



House of Commons

Monday 23 June 2014

CONSIDERATION OF BILL

New Amendments handed in are marked thus ★

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

DEREGULATION BILL

NOTE

The Amendments have been arranged in accordance with the Order of the House [14 May 2014].

*NEW CLAUSES AND NEW SCHEDULES RELATING TO DRIVING AND TO ROADS,
RAILWAYS, TRAMWAYS AND OTHER MEANS OF TRANSPORT AND AMENDMENTS TO
CLAUSES 8 TO 12 AND 32 TO 35 AND SCHEDULES 2 AND 3 AND 8 TO 10*

Tom Brake
Oliver Heald

NC4

To move the following Clause—

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

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

Member’s explanatory statement

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

Tom Brake
Oliver Heald

NC25

To move the following Clause—

Deregulation Bill, continued**“Civil penalties for parking contraventions: enforcement**

- (1) Part 6 of the Traffic Management Act 2004 (civil enforcement of traffic contraventions) is amended as follows.
- (2) After section 78 (notification of penalty charge) insert—

“78A Notification of penalty charge: parking contraventions in England

- (1) Regulations under section 78 must include provision requiring notification of a penalty charge to be given by a notice affixed to the vehicle where the charge is in respect of a parking contravention on a road in a civil enforcement area in England.
- (2) The regulations may, however, provide that the requirement does not apply in circumstances specified in the regulations (which may be framed by reference to the type of contravention, the circumstances in which a contravention occurs or in any other way) and, where the regulations so provide, they may make any such alternative provision for notification as is authorised by section 78.”
- (3) After section 87 insert—

“87A Power to prohibit use of devices etc: parking contraventions in England

- (1) The Secretary of State may by regulations make provision to prohibit the use by civil enforcement officers of a device of a description specified in the regulations, or of records produced by such a device, in connection with the enforcement of parking contraventions on a road in a civil enforcement area in England.
- (2) The prohibition may be—
 - (a) general, or
 - (b) limited to particular uses specified in the regulations.
- (3) The regulations may provide that a general or limited prohibition does not apply in circumstances specified in the regulations (which may be framed by reference to the type of contravention, the circumstances in which a contravention occurs or in any other way).
- (4) Regulations under this section may amend this Part or any provision made under it.””

Member’s explanatory statement

This new clause deals with the enforcement of parking contraventions in England under Part 6 of the Traffic Management Act 2004. It provides that, subject to certain exceptions, regulations under section 78 must provide for notification of a penalty charge to be given by a notice affixed to the vehicle (which means that a civil enforcement officer must be present to affix the notice). It also confers a power which would enable regulations to be made to restrict the use of CCTV or other devices in parking enforcement.

Bill Wiggin

To move the following Clause—

NC15

Deregulation Bill, *continued*

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

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

Mr Brooks Newmark

NC17

To move the following Clause—

“Presumed diversion of intrusive public rights of way in limited circumstances

In section 119 of the Highways Act 1980, after subsection (6A), insert—

- (6B) Where a path or way passes through the curtilage of a residential dwelling including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises—
 - (a) subsections (6) and (6A) above shall not apply; and
 - (b) the Secretary of State or council shall confirm a public path diversion order unless he, or as the case may be, they are satisfied that the privacy, safety or security of the premises are not adversely affected by the existence or use of the path.
- (6C) Where the premises have been unlawfully extended to encompass the path or way subsection (6B) above do not apply.
- (6D) In exercising the powers under this section, the Secretary of State and the council shall have particular regard to the presumption that public rights of way or highways should not pass through the curtilage of residential premises including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises.”

Member’s explanatory statement

This new Clause will facilitate statutory guidance to allow for the diversion of rights of way that pass through domestic or business premises on the grounds of privacy, safety or security

Deregulation Bill, *continued*

Mr Brooks Newmark

NC18

To move the following Clause—

“Presumed extinguishment of intrusive public rights of way in limited circumstances

In section 118 of the Highways Act 1980, after subsection (6), insert—

- “(6A) Where a path or way passes through the curtilage of a residential dwelling including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises a council shall make and the Secretary of State or the council shall confirm an order stopping up a path or way unless he, or as the case may be, they are satisfied that—
- (a) the privacy, safety or security of the premises are not adversely affected by the existence or use of the path; or
 - (b) it is possible to divert the path or way such that the privacy, safety or security of the premises are not adversely affected by the existence or use of the path; or
 - (c) the path or way provides access to a vital local service or amenity not otherwise reasonably accessible.
- (6B) In exercising the powers under this section, the Secretary of State and the council shall have particular regard to the presumption that public rights of way or highways should not pass through the curtilage of residential premises including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises.”

Member’s explanatory statement

This new Clause will facilitate statutory guidance to allow for the extinguishment of rights of way that pass through domestic or business premises on the grounds of privacy, safety or security if a diversion is not possible and the right of way does not provide access to a vital local service or amenity not otherwise accessible

 Mr Brooks Newmark

NC19

To move the following Clause—

“Presumed extinguishment of intrusive byways open to all traffic in limited circumstances

In section 116 of the Highways Act 1980, after subsection (1), insert—

- “(1A) Where a byway open to all traffic passes through the curtilage of a residential dwelling including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises it is presumed that diversion of the highway so that it does not so pass will make the path more commodious and that the highway is unnecessary unless the court is satisfied that—
- (a) the privacy, safety or security of the premises are not adversely affected by the existence or use of the path; or

Deregulation Bill, *continued*

- (b) the path or way provides access to a vital local service or amenity not otherwise reasonably accessible.
- (1B) In exercising the powers under this section, the authority and the court shall have particular regard to the presumption that a byway open to all traffic should not pass through the curtilage of residential premises including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises.
- (1C) A “byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used mainly for the purposes for which footpaths and bridleways are so used.”.”

Member’s explanatory statement

This new Clause would create a presumption that byways open to all traffic should be diverted so as to not pass through residential or business premises unless the byway does not impact on the privacy, safety or security of the premises, or provides access to a vital local service or amenity not otherwise accessible

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

Mrs Mary Glendon

Mr Gordon Marsden

61

Page 7, line 22, leave out Clause 10, Clause 11 and Clause 12

Tom Brake
Oliver Heald

13

Clause 33, page 25, line 32, at end insert—

“(aa) the duration of driving licences to be granted to drivers with relevant or prospective disabilities;”

Member’s explanatory statement

Clause 33 introduces Schedule 9 to the Bill. This amendment is consequential on the addition of a new Part to Schedule 9 by amendment 5151

Deregulation Bill, *continued*

Mr Gordon Marsden
 Dr Alan Whitehead
 Chi Onwurah
 John McDonnell
 Mary Creagh
 Richard Burden

Grahame M. Morris
 Andrew Miller

Karl Turner
 Kelvin Hopkins

Albert Owen
 Mr George Howarth

- 1**
- Clause **35**, page **26**, line **4**, leave out paragraphs (a) and (b) and insert “in paragraph (a) leave out from “if new and important evidence” to “discovered” and insert “where secondary investigations have enabled more new, significant, or important evidence to become available, having particular regard to—
- (i) enhancing and preserving the rights of those affected by a maritime accident to learn from the proceedings of such reinvestigations and conclusions drawn from them; and
 - (ii) future safety issues and measures.”.”
-

Tom Brake
 Oliver Heald

- 36**
- Schedule **2**, page **62**, line **13**, leave out “authorise the person to apply” and insert “require the person”
- Member’s explanatory statement***
This amendment is a drafting improvement to make new section 124(3)(a) of the Road Traffic Act 1988 more consistent with the new system for registering driving instructors

Tom Brake
 Oliver Heald

- 37**
- Schedule **2**, page **62**, line **36**, leave out “applicant” and insert “person”
- Member’s explanatory statement***
This amendment is a drafting change to improve the cross-reference between new section 125(3D) and 125ZA(4)(ba) of the Road Traffic Act 1988

Tom Brake
 Oliver Heald

- 38**
- Schedule **2**, page **65**, line **26**, at end insert—
- “unless the Registrar considers it appropriate for the application to be made at such earlier time as may be specified by the Registrar.”
- Member’s explanatory statement***
This amendment will enable the Registrar to allow an application to undergo a further emergency control assessment under section 133B(4) to be made before the end of the six month period referred to in new section 133B(5A)

Tom Brake
 Oliver Heald

- 39**
- Schedule **2**, page **66**, line **39**, leave out “applicant” and insert “person”
- Member’s explanatory statement***

Deregulation Bill, continued

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

Tom Brake
Oliver Heald

40

Schedule 2, page 69, line 30, leave out paragraph 22

Member's explanatory statement

This amendment is consequential on amendment 43 43

Tom Brake
Oliver Heald

41

Schedule 2, page 72, line 2, leave out from “assessment” to end of line 3 and insert “—

- (i) under section 125(2C) or 129(1B), or
- (ii) as mentioned in section 125(5)(a)(ii) or 129(5ZA),”

Member's explanatory statement

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

Tom Brake
Oliver Heald

42

Schedule 2, page 72, line 15, at end insert—

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

Member's explanatory statement

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

Tom Brake
Oliver Heald

43

Schedule 2, page 72, line 37, at end insert—

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

“133E Direction to disregard emergency control assessment requirement

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

Deregulation Bill, continued

- (4) Notice of—
- (a) the withdrawal of a requirement under subsection (2), or
 - (b) a direction under subsection (3),
- must be given to the person on whom the requirement was imposed.””

Member’s explanatory statement

This amendment extends what was new section 128ZZA so that the Registrar’s powers under the section cover emergency control assessments in connection with licences. The new section is inserted after section 133D to reflect its revised content. The amendment which inserted new section 128ZZA is removed by amendment40 40

Tom Brake
Oliver Heald

44

Schedule 2, page 73, line 21, leave out “In”

Member’s explanatory statement

This amendment is consequential on amendment47 47

Tom Brake
Oliver Heald

45

Schedule 2, page 73, line 23, after “2006,” insert ‘is amended as follows.
(2) ’

Member’s explanatory statement

This amendment is consequential on amendment47 47

Tom Brake
Oliver Heald

46

Schedule 2, page 73, line 25, at end insert—

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

Member’s explanatory statement

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

Tom Brake
Oliver Heald

47

Schedule 2, page 73, line 26, at end insert—

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

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

Member’s explanatory statement

See amendment 4646.

Tom Brake
Oliver Heald

48

Schedule 2, page 73, line 32, at end insert—

Deregulation Bill, continued

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

Member’s explanatory statement
See amendment 4646

Tom Brake
Oliver Heald

49

Schedule 2, page 73, line 33, at end insert—

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

Member’s explanatory statement
See amendment 4646

Tom Brake
Oliver Heald

51

Schedule 9, page 122, line 26, at end insert—

“PART A1

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

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

Member’s explanatory statement

This amendment increases the period for which a driving licence for non-vocational drivers

Deregulation Bill, continued

suffering from a relevant or prospective disability can be granted from a maximum of three years to a maximum of ten years, ending no later than the driver's 70th birthday. Once a driver is over 67, the maximum is three years

NEW CLAUSES AND NEW SCHEDULES RELATING TO TV LICENSING AND AMENDMENTS TO CLAUSES 54 AND 55

Chi Onwurah
Helen Goodman

62

Clause 54, page 40, line 13, at end insert—

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

Tom Brake
Oliver Heald
Mr David Nuttall

14

Clause 55, page 40, line 24, after “be” insert “—

(a) ”

Member's explanatory statement

This amendment is a drafting amendment related to amendment 1515

Tom Brake
Oliver Heald

15

Clause 55, page 40, line 25, at end insert “, or

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

Member's explanatory statement

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

Chi Onwurah
Helen Goodman

63

Clause 55, page 41, line 26, at end insert—

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

REMAINING NEW CLAUSES; REMAINING NEW SCHEDULES; REMAINING PROCEEDINGS

Deregulation Bill, continued

ON CONSIDERATION

Tom Brake
Oliver Heald

NC3

To move the following Clause—

“Limit on indemnity required under Outer Space Act 1986

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

Member’s explanatory statement

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

Tom Brake
Oliver Heald

NC6

To move the following Clause—

Deregulation Bill, continued**“Power of HMRC to disclose information for purposes of certain litigation**

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

Member’s explanatory statement

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

Tom Brake
Oliver Heald

NC7

To move the following Clause—

“Combining different forms of subordinate legislation

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

Member’s explanatory statement

This clause allows powers to make an order, regulations or rules to be used to make a combined instrument. At the moment it is sometimes necessary to make several instruments on a single topic because the enabling powers are expressed differently. In appropriate cases, using a single

Deregulation Bill, *continued*

instrument would allow the legislation to be set out in a more coherent way and in one place

Tom Brake
Oliver Heald

NC20

To move the following Clause—

“Tenancy deposits

In Chapter 4 of Part 6 of the Housing Act 2004 (Tenancy Deposit Schemes), after section 215 insert—

“215A Statutory periodic tenancies: deposit received before 6 April 2007

- (1) This section applies where—
 - (a) before 6 April 2007, a tenancy deposit has been received by a landlord in connection with a fixed term shorthold tenancy, and
 - (b) on or after that date, a periodic shorthold tenancy is deemed to arise under section 5 of the Housing Act 1988 on the coming to an end of the fixed term tenancy.
- (2) If, on the commencement date—
 - (a) the periodic tenancy is in existence, and
 - (b) all or part of the deposit paid in connection with the fixed term tenancy continues to be held in connection with the periodic tenancy,

section 213 applies in respect of the deposit that continues to be held in connection with the periodic tenancy, and any additional deposit held in connection with that tenancy, with the modifications set out in subsection (3).
- (3) The modifications are that, instead of the things referred to in section 213(3) and (5) being required to be done within the time periods set out in section 213(3) and (6)(b), those things are required to be done—
 - (a) before the end of the period of 90 days beginning with the commencement date, or
 - (b) (if earlier) before the first day after the commencement date on which a court does any of the following in respect of the periodic tenancy—
 - (i) determines an application under section 214 or decides an appeal against a determination under that section;
 - (ii) makes a determination as to whether to make an order for possession in proceedings under section 21 of the Housing Act 1988 or decides an appeal against such a determination.
- (4) If, on the commencement date—
 - (a) the periodic tenancy is no longer in existence, or
 - (b) no deposit continues to be held in connection with the periodic tenancy,

Deregulation Bill, continued

the requirements of section 213(3), (5) and (6) are treated as if they had been complied with by the landlord in respect of any deposit that was held in connection with the periodic tenancy.

- (5) In this section and sections 215B to 215D “the commencement date” means the date on which section (*Tenancy deposits*) of the Deregulation Act 2014 is fully in force in England and Wales.

215B Statutory periodic tenancies: deposit received on or after 6 April 2007

- (1) This section applies where—
- (a) on or after 6 April 2007, a tenancy deposit has been received by a landlord in connection with a fixed term shorthold tenancy,
 - (b) the requirements of section 213(3), (5) and (6) have been complied with by the landlord in respect of the deposit held in connection with the fixed term tenancy,
 - (c) a periodic shorthold tenancy is deemed to arise under section 5 of the Housing Act 1988 on the coming to an end of the fixed term tenancy, and
 - (d) when the periodic tenancy arises, the deposit paid in connection with the fixed term tenancy continues to be held—
 - (i) in connection with the periodic tenancy, and
 - (ii) in accordance with the same authorised scheme as when the requirements of section 213(3), (5) and (6) were last complied with in respect of it.
- (2) The requirements of section 213(3), (5) and (6) are treated as if they had been complied with by the landlord in respect of the deposit held in connection with the periodic tenancy.

215C Renewed fixed term or contractual periodic tenancies: deposit received on or after 6 April 2007

- (1) This section applies where—
- (a) on or after 6 April 2007, a tenancy deposit has been received by a landlord in connection with a shorthold tenancy (“the original tenancy”),
 - (b) the requirements of section 213(5) and (6) have been complied with by the landlord in respect of the deposit held in connection with the original tenancy,
 - (c) a new fixed term or periodic shorthold tenancy (“the new tenancy”) comes into being on the coming to an end of the original tenancy or a tenancy that replaces the original tenancy,
 - (d) the new tenancy is not one that is deemed to arise under section 5 of the Housing Act 1988,
 - (e) the new tenancy replaces the original tenancy, and
 - (f) when the new tenancy comes into being, the deposit paid in connection with the original tenancy continues to be held—
 - (i) in connection with the new tenancy, and
 - (ii) in accordance with the same authorised scheme as when the requirements of section 213(5) and (6) were last complied with in respect of it.
- (2) The requirements of section 213(5) and (6) are treated as if they had been complied with by the landlord in respect of the deposit held in connection with the new tenancy.

Deregulation Bill, *continued*

- (3) The condition in subsection (1)(a) may be met in respect of a tenancy even if—
 - (a) it replaces an earlier tenancy, and
 - (b) the tenancy deposit was first received in connection with the earlier tenancy (either before or after 6 April 2007).
- (4) For the purposes of this section, a tenancy replaces another tenancy if—
 - (a) the landlord and tenant under the later tenancy are the same as under the earlier tenancy, and
 - (b) the premises let under the later tenancy are the same or substantially the same as those let under the earlier tenancy.

215D Sections 215A to 215C: transitional provisions

- (1) Sections 215A to 215C are treated as having had effect since 6 April 2007, subject to the following provisions of this section.
- (2) Sections 215A to 215C do not have effect in relation to—
 - (a) a claim under section 214 of this Act or section 21 of the Housing Act 1988 in respect of a tenancy which is settled before the commencement date (whether or not proceedings in relation to the claim have been instituted), or
 - (b) proceedings under either of those sections in respect of a tenancy which have been finally determined before the commencement date.
- (3) Subsection (5) applies in respect of a tenancy if—
 - (a) proceedings under section 214 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
 - (b) because of section 215A(4), 215B(2) or section 215C(2), the court decides—
 - (i) not to make an order under section 214(4) in respect of the tenancy, or
 - (ii) to allow an appeal by the landlord against such an order.
- (4) Subsection (5) also applies in respect of a tenancy if—
 - (a) proceedings for possession under section 21 of the Housing Act 1988 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
 - (b) because of section 215A(4), 215B(2) or 215C(2), the court decides—
 - (i) to make an order for possession under that section in respect of the tenancy, or
 - (ii) to allow an appeal by the landlord against a refusal to make such an order.
- (5) Where this subsection applies, the court must not order the tenant or any relevant person (as defined by section 213(10)) to pay the landlord's costs, to the extent that the court reasonably considers those costs are attributable to the proceedings under section 214 or (as the case may be) section 21 of the Housing Act 1988.
- (6) Proceedings have been “finally determined” for the purposes of this section if —

Deregulation Bill, *continued*

- (a) they have been determined by a court, and
 - (b) there is no further right to appeal against the determination.
- (7) There is no further right to appeal against a court determination if there is no right to appeal against the determination, or there is such a right but—
- (a) the time limit for making an appeal has expired without an appeal being brought, or
 - (b) an appeal brought within that time limit has been withdrawn.”

Member’s explanatory statement

Where the tenancy deposit protection requirements have been complied with by a landlord for a tenancy, this amendment means they do not need to be complied with again for a replacement tenancy. Where those requirements did not apply to the first tenancy, and a replacement statutory periodic tenancy is still in place, the amendment provides extra time for compliance.

Tom Brake
Oliver Heald

NC21

To move the following Clause—

“Short-term use of London accommodation: power to relax restrictions

- (1) The Secretary of State may by regulations made by statutory instrument make provision for circumstances in which the use as temporary sleeping accommodation of any residential premises in Greater London does not involve a material change of use by virtue of section 25(1) of the Greater London Council (General Powers) Act 1973.
- (2) Regulations under this section may also make provision for and in connection with enabling the Secretary of State or a local planning authority to direct that provision included in the regulations by virtue of subsection (1) does not apply to particular residential premises or to residential premises situated in a particular area.
- (3) Regulations under this section may amend the Greater London Council (General Powers) Act 1973.
- (4) Regulations under this section may—
 - (a) make different provision for different purposes;
 - (b) include incidental, supplementary, consequential, transitional, transitory or saving provision.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section, “local planning authority” has the same meaning as in the Town and Country Planning Act 1990 (see section 336(1) of that Act).”

Member’s explanatory statement

Section 25 of the Greater London Council (General Powers) Act 1973 provides that the use as temporary sleeping accommodation of residential premises in Greater London involves a material change of use of the premises (with the result that planning permission is required). This amendment allows the Secretary of State to make secondary legislation specifying circumstances

Deregulation Bill, continued

when this does not apply (so that planning permission is not required).

Tom Brake
Oliver Heald

NC22

To move the following Clause—

“Electoral Commission: changes to facilitate efficient administration

- (1) Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (the Electoral Commission) is amended as follows.
- (2) Paragraph 15 (five-year plan) is amended as set out in subsections (3) and (4).
- (3) In sub-paragraph (1), after “paragraph 14” insert “in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election.”
- (4) After that sub-paragraph insert—
 - “(1A) The Speaker’s Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submit such an estimate as is mentioned in paragraph 14 in respect of a financial year other than one mentioned in that sub-paragraph.”
- (5) In paragraph 16 (annual examination of Commission by Comptroller and Auditor General), in sub-paragraph (1)—
 - (a) after “paragraphs 14 and 15” insert “in respect of any year when both an estimate under paragraph 14 and a five-year plan under paragraph 15 are submitted to them.”;
 - (b) for “in each year” substitute “before the Committee consider the estimate and plan”.
- (6) In the cross-heading preceding paragraph 16, for “Annual examination” substitute “Examination”.

Member’s explanatory statement

Currently, there is an annual requirement for the Electoral Commission to produce a five-year plan and for the Comptroller and Auditor General to provide an audit report on the Commission. The new clause alters this so that the requirements to produce a five-year plan and an audit report apply in respect of the first year of a new Parliament and subsequently as required by the Speaker’s Committee.

Tom Brake
Oliver Heald

NC23

To move the following Clause—

“LGBC for England: changes to facilitate efficient administration

- (1) Schedule 1 to the Local Democracy, Economic Development and Construction Act 2009 (Local Government Boundary Commission for England) is amended as follows.
- (2) In paragraph 5 (committees), for sub-paragraph (3) substitute—

Deregulation Bill, continued

- “(3) A committee established under this paragraph to review the economy, efficiency or effectiveness with which the Commission has used its resources, or any sub-committee of such a committee, may include up to two people who are not also members of the Commission (“independent members”).
- (4) The Commission may not appoint as an independent member anyone who would be ineligible for appointment as a member of the Commission because of paragraph 1(3).
- (5) An independent member must be appointed on such terms and conditions, including terms and conditions as to remuneration, as the Commission may determine.
- (6) Except as provided by sub-paragraph (3), only a member of the Commission may be a member of one of its committees or sub-committees.”
- (3) Paragraph 12 (five-year plan) is amended as set out in subsections (4) and (5).
- (4) In sub-paragraph (1), after “paragraph 11” insert “in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election”.
- (5) After that sub-paragraph insert—
- “(1A) The Speaker’s Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submits such an estimate as is mentioned in paragraph 11 in respect of a financial year other than one mentioned in that sub-paragraph.”
- (6) In paragraph 13 (annual examination by Comptroller and Auditor General), in sub-paragraph (1)—
- (a) for “For the purposes of paragraphs 11 and 12” substitute “For the purpose of assisting the Speaker’s Committee to discharge their functions under paragraphs 11 and 12 in respect of any year when both an estimate under paragraph 11 and a five-year plan under paragraph 12 are submitted to them,”;
- (b) for “in each year” substitute “before the Committee consider the estimate and plan”.
- (7) In the cross-heading preceding paragraph 13, for “Annual examination” substitute “Examination”.

Member’s explanatory statement

This new clause enables the Local Government Boundary Commission for England to appoint independent members to its audit committee. It also changes the current annual requirement for the production of a five-year plan and an audit report to a requirement in respect of the first year of a new Parliament and subsequently as required by the Speaker’s Committee.

Tom Brake
Oliver Heald

To move the following Clause—

NC24

Deregulation Bill, *continued*

“Poisons and explosives precursors

Schedule (*Poisons and explosives precursors*) introduces a common system for regulating the possession etc of non-medicinal poisons and explosives precursors.”

Member’s explanatory statement

This amendment introduces the new Schedule inserted by new schedule NS2. This abolishes the statutory requirement for a Poisons Board under the Poisons Act 1972 and introduces a common licensing regime for poisons and explosives precursors in order to streamline the regimes established under the Poisons Act 1972 and under EU Regulation 98/2013 (on the marketing and use of explosives precursors).

Caroline Lucas

NC8

To move the following Clause—

“Replacing homes lost through the Preserved Right to Buy

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

Member’s explanatory statement

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

Chris Williamson

NC9

To move the following Clause—

“Licensing: review of legislation

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

Deregulation Bill, *continued*

Philip Davies
Mr David Nuttall

NC10

To move the following Clause—

“Repeal of the Sunday Trading Act 1994

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

Philip Davies
Mr David Nuttall

NC11

To move the following Clause—

“Extending of Sunday trading hours

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

Philip Davies
Mr David Nuttall

NC12

To move the following Clause—

“Suspension of restriction of Sunday trading hours

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

Deregulation Bill, *continued*

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

Philip Davies
Mr David Nuttall

NC13

To move the following Clause—

“Suspension of restriction on Sunday trading hours

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

Deregulation Bill, *continued*

- (7) The “pre-Rugby Cup period” is the period which—
- (a) begins on Friday 17 July 2015, and
 - (b) ends with Friday 11 September 2015.
- (8) An “exempted large shop” is a shop to which paragraph 2(1) of Schedule 1 to the Sunday Trading Act 1994 would apply during the suspension period were it not for the disapplication made by section 1(1).
- (9) In this section—
- (a) “opting-in notice”, “opting-out notice” and “shop worker” each have the same meaning as in the Employment Rights Act 1996, and
 - (b) “suspension period” has the meaning given in section 1(3).”

Philip Davies
Mr David Nuttall

NC14

To move the following Clause—

“Further exemption to Sunday trading hours: garden centres

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

Tom Brake
Oliver Heald

NS2

To move the following Schedule—

“POISONS AND EXPLOSIVES PRECURSORS*Abolition of Poisons Board*

- 2 (1) The Poisons Board is abolished.
- (2) As a result—
 - (a) in the Poisons Act 1972, omit section 1 and Schedule 1, and
 - (b) in Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), omit the entry for the Poisons Board.

Establishment of common regulatory system

- 3 The Poisons Act 1972 is amended as follows.
- 4 For section 2 substitute—

“2 Regulated substances and reportable substances

- (1) This section defines some key terms used in this Act.

Deregulation Bill, *continued*

- (2) “Regulated substance” means a regulated explosives precursor or regulated poison.
- (3) A “regulated explosives precursor”—
- (a) is a substance listed in Part 1 of Schedule 1A in a concentration higher than the limit set out for that substance in that Part, and
 - (b) includes a mixture or another substance in which a substance listed in that Part is present in a concentration higher than the relevant limit,
- but, in each case, only if the substance or mixture is not excluded.
- (4) A “regulated poison”—
- (a) is a substance listed in Part 2 of Schedule 1A in a concentration higher than the limit (if any) set out for that substance in that Part, and
 - (b) includes a mixture or another substance in which a substance listed in that Part is present in a concentration higher than the relevant limit,
- but, in each case, only if the substance or mixture is not excluded.
- (5) “Reportable substance” means a reportable explosives precursor or a reportable poison.
- (6) A “reportable explosives precursor”—
- (a) is a substance listed in Part 3 of Schedule 1A, and
 - (b) includes a mixture or another substance in which a substance listed in that Part is present,
- but, in each case, only if the substance or mixture is not excluded.
- (7) A “reportable poison” is—
- (a) a substance listed in Part 4 of Schedule 1A in a concentration higher than the limit (if any) set out for that substance in that Part, and
 - (b) includes a mixture or another substance in which a substance listed in that Part is present in a concentration higher than the relevant limit,
- but, in each case, only if the substance or mixture is not excluded.
- (8) For the purposes of this section, a substance or mixture is “excluded” if—
- (a) it is medicinal, or
 - (b) it is contained in a specific object.
- (9) A substance or mixture is “medicinal” if it is—
- (a) a medicinal product as defined by regulation 2 of the Human Medicines Regulations 2012 (S.I. 2012/1916),
 - (b) an investigational medicinal product as defined by regulation 2 of the Medicines for Human Use (Clinical Trials) Regulations 2004 (S.I. 2004/1031),
 - (c) a substance to which Part 12 of the Human Medicines Regulations 2012 or Part 6 of the Medicines for Human Use (Clinical Trials) Regulations 2004 applies by virtue of an order under section 104 or 105 of the Medicines Act 1968 (whether applying subject to exceptions and modifications or

Deregulation Bill, *continued*

not and, in the case of an order under section 104, whether the substance is referred to in the order as a substance or an article), or

- (d) a veterinary medicinal product as defined by regulation 2 of the Veterinary Medicines Regulations 2013 (S.I. 2013/2033).
- (10) A “specific object” is—
- (a) an object that, during production, is given a special shape, surface or design that determines its function to a greater degree than does its chemical composition, or
 - (b) an article that contains explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions, including—
 - (i) pyrotechnic equipment falling within the scope of Council Directive 96/98/EC on marine equipment, and
 - (ii) percussion caps intended specifically for toys falling within the scope of Council Directive 88/378/EEC concerning the safety of toys.
- (11) See also section 9B (which contains power to disapply requirements of this Act in specified circumstances).

2A Power to amend Schedule 1A

- (1) The Secretary of State may by regulations—
 - (a) amend Schedule 1A (whether to add, vary or remove a substance or concentration limit or make any other change), and
 - (b) amend section 2 in consequence of any amendment made under paragraph (a).
 - (2) The power in subsection (1) to add a concentration limit includes power to add a concentration limit in any Part of Schedule 1A (whether for an explosives precursor or a poison).
 - (3) In determining the distribution of substances as between the various Parts of Schedule 1A, regard must be had to the desirability of restricting Parts 3 and 4 to substances that meet each of the following criteria—
 - (a) they are in common use, or are likely to come into common use, for purposes other than the treatment of human ailments, and
 - (b) it is reasonably necessary to include them in one of those Parts if members of the general public are to have adequate facilities for obtaining them.”
- 5 For section 3 substitute—

“3 Activities prohibited without a licence

- (1) A member of the general public commits an offence if he or she does anything listed in subsection (2) without having a licence, or a recognised non-GB licence, to do that thing with respect to that substance.
- (2) The things are—

Deregulation Bill, *continued*

- (a) importing a regulated substance,
 - (b) acquiring a regulated substance,
 - (c) possessing a regulated substance,
 - (d) using a regulated substance.
- (3) For the purposes of this section—
- (a) “acquiring” means taking into your possession, custody or control,
 - (b) “importing” means bringing into Great Britain from a country or territory outside the United Kingdom,
 - (c) “member of the general public” means an individual who is acting (alone or with others) for purposes not connected with his or her trade, business or profession or the performance by him or her of a public function,
 - (d) “possessing” means having in your possession, custody or control, and
 - (e) “using” includes processing, formulating, storing, treating or mixing, including in the production of an article.
- (4) A member of the general public does not commit an offence under subsection (1) if the requirements of this section do not apply to his or her case by virtue of regulations made under section 9B.
- (5) This section does not apply to the possession or use of a regulated substance at any time before 3 March 2016.

3A Supply of regulated substances

- (1) A person commits an offence if the person supplies a regulated substance to a member of the general public without first verifying that the member of the general public has a licence, or a recognised non-GB licence, to acquire, possess and use that substance.
- (2) In order to verify that someone has a licence or recognised non-GB licence, it is sufficient for these purposes to—
- (a) inspect the person’s licence, and
 - (b) inspect the form of identification specified in that licence.
- (3) A person commits an offence if the person supplies a regulated substance to a member of the general public without first entering details of the transaction (or causing details of the transaction to be entered) in the licence, or recognised non-GB licence, of the member of the general public.
- (4) A person commits an offence if the person supplies a regulated substance to a member of the general public without first ensuring that a warning label is affixed to the packaging in which the substance is supplied.
- (5) A “warning label” is a label clearly indicating that it is an offence for members of the general public to acquire, possess or use the substance in question without a licence (or recognised non-GB licence).
- (6) A person does not commit an offence under subsection (1), (3) or (4) if the requirements of that subsection do not apply to the person’s case by virtue of regulations made under section 9B.

Deregulation Bill, *continued*

- (7) Before 3 March 2016, subsections (1) and (5) have effect as if the references to possession and use of the substance were omitted.

3B Supply of regulated poisons other than by pharmacists

- (1) A person commits an offence if the person supplies a regulated poison to a member of the general public other than in the circumstances described in subsection (2).
- (2) Those circumstances are—
- (a) the person is lawfully conducting a retail pharmacy business,
 - (b) the supply is made on premises that are a registered pharmacy, and
 - (c) the supply is made by or under the supervision of a pharmacist.
- (3) A person commits an offence if the person supplies a regulated poison to a member of the general public without complying with the record-keeping requirements before delivering the poison.
- (4) The record-keeping requirements are—
- (a) the person must make an entry (or cause an entry to be made) in a record to be kept by the person for the purposes of this subsection stating—
 - (i) the date of the supply,
 - (ii) the name and address of the member of the general public,
 - (iii) the name and quantity of the regulated poison supplied, and
 - (iv) the purposes for which it is stated by the member of the general public to be required, and
 - (b) the person must ensure that the member of the general public signs the entry.
- (5) A person does not commit an offence under subsection (1) or (3) if the requirements of that subsection do not apply to the person's case by virtue of regulations made under section 9B.

3C Reporting of suspicious transactions, disappearance and thefts

- (1) A supplier must report any relevant transaction that it makes or proposes to make if the supplier has reasonable grounds for believing the transaction to be suspicious.
- (2) A “relevant transaction” is a transaction involving the supply of a regulated substance or a reportable substance to a customer, whether an end user or a customer higher up the supply chain and whether a business or a private customer.
- (3) A relevant transaction is “suspicious” if there are reasonable grounds for suspecting that the substance in question—
- (a) if it is a regulated explosives precursor or reportable explosives precursor, is intended for the illicit manufacture of explosives, or
 - (b) if it is a regulated poison or a reportable poison, is intended for any illicit use.

Deregulation Bill, *continued*

- (4) In deciding whether there are reasonable grounds for suspecting such a thing, regard must be had to all the circumstances of the case, including in particular where the prospective customer—
 - (a) appears unclear about the intended use of the substance,
 - (b) appears unfamiliar with the intended use of the substance or cannot explain it plausibly,
 - (c) intends to buy substances in quantities, combinations or concentrations uncommon for private use,
 - (d) is unwilling to provide proof of identity or place of residence, or
 - (e) insists on using unusual methods of payment, including large amounts of cash.
- (5) A person carrying on a trade, business or profession that involves regulated substances or reportable substances must report the disappearance or theft of any such substances if the disappearance or theft—
 - (a) is from stocks in the person’s possession, custody or control in Great Britain, and
 - (b) is significant.
- (6) In deciding whether a disappearance or theft is significant, regard must be had to whether the amount involved is unusual in all the circumstances of the case.
- (7) A duty under this section to “report” something is a duty to give notice of it to the Secretary of State in accordance with such requirements as may be specified by the Secretary of State by regulations made under this subsection.
- (8) A person who fails to comply with subsection (1) or (5) commits an offence.
- (9) A person does not commit an offence under subsection (8) if the requirements of subsection (1) or, as the case may be, (5) do not apply to the person’s case by virtue of regulations made under section 9B.”

6 Omit section 4.

7 After that section insert—

“4A Licences

- (1) The Secretary of State may grant a licence to a person on application by that person in accordance with this section.
- (2) The licence may permit the person to do one or more of the things listed in section 3(2) with respect to one or more of the regulated substances.
- (3) The term for which a licence is granted must not exceed 3 years, but this does not affect—
 - (a) a person’s right to apply for a further licence to take effect on expiry of that term, nor
 - (b) any power of the Secretary of State under the terms and conditions of the licence to vary, suspend or revoke the licence before expiry of that term.

Deregulation Bill, *continued*

- (4) The Secretary of State may charge applicants a fee for processing applications for the grant or amendment of a licence or for the replacement of any lost, damaged or stolen licence.
- (5) The amount of any fees to be charged under subsection (4) must be specified in regulations made under subsection (10), and the amount specified must not exceed the reasonable cost of processing such applications.
- (6) In deciding whether to grant or amend a licence with respect to a substance, the Secretary of State must have regard to all the circumstances of the case, including in particular—
 - (a) the use intended to be made of the substance,
 - (b) the availability of alternative substances that would achieve the same purpose,
 - (c) the proposed arrangements to ensure that the substance is kept securely,
 - (d) any danger to public safety or public order that may be caused by possession of the substance, and
 - (e) whether the applicant is a fit and proper person to possess the substance.
- (7) But if there are reasonable grounds for doubting the legitimacy of the use intended to be made of the substance or the intentions of the user to use the substance for a legitimate purpose, the Secretary of State must in any event refuse the application so far as it relates to that substance.
- (8) A licence may be granted or amended subject to such terms and conditions as may be specified in the licence.
- (9) Examples of terms and conditions that may be specified include, for any substances with respect to which the licence is granted, terms and conditions about—
 - (a) storage,
 - (b) use,
 - (c) maximum quantities,
 - (d) maximum levels of concentration, and
 - (e) reporting of disappearances or thefts.
- (10) The Secretary of State may by regulations make provision about the procedure for applying for and determining applications for the grant or amendment of licences under this section, including provision as to—
 - (a) who may make an application,
 - (b) the form and manner in which an application is to be made and any documents or evidence that must accompany it,
 - (c) the amount and payment of any fees,
 - (d) the supply of any further information or document required to determine an application,
 - (e) notice and publication of any decision about an application, and
 - (f) the procedure for an internal review of any such decision.

Deregulation Bill, *continued*

4B Recognised non-GB licences

- (1) The Secretary of State must publish a list from time to time of recognised member States (if there are any).
- (2) A member State is “recognised” for these purposes if licences granted by the competent authority of that State in accordance with the Precursors Regulation are recognised in the United Kingdom under Article 7(6) of that Regulation.
- (3) References in this Act to a “recognised non-GB licence” are to—
 - (a) a licence granted in accordance with the Precursors Regulation by the competent authority of a member State that is included in the list (or latest list) published under subsection (1), or
 - (b) a licence granted under relevant Northern Ireland legislation.
- (4) “Relevant Northern Ireland legislation” means—
 - (a) regulations made under the Explosives Act (Northern Ireland) 1970 (c.10 (N.I.)) by virtue of the Explosives (Northern Ireland) Order 1972 (S.I. 1972/730 (N.I. 3)),
 - (b) any legislative instrument that implements the Precursors Regulation in Northern Ireland, and
 - (c) any legislative instrument that replaces or supersedes (with or without modification) anything falling within paragraph (a) or (b) or this paragraph.
- (5) In this section—
 - (a) references to the Precursors Regulation are to Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors, and
 - (b) references to a legislative instrument are to—
 - (i) an Act or instrument made under an Act, or
 - (ii) any Northern Ireland legislation or instrument made under Northern Ireland legislation.”

8 Omit sections 5 and 6.

9 For section 7 substitute—

“7 Regulations about poisons and explosives precursors

- (1) The Secretary of State may make provision by regulations about—
 - (a) the importation, supply, acquisition, possession or use of substances by or to any person or class of person,
 - (b) the storage, transportation and labelling of substances,
 - (c) the containers in which substances may be supplied,
 - (d) the addition to substances of specified ingredients for the purpose of rendering them readily distinguishable as such,
 - (e) the compounding of substances, and the supply of substances on and in accordance with a prescription duly given by a doctor, a dentist, a veterinary surgeon or a veterinary practitioner, or
 - (f) the period for which any records required to be kept for the purposes of this Act are to be preserved.

Deregulation Bill, *continued*

- (2) A person who contravenes or fails to comply with any regulations made under this section commits an offence.
- (3) A person does not commit an offence under subsection (2) if the requirements of the regulation in question do not apply to the person's case by virtue of regulations made under section 9B.
- (4) References in this section to "substances" are to regulated substances and reportable substances."

10 After section 7 insert—

"7A Proof of lack of knowledge

- (1) This section applies to the following offences—
 - (a) an offence under section 3(1),
 - (b) an offence under section 3A(1), (3) or (4),
 - (c) an offence under section 3B(1) or (3).
- (2) In any proceedings for an offence to which this section applies, it is a defence for the accused to prove that the accused neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution that it is necessary for the prosecution to prove if the accused is to be convicted of the offence charged.
- (3) This is subject to subsection (5).
- (4) Subsection (5) applies where, in any proceedings for an offence to which this section applies—
 - (a) it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or mixture involved in the alleged offence was the regulated substance that the prosecution allege it to have been, and
 - (b) it is proved that the substance or mixture in question was that regulated substance.
- (5) Where this subsection applies—
 - (a) the accused must not be acquitted of the offence charged by reason only of proving that the accused neither knew nor suspected nor had reason to suspect that the substance or mixture was the particular regulated substance alleged, but
 - (b) the accused must be acquitted of the offence charged if—
 - (i) the accused proves that the accused neither believed nor suspected nor had reason to suspect that the substance or mixture was a regulated substance, or
 - (ii) the accused proves that the accused believed the substance or mixture to be a regulated substance such that, if it had in fact been that regulated substance, the accused would not at the material time have been committing any offence to which this section applies.
- (6) Nothing in this section affects any defence that it is open to a person accused of an offence to which this section applies to raise apart from this section."

11 For section 8 substitute—

Deregulation Bill, *continued***“8 Penalties**

- “(1) A person guilty of an offence under section 3(1), 3A(1) or 3B(1) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both);
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 3 months or to a fine (or both),
 - (ii) in Scotland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 5 on the standard scale (or both).
- (2) A person guilty of an offence under section 3A(3) or (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) A person guilty of an offence under section 3B(3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) A person guilty of an offence under section 3C(8) is liable on summary conviction—
- (a) in England and Wales, to imprisonment for a term not exceeding 3 months or to a fine (or both).
 - (b) in Scotland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 5 on the standard scale (or both).
- (5) A person guilty of an offence under section 7(2) is liable on summary conviction—
- (a) to a fine not exceeding level 4 on the standard scale, and
 - (b) in the case of a continuing offence, to a further fine not exceeding one-tenth of level 4 on the standard scale for every day subsequent to the day on which the person is convicted of the offence during which the contravention or default continues.
- (6) In the case of proceedings against a person for an offence under section 3A, 3B or 3C, or an offence under section 7(2) in connection with the supply of a regulated substance or a reportable substance, where the act in question was done by an employee—
- (a) it is not a defence that the employee acted without the authority of the employer, and
 - (b) any material fact known to the employee is deemed to have been known to the employer.
- (7) Notwithstanding any provision in any Act, or Act of the Scottish Parliament, prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time—
- (a) within the period of 12 months next after the date of commission of the offence, or
 - (b) in the case of proceedings instituted by, or by the direction of, the Secretary of State, within the later to end of—
 - (i) that 12-month period, and

Deregulation Bill, *continued*

- (ii) the period of 3 months next after the date on which evidence sufficient in the Secretary of State's opinion to justify a prosecution for the offence comes to the Secretary of State's knowledge.
- (8) For the purposes of subsection (7)(b)(ii), a certificate purporting to be signed by the Secretary of State as to the date on which such evidence came to the Secretary of State's knowledge is to be conclusive evidence of that fact.
- (9) A document purporting to be a certificate signed by a person specified in subsection (10) stating the result of an analysis made by that person is admissible in any proceedings under this Act as evidence of the matters stated in the certificate, but either party may require the person to be called as a witness.
- (10) The persons are—
 - (a) a public analyst appointed under section 27 of the Food Safety Act 1990, or
 - (b) a person appointed by the Secretary of State to make analyses for the purposes of this Act.
- (11) In the application of this section to Scotland, subsections (7) and (8) have effect as if the references to the Secretary of State were references to the Lord Advocate.

8A Offences by bodies corporate etc

- (1) If an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
 - (2) The reference in subsection (1) to a director, in relation to a body corporate whose affairs are managed by its members, is a reference to a member of the body corporate.
 - (3) If an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a partner, or
 - (b) any person who was purporting to act in that capacity, that person, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.”
- 12 (1) Section 9 (inspection and enforcement) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) An inspector appointed by the General Pharmaceutical Council under article 8(1) of the Pharmacy Order 2010 may at all reasonable times—
- (a) enter any registered pharmacy to ascertain whether an offence under section 3A, 3B, 3C or 7(2) has been committed by a pharmacist or a person carrying on a retail pharmacy business;

Deregulation Bill, *continued*

- (b) enter any suspicious premises to ascertain whether either of the following offences has been committed—
 - (i) an offence under section 3B, or
 - (ii) an offence under section 7(2) in relation to contravention of any regulations that relate solely to regulated poisons.
 - (4A) “Suspicious premises” are premises in which the inspector has reasonable cause to suspect that an offence mentioned in subsection (4)(b) has been committed.
 - (4B) An inspector appointed by the General Pharmaceutical Council under article 8(1) of the Pharmacy Order 2010 may also make such examination and inquiry and do such other things (including the taking, on payment, of samples) as may be necessary for ascertaining any of the things mentioned in subsection (4)(a) and (b).”
 - (3) Omit subsections (5) to (7).
- 13 After section 9 insert—

“9A Application of PACE powers

As regards England and Wales, sections 8, 17 and 18 of the Police and Criminal Evidence Act 1984 (powers of entry and search) apply in relation to an offence under section 3A(3) or (4), 3B(3), 3C(8) or 7(2) of this Act as in relation to an indictable offence.”

- 14 After section 9A (inserted by paragraph 12) insert—

“9B Power to disapply requirements or exclusions in specified circumstances

- (1) The Secretary of State may by regulations provide—
 - (a) that some or all of the requirements of this Act do not apply in circumstances specified in the regulations;
 - (b) that either or both of the exclusions do not apply in circumstances specified in the regulations.
- (2) The power in subsection (1) may be exercised in relation to a substance or group of substances, in relation to persons or a class of persons or in any other way.
- (3) When exercising the power in relation to a substance or group of substances, the regulations may for example provide that the requirements or exclusions in question do not apply to the substance, or substances in the group, where the substance—
 - (a) is intended for use for a specified purpose, or
 - (b) is contained in a specified substance, mixture or article, or
 - (c) is prepared in a specified manner or form, or
 - (d) is so intended, contained or prepared and is present in a concentration that is no higher than a specified limit.
- (4) Nothing in subsection (2) or (3) is to be read as limiting the provision that may be made under subsection (1).
- (5) In this section—
 - (a) “the exclusions” means the exclusions in section 2 for substances that are medicinal or contained in a specific object,

Deregulation Bill, *continued*

- (b) “the requirements of this Act” means the requirements of section 3, 3A, 3B or 3C or of regulations under section 7,
- (c) “specified” includes described,
- (d) references to a substance also include a mixture, and
- (e) references to a group of substances includes a group comprising all the substances listed in Schedule 1A.”

15 For section 10 substitute—

“10 Regulations

- (1) Any power to make regulations under this Act includes power—
 - (a) to make different provision for different purposes,
 - (b) to make incidental or supplemental provision, and
 - (c) to make transitional, transitory or saving provision.
 - (2) Any power to make regulations under this Act is exercisable by statutory instrument.
 - (3) An instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.”
- 16 (1) Section 11 (interpretation) is amended as follows.
- (2) Omit subsection (1).
 - (3) In subsection (2), omit the definitions of—
 - “the board”
 - “local authority’s list”
 - “Poisons Rules”
 - “prescribed”
 - “sale by way of wholesale dealing”.
 - (4) In that subsection, insert the following definitions in the appropriate place alphabetically—
 - ““Great Britain” includes the territorial sea of the United Kingdom other than the part adjacent to Northern Ireland;”,
 - ““licence” (other than in the expression “recognised non-GB licence” and in section 4B) means a licence granted under section 4A;”,
 - ““member of the general public” has the meaning given in section 3;”,
 - ““mixture” means a mixture or solution composed of two or more substances;”,
 - ““recognised non-GB licence” has the meaning given in section 4B;”,
 - ““regulated substance”, “regulated explosives precursor” and “regulated poison” have the meanings given in section 2;”,
 - ““reportable substance”, “reportable explosives precursor” and “reportable poison” have the meanings given in section 2;”, and
 - ““substance” means a chemical element and its compounds in the natural state or obtained by any manufacturing process—
 - (a) including any additive necessary to preserve its stability and any impurity deriving from the process used, but
 - (b) excluding any solvent that may be separated without affecting the stability of the substance or changing its composition;”.
 - (5) In that subsection, in the definition of “retail pharmacy business”, for “section 132(1) of the Medicines Act 1968” substitute “regulation 8 of the Human Medicines Regulations 2012 (S.I. 2012/1916)”.
 - (6) After subsection (2) insert—

Deregulation Bill, *continued*

- “(3) In relation to a regulated substance or a reportable substance, any reference to the substance is a reference to the substance or the mixture, as the case may be.
- (4) References in this Act to supplying something—
- (a) include any kind of supply or making available, whether in return for payment or free of charge, but
 - (b) do not include supply involving export to a person outside the United Kingdom.”

17 After Schedule 1 (which is omitted by paragraph 1 of this Schedule) insert—

“SCHEDULE 1A

REGULATED SUBSTANCES AND REPORTABLE SUBSTANCES

PART 1

REGULATED EXPLOSIVES PRECURSORS

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight)</i>
Hydrogen peroxide (CAS RN 7722-84-1)	12% w/w
Nitromethane (CAS RN 75-52-5)	30% w/w
Nitric acid (CAS RN 7697-37-2)	3% w/w
Potassium chlorate (CAS RN 3811-04-9)	40% w/w
Potassium perchlorate (CAS RN 7778-74-7)	40% w/w
Sodium chlorate (CAS RN 7775-09-9)	40% w/w
Sodium perchlorate (CAS RN 7601-89-0)	40% w/w

PART 2

REGULATED POISONS

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight)</i>
Aluminium phosphide (CAS RN 20859-73-8)	—

Deregulation Bill, *continued*

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight)</i>
Arsenic (CAS RN 7440-38-2); its compounds, other than those listed in Part 4 of this Schedule	—
Barium (CAS RN 7440-39-3), salts of, other than barium sulphate (CAS RN 7727-43-7) and the salts of barium listed in Part 4 of this Schedule)	—
Bromomethane (CAS RN 74-83-9)	—
Chloropicrin (CAS RN 76-06-2)	—
Fluoroacetic acid (CAS RN 144-49-0); its salts; fluoroacetamide	—
Hydrogen cyanide (CAS RN 74-90-8); metal cyanides, other than ferrocyanides and ferricyanides	—
Lead acetates (CAS RN 15347-57-6); compounds of lead with acids from fixed oils	—
Magnesium phosphide (CAS RN 12057-74-8)	—
Mercury (CAS RN 7439-97-6), compounds of, the following— nitrates of mercury; oxides of mercury; mercuric cyanide oxides; mercuric thio cyanate; ammonium mercuric chlorides; potassium mercuric iodides; organic compounds of mercury that contain a methyl (CH ₃) group directly linked to the mercury atom	—
Oxalic acid (CAS RN 144-62-7)	10% w/w
Phenols (phenol; phenolic isomers of the following—cresols, xylenols, monoethylphenols); compounds of phenols with a metal	60% w/w of phenols or, for compounds of phenols with a metal, the equivalent of 60% w/w of phenols
Phosphorus, yellow (CAS RN 7223-14-0)	—

Deregulation Bill, continued

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight)</i>
Strychnine (CAS RN 57-24-9); its salts; its quaternary compounds	—
Thallium (CAS RN 7440-28-0), salts of	—

PART 3

REPORTABLE EXPLOSIVES PRECURSORS

Hexamine (CAS RN 100-97-0)

Sulphuric acid (CAS RN 7664-93-9)

Acetone (CAS RN 67-64-1)

Potassium nitrate (CAS RN 7757-79-1)

Sodium nitrate (CAS RN 7631-99-4)

Calcium nitrate (CAS RN 10124-37-5)

Calcium ammonium nitrate (CAS RN 15245-12-2)

Ammonium nitrate (CAS RN 6484-52-2) in concentration of 16% by weight of nitrogen in relation to ammonium nitrate or higher

PART 4

REPORTABLE POISONS

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight or, where specified, total caustic alkalinity)</i>
Aldicarb (CAS RN 116-06-3)	—
Alpha-chloralose (CAS RN 15879-93-3)	—
Ammonia (CAS RN 7664-41-7 and CAS RN 1336-21-6)	10% w/w

Deregulation Bill, *continued*

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight or, where specified, total caustic alkalinity)</i>
Arsenic, compounds of, the following—calcium arsenites; copper acetoarsenite; copper arsenates; copper arsenites; lead arsenates	—
Barium, salts of, the following—barium carbonate; barium silicofluoride	—
Carbofuran (CAS RN 1563-66-2)	—
Cycloheximide (CAS RN 66-81-9)	—
Dinitrocresols (DNOC) (CAS RN 534-52-1); their compounds with a metal or a base	—
Dinoseb (CAS RN 88-85-7); its compounds with a metal or a base	—
Dinoterb (CAS RN 1420-07-1)	—
Drazoxolon; its salts	—
Endosulfan (CAS RN 115-29-7)	—
Endothal (CAS RN 145-73-3); its salts	—
Endrin (CAS RN 72-20-8)	—
Fentin (CAS RN 668-34-8), compounds of	—
Formaldehyde (CAS RN 50-00-0)	5% w/w
Formic acid (CAS RN 64-18-6)	25% w/w
Hydrochloric acid (CAS RN 7647-01-0)	10% w/w

Deregulation Bill, continued

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight or, where specified, total caustic alkalinity)</i>
Hydrofluoric acid (CAS RN 7664-39-3); alkali metal bifluorides; ammonium bifluoride (CAS RN 1341-49-7); alkali metal fluorides; ammonium fluoride (CAS RN 12125-01-8); sodium silicofluoride (CAS RN 16893-85-9)	—
Mercuric chloride (CAS RN 7487-94-7); mercuric iodide; organic compounds of mercury except compounds that contain a methyl (CH ₃) group directly linked to the mercury atom	—
Metallic oxalates	—
Methomyl (CAS RN 16752-77-5)	—
Nicotine (CAS RN 54-11-5); its salts; its quaternary compounds	—
Nitrobenzene (CAS RN 98-95-3)	0.1% w/w
Oxamyl (CAS RN 23135-22-0)	—
Paraquat (CAS RN 4685-14-7), salts of	—
Phenols (as defined in Part 2 of this Schedule) in substances containing no more than 60%, weight in weight, of phenols; compounds of phenols with a metal in substances containing no more than the equivalent of 60%, weight in weight, of phenols	—
Phosphoric acid (CAS RN 7664-38-2)	—
Phosphorus compounds, the following—azinphos-methyl, chlorfenvinphos, demephion, demeton-S-methyl, demeton-S-methyl sulphone, dialifos, dichlorvos, dioxathion, disulfoton, fonofos, mecarbam, mephosfolan, methidathion, mevinphos, omethoate, oxydemeton-methyl, parathion, phenkapton, phorate, phosphamidon, pirimiphos-ethyl, quinalphos, thiometon, thionazin, triazophos, vamidothion	—

Deregulation Bill, continued

<i>Name of substance and Chemical Abstracts Service Registry number (CAS RN)</i>	<i>Concentration limit (weight in weight or, where specified, total caustic alkalinity)</i>
Potassium hydroxide (CAS RN 1310-58-3)	17% of total caustic alkalinity
Sodium hydroxide (CAS RN 1310-73-2)	12% of total caustic alkalinity
Sodium nitrite	—
Thiofanox (CAS RN 39196-18-4)	—
Zinc phosphide (CAS RN 1314-84-7)	—

Note: for circumstances where requirements of this Act do not apply to a specified substance or mixture, see regulations made under section 9B.

Member's explanatory statement

See the explanatory statement for new clause NC24.

Chi Onwurah
Toby Perkins
Thomas Docherty

Page 11, line 18, leave out Clause 17

84

Tom Brake
Oliver Heald
Mr David Nuttall

Clause 17, page 14, line 33, after “(general)” insert “—

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

12

Member's explanatory statement

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

Deregulation Bill, continued

Caroline Lucas

85

Page 24, line 11, leave out Clauses 30 and 31

Member's explanatory statement

This amendment removes the clauses that limit or remove the ability of local authorities to set higher standards for energy efficiency, water efficiency and other measures than those stipulated in national building regulations.

Tom Brake
Oliver Heald

79

Clause 30, page 24, line 14, leave out from “State” to end of line 17 and insert “in relation to England may include a requirement that applies only where a planning authority makes compliance with the requirement a condition of a grant of planning permission.”

Member's explanatory statement

Clause 30 confers power on the Secretary of State in making building regulations to include requirements (referred to in the clause as “optional requirements”) that apply only where a local planning authority decides they should apply. The amendment means that such a requirement will apply only where a planning authority make compliance with it a condition of a grant of planning permission. See also amendment 82 which inserts a definition of “planning authority”.

Tom Brake
Oliver Heald

80

Clause 30, page 24, line 25, leave out from “before” to end of line 26 and insert “a planning authority may make compliance with an optional requirement a condition of the grant of planning permission.”

Member's explanatory statement

This amendment is consequential on amendment 79.

Tom Brake
Oliver Heald

81

Clause 30, page 24, line 27, leave out “local”

Member's explanatory statement

This amendment is consequential on amendment 79.

Tom Brake
Oliver Heald

82

Clause 30, page 24, leave out lines 40 to 42 and insert—

““planning authority” means—

- (c) a local planning authority within the meaning of that Act (see section 336(1));
- (d) the Secretary of State (in the exercise of functions of granting planning permission);”

Member's explanatory statement

This amendment defines “planning authority” so as to include both a local planning authority (as defined by section 336(1) of the Town and Country Planning Act 1990) and the Secretary of State. This ensures that, where the Secretary of State is exercising functions in relation to the grant of planning permission, he can provide for an optional requirement to apply.

Deregulation Bill, continued

Tom Brake
Oliver Heald

83

Clause 30, page 24, line 42, at end insert—

“ “planning permission” has the same meaning as in that Act (see section 336(1)).”

Member’s explanatory statement

This amendment is consequential on amendment 79. It defines “planning permission” as having the same meaning as in the Town and Country Planning Act 1990.

Jonathan Reynolds
Tom Greatrex
Graham Stringer
Joan Walley
Caroline Lucas

2

Clause 30, page 24, line 42, at end insert—

“(2) This section and section 31 shall not come into force until the Secretary of State has laid a Zero-Carbon Housing Strategy before both Houses of Parliament.”

Tom Brake
Oliver Heald

16

Clause 59, page 43, line 24, leave out paragraph (a) and insert—

() in paragraph 7, after “paragraph 4 above” insert “that relates to material that consists of or includes journalistic material”;

() in paragraph 8, for “such an order” substitute “an order under paragraph 4 above that relates to material that consists of or includes journalistic material”;

() in paragraph 9, for “Such a notice” substitute “Notice of an application for an order under paragraph 4 above that relates to material that consists of or includes journalistic material”;

() in paragraph 10, for “this Schedule” (in each place where it occurs) substitute “paragraph 8”.

Member’s explanatory statement

Clause 59(3) allows Criminal Procedure Rules to supply the procedure on an application for a production order under Schedule 1 to the Police and Criminal Evidence Act 1984. This amendment, with amendment 17, excepts any application which relates to material that consists of or includes journalistic material, as defined by section 13 of the 1984 Act, and ensures that the procedure for such applications continues to be dealt with in Schedule 1.

Tom Brake
Oliver Heald

17

Clause 59, page 43, line 29, at end insert “, other than proceedings for an order under paragraph 4 above that relates to material that consists of or includes journalistic material.”

Member’s explanatory statement

Deregulation Bill, continued

See the explanatory statement for amendment 1616

Tom Brake
Oliver Heald

- 18**
- Clause 70, page 49, line 13, at end insert “or by the National Assembly for Wales constituted by the Government of Wales Act 1998.”
- Member’s explanatory statement***
- This amendment ensures that the power to spell out dates described in legislation cannot be used to amend subordinate legislation made by the National Assembly for Wales*

Caroline Lucas

- 64**
- Page 50, line 30, leave out Clauses 73 to 76.
- Member’s explanatory statement***
- This amendment removes the requirement on persons exercising a regulatory function to have regard to the desirability of promoting economic growth*

Caroline Lucas

- 65**
- Clause 73, page 50, line 30, leave out “economic growth” and insert “sustainable development”
- Member’s explanatory statement***
- This amendment substitutes the requirement on persons exercising a regulatory function to have regard to the desirability of promoting economic growth with a requirement to have regard to the desirability of promoting sustainable development*

Caroline Lucas

- 66**
- Clause 73, page 50, line 33, leave out “economic growth” and insert “sustainable development”

Caroline Lucas

- 67**
- Clause 73, page 50, line 35, leave out “economic growth” and insert “sustainable development”

Caroline Lucas

- 69**
- Clause 73, page 50, line 37, leave out “only”
- Member’s explanatory statement***
- This amendment makes it clear that a person exercising a regulatory function under this section must take regulatory action when needed*
-

Deregulation Bill, *continued*

Caroline Lucas

68

Clause 75, page 51, line 29, leave out “economic growth” and insert “sustainable development”

Caroline Lucas

70

Clause 76, page 52, line 4, after “75”, insert ““sustainable development” means development that meets the needs of the present without compromising the ability of existing communities and future generations to meet their own needs; and that contributes to the principles that the nation and areas within it should live within their environmental limits, should achieve a sustainable economy and should seek to ensure a strong, healthy and just society.”

Member’s explanatory statement

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

Tom Brake
Oliver Heald

76

Clause 79, page 53, line 26, after “(10)” insert “, (*Short-term use of London accommodation: power to relax restrictions*)”

Member’s explanatory statement

This amendment provides for the new clause inserted by amendment NC21 to extend to England and Wales.

Tom Brake
Oliver Heald

19

Clause 79, page 53, line 27, after “Sections” insert “(*Power of HMRC to disclose information for purposes of certain litigation*)”

Member’s explanatory statement

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

Tom Brake
Oliver Heald

20

Clause 79, page 53, line 27, after ‘Sections’ insert “’54, 55,”

Member’s explanatory statement

This amendment extends clauses 54 and 55 (TV licensing) to the whole of the United Kingdom

Tom Brake
Oliver Heald

21

Clause 79, page 53, line 27, after “70” insert “, (*Combining different forms of subordinate legislation*)”

Deregulation Bill, continued

Member's explanatory statement

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

Tom Brake
Oliver Heald

22

Clause 79, page 53, line 28, at end insert—

“() Her Majesty may by Order in Council provide for any of the provisions of section 55 to extend, with or without modifications, to any of the Channel Islands or the Isle of Man.”

Member's explanatory statement

This amendment allows the provisions of clause 55 to be extended to the Channel Islands or Isle of Man

Tom Brake
Oliver Heald

77

Clause 80, page 53, line 30, after “Sections” insert “, (*Short-term use of London accommodation: power to relax restrictions*)”

Member's explanatory statement

This amendment provides for the new clause inserted by amendment NC21 (which confers a power to make regulations) to come into force on the day on which the Bill is passed.

Jonathan Reynolds
Tom Greatrex
Graham Stringer
Joan Walley

3

Clause 80, page 53, line 38, at end insert “, subject to the condition in subsection (2) of that section;”

Member's explanatory statement

This amendment is consequential on amendment 22

Tom Brake
Oliver Heald

24

Clause 80, page 53, line 39, after “35” insert “and (*Removal of restriction on investigation of tramway accidents in Scotland by RAIB*)”

Member's explanatory statement

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

Tom Brake
Oliver Heald

25

Clause 80, page 54, line 4, after “70” insert “, (*Combining different forms of subordinate legislation*)”

Member's explanatory statement

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

Deregulation Bill, continued

Tom Brake
Oliver Heald

26

Clause **80**, page **54**, line **8**, after “Parts” insert “A1,”

Member’s explanatory statement

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

Tom Brake
Oliver Heald

50

Schedule **6**, page **92**, line **18**, at end insert—

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

(2) In the Insolvency Act 1986—

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

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

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

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

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

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

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

Member’s explanatory statement

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

Tom Brake
Oliver Heald

52

Schedule **12**, page **140**, line **29**, after “subsection (1)” insert “(like the power in subsection (1) of section one of this Act)”

Member’s explanatory statement

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

Tom Brake
Oliver Heald

53

Schedule **12**, page **141**, line **12**, leave out “The Secretary of State” and insert “Lantra (the company registered in England and Wales with the company registration

Deregulation Bill, continued

number 2823181)”

Member’s explanatory statement

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

Tom Brake
Oliver Heald

54

Schedule 12, page 141, line 14, leave out sub-paragraph (3).

Member’s explanatory statement

This amendment is consequential on amendment 5353. As the Secretary of State is no longer to have the power to appoint a member of the Farriers Registration Council, this amendment removes the requirement for the Secretary of State to consult the Scottish Ministers before making an appointment

Tom Brake
Oliver Heald

57

Schedule 15, page 155, line 21, leave out paragraph 2 and insert—

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

Member’s explanatory statement

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

ORDER OF THE HOUSE [3 FEBRUARY 2014]

That the following provisions shall apply to the Deregulation Bill:

Committal

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

Proceedings in Public Bill Committee

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

Deregulation Bill, *continued**Consideration and Third Reading*

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

Other proceedings

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

ORDER OF THE HOUSE [14 MAY 2014]

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

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

TABLE*First day*

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to the sale of alcohol and amendments to Clauses 47 to 53; amendments to Schedule 19	3.00 pm
New Clauses and new Schedules relating to health and safety at work and amendments to Clause 1	5.00 pm
New Clauses and new Schedules relating to apprenticeships and amendments to Clauses 3 and 4 and Schedules 1 to 13.	7.00 pm

Deregulation Bill, *continued*

Second day

Proceedings

Time for conclusion of proceedings

New Clauses and new Schedules relating to driving and to roads, railways, tramways and other means of transport and amendments to Clauses 8 to 12 and 32 to 35 and Schedules 2 and 3 and 8 to 10

Three hours before the moment of interruption

New Clauses and new Schedules relating to TV licensing and amendments to Clauses 54 and 55; remaining new Clauses; remaining new Schedules; remaining proceedings on Consideration

One hour before the moment of interruption

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

NOTICES WITHDRAWN

The following Notices were withdrawn on 18 June 2014:

Amendment 78.

The following Notices were withdrawn on 19 June 2014:

Amendment 71.

The following Notices were withdrawn on 20 June 2014:

NC 16.
