



**SUPPLEMENT TO THE VOTES AND PROCEEDINGS**

**Wednesday 14 May 2014**

**REPORT STAGE PROCEEDINGS**

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**DEREGULATION BILL, AS AMENDED**

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

*Sale of alcohol: community events etc and ancillary business sales*

Tom Brake  
Oliver Heald

*Added NC5*

To move the following Clause:—

- (1) In section 2 of the Licensing Act 2003 (authorisation for licensable activities etc), after subsection (1) insert—
  - “(1A) The licensable activity of selling alcohol by retail may be carried on if each sale is a permitted sale by virtue of Part 5A.”
- (2) After Part 5 of that Act, insert the Part set out in Schedule (*Part to be inserted as Part 5A of the Licensing Act 2003*) to this Act.
- (3) In section 136 of that Act (unauthorised licensable activities), at the end of subsection (5) insert—
  - “In addition, for the purposes of this Part the licensable activity of selling alcohol by retail is under and in accordance with an authorisation if each sale is a permitted sale by virtue of Part 5A.”
- (4) In section 140 of that Act (allowing disorderly conduct on licensed premises etc)—
  - (a) omit the “and” before subsection (2)(d);
  - (b) after that paragraph insert “, and
    - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”
- (5) In section 141 of that Act (sale of alcohol to a person who is drunk)—
  - (a) omit the “and” before subsection (2)(d);
  - (b) after that paragraph insert “, and
    - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”;
    - (c) in subsection (3), after “This section” insert “(except subsection (2)(e))”.
- (6) In section 143 of that Act (failure to leave licensed premises etc)—
  - (a) omit the “and” before subsection (2)(d);

**Deregulation Bill, continued**

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

“Part 5A notice	section 110A(2)”
“relevant licensing authority, in Part 5A	section 110N”
“relevant person, in Part 5A	section 110D(11)”.

- (12) In section 197 of that Act (regulations and orders)—
  - (a) in subsection (3) (which lists exceptions to the use of the negative procedure), after paragraph (c) insert—
    - “(cza) regulations under section 110B(2), (3) or (7) or 110C(2), (3), (5) or (6) (regulations relating to sales of alcohol permitted by virtue of Part 5A);”;
  - (b) in subsection (4) (which specifies when the affirmative procedure is required)—
    - (i) after “or (g)” insert “or regulations within subsection (3)(cza)”;
    - (ii) after “the order” insert “or regulations”.

**Member’s explanatory statement**

*This amendment, together with amendment , inserts new Part 5A into the Licensing Act 2003 (with*

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**Deregulation Bill, continued**

*consequential provision to other Parts of that Act) to introduce a new procedure for authorising the sale of alcohol where the sale is ancillary to a community event or to the provision of other goods or services by a business.*

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Tom Brake  
Oliver Heald

*Added* NS1

To move the following Schedule:—

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

“PART 5A

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

*Conditions for permitted sales*

**110A General conditions**

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

**110B Community event conditions**

- (1) The community event conditions, in relation to a sale by retail of alcohol, are the conditions set out in subsections (2) to (6) and any additional conditions set out in regulations under subsection (7).
- (2) The sale must be made by or on behalf of a body that is—
  - (a) of a prescribed description,
  - (b) does not trade for profit, and
  - (c) meets any prescribed criteria.
- (3) The sale must be ancillary to an event that—
  - (a) is taking place on the premises,
  - (b) is organised by the body by or on whose behalf the sale is made,

**Deregulation Bill, *continued***

- (c) has been advertised in advance, and
  - (d) meets any prescribed criteria.
- (4) The sale must take place on the premises during the course of the event.
  - (5) The alcohol must be sold for consumption on the premises during the course of the event.
  - (6) The number of persons present on the premises at the time of the sale must not exceed 300.
  - (7) Regulations may provide for additional conditions prescribed in the regulations to be community event conditions.

**110C Ancillary business sales conditions**

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

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

- (1) A notice complies with this section if the conditions set out in subsections (2) to (10) are satisfied in relation to the notice.
- (2) The notice must specify whether—
  - (a) the community event conditions (set out in section 110B or in regulations under that section), or
  - (b) the ancillary business sales conditions (set out in section 110C or in regulations under that section),will be satisfied in relation to sales of alcohol on the premises in question.
- (3) The notice must specify (for the purposes of section 110A(2))—
  - (a) in the case of a notice that specifies the ancillary business sales conditions, the set of premises to which it relates;

**Deregulation Bill, *continued***

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

**110E Special restriction on giving of notices**

- (1) This section applies where—
  - (a) a Part 5A notice is given on behalf of a body, and
  - (b) a counter notice under section 110J is given in relation to the Part 5A notice.
- (2) No further Part 5A notice may be given in respect of any premises specified in the notice, whether on behalf of that body or on behalf of another body that is an associate of it, before the end of the period of 12 months beginning with the day on which the counter notice is given.
- (3) However, the restriction in subsection (2) ceases to apply if the counter notice is revoked under section 110K or quashed by a court.
- (4) For the purposes of this section, a body is an associate of another body if it would be an associate of the other body for the purposes of the Estate Agents Act 1979 (see section 32(4) to (6) of that Act).

**110F Date when Part 5A notice takes effect**

- (1) A Part 5A notice takes effect on the date specified under section 110D(8).

**Deregulation Bill, *continued***

- (2) Subsection (1) does not apply if a counter notice is given under section 110J in relation to the notice.  
(For the case where a counter notice is revoked or quashed by a court, see section 110K(2).)

**110G Acknowledgement of notice etc**

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

**110H Theft, loss etc of Part 5A notice**

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

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

- (1) Where a relevant person who is given a Part 5A notice is satisfied that allowing alcohol to be sold on the premises (or any of the premises) to which the notice relates would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an “objection notice”)—
  - (a) to the relevant licensing authority,
  - (b) to the person who gave the Part 5A notice, and
  - (c) to every other relevant person.

**Deregulation Bill, *continued***

- (2) Subsection (1) does not apply at any time after the relevant person has received a copy of a counter notice under section 110J in relation to the Part 5A notice.
- (3) An objection notice may be given only during the period beginning with the day on which the relevant person is given the Part 5A notice and ending with the third working day following that day (“the three-day period”).
- (4) The restriction in subsection (3) does not apply to an objection notice based on—
  - (a) things occurring after the end of the three-day period, or
  - (b) information that the relevant person was unaware of, and could not with reasonable diligence have discovered, until after the end of that period.

**110J Counter notices**

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

**110K Counter notices: revocation etc**

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

**Deregulation Bill, *continued***

- (b) the Part 5A notice takes effect on that day, and
- (c) the relevant licensing authority must as soon as possible notify the person who gave the Part 5A notice of the date on which it takes effect.

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

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

**110M Duty to keep and produce Part 5A notice**

- (1) This section applies whenever premises are being used for sales of alcohol which are, or are purported to be, permitted sales by virtue of this Part.
- (2) The person who gave the Part 5A notice must secure that a copy of the notice is either—
  - (a) prominently displayed at the premises, or
  - (b) kept at the premises in the custody of that person or of someone who is present and working at the premises and whom that person has nominated for the purposes of this section (a "nominated person").
- (3) Where a copy of the Part 5A notice is kept in the custody of a nominated person (and not prominently displayed at the premises) the person who gave the Part 5A notice must secure that a notice—
  - (a) stating that the Part 5A notice is in the nominated person's custody, and
  - (b) specifying the position held at the premises by the nominated person,
 is prominently displayed at the premises.
- (4) It is an offence for the person who gave the Part 5A notice to fail, without reasonable excuse, to comply with subsection (2) or (where it applies) subsection (3).



**Deregulation Bill, *continued***

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

*Supplementary***110N The relevant licensing authority**

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

**Deregulation Bill, continued**

- (b) if each set of premises falls partly in the area of one authority and also partly in the area of another, such one of them as the person giving the Part 5A notice may choose.”.

**Member’s explanatory statement**

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

Tom Brake  
Oliver Heald

Agreed to **58**

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

*‘Mining Industry Act 1920 (c. 50)*

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

*Mining Industry Act 1926 (c. 28)*

- 3C (1) In the Mining Industry Act 1926, omit section 20 (which confers power on coal-mining companies to establish profit sharing schemes irrespective of the terms of their articles of association).  
(2) The repeal made by sub-paragraph (1) is to have no effect in relation to any scheme still in existence that was established, and is being carried on, in reliance on the power conferred by section 20 of the Mining Industry Act 1926.’.

**Member’s explanatory statement**

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

Tom Brake  
Oliver Heald

Agreed to **75**

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

*‘Merchant Shipping Act 1988 (c. 12)*

The Merchant Shipping Act 1988 is repealed.’.

**Member’s explanatory statement**

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

Tom Brake  
Oliver Heald

Agreed to **59**

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

**Deregulation Bill, continued**

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

**Member’s explanatory statement**

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

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

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

Agreed to 4

‘PART 7A

CIVIL LAW

*Defamation Act 1996 (c.31)*

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

**Member’s explanatory statement**

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

Tom Brake  
Oliver Heald

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

Agreed to 60

‘PART 9

HOUSING

*Housing Act 1988 (c. 50)*

- 36 (1) Paragraph 3 of Schedule 18 to the Housing Act 1988 (saving provision in respect of repeal of sections 56 to 58 of the Housing Act 1980) ceases to have effect in relation to tenancies of dwelling-houses in England.  
(2) Accordingly, in that paragraph of that Schedule, after “tenancy” insert “of a dwelling-house in Wales”.’.

**Member’s explanatory statement**

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

Philip Davies

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

Not called 73

**Deregulation Bill, continued**‘PART 9  
COMMUNICATIONS*Copyright Design and Patents Act 1988*

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

***Member’s explanatory statement***

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

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

*Requirements to wear safety helmets: exemption for Sikhs: Northern Ireland*

Tom Brake  
Oliver Heald

*Added NC2*

To move the following Clause:—

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

**Deregulation Bill, continued**

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

**Member’s explanatory statement**

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

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Chi Onwurah  
Toby Perkins

*Negated on division 72*

Page 1, line 1, leave out Clause 1.

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

Tom Brake  
Oliver Heald

*Added NC1*

To move the following Clause:—

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

***Member's explanatory statement***

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

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

Chi Onwurah  
Toby Perkins  
Kelvin Hopkins

*Not called (a)*

Line 18, at end insert—

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

**Deregulation Bill, continued**

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

Tom Brake  
Oliver Heald

*Agreed to 5*

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

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

***Member’s explanatory statement***

*This amendment is consequential on amendment .*

Tom Brake  
Oliver Heald

*Agreed to 6*

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

- ( ) “Apprenticeship payments” are payments that may be made by the Secretary of State to any person—
  - (a) for the purpose of encouraging the provision of opportunities for individuals to complete approved English apprenticeships or to undertake work following the completion of such apprenticeships, or
  - (b) otherwise in connection with approved English apprenticeships.’.

***Member’s explanatory statement***

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

Tom Brake  
Oliver Heald

*Agreed to 7*

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

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

**Deregulation Bill, continued**

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

**Member’s explanatory statement**

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

Tom Brake  
Oliver Heald

*Agreed to 8*

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

**Member’s explanatory statement**

*This amendment is consequential on amendment .*

Tom Brake  
Oliver Heald

*Agreed to 9*

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

**Member’s explanatory statement**

*This amendment is consequential on amendment .*

Tom Brake  
Oliver Heald

*Agreed to 74*

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

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

**Member’s explanatory statement**

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

Tom Brake  
Oliver Heald

*Agreed to 10*

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

**Member’s explanatory statement**

*This amendment is consequential on amendment .*



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**Deregulation Bill, continued**

Tom Brake  
Oliver Heald

*Agreed to* 11

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

***Member's explanatory statement***

*This amendment is consequential on amendment .*

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Tom Brake  
Oliver Heald

*Agreed to* 27

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

***Member's explanatory statement***

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

Tom Brake  
Oliver Heald

*Agreed to* 28

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

'( ) Each standard must be—

(a) prepared by the Secretary of State, or

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

***Member's explanatory statement***

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

Tom Brake  
Oliver Heald

*Agreed to* 29

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

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

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

***Member's explanatory statement***

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

Tom Brake  
Oliver Heald

*Agreed to* 30

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

'( ) Revisions of a standard may be—

(a) prepared by the Secretary of State, or

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

***Member's explanatory statement***

*This amendment allows for any person, including employers, to prepare revisions of*

**Deregulation Bill, continued**

*apprenticeship standards (as well as the Secretary of State). A standard must be approved by the Secretary of State if it is prepared by another person.*

Tom Brake  
Oliver Heald

Agreed to 31

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

**Member's explanatory statement**

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

Tom Brake  
Oliver Heald

Agreed to 32

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

‘1A (1) Section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 (provision of financial resources) is amended as follows.

(2) In subsection (1), after “financial resources” insert “under this subsection”.

(3) After subsection (1) insert—

“(1A) The Secretary of State may secure the provision of financial resources to any person under this subsection (whether or not the resources could be secured under subsection (1))—

(a) for the purpose of encouraging the provision of opportunities for individuals to complete approved English apprenticeships or to undertake work following the completion of such apprenticeships, or

(b) otherwise in connection with approved English apprenticeships.”

(4) In subsection (3), after “subsection (1)” insert “or (1A)”.

(5) In subsection (4), after “subsection (1)(c)” insert “or (1A)”.

1B (1) Section 101 of that Act (financial resources: conditions) is amended as follows.

(2) In subsection (2)—

(a) after “may” insert “(among other things)”;

(b) omit paragraph (b).

(3) Omit subsections (4) and (5).

1C In section 103 of that Act (means tests), in subsection (1) (as amended by paragraph 13C of Schedule 13) after “section 100(1)(c), (d) or (e)” insert “or (1A)”.

**Member's explanatory statement**

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

Tom Brake  
Oliver Heald

Agreed to 33

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

**Member's explanatory statement**

*This amendment, together with amendment , is to clarify that “apprenticeship training” in section*

**Deregulation Bill, continued**

*83 of the Apprenticeships, Skills, Children and Learning Act 2009 includes training provided in connection with any contract of service or contract of apprenticeship.*

Tom Brake  
Oliver Heald

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

*Agreed to* 34

**Member’s explanatory statement**  
*See amendment .*

Tom Brake  
Oliver Heald

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

*Agreed to* 35

‘PART 4

TRANSITIONAL PROVISION

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

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

**Member’s explanatory statement**

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

Tom Brake  
Oliver Heald

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

*Agreed to* 55

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

**Member’s explanatory statement**

*This amendment repeals section 85 of the Apprenticeships, Skills, Children and Learning Act 2009 (which imposes a duty on the Chief Executive of Skills Funding to make reasonable efforts to*

**Deregulation Bill, continued**

*secure employer participation in certain apprenticeship training) instead of transferring the duty to the Secretary of State.*

Tom Brake  
Oliver Heald

*Agreed to* 56

- Schedule 13, page 142, line 40, leave out paragraph 13 and insert—
- ‘13 (1) Section 100 (provision of financial resources) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words, for “Chief Executive” substitute “Secretary of State”;
- (b) in paragraph (a), for “Chief Executive’s remit” substitute “Secretary of State’s remit under this Part”;
- (c) omit paragraph (f).
- (3) Omit subsection (2).
- (4) In subsection (3)—
- (a) in the opening words, for “Chief Executive” substitute “Secretary of State”;
- (b) in paragraph (c), for “Chief Executive” substitute “Secretary of State”.
- (5) In subsection (4), for “Chief Executive” substitute “Secretary of State”.
- 13A (1) Section 101 (financial resources: conditions) is amended as follows.
- (2) In subsection (1), for “by the Chief Executive” substitute “by the Secretary of State under section 100”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
- (b) in paragraph (b)—
- (i) for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
- (ii) for “the functions of the office” substitute “functions under this Part”.
- (4) In subsection (6)—
- (a) in paragraph (a), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;
- (b) in paragraph (b), for “Chief Executive” substitute “Secretary of State”.
- 13B (1) Section 102 (performance assessments) is amended as follows.
- (2) In subsection (1)—
- (a) for “Chief Executive” substitute “Secretary of State”;
- (b) for “Chief Executive’s remit” substitute “Secretary of State’s remit under this Part”.
- (3) In subsection (2), for “Chief Executive” substitute “Secretary of State”.
- 13C (1) Section 103 (means tests) is amended as follows.
- (2) In subsection (1), for “The Chief Executive” substitute “For the purpose of the exercise of the powers under section 100(1)(c), (d) or (e), the Secretary of State”.
- (3) Omit subsection (2).’

**Member’s explanatory statement**

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