

Deregulation Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 25

LORD WALLACE OF SALTAIRE

Page 22, line 32, leave out “or (3)(b)” and insert “, (3)(b) or (5)”

Schedule 7

LORD WALLACE OF SALTAIRE

Page 118, line 38, leave out from beginning to “(including” in line 43 and insert –

“(3) Where a modification consent order takes effect, any path or way, or any part of a path or way, which is shown in a definitive map and statement in consequence of the order or any special order combined with it under section 54B(5) is maintainable at the public expense”

Page 118, line 46, leave out “the” and insert “an”

Page 119, line 1, leave out from “effect,” to “and” in line 3 and insert “a path or way, or part of a path or way, would be maintainable at the public expense by virtue of subsection (3);”

Page 138, line 19, leave out “modifications” and insert “parts”

Page 138, line 21, leave out “modifications” and insert “parts”

Page 138, line 42, at end insert –

“() In that paragraph, after sub-paragraph (4) (as inserted by sub-paragraph (4) of this paragraph) insert –

“(5) In the case of an order relating to England, the Secretary of State may, instead of affording a person an opportunity of being heard as mentioned in sub-paragraph (2)(b), (2A)(b) or (3)(b), afford the person an opportunity of making representations (or further representations) to a person appointed by him for the purpose.

Schedule 7 – continued

- (6) Where the Secretary of State acts under sub-paragraph (5) by affording a person an opportunity of making representations (or further representations) instead of an opportunity of being heard as mentioned in sub-paragraph (2)(b) or (3)(b), the reference in sub-paragraph (2) or (as the case may be) (3)(c) to the report of the person appointed to hear representations or objections is to be read as a reference to the report of the person appointed under sub-paragraph (5)."

Schedule 19

LORD WALLACE OF SALTAIRE

Page 202, line 30, at end insert –

- “(1A) The provision that may be made under subsection (1)(a) includes provision for any requirement of a kind imposed by section 3, 3A, 3B or 3C to apply in additional circumstances.
- (1B) Nothing in subsection (1)(b) to (f), or in subsection (1A), is to be read as limiting the provision that may be made under subsection (1)(a).”

Page 207, line 7, after “make” insert “consequential,”

Clause 78

LORD WALLACE OF SALTAIRE

Page 66, line 37, at end insert –

- “(8) In paragraph 31 of Schedule 4 (NHS trusts established under section 25), as it has effect until its repeal by section 179(2) of the Health and Social Care Act 2012, at the beginning insert “Subject to section 56AA,”.”

Schedule 21

LORD WALLACE OF SALTAIRE

Page 220, line 8, at end insert –

“Subordinate legislation relating to railways

- 22A The following Orders are revoked –
- (a) the Railways Act 1993 (Extinguishment of Relevant Loans) (Railtrack plc) Order 1996 (S.I. 1996/664);
 - (b) the Railtrack Group PLC (Target Investment Limit) Order 1996 (S.I. 1996/2551);
 - (c) the Strategic Rail Authority (Capital Allowances) Order 2001 (S.I. 2001/262).”

After Clause 29

LORD WALLACE OF SALTAIRE

Insert the following new Clause –

“Tenancy deposits: provision of information by agents

- (1) The Housing (Tenancy Deposits) (Prescribed Information) Order 2007 (S.I. 2007/797) is amended as follows.
- (2) In article 2 (prescribed information relating to tenancy deposits), after paragraph (2) insert –
 - “(3) In a case where the initial requirements of an authorised scheme have been complied with in relation to the deposit by a person (“the initial agent”) acting on the landlord’s behalf in relation to the tenancy –
 - (a) references in paragraphs (1)(b), (g)(iii) and (vii) to the landlord are to be read as references to either the landlord or the initial agent;
 - (b) references in paragraphs (1)(d), (e), (g)(iv) and (vi) and (2) to the landlord are to be read as references to either the landlord or a person who acts on the landlord’s behalf in relation to the tenancy.
 - (4) In any other case, references in paragraphs (1)(d), (e), (g)(iv) and (vi) and (2) to the landlord are to be read as references to either the landlord or a person who acts on the landlord’s behalf in relation to the tenancy.
 - (5) Section 212(9)(a) of the Act (references to landlord include persons acting on landlord’s behalf) does not apply for the purposes of this article.”

- (3) After article 2 insert –

“3 Article 2(3) to (5): transitional provisions

- (1) Paragraphs (3) to (5) of article 2 are treated as having had effect since 6th April 2007, subject to the following provisions of this article.
- (2) Paragraphs (3) to (5) of article 2 do not have effect in relation to –
 - (a) a claim under section 214 of the 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) Paragraph (5) applies in respect of a tenancy if –
 - (a) proceedings under section 214 of the Act in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and

After Clause 29 – continued

- (b) because of paragraphs (3) to (5) of article 2, the court decides –
 - (i) not to make an order under section 214(4) of that Act in respect of the tenancy, or
 - (ii) to allow an appeal by the landlord against such an order.
- (4) Paragraph (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 paragraphs (3) to (5) of article 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 paragraph applies, the court must not order the tenant or any relevant person (as defined by section 213(10) of the Act) to pay the landlord’s costs, to the extent that the court reasonably considers those costs are attributable to the proceedings under section 214 of the Act or (as the case may be) section 21 of the Housing Act 1988.
- (6) Proceedings have been “finally determined” for the purposes of this article if –
 - (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.
- (8) In this article “the commencement date” means the date on which the Deregulation Act 2015 is passed.”
- (4) The amendments made by this section to the Housing (Tenancy Deposits) (Prescribed Information) Order 2007 (S.I. 2007/797) do not affect a power to use subordinate legislation to amend or revoke that Order.
- (5) In subsection (4), “subordinate legislation” has the same meaning as in the Interpretation Act 1978.”

After Clause 37

LORD BRADSHAW

Insert the following new Clause –

“Mechanically propelled vehicles on unsealed roads: removal of burdens

- (1) Within one year of the passing of this Act, the Secretary of State shall lay before both Houses of Parliament a report containing an assessment of the burdens and costs caused by the use of mechanically propelled vehicles on unsealed rights of way to –
 - (a) the users of such rights of way,
 - (b) landowners and tenants, and
 - (c) other interested parties, including highway authorities, Natural England, National Park Authorities, local authorities, parish councils and other community organisations.
- (2) A report under subsection (1) shall include –
 - (a) proposals to alleviate such burdens and costs, and
 - (b) an assessment as to whether legislation should continue to permit mechanically propelled vehicles to use unsealed rights of way.
- (3) The Secretary of State may through regulations implement any proposals contained in the report under subsection (1).
- (4) Regulations made under subsection (3) shall be made by statutory instrument.
- (5) A statutory instrument under subsection (4) shall not be made unless a draft has been laid before and approved by both Houses of Parliament.
- (6) The Secretary of State shall not issue a report under subsection (1) until he has consulted with such interested parties as he thinks fit.”

Clause 95

LORD WALLACE OF SALTAIRE

Page 73, line 27, at end insert –

“() section (*Tenancy deposits: provision of information by agents*);”

Page 73, line 36, after “regulations” insert “made by statutory instrument”

Page 73, line 38, at end insert –

“() section 44 and Schedule 12;”

Page 73, line 39, leave out “sections 47 to” and insert “sections 48 and”

Page 73, line 40, leave out “Part 6” and insert “Parts 2 and 6”

Page 74, line 6, at end insert –

“() section 28;”

Page 74, line 8, leave out paragraph (e)

Page 74, line 11, leave out “section 46” and insert “sections 46 and 47”

Clause 95 – *continued*

Page 74, line 14, at end insert –

“() sections 69 and 70;”

Page 74, line 18, leave out “section 87 and”

Page 74, line 24, leave out subsection (4)

Page 74, line 27, leave out “comes” and insert “and, as respects Wales, paragraphs 34, 35 and 40 of Schedule 21 come”

Page 74, line 28, at end insert –

“() Where a provision of a Schedule comes into force in accordance with subsection (3)(o) to (s) or (5), the section to which that Schedule relates comes into force (so far as relating to that provision) at the same time.”

Page 74, line 34, at end insert “or, as respects Wales, paragraphs 34, 35 and 40 of Schedule 21”

Page 74, line 38, at end insert “(other than transitional, transitory or saving provision that the Welsh Ministers have power to make under subsection (7))”

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