

Deregulation Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 27th January 2015, as follows –

Clauses 1 to 3	Clause 52
Schedule 1	Schedule 16
Clauses 4 to 8	Clause 53
Schedule 2	Schedule 17
Clause 9	Clauses 54 and 55
Schedule 3	Schedule 18
Clauses 10 to 13	Clauses 56 to 72
Schedule 4	Schedule 19
Clauses 14 to 18	Clauses 73 to 83
Schedule 5	Schedule 20
Clause 19	Clauses 84 to 87
Schedule 6	Schedule 21
Clauses 20 to 26	Clauses 88 to 91
Schedule 7	Clauses 28 to 35
Clause 27	Schedule 8
Clauses 42 to 44	Clause 36
Schedule 12	Schedule 9
Clause 45	Clause 37
Schedule 13	Schedule 10
Clauses 46 to 50	Clause 38
Schedule 14	Schedule 11
Clause 51	Clauses 39 to 41
Schedule 15	Clauses 92 to 96

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD McKENZIE OF LUTON

- 1 Page 1, line 6, leave out subsection (2) and insert –
- “(2) After subsection (2) (which imposes a general duty with respect to health and safety on self-employed persons) insert –
- “(2A) Nothing in subsection (2) shall preclude the Secretary of State from making regulations exempting self-employed persons carrying out certain activities from the provisions of subsection (2) or from specified regulations thereunder where it can be shown that their work activities pose no potential risk of harm to others.”

- 2★ Page 2, line 4, after “unless” insert –
- “(a) an independent review is undertaken for assurance that the regulations are fit for purpose and that the regulations –
- (i) contain clarity and precision as to whom they apply,
 - (ii) are only applicable to self-employed persons whose activities pose no potential risk of harm to others,
 - (iii) do not increase burdens and bureaucracy on business,
 - (iv) represent a demonstrable improvement on the existing legislative requirements,
 - (v) contribute to enhancing health and safety awareness and the positive benefits of good health and safety practice,
- (b) the results of the independent review are laid before both Houses of Parliament, and
- (c) ”

Clause 2

LORD LESTER OF HERNE HILL
LORD HUNT OF WIRRAL
LORD LOW OF DALSTON
BARONESS THORNTON

- 3 Page 2, leave out lines 15 to 21 and insert “omit from “reducing” to the end of subsection (3) and insert “an adverse effect on the complainant, or a serious adverse effect on any other person, of any matter to which the complaint relates.”

Clause 11

BARONESS THORNTON

- 4 Page 8, line 22, at end insert –
- “(e) the person who made the booking has consented to their booking being sub-contracted to a second operator.
- (1A) A licensing authority may exercise all its powers over a vehicle licensed as a private hire vehicle or taxi if it is operating in their area, even if the licence was issued by another licensing authority.”

Amendment
No.

Clause 11 – continued

5 Page 8, leave out lines 23 to 26

Clause 17

BARONESS HAYTER OF KENTISH TOWN

6 Page 12, leave out line 6

After Clause 23

BARONESS BYFORD
LORD SKELMERSDALE

7 Insert the following new Clause –

“Applications for public path extinguishment of diversion orders: review

- (1) Within two years of the coming into force of the rights of way provisions in this Act, the Secretary of State shall lay before both Houses of Parliament a report containing an assessment by Natural England’s Stakeholder Working Group on Unrecorded Rights of Way of how effective the right to apply provisions and the accompanying guidance have proved in getting local authorities to respond positively to applications for public path extinguishment or diversion orders.
- (2) As well as looking at the overall effectiveness of the legislation and the accompanying guidance, the report shall include an assessment of any notable disparities between the various local authorities.”

Clause 25

LORD WALLACE OF SALTAIRE

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

Schedule 7

LORD WALLACE OF SALTAIRE

9 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”

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

11 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);”

Amendment
No.

Schedule 7 – continued

LORD SKELMERSDALE

12 Page 120, line 12, at end insert –

“() The Secretary of State may by regulations make rules according to which the authority shall make decisions under this Schedule.”

LORD WALLACE OF SALTAIRE

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

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

15 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.

(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).”

17

LORD GREAVES

[As an amendment to Amendment 15]

16★ Line 17, at end insert –

“(7) The Secretary of State must publish the criteria by which he may make a decision on whether the procedure for considering representations or objections to a public path creation order, a public path extinguishment order or a public path diversion order is by public inquiry, hearing or written representations, and those criteria shall be the criteria set out in the “Procedural Guide: Planning Appeals – England” published by the Planning Inspectorate on 1 April 2014.”

Amendment
No.

After Clause 27

LORD BRADSHAW
LORD JUDD
LORD CAMERON OF DILLINGTON

17 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 44

BARONESS HANHAM

18★ Page 37, leave out lines 28 and 29

Schedule 12

BARONESS HANHAM

19★ Leave out Schedule 12

Amendment
No.

After Clause 52

BARONESS THORNTON

- 20★** Insert the following new Clause –
- “Nursery schools: inclusion in schools trusts**
- In section 18 of the Education and Inspections Act 2006 (alterations that may be made under section 19), omit subsection (4)(f).”
- 21★** Insert the following new Clause –
- “Schools: establishment as Industrial and Provident Societies**
- (1) The School Organisation (Requirements as to Foundations) (England) Regulations 2007 are amended as follows.
- (2) At end of Regulation 3(b) insert “; or
- (c) a co-operative society as defined in the Co-operative and Community Benefit Societies Act 2014.”

Schedule 16

LORD CLEMENT-JONES

- 22** Page 185, line 11, at end insert –
- “() After subsection (4) insert –
- “(5) Governing bodies of schools seeking to make changes to dates of term and holiday times will so far as practicable consult local tourism organisations prior to determination.””

Schedule 17

LORD BROOKE OF ALVERTHORPE
LORD TURNBERG
THE LORD BISHOP OF CARLISLE
BARONESS FINLAY OF LLANDAFF

- 23** Page 187, line 25, at end insert –
- “(5A) The alcohol must be sold for no less than fifty pence per unit.”
- 24** Page 187, line 25, at end insert –
- “(5B) The Secretary of State may, by regulations made by statutory instrument no less than three years after the passing of this Act, repeal or otherwise modify subsection (5A).”
- 25** Page 188, line 2, at end insert –
- “(4A) The alcohol must be sold for no less than fifty pence per unit.”
- 26** Page 188, line 2, at end insert –
- “(4B) The Secretary of State may, by regulations made by statutory instrument no less than 3 years after the passing of this Act, repeal or otherwise modify subsection (4A).”

Amendment
No.

Clause 64

BARONESS HOWE OF IDLICOTE
LORD GRADE OF YARMOUTH
LORD STEVENSON OF BALMACARA
LORD CLEMENT-JONES

27 Page 57, line 43, at end insert –

“(14) Any regulations which are made under subsection (1) shall not take effect before 1 April 2017.”

After Clause 64

LORD CLEMENT-JONES
LORD BLACK OF BRENTWOOD
LORD DUBS
LORD GRADE OF YARMOUTH

28 Insert the following new Clause –

“Copyright in broadcast

- (1) The Secretary of State may by regulations made by statutory instrument repeal, in whole or in part, section 73 of the Copyright, Designs and Patents Act 1988 (reception and re-transmission of wireless broadcast by cable).
- (2) A statutory instrument containing regulations under this section may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

LORD CLEMENT-JONES

29 Insert the following new Clause –

“Busking deregulation

- (1) Omit paragraph 14 of section 54 of the Metropolitan Police Act 1839 (penalty on persons committing in thoroughfares the offences herein mentioned).
- (2) Omit sections 32 to 44 of the London Local Authorities Act 2000.”

Before Clause 72

BARONESS JANKE

30 Insert the following new Clause –

“Referendums on changing local authority governance system

In the Local Government Act 2000, omit section 9NA (effect of section 9N order).”

Amendment
No.

Schedule 19

LORD WALLACE OF SALTAIRE

- 31 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).”
- 32 Page 207, line 7, after “make” insert “consequential,”

Clause 78

LORD WALLACE OF SALTAIRE

- 33 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,”.”

After Clause 83

BARONESS HAYTER OF KENTISH TOWN

- 34 Insert the following new Clause –
- “Recognised bodies**
- (1) The Administration of Justice Act 1985 is amended as follows.
- (2) In the title of section 32 (provision of conveyancing services by recognised bodies) after “**conveyancing**” insert “**or other**”.
- (3) In section 32 –
- (a) in subsection (1)(a) after “conveyancing services bodies” insert “or CLC practitioner services bodies”;
- (b) in subsection (1)(b) –
- (i) for “such bodies” substitute “conveyancing services bodies”;
- (ii) for the words from “to undertake” to the end substitute –
- “(a) the provision of conveyancing services,
 (b) the administration of oaths,
 (c) the exercise of a right of audience,
 (d) the conduct of litigation,
 (e) probate activities, or
 (f) the provision of other relevant legal services;”;

Amendment
No.

After Clause 83 – continued

- (c) after subsection (1)(b) insert –
- “(bza) prescribing the circumstances in which CLC practitioner services bodies may be recognised by the Council as being suitable bodies to undertake –
- (i) the administration of oaths,
 - (ii) the exercise of a right of audience,
 - (iii) the conduct of litigation,
 - (iv) probate activities, or
 - (v) the provision of other relevant legal services;”;

(d) in subsection (1)(ba) for the words from “carry on” to the end substitute –

 - “(i) reserved instrument activities, where the recognised body is a conveyancing services body,
 - (ii) the administration of oaths,
 - (iii) the exercise of a right of audience,
 - (iv) the conduct of litigation,
 - (v) probate activities, or
 - (vi) other relevant legal services;”;

(e) in subsection (3)(e) after “those bodies” insert “(including information about disciplinary measures taken)”;

(f) in subsection (3C) after paragraph (a) insert –

“(aa) conditions restricting the kinds of CLC practitioner services that may be provided by the body;”;

(g) for subsection (8) substitute –

“(8) In this section –

 - “administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “CLC practitioner services” has the meaning given by section 32B;
 - “CLC practitioner services body” has the meaning given by section 32B;
 - “conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “conveyancing services body” has the meaning given by section 32A;
 - “probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);
 - “relevant legal services” –
 - (a) in relation to a conveyancing services body, has the meaning given by section 32A; and
 - (b) in relation to a CLC practitioner services body, has the meaning given by section 32B;

Amendment
No.

After Clause 83 – continued

“reserved instrument activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”

- (4) After section 32A (conveyancing services bodies) insert –

“32B CLC practitioner services bodies

- (1) For the purposes of section 32, a “CLC practitioner services body” means a body (corporate or unincorporate) in respect of which –
- (a) the management and control condition,
 - (b) the services condition, and
 - (c) the authorised person condition,
- are satisfied.
- (2) The management and control condition is satisfied in the case of a partnership if at least one of the partners is a licensed conveyancer or a licensed CLC practitioner.
- (3) The management and control condition is satisfied in the case of an unincorporated body (other than a partnership), or a body corporate which is managed by its members, if at least one of those members is a licensed conveyancer or a licensed CLC practitioner.
- (4) The management and control condition is satisfied in the case of any other body corporate if at least one director of the body is a licensed conveyancer or a licensed CLC practitioner.
- (5) The services condition is satisfied in respect of a body if –
- (a) the body is carrying on a business consisting of the provision of –
 - (i) CLC practitioner services; or
 - (ii) CLC practitioner services and other relevant legal services; and
 - (b) the body does not provide conveyancing services.
- (6) The authorised person condition is satisfied if the licensed conveyancer or licensed CLC practitioner by reference to whom the management and control condition is satisfied, or one of the persons by reference to whom that condition is satisfied, is an authorised person in respect of any of the CLC practitioner services that are provided by the body.
- (7) For the purposes of this section –
- (a) a reference to CLC practitioner services is a reference to those of the following reserved legal activities in relation to which the Council is designated as an approved regulator –
 - (i) the administration of oaths,
 - (ii) the exercise of a right of audience,
 - (iii) the conduct of litigation, and
 - (iv) probate activities;

Amendment
No.

After Clause 83 – continued

- (b) a reference to designation as an approved regulator is a reference to designation as an approved regulator –
 - (i) by Part 1 of Schedule 4 to the Legal Services Act 2007, by virtue of an order under paragraph 5 of Schedule 22 to that Act; or
 - (ii) under Part 2 of Schedule 4 to that Act;
- (c) a person has an interest in a body if the person has an interest in the body within the meaning of Part 5 of the Legal Services Act 2007 (see sections 72 and 109 of that Act).

(8) In this section –

“administration of oaths” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“authorised person” means an authorised person in relation to an activity which is a reserved legal activity (within the meaning of the Legal Services Act 2007);

“conduct of litigation” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“probate activities” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“relevant legal services”, in relation to a CLC practitioner services body, means –

(a) CLC practitioner services; and

(b) where authorised persons are managers or employees of, or have an interest in the body, such services as are provided by individuals practising as such authorised persons (whether or not those services involve the carrying on of reserved legal activities), except for conveyancing services;

“reserved legal activity” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act);

“right of audience” has the same meaning as in the Legal Services Act 2007 (see section 12 of, and Schedule 2 to, that Act).”

35 Insert the following new Clause –

“Licensed CLC practitioners

- (1) The Courts and Legal Services Act 1990 is amended as follows.
- (2) In the cross-heading preceding section 53 after “*conveyancers*” insert “*and other persons*”.
- (3) In section 53 (the Council for Licensed Conveyancers) –
 - (a) in subsection (2) omit “only if the person is a licensed conveyancer”;
 - (b) in subsection (3) –
 - (i) for “licensed conveyancer” substitute “person”;

Amendment
No.

After Clause 83 – *continued*

- (ii) for “licensed conveyancer” substitute “person in respect of that activity”;
- (c) in subsection (4) for “Any such” substitute “If the person granted a licence under this section is a licensed conveyancer, the”;
- (d) after subsection (4) insert –
 - “(4A) If the person granted a licence under this section is not a licensed conveyancer, the licence may be granted as a separate licence or as part of a composite licence comprising any other licence under this section which the Council may grant to the person.
 - (4B) A licence under this section granted to a person who is not a licensed conveyancer ceases to have effect if the person becomes a licensed conveyancer.”;
- (e) in subsection (9) –
 - (i) before paragraph (a) insert –
 - “(za) persons who apply for, or hold, an advocacy, litigation or probate licence;”;
 - (ii) in paragraph (c) for “licensed conveyancer” substitute “person”;
 - (iii) after paragraph (d) insert –
 - “(da) any case of an individual who describes himself or herself, or holds himself or herself out, as a licensed CLC practitioner without holding a licence in force under this section;”;
 - (iv) in paragraph (f) for “other matter” substitute “matter, other than those mentioned in paragraphs (a) to (da), that is”;
 - (v) after “with respect to” insert “persons who apply for, or hold, a licence under Part 2 of the Act of 1985 and”;
- (f) after subsection (9) insert –
 - “(9A) The modifications mentioned in subsection (9) may differ depending on whether the person applying for, or holding, an advocacy, litigation or probate licence is or is not a licensed conveyancer.
 - (9B) Subsection (9) does not apply to section 34 of the Act of 1985 (modification of existing enactments relating to conveyancing etc.)”;
- (g) after subsection (10) insert –
 - “(11) In this section –
 - “advocacy licence” means a licence issued under this section by which the Council authorises the person concerned to exercise a right of audience;
 - “CLC practitioner services” has the same meaning as in section 32B of the Act of 1985;
 - “licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under this section;

Amendment
No.

After Clause 83 – continued

“litigation licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities which constitute the conduct of litigation;

“the practice of a licensed CLC practitioner” means the provision by a person, as the holder of a licence under this section, of CLC practitioner services in accordance with the licence; and

“probate licence” means a licence issued under this section by which the Council authorises the person concerned to carry on activities that constitute probate activities.””

36 Insert the following new Clause –

“Recognised bodies and licensed CLC practitioners: consequential amendments

Schedule (*Recognised bodies and licensed CLC practitioners: consequential amendments*) has effect.”

37 Insert the following new Clause –

“Other amendments to the 1985 Act

Schedule (*Other amendments to the 1985 Act*) has effect.”

38 Insert the following new Clause –

“Transitional provisions

- (1) The amendments to section 15 of the Administration of Justice Act 1985 made by paragraph 2 of Schedule (*Other amendments to the 1985 Act*) do not take effect, other than for the purposes of making rules under section 15(3A), until the date on which those rules come into force.
- (2) If an application under section 14 of the 1985 Act is received, but not determined, by the Council before the date, the rules made under section 15(3A) of the 1985 Act (as inserted by paragraph 2 of Schedule (*Other amendments to the 1985 Act*)) come into force, the application will be subject to the provisions of section 15(3)(b) of the 1985 Act, disregarding the amendment made by paragraph 2 of Schedule (*Other amendments to the 1985 Act*).
- (3) The amendments made by paragraph 3 of Schedule (*Other amendments to the 1985 Act*) only apply to an exercise of the powers in paragraph 6(1) or 9(1) of Schedule 5 to the 1985 Act or paragraph 3(1) or 8(1) of Schedule 14 to the 2007 Act that arises by virtue of an act or omission that occurs on or after the date of commencement of those amendments.
- (4) The amendments to the 1985 Act made by paragraphs 3(d) and (e), 6, 7, 8 and 10 of Schedule (*Other amendments to the 1985 Act*) in relation to the right of appeal against certain decisions only apply in relation to a decision that is taken on or after the date of commencement of those amendments.”

Amendment
No.

After Schedule 20

BARONESS HAYTER OF KENTISH TOWN

39 Insert the following new Schedule –

“SCHEDULE

RECOGNISED BODIES AND LICENSED CLC PRACTITIONERS: CONSEQUENTIAL
AMENDMENTS

PART 1

AMENDMENTS TO THE 1985 ACT

- 1 The Administration of Justice Act 1985 is amended as follows.
- 2 In section 16(1) (conditional licences) –
 - (a) in paragraph (b) for “each” substitute “a”;
 - (b) after paragraph (b) insert –
 - “(ba) when a licence previously held by him under section 53 of the Courts and Legal Services Act 1990 was subject to conditions under paragraph 5 of Schedule 8 to that Act;”;
 - (c) in paragraph (c) after “this Part” insert “or a licence in force under section 53 of the Courts and Legal Services Act 1990”;
 - (d) in paragraph (ca) after “section 24A” insert “, whether the order relates to a licence under this Part or a licence under section 53 of the Courts and Legal Services Act 1990”;
 - (e) in paragraph (d) after “section 26” insert “, whether the order relates to a licence under this Part or a licence under section 53 of the Courts and Legal Services Act 1990”;
 - (f) in paragraph (ea) after section 22 insert “(including section 22 as applied by section 53 of the Courts and Legal Services Act 1990)”.
- 3 In section 26 (proceedings in disciplinary cases) –
 - (a) in subsection (2) –
 - (i) in paragraph (a) after “any licence” insert “under this Part”;
 - (ii) in paragraph (b) for “a licence under this Part” substitute “any relevant licence”;
 - (iii) in paragraph (c) after “any licence” insert “under this Part”;
 - (b) after subsection (8) insert –
 - “(9) In this section “relevant licence” means –
 - (a) a licence under this Part, or
 - (b) a licence under section 53 of the Courts and Legal Services Act 1990.”
- 4 In section 28 (revocation of licence on grounds of fraud or error)
 - (a) in subsection (1) –
 - (i) after “a licence” insert “under this Part”;
 - (ii) for “the licence” substitute “all of the relevant licences held by that person”;

Amendment
No.

After Schedule 20—*continued*

- (b) for subsection (2) substitute—
- “(2) Where a person has had any relevant licence which was held by him revoked because of fraud on that person’s part, the person may not be issued with a licence under this Part except on the advice of the Committee given to the Council as the result of an application made by the person to that Committee.”;
- (c) in subsection (3) for “a licence under this Part” substitute “any relevant licence”;
- (d) after subsection (6) insert—
- “(7) In this section “relevant licence” has the meaning given by section 26.”
- 5 In the title of section 33A after “**licensed conveyancers**” insert “**or licensed CLC practitioners**”.
- 6 In section 33A after “licensed conveyancers” insert “or licensed CLC practitioners”.
- 7 In section 34 (modification of existing enactments relating to conveyancing etc.)—
- (a) in subsection (2) after “to a recognised body” insert “which is a conveyancing services body”;
- (b) in subsection (2) after “conveyancer or” insert “such a”;
- (c) in subsection (3) after a “recognised body” insert “which is a conveyancing services body”; and
- (d) after subsection (3) insert—
- “(4) In this section “conveyancing services body” has the meaning given by section 32A.”
- 8 In section 39(1) (interpretation of Part 2) at the appropriate place insert—
- ““licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990;”.
- 9 In Schedule 3 (the Council for Licensed Conveyancers: supplementary provisions) after paragraph 2(1)(a)(i) (constitution of the Council) (and before the “or”) insert—
- “(ia) licensed CLC practitioners;”.
- 10 In Schedule 6 (bodies recognised under section 32: supplementary provisions)—
- (a) after paragraph 3(1)(aa) insert—
- “(aaa) it is alleged that a manager or employee of a recognised body who is not a licensed CLC practitioner has failed to comply with any rules applicable to him by virtue of section 32;”;
- (b) in paragraph 3A(1)(b) after “paragraph 3(1)(aa)” insert “or (aaa)”;
- (c) in paragraph 4(2A) (disciplinary control of recognised bodies) after “paragraph 3(1)(aa)” insert “or (aaa)”;
- (d) in paragraph 14(1) after “paragraph 3(1)(a)(ii), (aa)” insert “, (aaa)”.

Amendment
No.

After Schedule 20 – *continued*

PART 2

AMENDMENTS TO THE 1990 ACT

- 11 The Courts and Legal Services Act 1990 is amended as follows.
- 12 In section 75(c) (judges etc. barred from legal practice) for “or licensed conveyancer” substitute “, licensed conveyancer or licensed CLC practitioner”.
- 13 In section 119(1) (interpretation) at the appropriate place insert –
““licensed CLC practitioner” has the meaning given in section 53;”.
- 14 For the title of Schedule 8 substitute “COUNCIL FOR LICENSED CONVEYANCERS”.
- 15 In Schedule 8 –
- (a) in paragraph 1 (general) for the definition of “advocacy licence” substitute –
““advocacy licence”, “litigation licence” and “probate licence” have the meaning given by section 53;”;
 - (b) in paragraph 1 omit the definitions of –
 - (i) “litigation licence”, and
 - (ii) “probate licence”;
 - (c) in paragraph 4(3) (issues of licences) for the words from “with respect” to “as they” substitute “with respect to –
 - (a) any application under paragraph 3 for an advocacy licence and any advocacy licence in force under section 53;
 - (b) any application under paragraph 3 for a litigation licence any litigation licence in force under section 53; and
 - (c) any application under paragraph 3 for a probate licence and any probate licence in force under section 53 (as the case may be), as they”;
 - (d) in paragraph 5 (conditional licences) –
 - (i) in sub-paragraph (1)(b) –
 - (aa) for “of the kind applied for” substitute “issued under section 53”;
 - (bb) at the end insert “under this paragraph”;
 - (ii) after sub-paragraph (1)(b) insert –
“(ba) when a licence issued under Part 2 of the Act of 1985 which has previously been held by him has been subject to conditions under section 16 of the Act of 1985;”;
 - (iii) in sub-paragraph (1)(c) for “of that kind” substitute “issued under section 53 or Part 2 of the Act of 1985”;
 - (iv) in sub-paragraph (1)(d) at the end insert “, whether the order relates to a licence under section 53 or a licence under Part 2 of the Act of 1985”;
 - (v) in sub-paragraph (6) omit “or” after paragraph (a);

**Amendment
No.**

After Schedule 20 – continued

- (vi) in sub-paragraph (6)(b) –
 - (aa) at the beginning insert “in the case of an applicant who is a licensed conveyancer,”;
 - (bb) at the end for “,” substitute “; or”; and
- (vii) after sub-paragraph (6)(b) insert –
 - “(c) for requiring the applicant to take any specified steps that will, in the opinion of the Council, be conducive to his carrying on an efficient practice as a licensed CLC practitioner,”;
- (e) after paragraph 6 insert –

“Register of licensed CLC practitioners

- 6A (1) The Council must establish and maintain, in such form as the Council may determine, a register containing the names and places of business of all persons who for the time being hold an advocacy, litigation or probate licence and are not licensed conveyancers.
- (2) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person.
- (3) The Council must cause the appropriate entries and deletions to be made in the register on the issue and termination of advocacy, litigation and probate licences; and where any licence held by a person is for the time being suspended by virtue of any provision of Part 2 of the Act of 1985 as applied by this Act the Council must cause that fact to be noted in the register against that person’s name.
- (4) Any change in a licensed CLC practitioner’s place or places of business must be notified by that person to the Council within the period of fourteen days beginning with the date on which the change takes effect.
- (5) The Council must provide facilities for making the information contained in the entries in the register available for inspection in visible and legible form by any person during office hours and without payment.
- (6) A certificate signed by an officer of the Council appointed for the purpose and stating –
 - (a) that any person does or does not, or did or did not at any time, hold an advocacy, litigation or probate licence, or
 - (b) that any licence held by any person is or was at any time either free of conditions or subject to any particular conditions,

Amendment
No.

After Schedule 20 – *continued*

is, unless the contrary is proved, evidence of the facts stated in the certificate; and a certificate purporting to be so signed is to be taken to have been so signed unless the contrary is proved.”;

- (f) for paragraph 8 and the heading preceding it substitute –

“Effect of suspension or revocation

- 8 (1) Where a relevant licence ceases to be in force because of –
- (a) a direction under section 24(5) of the Act of 1985, or
 - (b) an order under section 26(2)(a) or (c) of the Act of 1985,
- any other relevant licence in force with respect to that person at the time shall cease to have effect to the same extent as the licence in question.
- (2) In this paragraph “relevant licence” means –
- (a) an advocacy, litigation or probate licence, or
 - (b) a licence under Part 2 of the Act of 1985.”;
- (g) omit paragraph 9 (removal of disqualification from holding an advocacy, litigation or probate licence);
- (h) omit paragraph 10 (revocation on grounds of fraud or error);
- (i) in paragraph 21 (power to examine files) –
- (i) in sub-paragraph (1)(a) after “licensed conveyancer” insert “or licensed CLC practitioner”;
 - (ii) in sub-paragraph (1) for “the licensed conveyancer”, in both places it occurs, substitute “the person complained of”; and
- (j) in paragraph 22 (interest on clients’ money) after “licensed conveyancer” insert “or licensed CLC practitioner”.

PART 3

AMENDMENTS TO OTHER LEGISLATION

- 16 (1) The 2007 Act is amended as follows.
- (2) In section 104(2) (prevention of regulatory conflict: account rules) after “licensed conveyancer” insert “or licensed CLC practitioner”.
- (3) After section 104(2) insert –
- “(3) In this section “licensed CLC practitioner” means a person, other than a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990.”

Amendment
No.

After Schedule 20 – continued

- (4) In Schedule 5, in paragraph 11 (authorised persons: rights during transitional period: licensed conveyancers) –
- (a) after sub-paragraph (1) insert –
- “(1A) During the transitional period every individual, not being a licensed conveyancer, who holds a licence under section 53 of the Courts and Legal Services Act 1990 is deemed to be authorised by the Council to administer oaths.”;
- (b) in sub-paragraph (2) after “sub-paragraph (1)” insert “or (1A)”;
- (c) in sub-paragraph (3) in the opening words –
- (i) after “and every” insert “conveyancing services”;
- (ii) after “provide conveyancing” insert “or other”;
- (d) after sub-paragraph (3) insert –
- “(3A) During that period, every CLC practitioner services body recognised under section 32 of the Administration of Justice Act 1985 is deemed to be authorised by the Council to administer oaths.”;
- (e) in sub-paragraph (4) after “sub-paragraph (3)” insert “or (3A)”;
- (f) for sub-paragraph (5) substitute –
- “(5) In this paragraph –
- “CLC practitioner services body” has the meaning given by section 32B of the Administration of Justice Act 1985;
- “conveyancing partnership” means a partnership at least some of the members of which are licensed conveyancers, but does not include a CLC practitioner services body;
- “conveyancing services body” has the meaning given by section 32A of the Administration of Justice 1985.”;
- (g) in sub-paragraph (6) after “conveyancing licence” insert “or a licence under section 53 of the Courts and Legal Services Act 1990”.
- (5) In Schedule 24 (index of defined expressions) at the appropriate places insert –

“CLC practitioner services body	paragraph 11 of Schedule 5”
“conveyancing services body	paragraph 11 of Schedule 5
“licensed CLC practitioner	section 104(3).”

40

Insert the following new Schedule –

“SCHEDULE

OTHER AMENDMENTS TO THE 1985 ACT

- 1 The Administration of Justice Act 1985 is amended as follows.

Amendment
No.

After Schedule 20 – *continued*

- 2 In section 15 (issue of licences by Council) –
- (a) in subsection (3)(b) for “the period of 42 days beginning with the date when the application was received by the Council” substitute “the period prescribed under subsection (3A)”; and
 - (b) after subsection (3) insert –

“(3A) The Council must by rules prescribe the period that applies for the purposes of subsection (3)(b).”
- 3 In section 18 (suspension or termination of licences) –
- (a) after subsection (2A) insert –

“(2AA) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 is exercised in relation to a recognised body by virtue of paragraph 10(1)(a) of Schedule 6, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is a manager of the recognised body.

(2AB) Where the power conferred by paragraph 6(1) or 9(1) of Schedule 5 is exercised in relation to a recognised body by virtue of paragraph 10(1)(d) of Schedule 6, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is –

 - (a) a manager of the recognised body, or
 - (b) and employee of the recognised body.

(2AC) Where the power conferred by paragraph 3(1) or 8(1) of Schedule 14 to the Legal Services Act 2007 is exercised in relation to a licensed body by virtue of paragraph 1(2)(d) of that Schedule, the exercise of that power shall operate immediately to suspend any licence under this Part held by a person who is –

 - (a) a manager of the licensed body, or
 - (b) an employee of the licensed body.”
 - (b) after subsection (2C) insert –

“(2CA) At the time when the power referred to in subsection (2AA), (2AB) or (2AC) is exercised, the Council may direct that subsection (2AA), (2AB) or (2AC) (as the case may be) is not to apply in relation to a particular licensed conveyancer.

(2CB) The Council may give a direction under subsection (2CA) in relation to a licensed conveyancer only if –

 - (a) the Council is satisfied that the licensed conveyancer did not fail to comply with the rules applicable to the recognised body by virtue of section 32, or contribute to the body’s failure to comply with such rules, in a case where the Council acts by virtue of paragraph 10(1)(a) of Schedule 6,

Amendment
No.

After Schedule 20 – *continued*

- (b) the Council does not suspect the licensed conveyancer of dishonesty, in a case where the Council acts by virtue of –
 - (i) paragraph 10(1)(d) of Schedule 6, or
 - (ii) paragraph 1(2)(d) of Schedule 14 to the Legal Services Act 2007,
 - (c) the Council is satisfied that the licensed conveyancer was not a manager of the recognised body when the conduct providing the basis for the exercise of the power in paragraph 6(1) or 9(1) of Schedule 5 took place, in a case where the Council acts by virtue of paragraph 10(1)(a) of Schedule 6,
 - (d) the Council is satisfied that the licensed conveyancer was not a manager or employee of the recognised body when the conduct providing the basis for the exercise of the power in paragraph 6(1) or 9(1) of Schedule 5 is suspected of having taken place, in a case where the Council acts by virtue of paragraph 10(1)(d) of Schedule 6, and
 - (e) the Council is satisfied that the licensed conveyancer was not a manager or employee of the licensed body when the conduct providing the basis for the exercise of the power in paragraph 3(1) or 9(1) of Schedule 14 to the Legal Services Act 2007 is suspected of having taken place, in a case when the Council acts by virtue of paragraph 1(2)(d) of Schedule 14 to that Act.
- (2CC) At the time when the power referred to in subsection (2AA), (2AB) or (2AC) is exercised, the Council may direct that such of the licensed conveyancers concerned as are identified in the direction may continue to act in relation to any matter specified in the direction as if their licences had not been suspended by virtue of subsection (2AA), (2AB) or (2AC) (as the case may be), subject to such conditions (if any) as the Council sees fit to impose.”;
- (c) in subsection (2D) after “subsection (2A)” insert “, (2AA), (2AB) or (2AC)”;
 - (d) in subsection (2G) for “the High Court” substitute “the First-tier Tribunal”; and
 - (e) omit subsection (2H).
- 4 In section 19 (register of licensed conveyancers) –
- (a) after subsection (1) insert –
 - “(1A) The Council may make rules specifying the further information, including information about disciplinary measures taken, to be recorded in the register in relation to a person”; and

Amendment
No.

After Schedule 20 – *continued*

- (b) in subsection (2) omit “accordingly”.
- 5 In section 20 (rules as to professional practice, conduct and discipline) omit subsection (2).
- 6 In section 24 (preliminary investigation of disciplinary cases) –
- (a) in subsection (10) for “High Court” substitute “First-tier Tribunal”;
- (b) in subsection (11) for “High Court” substitute “First-tier Tribunal”; and
- (c) omit subsection (12).
- 7 In section 24A (determination of allegations by investigating committee) –
- (a) in subsections (8) and (9) for “High Court” substitute “First-tier Tribunal”; and
- (b) omit subsection (10).
- 8 In section 26 (proceedings in disciplinary cases) –
- (a) for subsection (7) substitute –
- “(7) Where the Discipline and Appeals Committee make an order by virtue of subsection (1) –
- (a) the person whom the order is made, or
- (b) the Council,
- may appeal to the First-tier Tribunal, and on any such appeal the First-tier Tribunal may make such order as it thinks fit.”;
- (b) in subsection (7A) for “High Court” in both places substitute “First-tier Tribunal”; and
- (c) omit subsection (8).
- 9 In paragraph 4(2) of Schedule 3 (the Council for Licensed Conveyancers: supplementary provision: constitution of the Council) omit “by one”.
- 10 In Schedule 6 (bodies recognised under section 32: supplementary provisions) –
- (a) in paragraph 3A (allegations to be determined by the Investigating Committee) –
- (i) in sub-paragraphs (8) and (9) for “High Court” substitute “First-tier Tribunal”;
- (ii) omit sub-paragraph (10); and
- (b) in paragraph 6 (appeals against orders of the discipline and appeals committee) –
- (i) for sub-paragraph (1) substitute –
- “(1) Where the Committee make an order by virtue of paragraph 4(1) or (2A) or 5(1) –
- (a) the person as regards whom the order is made, or
- (b) the Council,
- may appeal to the First-tier Tribunal, and on any such appeal the First-tier Tribunal may make such order as it thinks fit.”;

Amendment
No.

After Schedule 20 – *continued*

- (ii) in sub-paragraph (1A) for “High Court”, in both places, substitute “First-tier Tribunal”; and
- (iii) omit sub-paragraph (2).”

Clause 87

LORD SHARKEY

41★ Page 70, line 19, at end insert –

- “(2) Subject to subsection (7), the provisions of Schedule 21 other than paragraph 43 may not come into force until the Secretary of State has requested the Law Commissions to review the legislation to be repealed by those provisions and the three conditions set out in subsections (3) to (5) are met.
- (3) The first condition is that the Law Commissions have reported on whether each item of legislation to be repealed by paragraphs 1 to 42, 44 and 45 of Schedule 21 is, or may be, of practical use; or is no longer of practical use.
- (4) The second condition is that the reports of the Law Commissions under subsection (3) have been laid before each House of Parliament.
- (5) The third condition is that the Secretary of State has, by regulations made by statutory instrument, removed from the list of legislation to be repealed in Schedule 21 any provisions which the Law Commissions have reported are, or may be, of practical use.
- (6) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) The provisions of Schedule 21 come into force, notwithstanding that the conditions in subsections (3) to (5) have not been met, 12 months after the Secretary of State has requested the Law Commissions to review the legislation if the Law Commissions have failed to make a report within that period.
- (8) In this section the “Law Commissions” means the Law Commission of England and Wales and the Scottish Law Commission.”

Schedule 21

LORD WALLACE OF SALTAIRE

42 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);

Amendment
No.

Schedule 21 – continued

- (c) the Strategic Rail Authority (Capital Allowances) Order 2001 (S.I. 2001/262).”

Clause 88

LORD HUNT OF KINGS HEATH

43 Page 70, line 29, at end insert –

- “() This section does not apply to the following –
- (a) Care Quality Commission,
 - (b) Human Tissue Authority,
 - (c) Medicines and Healthcare Products Regulatory Agency,
 - (d) Professional Standards Authority,
 - (e) General Medical Council,
 - (f) Nursing and Midwifery Council,
 - (g) Health and Care Professions Council,
 - (h) General Chiropractic Council,
 - (i) General Dental Council,
 - (j) General Pharmaceutical Council,
 - (k) Human Fertilisation and Embryology Authority, and
 - (l) any persons exercising a regulatory function with respect to health and care service that the Secretary of State specifies by order.
- () An order under this section must be made by statutory instrument.
- () A statutory instrument containing an order under this section may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

Clause 89

LORD McNALLY
LORD ROOKER
BARONESS THORNTON

44 Page 71, line 2, at end insert –

- “(d) a regulatory function of the Commission for Equality and Human Rights.”

After Clause 29

LORD WALLACE OF SALTAIRE

45 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.

Amendment
No.

After Clause 29 – continued

- (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
 - (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.

Amendment
No.

After Clause 29 – continued

- (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.”

Amendment
No.

Clause 30

BARONESS HAYTER OF KENTISH TOWN

- 46 Page 24, line 39, at end insert—
- “(a) after section 213(10) (requirements relating to tenancy deposits) insert—
- “(11) Where an order made by the appropriate national authority under subsection (5) requires, in connection with the tenancy in respect of which a deposit has been paid, the provision of the name, address, telephone number, and any email address or fax number of the landlord, the name, address, telephone number, and any email address or fax number of any agent who is holding the deposit on behalf of the landlord may be provided instead.”;
- (b) ”

Clause 33

BARONESS GARDNER OF PARKES

- 47 Page 28, line 32, after “which” insert “, for the duration of a major national or international sporting or entertainment event taking place in London,”
- 48 Page 28, line 35, at end insert—
- “(1A) The circumstances referred to in subsection (1) shall include, but need not be limited to—
- (a) where the premises in question have not been used as temporary sleeping accommodation for more than 30 days in that calendar year, and
- (b) where the responsible person owning or renting out the premises in question has provided the local planning authority with the following information at least 21 days before each use as temporary sleeping accommodation commences—
- (i) the date the short-let stay will commence,
- (ii) the date the short-let stay will end,
- (iii) the names and permanent addresses of the people temporarily occupying the property, and
- (iv) written evidence that the owners of the property (where applicable) have been notified and given their written consent.
- (1B) In addition to the requirement in subsection (1A)(b), the regulations may permit the local planning authority to establish a fast-track procedure which would enable the person owning or renting out the premises in question to provide the specified information with less than 21 days’ notice if that person pays a registration fee at a level to be set by the local planning authority.”
- 49 Page 28, line 35, at end insert—
- “() The circumstances referred to in subsection (1) shall include where the premises in question are the principal and permanent residence of the owner.”

Amendment
No.

Clause 33 – *continued*

50 Page 28, line 42, at end insert –

“() Regulations under this section may provide that, where a local planning authority takes enforcement action in respect of the illegal use of residential premises in Greater London as temporary sleeping accommodation, the authority may reclaim any costs associated with that enforcement from the owner or leaseholder of the premises in question.”

51 Leave out Clause 33

After Clause 34

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS GRENDER
LORD STONEHAM OF DROXFORD
LORD TOPE

52 Insert the following new Clause –

“Preventing retaliatory evictions

In the Housing Act 1988, after section 21 insert –

“21A Preventing retaliatory evictions

- (1) A notice under section 21(1)(b) or (4)(a) (a “section 21 notice”) may not be given in relation to an assured shorthold tenancy of a dwelling-house in England within six months beginning with the day of service of a relevant notice in relation to the dwelling-house.
- (2) A section 21 notice given in relation to an assured shorthold tenancy of a dwelling-house in England is invalid if –
 - (a) before the section 21 notice was given, the tenant made a relevant complaint in relation to the dwelling-house to the landlord or the relevant local housing authority, and
 - (b) since the section 21 notice was given, the relevant local housing authority has served a relevant notice in relation to the dwelling-house.
- (3) It is a defence to proceedings for an order under section 21 in relation to an assured shorthold tenancy of a dwelling-house in England that –
 - (a) before the section 21 notice was given, the tenant made a relevant complaint in relation to the dwelling-house to the landlord or the relevant local housing authority, and
 - (b) subsection (4) applies.
- (4) This subsection applies if –
 - (a) the relevant local housing authority has not decided whether to inspect the dwelling-house or the common parts,
 - (b) the relevant local housing authority has decided to inspect the dwelling-house or the common parts but has not conducted an inspection,

Amendment
No.

After Clause 34—*continued*

- (c) the relevant local housing authority has conducted an inspection of the dwelling-house or the common parts but has not decided whether to serve a relevant notice, or
 - (d) the relevant local housing authority has decided to serve a relevant notice in relation to the dwelling-house but the relevant notice has not been served.
- (5) Subsection (1) does not apply where—
- (a) the relevant notice has been wholly revoked under section 16 of the Housing Act 2004 (revocation and variation of improvement notices) as a result of the notice having been served in error,
 - (b) the relevant notice has been quashed under paragraph 15 of Schedule 1 to that Act (procedure and appeals relating to improvement notices),
 - (c) a decision of the relevant local housing authority to refuse to revoke the relevant notice has been reversed under paragraph 18 of Schedule 1 to that Act,
 - (d) a decision of the relevant local housing authority to take the action to which the relevant notice relates has been reversed under section 45 of that Act (appeals relating to emergency measures), or
 - (e) the relevant notice has been made subject to an order under section 29 of the Senior Courts Act 1981 (mandatory, prohibiting and quashing orders).
- (6) References in this section and section 21B to a relevant notice served, or relevant complaint made, in relation to a dwelling-house include a relevant notice served, or complaint made, in relation to any common parts of the building of which the dwelling-house forms a part.
- (7) But subsection (6) applies only if—
- (a) the landlord has an estate or interest in the common parts in question, and
 - (b) the condition of those common parts is such as to affect the tenant’s enjoyment of the dwelling-house or of any common parts which the tenant is entitled to use.
- (8) In this section and section 21B, a reference to a complaint to a landlord includes a complaint made to a person acting on behalf of the landlord in relation to the tenancy.
- (9) In this section and section 21B—
- “assured shorthold tenancy” means a tenancy within section 19A or 20 of this Act;
 - “common parts”, in relation to a building, includes—
 - (a) the structure and exterior of the building, and
 - (b) common facilities provided (whether or not in the building) for persons who include one or more of the occupiers of the building;
 - “dwelling-house” has the meaning given by section 45 of this Act;

Amendment
No.

After Clause 34 – *continued*

“relevant complaint”, in relation to a dwelling-house, means a complaint made –

- (a) to a landlord in writing, or
- (b) to a relevant local housing authority,

regarding the condition of the dwelling-house at the time of the complaint;

“relevant local housing authority”, in relation to a dwelling-house, means the local housing authority as defined in section 261(2) and (3) of the Housing Act 2004 within whose area the dwelling-house is located;

“relevant notice” means –

- (a) a notice served under section 11 of the Housing Act 2004 (improvement notices relating to category 1 hazards),
- (b) a notice served under section 12 of that Act (improvement notices relating to category 2 hazards),
- (c) a notice served under section 28 of that Act (hazard awareness notices relating to category 1 hazards),
- (d) a notice served under section 29 of that Act (hazard awareness notices relating to category 2 hazards), or
- (e) a notice served under section 40(7) of that Act (emergency remedial action).

21B Further exemptions to section 21A

- (1) Subsections (1) to (3) of section 21A do not apply where the condition of the dwelling-house or common parts that gave rise to the service of the relevant notice, or consideration of whether to serve a relevant notice, is due to a breach by the tenant of –
 - (a) the duty to use the dwelling-house in a tenant-like manner, or
 - (b) an express term of the tenancy to the same effect.
- (2) Subsection (3) of section 21A does not apply if the court considers that the relevant complaint is totally without merit.
- (3) Subsections (1) to (3) of section 21A do not apply where the dwelling-house is genuinely on the market for sale.
- (4) For the purposes of subsection (3), a dwelling-house is not genuinely on the market for sale if, in particular, the landlord intends to sell the landlord’s interest in the dwelling-house to –
 - (a) a person associated with the landlord,
 - (b) a business partner of the landlord,
 - (c) a person associated with a business partner of the landlord, or
 - (d) a business partner of a person associated with the landlord.
- (5) For the purposes of subsection (4), references to a person who is associated with another person are to be read in accordance with section 178 of the Housing Act 1996 (meaning of associated person).

**Amendment
No.**

After Clause 34 – continued

- (6) For the purposes of subsection (4), a business partner of a landlord includes a person who is –
 - (a) a director, secretary or other officer of a company of which the landlord is also a director, secretary or other officer, or
 - (b) a partner of a partnership of which the landlord is also a partner.
- (7) Subsections (1) to (3) of section 21A do not apply where the landlord is a private registered provider of social housing.
- (8) Subsections (1) to (3) of section 21A do not apply where –
 - (a) the dwelling-house is subject to a mortgage granted before the beginning of the tenancy,
 - (b) the mortgagee is entitled to exercise a power of sale conferred on the mortgagee or by section 101 of the Law of Property Act 1925 (powers incident to estate or interest of mortgage), and
 - (c) the mortgagee requires possession of the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power.
- (9) In subsection (8) –
 - (a) “mortgage” includes a charge, and
 - (b) “mortgagee” includes a receiver appointed by the mortgagee under the terms of the mortgage or in accordance with the Law of Property Act 1925.””

Clause 39

LORD MCKENZIE OF LUTON
BARONESS HANHAM
LORD TOPE

- 53 Page 31, line 19, leave out from “given” to end of line 21 and insert “–
 - (a) by a notice fixed to the vehicle;
 - (b) by a notice handed to the person appearing to be in charge of the vehicle at the time; or
 - (c) where the enforcement officer is prevented from serving the notice by either of the methods in paragraph (a) or (b), by post,
 in respect of a parking contravention on a road in a civil enforcement area in England”
- 54 Page 31, line 27, at end insert –
 - “(3) The regulations must provide that the requirements under subsection (1) do not apply to the following contraventions –
 - (a) stopping on “school entrance keep clear” markings or any stopping or loading contravention within 100 metres of a school entrance,
 - (b) stopping on pedestrian crossings,
 - (c) stopping on a bus stop or stand,
 - (d) stopping in an operating bus lane,

Amendment
No.

Clause 39 – continued

- (e) stopping, where prohibited, on a red route or clearway,
- (f) stopping in other locations where prohibited, or
- (g) loading where prohibited.”

55 Page 32, line 2, at end insert –

- “(5) Any regulations made under this section shall not apply to the following contraventions –
- (a) stopping on “school entrance keep clear” markings or any stopping or loading contravention within 100 metres of a school entrance,
 - (b) stopping on pedestrian crossings,
 - (c) stopping on a bus stop or stand,
 - (d) stopping in an operating bus lane,
 - (e) stopping, where prohibited, on a red route or clearway,
 - (f) stopping in other locations where prohibited, or
 - (g) loading where prohibited.”

56 Page 32, line 2, at end insert –

- “() Nothing in this section shall come into effect until the following have been published –
- (a) a regulatory impact assessment of any proposals to be made under new regulations under sections 78A and 87A of the Traffic Management Act 2004; and
 - (b) an equalities impact assessment of any proposals to be made under new regulations under sections 78A and 87A of the Traffic Management Act 2004.”

After Clause 39

LORD LOW OF DALSTON
LORD TOPE
LORD HOLMES OF RICHMOND

57 Insert the following new Clause –

“Prohibition of parking on verges, central reservations and footways

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) After section 19 (Prohibition of HGVs on verges, central reservations and footways) insert –

“19A Parking on a road anywhere other than on the carriageway

- (1) A person who parks a vehicle wholly or partly –
 - (a) on the verge of an urban road,
 - (b) on a footway comprised of an urban road, or
 - (c) on any other part of an urban road other than on the carriageway,
 is guilty of a civil offence, subject to the provisions of subsection (3).

**Amendment
No.**

After Clause 39 – continued

- (2) An offence under this section shall be treated as a traffic contravention for the purposes of Part 6 of the Traffic Management Act 2004 and regulations made under it.
- (3) Subject to subsection (6), a highway authority may by resolution, or in the case of the Secretary of State by such notice as appears to him to be appropriate, authorise, from a date specified in the resolution or notice, the parking of vehicles on or over a footway or any part of a footway as referred to in subsection (1).
- (4) Nothing in this section shall apply to any road within Greater London.
- (5) In this section –
“carriageway” and “footway” have the same meanings as in the Highways Act 1980;
“urban road” means a road which –
(a) is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1980;
(b) is subject to an order under section 84 of that Act imposing a speed limit not exceeding 40 miles per hour; or
(c) is subject to a speed limit not exceeding 40 miles per hour which is imposed by or under any local Act;
“vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by, or to be attached to, a mechanically propelled vehicle but does not include a heavy commercial vehicle within the meaning of section 19 of this Act.
- (6) The Secretary of State may make regulations as to any exemptions from the prohibition contained in subsection (1).”
- (3) The Traffic Management Act 2004 is amended as follows.
- (4) In Schedule 7, after paragraph 4(2)(g) insert –
“(ga) an offence under section 19A of the Road Traffic Act 1988 (parking on a road anywhere other than on the carriageway);”.

Clause 95

LORD WALLACE OF SALTAIRE

- 58 Page 73, line 27, at end insert –
“() section (*Tenancy deposits: provision of information by agents*);”
- 59 Page 73, line 36, after “regulations” insert “made by statutory instrument”
- 60 Page 73, line 38, at end insert –
“() section 44 and Schedule 12;”
- 61 Page 73, line 39, leave out “sections 47 to” and insert “sections 48 and”
- 62 Page 73, line 40, leave out “Part 6” and insert “Parts 2 and 6”

- Amendment No.** **Clause 95 – continued**
- 63** Page 74, line 6, at end insert –
“() section 28;”
- 64** Page 74, line 8, leave out paragraph (e)
- 65** Page 74, line 11, leave out “section 46” and insert “sections 46 and 47”
- 66** Page 74, line 14, at end insert –
“() sections 69 and 70;”
- LORD SHARKEY
- 67★** Page 74, line 18, leave out paragraph (o)
- LORD WALLACE OF SALTIRE
- 68** Page 74, line 18, leave out “section 87 and”
- 69** Page 74, line 24, leave out subsection (4)
- 70** Page 74, line 27, leave out “comes” and insert “and, as respects Wales, paragraphs 34, 35 and 40 of Schedule 21 come”
- 71** 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.”
- LORD SHARKEY
- 72★** Page 74, line 28, at end insert –
“() Section 87 and paragraph 43 of Schedule 31 come into force on the day on which this Act is passed, and the other paragraphs of Schedule 21 shall come into force in accordance with the provisions of subsections (2) to (8) of section 87.”
- LORD WALLACE OF SALTIRE
- 73** Page 74, line 34, at end insert “or, as respects Wales, paragraphs 34, 35 and 40 of Schedule 21”
- 74** 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))”

Deregulation Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

30th January 2015

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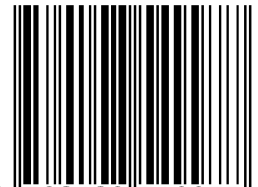
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