphs (a) to (i)” substitute “paragraphs (a) to (h)”;

(d) omit subsection (4A).

(3) In the Breeding and Sale of Dogs (Welfare) Act 1999, omit section 2(3).’.

***Member’s explanatory statement***

*This amendment removes the requirement for licensed dog breeders to keep records in a prescribed form. From 6 April 2016, all dogs will need to be identified with a microchip and their details, along with the owners’ details, recorded on a database. This renders the current requirement unnecessary. This will apply to England and Wales only.*

Tom Brake  
Oliver Heald

22

Schedule 17, page 146, line 12, at end insert—

*Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)*

26A (1) Section 8 of the Breeding and Sale of Dogs (Welfare) Act 1999 (sale of dogs) is amended as follows.

(2) Omit subsection (1)(e) (offence for keeper of a licensed breeding establishment to sell to the keeper of a licensed pet shop or a licensed Scottish rearing establishment a dog which, when delivered, is not wearing a collar with an identifying tag or badge).

(3) Omit subsection (3) (offence for keeper of a licensed pet shop to sell a dog which, when delivered to him, was wearing a collar with an identifying tag or badge but is not wearing such a collar when delivered to the purchaser).

(4) In consequence of sub-paragraph (2)—

(a) in subsection (1), at the end of paragraph (c), insert “or”;

(b) in that subsection, omit the “or” following paragraph (d).’.

***Member’s explanatory statement***

*This amendment is also linked to the requirement, from 6 April 2016, for all dogs to be identified by microchip, and removes the offences relating to identification by a collar and a badge. This will apply to England and Wales only.*

Deregulation Bill, *continued*

Tom Brake  
Oliver Heald

23

Clause 67, page 43, line 30, after ‘paragraphs’ insert ‘23A, 23B, 26A.’

**Member’s explanatory statement**

*This amendment has the effect that the repeals and other amendments inserted by amendments 21 and 22 will extend only to England and Wales. The Acts being amended extend to England and Wales and Scotland.*

Tom Brake  
Oliver Heald

24

Clause 68, page 43, line 39, at end insert—

‘() section (*Agricultural Holdings Act 1986: resolution of disputes by third party determination*) and Schedule (*Agricultural Holdings Act 1986: resolution of disputes by third party determination*);’.

**Member’s explanatory statement**

*This amendment has the effect that the new clause and Schedule inserted by NC8 and NS1 will come into force 2 months after the Bill receives Royal Assent.*

Tom Brake  
Oliver Heald

25

Clause 68, page 43, line 42, at end insert—

‘() section (*Optional building requirements*);’.

**Member’s explanatory statement**

*This amendment has the effect that the new clause inserted by amendment NC12 will come into force 2 months after the Bill receives Royal Assent.*

Tom Brake  
Oliver Heald

26

Clause 68, page 44, line 9, after ‘Schedule 17’ insert ‘other than paragraphs 23A, 23B and 26A of that Schedule’.

**Member’s explanatory statement**

*This amendment has the effect that the provisions inserted into Schedule 17 by amendments 21 and 22 will come into force on a day appointed by the Secretary of State in a commencement order.*

*Discount for person exercising right to buy*

Chris Williamson

NC6

To move the following Clause:—

‘(1) Section 129 of the Housing Act 1985 (which makes provision about discounts to which persons exercising the right to buy are entitled) is amended as follows.

(2) In subsection (1)—

(a) after “calculated”, insert “by the relevant local housing authority— (a)”;  
and

(b) at end insert—

“(b) by reference to an analysis of the housing market in the relevant local housing authority’s area; and

**Deregulation Bill, continued**

- (c) at a level which in the view of the relevant housing authority will encourage the exercise of the right to buy in its area.”.
- (3) For subsections (2) to (2B) substitute—
- “ (2) The discount shall not exceed 60 per cent.”.
- (4) After subsection (3) insert—
- “ (4) In this section, the “relevant local housing authority” means the local housing authority in whose area the land that is the subject of the right to buy is situated.”.’.

*Use of capital receipts by local authorities*

Chris Williamson

NC7

To move the following Clause:—

- ‘(1) Section 11 of the Local Government Act 2003 (which makes provision about the use of capital receipts by local authorities) is amended as follows.
- (2) In subsection (3) at end insert “(other than a right to buy disposal)”.
- (3) After subsection (6) insert—
- “ (7) In subsection (3), a “right to buy disposal” means a disposal under Part V of the Housing Act 1983.”.’.

*Agricultural Holdings Act 1986: resolution of disputes by third party determination*Tom Brake  
Oliver Heald

NC8

To move the following Clause:—

‘Schedule (*Agricultural Holdings Act 1986: resolution of disputes by third party determination*) amends the Agricultural Holdings Act 1986 to provide for certain matters arising under the Act to be capable of third party determination.’.

**Member’s explanatory statement**

*This amendment inserts a new clause which introduces the new Schedule inserted by amendment NS1.*

*Private hire vehicles: circumstances in which driver’s licence required*Tom Brake  
Oliver Heald

NC9

To move the following Clause:—

- ‘(1) Section 46 of the Local Government (Miscellaneous Provisions) Act 1976 (vehicle, drivers’ and operators’ licences) is amended as follows.
- (2) In subsection (1)(b), for “driver of any private hire vehicle” substitute “driver of any vehicle when it is in use as a private hire vehicle”.
- (3) After subsection (1) insert—

**Deregulation Bill, continued**

- “(1A) For the purposes of this Act, a reference to a vehicle being in use as a private hire vehicle is a reference to a private hire vehicle which—
- (a) is in use in connection with a hiring for the purpose of carrying passengers; or
  - (b) is immediately available to an operator to carry out a booking for a private hire vehicle.”
- (4) After subsection (2) insert—
- “(3) If, in any proceedings for an offence under this section in which it is alleged that the defendant contravened subsection (1)(b), the prosecution prove that a private hire vehicle was at any time being used on a road to carry one or more passengers, it is to be presumed, unless the contrary is shown, that the vehicle was, at that time, in use in connection with a hiring as mentioned in subsection (1A)(a).” ’.

**Member’s explanatory statement**

*This amendment inserts a new clause which allows people who do not hold a private hire vehicle driver’s licence to drive a licensed private hire vehicle when the vehicle is not being used as a private hire vehicle (for example, a licensed private hire vehicle driver’s partner could use the vehicle for a family outing).*

*Taxis and private hire vehicles: duration of licences*

Tom Brake  
Oliver Heald

**NC10**

To move the following Clause:—

- ‘(1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers’ licences for hackney carriages and private hire vehicles)—
  - (a) in subsection (1)(a), for “for such lesser period as the district council may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”;
  - (b) in subsection (1)(b), for “for such lesser period as they may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.
- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—
  - “(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.” ’.

**Member’s explanatory statement**

*This amendment inserts a new clause which sets a standard duration of three years for a taxi and private hire vehicle driver’s licence and a standard duration of five years for a private hire vehicle operator’s licence. A lesser period may be specified only if appropriate in a particular case. At present, licensing authorities could have a general policy of specifying a lesser period.*

**Deregulation Bill, *continued****Private hire vehicles: sub-contracting*

Tom Brake  
Oliver Heald

NC11

To move the following Clause:—

In the Local Government (Miscellaneous Provisions) Act 1976, after section 55 insert—

**“55A Sub-contracting by operators**

- (1) A person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle may arrange for another person to provide a vehicle to carry out the booking if—
  - (a) the other person is licensed under section 55 in respect of the same controlled district and the sub-contracted booking is accepted in that district;
  - (b) the other person is licensed under section 55 in respect of another controlled district and the sub-contracted booking is accepted in that district;
  - (c) the other person is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London; or
  - (d) the other person accepts the sub-contracted booking in Scotland.
- (2) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the person licensed under section 55 who accepted the booking and the person who made the booking.
- (3) Where a person licensed under section 55 in respect of a controlled district is also licensed under that section in respect of another controlled district, subsection (1) (so far as relating to paragraph (b) of that subsection) and section 55B(1) and (2) apply as if each licence were held by a separate person.
- (4) Where a person licensed under section 55 in respect of a controlled district is also a London PHV operator, subsection (1) (so far as relating to paragraph (c) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the London PHV operator were separate persons.
- (5) Where a person licensed under section 55 in respect of a controlled district also makes provision in the course of a business for the invitation or acceptance of bookings for a private hire car or taxi in Scotland, subsection (1) (so far as relating to paragraph (d) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the person making the provision in Scotland were separate persons.  
In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.
- (6) In this section, “London PHV operator” and “operating centre” have the same meaning as in the Private Hire Vehicles (London) Act 1998.

**Deregulation Bill, continued****55B Sub-contracting by operators: criminal liability**

- (1) In this section—  
 “the first operator” means a person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle and then made arrangements for another person to provide a vehicle to carry out the booking in accordance with section 55A(1);  
 “the second operator” means the person with whom the first operator made the arrangements (and, accordingly, the person who accepted the sub-contracted booking).
- (2) The first operator is not to be treated for the purposes of section 46(1)(e) as operating a private hire vehicle by virtue of having invited or accepted the booking.
- (3) The first operator is guilty of an offence if—
- (a) the second operator is a person mentioned in section 55A(1)(a) or (b),
  - (b) the second operator contravenes section 46(1)(e) in respect of the sub-contracted booking, and
  - (c) the first operator knew that the second operator would contravene section 46(1)(e) in respect of the booking.”

***Member’s explanatory statement***

*This amendment inserts a new clause which allows a private hire vehicle operator to sub-contract a private hire vehicle booking to another operator who is licensed in a different licensing district outside London or based in London or in Scotland.*

***Optional building requirements***

Tom Brake  
 Oliver Heald

**NC12**

To move the following Clause:—

‘After section 2A of the Building Act 1984 insert—

**“2B Optional requirements**

- (1) Building regulations made by the Secretary of State may include requirements that apply only if a local planning authority in England decide that they apply in respect of a particular development or class of development in the authority’s area.
- (2) In the following provisions of this section, a requirement included in building regulations by virtue of subsection (1) is referred to as an “optional requirement”.
- (3) Building regulations may specify that an optional requirement is capable of applying only in respect of development of a kind described in the regulations.
- (4) Building regulations may specify conditions that must be satisfied before a local planning authority may decide that an optional requirement is to apply.

**Deregulation Bill, continued**

- (5) Building regulations may specify the steps that a local planning authority must take to inform a person subject to an optional requirement of the requirement.
- (6) Where building regulations include an optional requirement that would (to any extent) be inconsistent with another requirement imposed by the regulations, the building regulations must provide—
- (a) that the other requirement does not apply in any case where the optional requirement applies, or
  - (b) that the other requirement applies in any such case with modifications specified in the regulations.
- (7) In this section —
- “development” has the same meaning as in the Town and Country Planning Act 1990 (see section 55 of that Act);
- “local planning authority” has the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004 (see section 37 of that Act).”

**Member’s explanatory statement**

*This amendment inserts a new clause which amends the Building Act 1984 to confer powers to include provisions in building regulations that become requirements only where a local planning authority so determines.*

*Amendment of Planning and Energy Act 2008*

Tom Brake  
Oliver Heald

**NC13**

To move the following Clause:—

‘In the Planning and Energy Act 2008, in section 1 (energy policies), after subsection (1) insert—

“(1A) Subsection (1)(c) does not apply to development in England that consists of the construction or adaptation of buildings to provide dwellings or the carrying out of any work on dwellings.”’

**Member’s explanatory statement**

*Section 1(1)(c) of the Planning and Energy Act 2008 allows local planning authorities to require that buildings meet higher energy performance standards than those set out in building regulations. The new clause inserted by this amendment disapplies this for dwellings in England, as Government policy is that all such requirements should be set out in building regulations.*

Tom Brake  
Oliver Heald

**NS1**

To move the following Schedule:—

‘AGRICULTURAL HOLDINGS ACT 1986: RESOLUTION OF DISPUTES BY THIRD PARTY DETERMINATION

- 1 The Agricultural Holdings Act 1986 is amended as follows.
- 2 In section 2 (restriction on letting agricultural land for less than from year to year), after subsection (4) (determination of disputes arising as to the operation of the section in relation to any agreement to be by arbitration) insert—

**Deregulation Bill, *continued***

- “(5) Notwithstanding subsection (4) above, the parties to the agreement may instead refer for third party determination under this Act the dispute that has arisen as to the operation of this section.”
- 3 (1) Section 6 (right to written tenancy agreement) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Where the landlord or tenant has the right under subsection (1) above to refer the terms of the tenancy to arbitration under this Act, the landlord and tenant may instead refer the terms of the tenancy for third party determination under this Act.”
- (3) In subsection (2) (contents of arbitrator’s award)—
- (a) in the opening words, after “arbitrator in his award” insert “or (as the case may be) the third party in his determination”;
- (b) in paragraph (b), after “arbitrator” insert “or third party”.
- (4) In subsection (3) (power of arbitrator to vary rent in consequence of award)—
- (a) after “arbitrator” insert “or third party”;
- (b) after “award” insert “or (as the case may be) his determination”.
- (5) In subsection (4) (effect of arbitrator’s award)—
- (a) after “The award of an arbitrator” insert “or (as the case may be) the determination of a third party”;
- (b) after “the award” (in each place where it occurs) insert “or determination”.
- (6) In subsection (6) (period when determination of the terms of the tenancy is pending), after “award of an arbitrator” insert “or the determination of a third party”.
- 4 In section 7 (model clauses as to the maintenance, repair and insurance of fixed equipment), in subsection (2) (power for regulations to make provision for matters arising under them to be determined by arbitration), after “arbitration” insert “or third party determination”.
- 5 (1) Section 8 (arbitration where terms of written agreement are inconsistent with the model clauses) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Where the landlord or tenant has the right under subsection (2) above to refer the terms of the tenancy as to the maintenance, repair and insurance of fixed equipment to arbitration under this Act (or would have that right but for subsection (6) below), the landlord and tenant may instead refer those terms for third party determination under this Act.”
- (3) In subsection (3) (arbitrator’s duty to consider terms and power to vary them)—
- (a) after “arbitrator” insert “or third party”;
- (b) after “arbitration” insert “or (as the case may be) for third party determination”;
- (c) after “award” insert “or determination”.
- (4) In subsection (4) (power of arbitrator to vary rent in consequence of award)—
- (a) after “arbitrator” insert “or third party”;
- (b) after “award” insert “or (as the case may be) his determination”.
- (5) In subsection (5) (effect of arbitrator’s award)—
- (a) after “The award of an arbitrator” insert “or (as the case may be) the determination of a third party”;

**Deregulation Bill, *continued***

- (b) after “the award” (in each place where it occurs) insert “or determination”.
- (6) In subsection (6) (references under section to be made at least 3 years apart)—
- (a) after “a reference” insert “to arbitration or third party determination”;
  - (b) for “further such reference” substitute “subsequent reference to arbitration”;
  - (c) after “award of the arbitrator” insert “or (as the case may be) the determination of the third party”.
- (7) In the sidenote, after “Arbitration” insert “or third party determination”.
- 6 (1) Section 9 (transitional arrangements where liability in respect of fixed equipment transferred) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Where the landlord has the right under subsection (1) above to require that there shall be determined by arbitration under this Act and paid by the tenant the amount of any relevant compensation (or would have that right but for the expiry of the prescribed period), the landlord and tenant may instead refer for third party determination under this Act the question of the amount of any relevant compensation that the tenant is to be required to pay.”
- (3) In subsection (2) (definition of “relevant compensation”), for “subsection (1) above” (in the first place where it occurs) substitute “subsections (1) and (1A) above”.
- (4) After subsection (3) insert—
- “(3A) Where the tenant has the right under subsection (3) above to require that there shall be determined by arbitration under this Act a claim of a type described in that subsection (or would have that right but for the expiry of the prescribed period), the tenant and landlord may instead refer the claim for third party determination under this Act.”
- (5) In subsection (4) (provision about disregarding a variation of the terms of a tenancy as to the maintenance, repair or insurance of fixed equipment), after “arbitrator” insert “or third party”.
- 7 In section 10 (tenant’s right to remove fixtures and buildings), after subsection (6) (determination by arbitration of any dispute between a landlord and tenant as to the amount payable by the landlord under subsection (4) on an election to purchase a fixture or building) insert—
- “(6A) Notwithstanding subsection (6) above, the landlord and tenant may instead refer for third party determination under this Act the dispute that has arisen with respect to the amount payable by the landlord under subsection (4).”
- 8 (1) Section 12 (arbitration of rent) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The landlord and tenant may instead refer for third party determination under this Act the question of how much rent is to be payable in respect of the holding as from the next termination date.”
- (3) In subsection (2) (arbitrator’s duty to determine rent properly payable)—
- (a) after “arbitrator” insert “or third party”;
  - (b) after “demand for arbitration” insert “or (as the case may be) the reference for third party determination”.
- (4) In subsection (4) (references to the next termination date following the date of a demand for arbitration)—

**Deregulation Bill, continued**

- (a) after “a demand for arbitration” insert “, or reference for third party determination,”;
- (b) after “the demand” (in each place where it occurs) insert “or reference”.
- (5) In the sidenote, after “Arbitration” insert “or third party determination”.
- 9 In section 13 (increases of rent for landlord’s improvements), after subsection (7) (determination of any dispute between a landlord and tenant under the section to be by arbitration) insert—
- “(7A) Notwithstanding subsection (7) above, the landlord and the tenant may instead refer the dispute for third party determination under this Act.”
- 10 (1) Section 14 (variation of terms of tenancies as to permanent pasture) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Where the landlord or tenant has the right under subsection (2) above to demand that the question described in that subsection shall be referred to arbitration under this Act, the landlord and tenant may instead refer that question for third party determination under this Act.”
- (3) In subsection (3) (power of arbitrator to direct modification of terms as to land which is to be maintained as permanent pasture or is to be treated as arable land and as to cropping)—
- (a) after “subsection (2)” insert “or (2A)”;
- (b) after “arbitrator” insert “or third party”;
- (c) after “award” insert “or (as the case may be) his determination”.
- (4) In subsection (4) (power of arbitrator to order that, on termination of the tenancy, the tenant should leave an area of land as permanent pasture or as temporary pasture sown with certain seeds)—
- (a) after “subsection (2)” insert “or (2A)”;
- (b) after “arbitrator” insert “or third party”.
- 11 (1) Section 15 (disposal of produce and cropping) is amended as follows.
- (2) In subsection (6) (determination by arbitration of question whether tenant exercising subsection (1) rights in manner likely to injure holding etc), after “(including an arbitration” insert “or third party determination”.
- (3) After subsection (6) insert—
- “(6A) Notwithstanding subsection (6) above, the landlord and tenant may agree that, for the purposes of proceedings brought by the landlord under paragraph (a) of subsection (5) above, the question described in subsection (6) is instead to be referred for third party determination under this Act.
- (6B) On a reference under subsection (6A) above, the determination of the third party shall, for the purposes of any proceedings brought under subsection (5) above (including an arbitration or third party determination under paragraph (b)) be conclusive proof of the facts stated in the determination.”
- 12 (1) Section 20 (compensation for damage by game) is amended as follows.
- (2) After subsection (4) (amount of compensation to be determined by arbitration, in default of agreement) insert—
- “(4A) Notwithstanding subsection (4) above, the tenant and landlord may instead refer for third party determination under this Act the question of the amount of compensation to which the tenant is entitled.”

**Deregulation Bill, *continued***

- (3) After subsection (5) (determination by arbitration of questions as to the landlord's right to be indemnified against claims for compensation by the person in whom the right to kill and take the wild animals or birds that did the damage is vested) insert—
- “(6) Notwithstanding subsection (5) above, the landlord and the other person may instead refer for third party determination under this Act the questions arising between them under that subsection.”
- 13 In section 25 (length of notice to quit), in subsection (3) (effect of determination under section 12 by arbitrator), after “arbitrator” insert “or third party”.
- 14 (1) Section 33 (reduction of rent where notice is given to quit part of holding) is amended as follows.
- (2) After subsection (2) (amount of rent reduction to be determined by arbitration, in default of agreement) insert—
- “(2A) Notwithstanding subsection (2) above, the tenant and landlord may instead refer for third party determination under this Act the question of the amount of any reduction of rent to which the tenant is entitled under this section.”
- (3) In subsection (3) (matters to be taken into account by arbitrator)—
- (a) after “arbitration” insert “or third party determination”;
- (b) after “arbitrator” insert “or (as the case may be) the third party”.
- 15 In section 47 (terms of new tenancy unless varied by arbitration), in the sidenote, after “arbitration” insert “or third party determination”.
- 16 (1) Section 48 (arbitration on terms of new tenancy) is amended as follows.
- (2) For subsection (3) substitute—
- “(3) Where the provisions of this section apply—
- (a) the landlord or tenant may by notice in writing served on the other within the prescribed period demand a reference to arbitration under this Act of one or both of the questions specified in subsection (4) below, or
- (b) the landlord and tenant may refer for third party determination under this Act one or both of those questions.”
- (3) In subsection (5) (duties of arbitrator on reference of “question (a)”)—
- (a) in the opening words—
- (i) after “arbitration” insert “or third party determination”;
- (ii) after “arbitrator” insert “or (as the case may be) the third party”;
- (b) in paragraph (b), after “award” insert “or determination”.
- (4) In subsection (6) (power of arbitrator to vary rent where “question (a)” but not “question (b)” referred to arbitration)—
- (a) after “arbitration” insert “or third party determination”;
- (b) after “arbitrator” insert “or (as the case may be) the third party”;
- (c) after “award” insert “or determination”.
- (5) In subsection (7) (duties of arbitrator on reference of “question (b)”)—
- (a) after “arbitration” insert “or third party determination”;
- (b) after “arbitrator” insert “or (as the case may be) the third party”.
- (6) In subsection (10) (power of arbitrator to include further provisions in award), after “award” insert “or (as the case may be) the third party may include in his determination”.

**Deregulation Bill, *continued***

- (7) In subsection (11) (effect of arbitrator’s award made before “the relevant time”)—
- (a) after “award of an arbitrator” insert “or (as the case may be) the determination of a third party”;
  - (b) after “award” (in the second place where it occurs) insert “or determination”.
- (8) In subsection (12) (effect of arbitrator’s award made after “the relevant time”)—
- (a) after “award of an arbitrator” insert “or (as the case may be) the determination of a third party”;
  - (b) after “award” (in the second place where it occurs) insert “or determination”.
- (9) In the sidenote, after “Arbitration” insert “or third party determination”.
- 17 In section 74 (supplementary provisions with respect to compensation: termination of tenancy of part of holding), in subsection (2)(b) (matters to be taken into consideration by arbitrator assessing amount of compensation payable to tenant), after “arbitrator” insert “or (as the case may be) the third party appointed under section 84A below”.
- 18 In section 75 (compensation where reversionary estate in holding is severed), in subsection (2)—
- (a) after “arbitrator” (in the first place where it occurs) insert “or (as the case may be) the third party”;
  - (b) after “awarded” insert “or determined by third party determination”;
  - (c) after “award” insert “or determination”;
  - (d) after “arbitrator” (in the second place where it occurs) insert “or third party”.
- 19 In section 80 (power of Tribunal to direct holding to be treated as market garden), after subsection (7) insert—
- “(7A) Notwithstanding the provision made by subsection (7) above for rents to be settled by arbitration, the landlord and tenant may instead refer those rents to be settled by third party determination under this Act.”
- 20 (1) Section 83 (settlement of claims on termination of tenancy) is amended as follows.
- (2) After subsection (1) (determination by arbitration of claims arising under the Act etc on or out of the termination of the tenancy) insert—
- “(1A) Notwithstanding subsection (1) above, but subject to the provisions of subsections (2) and (3) below, the tenant and landlord may instead refer for third party determination under this Act any such claim as is mentioned in subsection (1).”
- (3) For subsections (4) and (5) (8 month period from the termination of the tenancy within which the landlord and tenant may settle a claim by agreement in writing before it is determined by arbitration) substitute—
- “(4) An arbitrator may not be appointed under section 84(2) below to determine a claim which has become enforceable by virtue of the service of a notice under subsection (2) above before the expiry of eight months from the termination of the tenancy.”
- 21 After section 84 (arbitrations) insert—

**“84A Third party determinations**

- (1) Parties who wish to refer a matter for third party determination under this Act must jointly appoint a third party to determine the matter.

**Deregulation Bill, *continued***

- (2) Parties may not under subsection (1) jointly appoint a third party to determine a matter once an arbitrator has been appointed to determine the matter under section 84(2).
  - (3) Any matter which by or by virtue of this Act or regulations made under this Act may be determined by third party determination under this Act is to be treated as having been referred for third party determination under this Act once an appointment has been made under subsection (1).
  - (4) References to “third party determination under this Act” are to the determination of a matter by the third party appointed under subsection (1) or a replacement third party jointly appointed by the parties on a termination of the earlier appointment and references to a “third party”, in the context of such a determination, are to the third party so appointed.
  - (5) If a third party appointed under this section to determine a matter dies, or is incapable of acting, the parties may (instead of appointing a replacement) agree to proceed as if they had not referred the matter for third party determination under this Act.
  - (6) A matter that has been referred for third party determination under this Act may not be determined by arbitration under this Act except by virtue of subsection (5).
  - (7) Where by virtue of this Act compensation under an agreement is to be substituted for compensation under this Act for improvements or for any such matters as are specified in Part 2 of Schedule 8 to this Act, the third party must award compensation in accordance with the agreement instead of in accordance with this Act.”
- 22 In section 85 (enforcement), in subsection (1) (recovery of unpaid amount by county court proceedings), for “or awarded” substitute “, awarded or determined by third party determination”.
- 23 (1) Section 86 (power of landlord to obtain charge on holding) is amended as follows.
- (2) In subsection (2) (provision for landlord to request arbitrator to certify amount of compensation and term for which charge may properly be made), in the opening words—
    - (a) after “arbitration” insert “or third party determination”;
    - (b) after “arbitrator” insert “or (as the case may be) the third party”.
  - (3) In subsection (3) (landlord acting as trustee etc: ability to obtain order charging the holding with repayment of sums to be paid by the landlord under the Act)—
    - (a) for “or awarded” (in the first place where it occurs) substitute “, awarded or determined by third party determination”;
    - (b) after “awarded” (in the second place where it occurs) insert “or determined by third party determination”.
- 24 In section 96 (interpretation), in subsection (1), at the relevant place insert—  
 “ “third party” and “third party determination” have the meaning given by section 84A(4) above;”.
- 25 (1) Schedule 2 (arbitration of rent: provisions supplementary to section 12) is amended as follows.
- (2) In paragraph 1(3) (amount of rent: arbitrator determining current level of rents for comparable lettings)—
    - (a) after “arbitrator” insert “or (as the case may be) the third party”;

---

**Deregulation Bill, *continued***

- (b) after “arbitration” insert “or third party determination”.
- (3) In paragraph 2(1) (amount of rent: duty of arbitrator to disregard increase in rental value due to certain improvements), after “arbitrator” insert “or (as the case may be) the third party”.
- (4) In paragraph 3 (amount of rent: other duties of arbitrator)—
  - (a) in the opening words, after “arbitrator” insert “or (as the case may be) the third party”;
  - (b) in paragraph (a), after “arbitration” insert “or third party determination”.
- (5) In paragraph 4 (frequency of arbitrations under section 12), in sub-paragraph (1)(c), after “arbitrator” insert “or third party”.
- (6) In the heading to the Schedule, after “ARBITRATION” insert “OR THIRD PARTY DETERMINATION”.

***Member’s explanatory statement***

*The Schedule inserted by this amendment amends the Agricultural Holdings Act 1986 to provide for disputes, other than those regarding notices to quit a tenancy, which are referable to arbitration to be capable of determination by a third party appointed by the parties and provides for the interaction between arbitration and third party determination.*

---