



House of Commons

Thursday 20 March 2014

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

DEREGULATION BILL

NOTE

The Amendments have been arranged in accordance with the Order of the Committee [25 February].

Chi Onwurah
Toby Perkins
Thomas Docherty

- 27
- Clause 61, page 40, line 34, leave out from ‘function’ to end of line 41 and insert—
‘must publish an annual report which—
- ‘(a) makes an assessment of the extent to which they have taken into account the specific needs of small and medium sized enterprises in the exercise of that function, and
 - (b) sets out complaints received relating to the exercise to of their functions and/or their engagement with their duties.’.

Chi Onwurah
Toby Perkins
Thomas Docherty

- 28
- Clause 61, page 40, line 35, after ‘promoting’, insert ‘sustainable’.

Chi Onwurah
Toby Perkins
Thomas Docherty

- 29
- Clause 61, page 40, line 38, after ‘promotion of’, insert ‘sustainable’.
Member’s explanatory statement

Deregulation Bill, continued

This makes consequential changes as a result of Amendment 28.

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.

Deregulation Bill, continued
*NEW CLAUSES**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—

“(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

Deregulation Bill, continued

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.

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—

Deregulation Bill, *continued*

- (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.

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—

Deregulation Bill, continued

- (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.
- (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 —

Deregulation Bill, continued

“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.

Requirements to wear safety helmets: exemption for Sikhs

Tom Brake
Oliver Heald

NC18

☆ To move the following Clause:—

(1) Section 11 of the Employment Act 1989 (exemption of Sikhs from requirements as to wearing of safety helmets on construction sites) is amended in accordance with subsections (2) to (10).

(2) In subsection (1), for “on a construction site” substitute “at a workplace”.

(3) In subsection (2), in paragraph (a), for “on a construction site” substitute “at a workplace”.

(4) In subsection (5), in the opening words, for “on a construction site” substitute “at a workplace”.

(5) After subsection (6) insert—

“(6A) This section does not apply to a Sikh who—

Deregulation Bill, *continued*

- (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 section 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—
 - (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 subsection (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—

 - (a) any vehicle, vessel, aircraft or hovercraft,
 - (b) 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
 - (c) any tent or moveable structure.”
- (7) In subsection (8), in paragraph (b), for “on a construction site” substitute “at a workplace”.
- (8) In subsection (9)—
- (a) for “relevant construction site” substitute “relevant workplace”;
 - (b) for “construction site” (in the second place where it occurs) substitute “workplace”.
- (9) In subsection (10), for the words from ““relevant construction site” to the end of the subsection substitute ““relevant workplace” means any workplace where work is being undertaken if the premises and the activities being undertaken there are premises and activities to which the Health and Safety at Work etc. Act 1974 applies by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013.”
- (10) In the sidenote, for “on construction sites” substitute “at workplaces”.
- (11) Section 12 of that Act (protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets) is amended as follows.
- (12) In subsection (1)—

Deregulation Bill, *continued*

- (a) in paragraph (a), for “on a construction site” substitute “at a workplace”;
 - (b) in paragraph (b), for “on such a site” substitute “at such a workplace”.
- (13) In subsection (3), for “Subsections (7) to (10)” substitute “Subsections (6A) to (10).”.

Member’s explanatory statement

This new clause extends the scope of the exemption under section 11 of the Employment Act 1989, 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 section 11(6A) and (6B) as amended).

Deregulation Bill, continued*TV licence fee non-payment: de-criminalisation*

Andrew Bridgen

Mr David Davis

Sammy Wilson

Mr Brian H. Donohoe

Mr David Nuttall

Neil Carmichael

Andrew Bingham

Mr John Redwood

Angie Bray

Robert Halfon

Tracey Crouch

Mark Field

Philip Davies

Martin Vickers

Mr Stewart Jackson

Mr Brian Binley

Mrs Cheryl Gillan

Mr Gerry Sutcliffe

Sir Edward Leigh

James Duddridge

Annette Brooke

Nadine Dorries

Kelvin Hopkins

Mark Hendrick

Guto Bebb

Mr Douglas Carswell

Sir Roger Gale

David Morris

Lorely Burt

Neil Parish

Mr Dominic Raab

Paul Farrelly

Karen Lumley

Dr Matthew Offord

Mr Nigel Dodds

Stephen McPartland

Andrea Leadsom

Mr James Clappison

Mr Frank Field

Mr Lawrence Robertson

Mr Graham Allen

Jim Shannon

Mark Pawsey

Chris Heaton-Harris

Dr Sarah Wollaston

Mr David Lammy

Mr Geoffrey Cox

Tim Loughton

Stephen Phillips

Mike Weatherley

Mr Ian Liddell-Grainger

Eric Joyce

Mr Angus Brendan MacNeil

Dr Julian Lewis

Stephen Mosley

Mr Andrew Turner

Mr David Ruffley

Mr William Cash

Nigel Mills

Barry Sheerman

Steve Rotheram

John Cryer

Mr Charles Walker

Mr Graham Stuart

Mr Peter Bone

Jackie Doyle-Price

John Hemming

Ian Mearns

Bob Blackman

Stephen Metcalfe

Valerie Vaz

Mr Jim Cunningham

Dr William McCrea

Mr David Crausby

Mr Mark Spencer

Jim McGovern

Stephen Barclay

Frank Dobson

Dr Phillip Lee

Sir Richard Shepherd

Grahame M. Morris

Chris White

Mr Elfyn Llwyd

Jim Dobbin

Jeremy Lefroy

Mr John Baron

Dr Julian Huppert

David T. C. Davies

Julian Sturdy

Jacob Rees-Mogg

Charlotte Leslie

Mr Crispin Blunt

Mr James Arbuthnot

Mr Stephen Hepburn

Sir Edward Garnier

Caroline Dinenage

Geoffrey Clifton-Brown

Ian Lavery

Karl McCartney

Sheryll Murray

Dan Byles

Anne Marie Morris

Mr Philip Hollobone

Nick de Bois

Chris Kelly

Andrew Rosindell

Kate Hoey

Jason McCartney

Mr Andrew Love

Bob Stewart

Steve Baker

Bill Wiggan

Adam Afriyie

Pauline Latham

Caroline Nokes

Mr James Gray

Sir Menzies Campbell

Zac Goldsmith

Andrew Miller

Gordon Birtwistle

Andrew Percy

Alec Shelbrooke

Craig Whittaker

Caroline Lucas

Mrs Anne Main

Heather Wheeler

Henry Smith

Mr Graham Brady

Andrew Stephenson

Mr Mark Prisk

Mr Bernard Jenkin

Stephen Gilbert

Mark Durkan

Jesse Norman

Fiona O'Donnell

Mr Jonathan Djanogly

Mr Robert Syms

Mr Adrian Bailey

Mark Garnier

Rebecca Harris

Sir James Paice

Sir Greg Knight

Mr Stephen Dorrell

Ms Gisela Stuart

Mike Freer

Greg Mulholland

Mark Reckless

David Tredinnick

Richard Fuller

Miss Anne McIntosh

Deregulation Bill, *continued*

To move the following Clause:—

- (1) Section 363 (licence required for use of TV receiver) of the Communications Act 2003 is amended as follows.
- (2) In subsections (2) and (3), for “guilty of an offence” substitute “liable to a civil penalty”.
- (3) Leave out subsection (4) and insert—
 - “(4) The Secretary of State shall specify by regulations the level of penalty to be imposed under this section.
 - (4A) Regulations under subsection (4) shall be made by statutory instrument.
 - (4B) A statutory instrument under subsection (4A) shall not be made unless a draft has been laid before and approved by both Houses of Parliament.”.

Designation of rights over unsealed ways

John Hemming

NC2

To move the following Clause:—

- (1) Every way to which this section applies shall be designated for inclusion on the definitive map as a restricted byway, subject to subsections (3) to (8).
- (2) In respect of any way designated as a restricted byway under subsection (1) unrecorded public rights to use mechanically propelled vehicles shall be extinguished.
- (3) Subsection (1) applies to any unsealed way which immediately before the commencement of this section is not shown in any definitive map and statement as a public right of way but is included in the List of Streets held by the relevant authority under section 36(6) of the Highways Act 1980.
- (4) Subsection (1) shall come into force one year after commencement but at any time within that year (or within such time as may be prescribed under Regulations made under section 56A of the Countryside and Rights of Way Act 2000 the surveying authority may, in respect of any way to which subsection (1) would otherwise apply, designate that way—
 - (a) as being necessary to the ordinary road network for use by the public in mechanically propelled vehicles; or
 - (b) as being more properly designated as a footpath or bridleway taking into account all known evidence of historic rights; or
 - (c) as carrying no public rights taking into account all known evidence of historic rights,
 and in such cases subsection (1) shall only apply as provided for within the Regulations.
- (5) If at commencement exercise of rights to use mechanically propelled vehicles—
 - (a) is reasonably necessary to enable a person with an interest in land to obtain access to it; or
 - (b) would have been reasonably necessary to enable that person to obtain access to a part of that land if the person had an interest in that part only,
 the right becomes a private right of way for mechanically propelled vehicles for the benefit of the land or (as the case may be) the part of the land.

Deregulation Bill, continued

- (6) Subsection (1) shall not apply where public rights to use mechanically propelled vehicles can be shown to exist under the provisions set out in subsections 67(2)(a), (c) or (d) of the Natural Environment and Rural Communities Act 2006.
- (7) (a) Nothing in this section shall affect the operation of section 53 of, or Schedule 14 or 15 to, the Wildlife and Countryside Act 1981 (“the 1981 Act”) in relation to—
- (i) a relevant order made before commencement; or
 - (ii) an application made before commencement for a relevant order, however
 - (a) in the event of the order being confirmed as determining the existence of public rights to use mechanically propelled vehicles this section shall instead apply, and
 - (b) in the event of the order being confirmed as determining the existence of public footpath or bridleway rights this section shall be of no effect.
- (b) In this subsection “relevant order” means an order that is made under section 53 of the 1981 Act and contains modifications relating to that way by virtue of subsection (3)(c)(i) or (3)(c)(ii) of that Act.
- (8) In this section “unsealed” means a way whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material.’

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
Chi Onwurah
Toby Perkins
Thomas Docherty

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.’.

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.

Deregulation Bill, continued

- (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
 - (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.”.

Management of traffic over unsealed ways

John Hemming

NC14

To move the following Clause:—

- ‘(1) The Secretary of State shall issue guidance to traffic authorities and national park authorities as to permanent schemes of traffic regulation appropriate to ground conditions and other considerations as specified in section 1 of the Road Traffic Regulation Act 1984 (as amended).
- (2) The Secretary of State shall issue guidance to clarify the application of section 3 of the Road Traffic Act 1988, and section 59 of the Police Reform Act 2002, to the irresponsible driving of motor vehicles on unsealed ways.
- (3) Before issuing guidance under subsection (2) the Secretary of State shall consult the Association of Chief Police Officers.

Deregulation Bill, *continued*

- (4) In this section “unsealed” means a way whose surface, or most of whose surface, does not consist of concrete, tarmac, coated roadstone or other prescribed material.’.
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Repeal of rules relating to the submission of D1 forms in hard copy

Chi Onwurah
Toby Perkins
Thomas Docherty

NC15

To move the following Clause:—

- ‘(1) Section 3 of The Insolvent Companies (Reports on Conduct of Directors) Rules 1996 is amended in accordance with subsection (2).
- (2) Leave out subsection (2) of the Rules mentioned in subsection (1) and insert—
- “ (2) Such a report shall be made in the manner most economically efficient and convenient, whilst retaining the necessary confidentiality and security provisions.”.
- (3) Within six months of this Act coming into force, the Secretary of State shall establish a new online form for the submission of the information previously submitted via the Form D1 to enable the early identification of serious delinquent behaviour by directors.’.
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Nursery schools: inclusion in schools trusts

Chi Onwurah
Toby Perkins
Thomas Docherty

NC16

To move the following Clause:—

- ‘(1) In section 18 of the Education and Inspections Act 2006, omit subsection (4)(f).’.
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Schools: establishment as Industrial and Provident Societies

Chi Onwurah
Toby Perkins
Thomas Docherty

NC17

To move the following Clause:—

- ‘(1) The School Organisation (Requirements as to Foundations) (England) Regulations 2007 are amended as follows.

Deregulation Bill, *continued*

- (2) At end of 3(b) insert “or;
 (c) An Industrial and Provident Society as defined in the Industrial and Provident Society Act 1965.”.’.

NEW SCHEDULE

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—
 “(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.

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- (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”;
 - (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”.

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- 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)—
- (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.

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- (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.”
- (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

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- (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”.
- (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.”

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- 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.
- (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”.

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- 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”;
- (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.

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

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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.

ORDER OF THE COMMITTEE [25 FEBRUARY 2014]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 25 February) meet—
 - (a) at 2.00 pm on Tuesday 25 February;
 - (b) at 11.30 am and 2.00 pm on Thursday 27 February;
 - (c) at 8.55 am and 2.00 pm on Tuesday 4 March;
 - (d) at 11.30 am and 2.00 pm on Thursday 6 March;
 - (e) at 8.55 am and 2.00 pm on Tuesday 11 March;
 - (f) at 11.30 am and 2.00 pm on Thursday 13 March;
 - (g) at 8.55 am and 2.00 pm on Tuesday 18 March;
 - (h) at 11.30 am and 2.00 pm on Thursday 20 March;
 - (i) at 8.55 am and 2.00 pm on Tuesday 25 March;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 25 February	Until no later than 9.30 am	Institution for Occupational Safety and Health
Tuesday 25 February	Until no later than 10.00 am	Trades Union Congress; Unite
Tuesday 25 February	Until no later than 10.30 am	British Chambers of Commerce
Tuesday 25 February	Until no later than 11.00 am	BAE Systems
Tuesday 25 February	Until no later than 11.25 am	R3; Union of Shop, Distributive and Allied Workers (Usdaw)

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<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 25 February	Until no later than 2.30 pm	Janet Davis and Sarah Slade, on behalf of Natural England's Stakeholder Working Group on Unrecorded Rights of Way
Tuesday 25 February	Until no later than 3.00 pm	Local Government Association
Tuesday 25 February	Until no later than 3.45 pm	Association of School and College Leaders; Andy Grace, Principal of The Boulevard Academy, Hull
Tuesday 25 February	Until no later than 4.30 pm	Equality and Human Rights Commission
Tuesday 25 February	Until no later than 5.00 pm	Federation of Small Businesses; Institute of Directors
Tuesday 25 February	Until no later than 5.45 pm	Forum of Private Business; Professor Julia Black, Professor of Law, London School of Economics

- (3) the proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 3; Schedule 1; Clauses 4 and 5; Schedule 2; Clause 6; Schedule 3; Clauses 7 to 11; Schedule 4; Clause 12; Schedule 5; Clauses 13 to 19; Schedule 6; Clauses 20 to 23; Schedule 7; Clause 24; Schedule 8; Clause 25; Schedule 9; Clauses 26 to 29; Schedule 10; Clause 30; Schedule 11; Clauses 31 to 35; Schedule 12; Clause 36; Schedule 13; Clause 37; Schedule 14; Clauses 38 and 39; Schedule 15; Clauses 40 to 57; Schedule 16; Clauses 58 to 60; Schedule 17; Clauses 61 to 69; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 25 March.
-