



House of Commons

Thursday 25 March 2014

PUBLIC BILL COMMITTEE PROCEEDINGS

DEREGULATION BILL

[SEVENTEENTH AND EIGHTEENTH SITTINGS]

Tom Brake
Oliver Heald

Agreed to 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

Agreed to 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

Agreed to 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.

Clause, as amended, agreed to.

Clause 69 agreed to.

Deregulation Bill, continued
*NEW CLAUSES**Agricultural Holdings Act 1986: resolution of disputes by third party determination*

Tom Brake
Oliver Heald

Agreed to **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

Agreed to on division **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

Agreed to **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

Agreed to **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

Agreed to **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

Agreed to **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

Agreed to **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).

TV licensing: duty to review sanctions

Andrew Bridgen
Oliver Heald

Agreed to **NC19**

To move the following Clause:—

- ‘(1) The Secretary of State must carry out a review of the sanctions that are appropriate in respect of contraventions of section 363 of the Communications Act 2003 (licence required for installation or use of television recording).
- (2) A review under subsection (1) must—
 - (a) examine proposals for decriminalisation of offences under section 363 of the Communications Act 2003;
 - (b) begin before the end of a period of three months from the day on which this Act is passed;
 - (c) be completed no later than 12 months after the day on which it begins; and
 - (d) be laid before both Houses of Parliament by the Secretary of State on completion and be presented to the BBC Trust.’

Member’s explanatory statement

The Clause provides for a review of the sanctions that may be imposed for non-payment of the television licence fee, including proposals for decriminalisation.

TV licensing: alternatives to criminal sanctions

Andrew Bridgen
Oliver Heald

Agreed to **NC20**

To move the following Clause:—

- ‘(1) The Secretary of State may by regulations made by statutory instrument—
 - (a) replace the TV licensing offences with civil monetary penalties payable to the BBC, or
 - (b) amend Part 3 of the Regulatory Enforcement and Sanctions Act 2008 so as to enable an order to be made under section 36 of that Act conferring power on the BBC to impose in relation to a TV licensing offence—

Deregulation Bill, *continued*

- (i) a fixed monetary penalty (within the meaning of that Part);
 - (ii) a variable monetary penalty (within the meaning of that Part).
- (2) Regulations under subsection (1)(a) may provide for the amount of a monetary penalty to be a fixed amount specified in, or determined in accordance with, the regulations.
- (3) Regulations under subsection (1)(a) must—
 - (a) make provision as to the steps that must be taken before a monetary penalty is imposed;
 - (b) make provision conferring rights to appeal against the imposition of a monetary penalty.
- (4) Regulations under subsection (1)(a) may make provision corresponding to any provision that could be included in an order under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 by virtue of section 52 of that Act (early payment discounts, late payment and enforcement).
- (5) Regulations under subsection (1)(a) may—
 - (a) confer powers to obtain information for the purpose of determining whether to impose a monetary penalty;
 - (b) confer powers of entry, search or seizure for that purpose.
- (6) Regulations under subsection (1)(a) may repeal or otherwise amend any provision of Part 4 of the Communications Act 2003.
- (7) Any sums received by the BBC by virtue of regulations under this section must be paid into the Consolidated Fund.
- (8) Regulations under this section may include—
 - (a) consequential provision, or
 - (b) transitional, transitory or saving provision,and any such provision may be made by repealing, revoking or otherwise amending or modifying legislation.
- (9) Regulations under this section may make different provision for different purposes or areas.
- (10) A statutory instrument containing regulations under this section may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (11) Unless the power conferred by subsection (1) is exercised before the end of the period of 24 months beginning with the day on which the review required by section (*TV licensing: duty to review sanctions*) is completed, this section expires at the end of that period.
- (12) The TV licensing offences are—
 - (a) the offence under section 363(2) of the Communications Act 2003 (installing or using a television receiver without a licence, and
 - (b) the offence under section 363(3) of that Act (having a receiver in a person's possession intending to install or use it without a licence etc).
- (13) In this section—
 - “the BBC” means the British Broadcasting Corporation;
 - “legislation” means—
 - (a) an Act or subordinate legislation (within the meaning of the Interpretation Act 1978);
 - (b) an Act of the Scottish Parliament or an instrument made under an Act of the Scottish Parliament;
 - (c) a Measure or Act of the National Assembly for Wales or an instrument made under a Measure or Act of that Assembly; and

Deregulation Bill, continued

- (d) Northern Ireland legislation or an instrument made under Northern Ireland legislation.’.

Member’s explanatory statement

This Clause gives the Secretary of State power to introduce alternatives to criminal sanctions for non-payment of the television licence fee, subject to the approval of both Houses of Parliament.

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
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

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
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 Philip Hollobone
Nick de Bois
Chris Kelly
Andrew Rosindell
Kate Hoey
Jason McCartney
Mr Andrew Love
Bob Stewart
Steve Baker
Bill Wiggin
Adam Afriyie
Pauline Latham
Caroline Nokes
Mr James Gray
Sir Menzies Campbell
Zac Goldsmith
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

Deregulation Bill, continued

Jacob Rees-Mogg	Mr Adrian Bailey	Mark Pawsey
Charlotte Leslie	Mark Garnier	Chris Heaton-Harris
Mr Crispin Blunt	Rebecca Harris	Dr Sarah Wollaston
Mr James Arbuthnot	Sir James Paice	Mr Stephen Hepburn
Sir Greg Knight	Mr Geoffrey Cox	Sir Edward Garnier
Mr Stephen Dorrell	Tim Loughton	Caroline Dinenage
Ms Gisela Stuart	Stephen Phillips	Geoffrey Clifton-Brown
Mike Freer	Mike Weatherley	Ian Lavery
Greg Mulholland	Mr Ian Liddell-Grainger	Karl McCartney
Mark Reckless	Eric Joyce	Sheryll Murray
David Tredinnick	Mr Angus Brendan MacNeil	Dan Byles
Richard Fuller	Dr Julian Lewis	Anne Marie Morris
Miss Anne McIntosh	Mr George Galloway	

Not called **NC1**

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

Not selected **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

Deregulation Bill, *continued*

- (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.
 - (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

Withdrawn 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—

Deregulation Bill, *continued*

- (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.’
-

Housing revenue account

Chris Williamson

Withdrawn 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*Negated on division 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.

Deregulation Bill, *continued*

- (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

Withdrawn 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
- (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

Not called 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.”.’.
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Deregulation Bill, continued*Management of traffic over unsealed ways*

John Hemming

Not selected **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.
 - (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*Negated on division* **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*Withdrawn* **NC16**

To move the following Clause:—

Deregulation Bill, continued

‘(1) In section 18 of the Education and Inspections Act 2006, omit subsection (4)(f).’

Schools: establishment as Industrial and Provident Societies

Chi Onwurah
Toby Perkins
Thomas Docherty

Not called **NC17**

To move the following Clause:—

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

Agreed to **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”;

Deregulation Bill, continued

- (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”;
 - (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

Deregulation Bill, *continued*

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)—
- (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

Deregulation Bill, *continued*

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.”
- (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

Deregulation Bill, continued

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”.
- (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

Deregulation Bill, *continued*

- 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.
- (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.

Deregulation Bill, *continued*

- (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”;
- (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”.

Deregulation Bill, *continued*

- (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.

Bill, as amended, to be reported.
