HOUSE OF LORDS

Library Note

Deregulation Bill (HL Bill 33 of 2014–15)

The Deregulation Bill is a wide-ranging bill that is intended to remove or reduce regulatory burdens on businesses, civil society, individuals, public sector bodies and the taxpayer across a number of policy areas including: general and specific areas of business, companies and insolvency, the use of land, housing, transport, communications, the environment, education and training, entertainment, public authorities and the administration of justice. The Bill would require non-economic regulators to have regard to the desirability of promoting economic growth. The Bill would also repeal legislation that the Government regards as "no longer of practical use".

This Library Note provides background reading in advance of the Bill's second reading in the House of Lords on 7 July 2014. It gives an overview of the Bill's provisions and focuses particularly on report stage in the House of Commons. Two House of Commons Library Research Papers, *Deregulation Bill*, RP 14/06, and *Deregulation Bill: Committee Stage Report*, RP 14/28, provide further background to the Bill's provisions and proceedings at second reading and committee stage.

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2 July 2014
LLN 2014/024

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1. Introduction

The Deregulation Bill (HL Bill 33 of 2014–15) is a wide-ranging bill that is intended to remove or reduce regulatory burdens on businesses, civil society, individuals, public sector bodies and the taxpayer across a number of policy areas including: general and specific areas of business, companies and insolvency, the use of land, housing, transport, communications, the environment, education and training, entertainment, public authorities and the administration of justice. The Bill would require non-economic regulators to have regard to the desirability of promoting economic growth. The Bill would also repeal legislation that the Government regards as "no longer of practical use".

The Government published a Draft Deregulation Bill in July 2013, which was subject to pre-legislative scrutiny by a joint committee chaired by Lord Rooker. The Joint Committee published its report in December 2013 and the Government published its response in January 2014.[1] The Deregulation Bill was introduced in the House of Commons on 23 January 2014, followed by second reading on 3 February. It was then examined by a public bill committee of MPs over 18 sittings between 25 February and 25 March 2014. The first day of report stage was completed on 14 May 2014 before the parliamentary session ended. A motion to carry the Bill over to the next session had been passed on the same day as second reading, and the Bill received formal first and second readings in the House of Commons on 5 June 2014. It completed its remaining Commons stages on 23 June 2014. The Bill received its first reading in the House of Lords the following day, and is due for second reading on 7 July 2014.

The Cabinet Office has published Explanatory Notes to accompany the Bill. The relevant government departments have also prepared a number of Impact Assessments relating to different provisions in the Bill.

Structure of this Note

Section 2 of the Note provides an overview of the context of the Bill and briefly highlights some of the areas where it would make reforms. A summary of all the Bill's main provisions is given in table form at the end of this Note, in section 9; for further detail, the reader should refer to the Explanatory Notes to the Bill and the to the House of Commons Library Research Paper, *Deregulation Bill*.[2] Section 3 gives brief details of the Bill's second reading and committee stages in the House of Commons; a more comprehensive summary of these proceedings is given in the House of Commons Library Research Paper, *Deregulation Bill: Committee Stage Report*.[3]

The remainder of this Note mostly focuses on the Bill's report stage and third reading in the House of Commons. Section 4 outlines the new clauses and schedules added to the Bill by the Government (all agreed to without division). Section 5 covers the divisions at report stage when the Opposition and the Green Party sought to amend or remove entirely provisions in the Bill on: exempting self-employed people from the general health and safety at work duty; changing the licensing arrangements for taxis and private hire vehicles; partial authorisation of insolvency practitioners in either corporate or personal insolvency; reducing the qualifying

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[1] Joint Committee on the Draft Deregulation Bill, *Draft Deregulation Bill*, 19 December 2013, HL Paper 101 of session 2013–14; and HM Government, *Government Response to the Report of the Joint Committee on the Draft Deregulation Bill*, January 2014, Cm 8808.
[2] House of Commons Library, *Deregulation Bill*, 30 January 2014, RP 14/06.
[3] House of Commons Library, *Deregulation Bill: Committee Stage Report*, 9 May 2014, RP 14/28.

period before public sector tenants can exercise the right to buy their home; preventing local authorities from specifying energy efficiency standards higher than those contained in building regulations; and removing the Secretary of State's mandatory duty to re-open marine accident investigations in the light of new and important evidence. None of these amendments were made. Section 6 outlines the other policy areas of the Bill that were debated at report stage, including apprenticeships, rights of way and TV licensing. It also gives details of a backbench amendment made at report stage to repeal legislation that allows parliamentary privilege to be waived in defamation cases. Section 7 briefly summarises the Bill's third reading. Section 8 outlines the outstanding concerns the Joint Committee on Human Rights has expressed about the Bill relating to the removal of employment tribunals' power to make wider recommendations and the application of the economic growth duty to the Equality and Human Rights Commission.

2. Overview

The Deregulation Bill sits within the context of the Government's wider programme of reviewing regulation:

> The Bill forms part of the Government's commitment to reduce the overall burden of regulation and to cut 'red tape' during this Parliament. The implementation of that programme includes measures given effect by administrative changes and also via secondary legislation. The Deregulation Bill is one of a number of government bills that is taking forward reforms where their implementation requires primary legislation.
>
> Many of the measures in the Bill arise as a result of the Government's 'Red Tape Challenge' programme which sought the views of businesses and the public on the removal and reform of areas of regulation.[4]

Further information about the Red Tape Challenge is available on the Cabinet Office's Red Tape Challenge website.

The Bill repeals or amends scores of different pieces of legislation, affecting "3,000 or so regulations" according to Oliver Letwin, the Minister for Government Policy.[5] The summary table in section 9 of this Note gives a brief outline of its provisions, but the Explanatory Notes should be consulted for full details. When it published a draft bill for pre-legislative scrutiny, the Government highlighted the following areas as key elements of reform (all of which are in the Bill as introduced in the House of Lords):

> The Bill frees businesses from red tape by:
>
> - scrapping health and safety rules for self-employed workers in low risk occupations, formally exempting 800,000 people from health and safety regulation and saving business an estimated £300,000 a year;
> - putting a deregulatory 'growth duty' on non-economic regulators, bringing the huge resource of 50 regulators with a budget of £4 billion to bear on the crucial task of promoting growth and stopping pointless red tape;
> - making the system of apprenticeships more flexible and responsive to the needs of employers and the economy, as recommended by the Richard Review […]

[4] Explanatory Notes, paras 5–6.
[5] HC *Hansard*, 3 February 2014, col 39.

- removing employment tribunal judges' power to issue wide recommendations to businesses brought before them.

It makes life easier for individuals and civil society, including by:

- reducing the period for which someone has to live in their social housing to qualify for right to buy from 5 to 3 years, expanding their availability to a further 200,000 households;
- scrapping heavy-handed fines for people who make mistakes putting out their bins;
- deregulating the showing of 'not-for-profit' film in village halls and community centres, making it easier for small charities and community groups to hold film nights;
- devolving decisions on public rights of way to a local level, which will cut the time for recording a right of way by several years and save almost £20 million a year through needless bureaucracy.

It reduces bureaucratic requirements on public bodies including:

- removing prescriptive requirements on local authorities to consult and produce various strategies, giving them more freedom from central control;
- freeing schools from pointless paperwork and prescriptive central government requirements.[6]

3. Second Reading and Committee Stage

Introducing the Bill at second reading, Oliver Letwin, the Minister for Government Policy, said that although regulation was "often sensible and necessary", the Government had found that "there are things being regulated that no longer exist […] regulators doing things that no longer have any useful purpose and bodies provided for in regulations that no longer function […] there are things being regulated that do exist, and for which regulations are still operative, but on which such regulation ought not to exist".[7] He believed that "while the Bill represents only a tiny fraction of this Government's vast and enormously successful efforts to have a period of a Parliament for the first time in this country's history in which we have reduced rather than increased the burden of domestic regulation, it is nevertheless a significant step forward".[8]

Chi Onwurah, Shadow Minister for the Cabinet Office, said that there were some measures in the Bill that were welcome and which Labour did not oppose.[9] However, she believed some of the Bill's proposals were "very disturbing", and her party would "vigorously oppose" them, such as removing the power of employment tribunals to make wider recommendations and exempting self-employed people from the general health and safety at work duty.[10] She also expressed concerns that the economic growth duty could lead regulators to take a short-term

[6] Cabinet Office, 'Government Unveils Deregulation Bill', 1 July 2013.
[7] HC *Hansard*, 3 February 2014, col 35.
[8] ibid, cols 43–4.
[9] ibid, col 45.
[10] ibid, cols 45–6.

view and that reducing the qualifying period for right to buy might have an impact on the supply of affordable homes.[11]

Caroline Lucas (Green MP for Brighton, Pavilion) tabled an amendment opposing the Bill's second reading. She argued that the Bill was based on a "fundamentally flawed premise […] it fails to recognise that some regulation can be good for business and job creation, as well as for consumers".[12] She also feared that the economic growth duty would "interfere with, and impinge on, [regulators'] ability independently to carry out crucial roles". Ms Lucas withdrew her amendment and the Bill was given a second reading without a vote.

At committee stage, the Government added a number of new clauses: exempting Sikhs who wear turbans from the requirement to wear safety helmets in all workplaces, not just construction sites (clause 6); changing some aspects of the regulation of taxis and private hire vehicles (clauses 10–12); allowing an alternative method of dispute resolution for some disputes regarding agricultural holdings (clause 14); allowing the addition of optional requirements to building regulations (clause 32), but preventing local authorities from requiring higher standards for energy efficiency than those specified in building regulations (clause 33); and reviewing and possibly replacing the criminal sanctions related to the non-payment of the TV licence fee (clauses 59 and 60).[13]

For further details of these new clauses, and the second reading and committee stage debates on other clauses in the Bill, see the House of Commons Library Research Paper, *Deregulation Bill: Committee Stage Report*.[14]

4. Report Stage: New Clauses

The Government added a number of new clauses and schedules to the Bill at report stage. The programme motion did not allow time for them all to be debated, particularly on the second day of the report stage. Toby Perkins, Shadow Minister for Business, Innovation and Skills, complained it was "an absolute disgrace and an affront to democracy that this House is being asked to whistle through the approval of very important measures that this Government have brought before us at a moment's notice".[15] This section gives an outline of the new clauses and schedules added, and concerns raised by MPs about them during the report stage debate. For full details of the provisions, please refer to the Explanatory Notes to the Bill. The numbering given refers to the version of the Bill as introduced in the House of Lords.

Requirement to Wear Safety Helmets: Exemption for Sikhs (Clause 7)

Current legislation exempts Sikhs who wear turbans from the requirement to wear a safety helmet on construction sites. At committee stage, the Government introduced a new clause (clause 6 in the Bill as introduced in the Lords) which would extend this exemption so that it applies to all workplaces, not just construction sites. [16] This clause would apply only in Great Britain. At report stage, the Government introduced another new clause (clause 7 in the Bill as

[11] ibid, col 50.
[12] ibid, cols 56–7.
[13] All clause numbers given are for the Bill as introduced in the House of Lords.
[14] House of Commons Library, *Deregulation Bill: Committee Stage Report*, 9 May 2014, RP 14/28.
[15] HC *Hansard*, 23 June 2014, col 112.
[16] There are some exceptions, for example in military operations—see Explanatory Notes, paras 41 and 51.

introduced in the Lords) which would extend the same exemptions to Sikhs in Northern Ireland.[17]

Space Activity: Limit on Indemnity Required (Clause 13)

A new clause was introduced which would limit the indemnity applicable to licensed space activities (currently the indemnity is unlimited).[18] Oliver Heald, the Solicitor General, explained that this change would "cap the unlimited liability at €60 million for the majority of missions".[19]

Tenancy Deposits (Clause 31)

A new clause was inserted which would amend the tenancy deposit provisions in the Housing Act 2004. Oliver Heald explained that the 2004 Act was not intended to affect deposits paid to landlords prior to 2007 (when the relevant part of the 2004 Act came into force) and that "it was never the intention that landlords who had protected deposits and who had given their tenants information about that protection should then have to reissue the same information about the deposit protection each and every time the tenancy was renewed, although the same deposit would continue to be protected in the same scheme from one tenancy to the next".[20] However, in the case of *Superstrike v Rodrigues* [2013] EWCA Civ 669, the Court of Appeal had held that "the deposit must be treated as having been paid by the tenant afresh at the start of the statutory periodic tenancy".[21]

Mr Heald said this case put a large number of landlords "at risk of court action and open to a financial penalty, despite having done what the sector and successive Governments considered to be the right thing".[22] Clause 31 would therefore ensure that if a landlord had complied with the tenancy deposit protections requirements for a tenancy, s/he would not need to comply with them again for a replacement tenancy with the same tenant.[23] Where the requirements were not complied with for the original tenancy (for example if it began prior to 2007) and a replacement statutory tenancy was in place, clause 31 would give the landlord extra time to comply with the requirements.

Short-term Lets in London (Clause 34)

Under the Greater London Council (General Powers) Act 1973, the use of residential premises in London for temporary sleeping accommodation constitutes a material change of use, for which planning permission is required.[24] According to the Explanatory Notes to the Bill, this provision was originally made to give London boroughs "greater and easier means of planning control to prevent the conversion of family homes into short-term lets".[25] Oliver Heald described this as "an outdated 40-year-old law that restricts householders in London from being able to temporarily let out their homes, or even a spare room, for less than three months

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[17] HC *Hansard,* 14 May 2014, col 804.
[18] Explanatory Notes, para 85.
[19] HC *Hansard*, 23 June 2014, col 106.
[20] ibid, col 108.
[21] Explanatory Notes, para 169.
[22] HC *Hansard*, 23 June 2014, col 108.
[23] ibid, col 123.
[24] Explanatory Notes, para 191. 'Temporary sleeping accommodation' is defined as "sleeping accommodation which is occupied by the same person for less than ninety consecutive nights and which is provided (with or without services) for a consideration arising either by way of trade for money or money's worth, or by reason of the employment of the occupant, whether or not the relationship of landlord and tenant is thereby created".
[25] ibid, para 193.

without having first secured planning permission for change of use".[26] He noted that some Londoners who had rented rooms to visitors for the Olympics had been subject to enforcement action by local authorities. Clause 34 would allow the Secretary of State to make regulations specifying when the use of residential premises in London for temporary sleeping accommodation would not require planning permission. Mr Heald stressed the Government was "trying to ensure that speculators are not able to buy homes meant for Londoners and rent them permanently as short-term lets".[27]

Mark Field (Conservative MP for Cities of London and Westminster) and Karen Buck (Conservative MP for Westminster North) both expressed concerns that an increase in short-term letting could have a negative impact on the levels of housing stock in London, on the sense of local community and on local authorities' ability to deal with noise and anti-social behaviour.[28] Toby Perkins, Shadow Minister for Business, Innovation and Skills, called for "proper consultation" on clauses 33 and 34 due to Labour's concerns about policies "specifically encourag[ing] more shorter-term lets".[29]

Civil Penalties for Parking Contraventions: Enforcement (Clause 38)

The Government introduced a new clause which would make changes in the use of closed circuit television (CCTV) for parking enforcement. Tom Brake, Parliamentary Secretary, Office of the Leader of the House of Commons, explained that the Government had concerns that local councils' use of CCTV for on-street parking enforcement was "no longer proportionate".[30] The Government believed it would be "more appropriate and fair for such contraventions to be handled by a civil enforcement officer". Clause 38 would amend the Traffic Management Act 2004 to require that notice of a penalty charge must be affixed to the vehicle. Mr Brake explained this would "prevent the automatic issuing by post of fines for parking offences", which was the current practice where a parking offence had been recorded by CCTV.[31]

Clause 38 also contains powers which would allow the Secretary of State to make regulations prohibiting the use of CCTV or other devices in connection with parking enforcement. Mr Brake said that their use would be "banned in all but the following limited circumstances: when stopped in restricted areas outside a school; when stopped where prohibited on a red route or clearway; when parked where prohibited in a bus lane; or when stopped on a restricted bus stop or stand".[32]

Gordon Marsden, Shadow Minister for Transport, accepted there were "legitimate concerns" about councils' use of CCTV for parking enforcement, but he was critical of the Government for introducing this measure "so late in the day".[33] He was also concerned that the circumstances where CCTV could still be used for parking enforcement were not stated on the face of the Bill. The new clause was added without division.[34]

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[26] HC *Hansard,* 23 June 2014, col 108.
[27] ibid, col 109.
[28] ibid, cols 117 and 118–19.
[29] ibid, col 114.
[30] ibid, col 26.
[31] ibid, col 27.
[32] ibid.
[33] ibid, col 34.
[34] ibid, col 68.

Investigation of Tramway Accidents in Scotland (Clause 39)

A new clause was added to remove the prohibition on the Rail Accident Investigation Branch (RAIB) investigating tram accidents in Scotland.[35] RAIB investigators already investigate accidents on all mainline rail services, including in Scotland, and on tramways in England and Wales.[36] Since the Edinburgh tramway—the first in Scotland—had now entered service, Tom Brake said the prohibition was "no longer appropriate" and Scottish Ministers would support the legislative consent motion required for Westminster to legislate in this devolved area.[37]

Sale of Alcohol: Community Events etc and Ancillary Business Sales (Clause 52 and Schedule 16)

The Government introduced a new clause and a new schedule which would establish new licensing arrangements for community groups and certain small businesses selling small amounts of alcohol. Under the existing licensing regime, retail alcohol sales must be covered by a premises licence, a club premises certificate or a temporary event notice. Norman Baker, the Minister for Crime Reduction, argued that these arrangements were "pointlessly costly and burdensome" for community groups wishing to sell alcohol at occasional events and for certain businesses, such as bed and breakfast providers wishing to serve guests alcohol with an evening meal.[38] Mr Baker explained that under the new licensing scheme, applicants would send a form to the council notifying their intent to provide alcohol.[39] Business users ('ancillary sellers') would have to specify a single premises from which they would sell alcohol, while community groups could specify up to three premises where they planned to hold events at which they would sell alcohol.

Mr Baker noted that licensing authorities would be able to reject a notice "on the grounds of preventing crime and disorder, preventing public nuisance, promoting public safety, or protecting children from harm" and that the local police and environmental health authority would also have a say.[40] He believed that "alcohol harm and disorder would in no way be accelerated by this process"; the Government was "simply taking a non-threatening, problem-free alcohol environment and simplifying the bureaucracy that surrounds it".[41] Some of the details of the scheme—such as the level of fees to be charged, the amount of alcohol that could be sold, or the definition of a community group—would be "worked through in consultation".[42]

Chi Onwurah, Shadow Minister for the Cabinet Office, said that Labour did not oppose this proposal, although she was critical of the Government's policy on alcohol generally.[43] The new clause and schedule were added to the Bill without division.

HMRC Disclosure of Information for Purposes of Certain Litigation (Clause 67)

At report stage the Government introduced a new clause which would allow HMRC "to disclose information HMRC holds to persons entitled to make claims under fatal accidents

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[35] ibid, col 67.
[36] ibid, col 26.
[37] ibid.
[38] HC *Hansard*, 14 May 2014, col 777.
[39] ibid, col 779.
[40] ibid.
[41] ibid, col 780.
[42] ibid, col 786.
[43] ibid, cols 782–3.

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".[44]

Poisons and Explosive Precursors (Clause 68 and Schedule 18)

A new clause and schedule were added to abolish the statutory requirement for a Poisons Board under the Poisons Act 1972 and to introduce a single regulatory scheme for non-medicinal poisons and chemicals which can be used to make explosives ('explosive precursors') in line with EU Regulation 98/2013 on the marketing and use of explosive precursors.[45]

Electoral Commission and LGCBCE: Governance Arrangements (Clauses 72 and 73)

The Electoral Commission and the Local Government Boundary Commission for England (LGBCE) are independent bodies overseen by the Speaker's Committee for the Electoral Commission.[46] The Electoral Commission and the LCGBCE recently obtained support from the Speaker's Committee for changes to their governance and financial scrutiny arrangements:

> Under current statutes, both bodies are required to have their finances scrutinised through an annual value for money report carried out by the National Audit Office and an annual submission of their five-year plans to the Committee. Given the small size and limited remit of both bodies (particularly the LGBCE), the Committee agreed that relaxing these requirements would bring small financial savings to the National Audit Office with very little risk of adverse effects for the taxpayer. The changes would also remove the necessity of drafting five-year plans spanning years for which no Treasury guidance exists. Thus the Committee recommended a more flexible approach, with, for each organisation, a baseline of one statutory five-year plan and value for money study to be conducted in every Parliament, complemented by giving the Speaker's Committee power to require further such studies as and when it sees fit.[47]

Clauses 72 and 73 would make the necessary amendments to the Political Parties, Elections and Referendums Act 2009. The Speaker's Committee also agreed that the Electoral Commission and the LGBCE should be able to appoint lay members to their committees and sub-committees, "consistent with current best practice and HM Treasury guidance on audit committees".[48] Clause 73 would allow the LGBCE to appoint up to two independent members to its audit committee, but the Bill includes no equivalent measures for the Electoral Commission.

Combining Different Forms of Subordinate Legislation (Clause 80)

Clause 80 would allow rules, regulations and orders to be combined in one statutory instrument. Generally this cannot happen at present unless an Act gives express power for that purpose.[49] Oliver Heald, the Solicitor-General, explained that "allowing different forms to be combined should create a much more coherent legislative story and policy narrative, while—we

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[44] HC *Hansard*, 23 June 2014, col 120.
[45] ibid, col 125 and cols 129–141; Explanatory Notes, para 349.
[46] Speaker's Committee for the Electoral Commission, 'About the Committee', accessed 27 June 2014.
[47] Speaker's Committee, *Work of the Committee in 2013*, 6 May 2014, HC 1173 of session 2013–14, p 6.
[48] ibid, p 5.
[49] HC *Hansard*, 23 June 2014, col 107.

hope—reducing the number of administrative burdens and the amount of parliamentary time wasted".[50]

Duration of Driving Licences for Drivers with Relevant or Prospective Disabilities (Schedule 9)

The Government introduced a new part to schedule 9 (part 1 in the Bill as introduced in the Lords) that would allow the Driver and Vehicle Licensing Agency (DVLA) to issue driving licenses to people with certain medical conditions for up to ten years, rather than the current maximum of three years.[51]

5. Report Stage: Divisions

Health and Safety at Work: General Duty of Self-Employed Persons (Clause 1)

Section 3(2) of the Health and Safety at Work etc Act 1974 places a duty on every self-employed person to "conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health and safety". Clause 1 of the Bill would amend this provision so that it applied only to self-employed persons who conduct an "undertaking of a prescribed description". The list of prescribed undertakings would be specified by the Secretary of State in regulations. At the Bill's second reading, Oliver Letwin, the Minister for Government Policy, explained that:

> Under clause 1, about two thirds of people in the country who are self-employed will no longer by covered by the Health and Safety at Work etc Act 1974 […] The one third who will continue to be covered are those who engage in high-risk activities, which will be specified and which will be precisely the activities that the House would expect to be covered, such as the activities of the nuclear, construction and chemical industries.[52]

At report stage, Oliver Heald, the Solicitor-General, explained there were four criteria for inclusion on the list of prescribed activities:

> […] where there are high numbers of self-employed people in a particular industry with high rates of injury or fatalities, for example agriculture; where there is significant risk to members of the public, for example fairgrounds; where there is potential for mass fatalities from, for example, explosives, fireworks and so on; and where there is a European obligation to retain the general duty on self-employed persons, for example in construction, where there is a Council directive imposing duties on the self-employed.[53]

He maintained that the list was "designed to strike a careful balance between the need to free self-employed people from unnecessary burdens while still providing the important protections to those who need them".[54] The Government was introducing this change, he said, following an independent review of health and safety legislation (the Löfstedt review) which had

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[50] ibid.
[51] ibid, cols 31, 83 and 89.
[52] HC *Hansard*, 3 February 2014, col 41.
[53] HC *Hansard*, 14 May 2014, col 808.
[54] ibid, col 809.

recommended that self-employed people should be exempt from health and safety law where they posed no potential risk of harm to others through their work activity.[55] Mr Heald explained that the members of the Commons public bill committee had seen a draft list of prescribed undertakings and that the list would be subject to public consultation and parliamentary procedure.[56]

At report stage, the Opposition tabled an amendment to remove clause 1 from the Bill entirely. Toby Perkins, Shadow Minister for Business, Innovation and Skills, argued that there was "no compelling reason" for the change that clause 1 would introduce.[57] Since it would exempt "only people who pose no risk to anybody", he described the proposal as being of "minuscule benefit".[58] He argued that clause 1 could have negative consequences. Describing how workers in many sectors, for example care and construction, had been pushed into what he called "bogus self-employment", he maintained that "an exemption in respect of health and safety only increases the incentive for employers to pursue this route as a model of recruitment, reducing safety in the workplace, making it an optional extra, rather than a hard-won right".[59] Furthermore, he feared that clause 1 would create confusion as "entrepreneurs and microbusinesses might wrongly believe they are now exempt form health and safety obligations towards clients and visitors to their premises".[60] He criticised the Government for "sending out the message that health and safety is not something for all workplaces at all times but something to be negotiated and traded away".[61]

James Duddridge (Conservative MP for Rochford and Southend East, and Chair of the House of Commons Regulatory Reform Committee) opposed the Labour amendment as he believed that health and safety obligations could serve as a barrier to people when first deciding to set up a small business.[62] He rejected Toby Perkins' argument that clause 1 would put "bogus self-employed" people at risk, because "by being on the site—by being in the care home or on the building site—they are subject to health and safety rules" even if they were not in an employment relationship with the owner or operator of the site.[63]

John McDonnell (Labour MP for Hayes and Harlington) echoed Mr Perkins' points about the possibility for clause 1 to cause confusion: "Up until now, the simplicity of the legislation has meant that everyone knows they are covered no matter what […] As soon as we try to resolve some of the smaller exaggerations of the health and safety at work legislation, we then open up the possibility of absolute confusion about what is going on".[64] He raised concerns regarding the practical difficulties of drawing up a comprehensive list of prescribed undertakings, questioning for example whether a self-employed plumber or electrician working in a customer's home would be on the list.[65] John Cryer (Labour MP for Leyton and Wanstead) expressed concerns that "the Bill is nearing the end of its progress, yet nobody is quite sure what will be on the list and what will not".[66] Oliver Heald reiterated that the list would "ensure

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[55] Ragnar Löfstedt, *Reclaiming Health and Safety for All: An Independent Review of Health and Safety Legislation*, Cm 8219, November 2011.
[56] HC *Hansard*, 14 May 2014, col 809.
[57] ibid, col 817.
[58] ibid, cols 816 and 817.
[59] ibid, cols 813–16.
[60] ibid, col 817.
[61] ibid, col 818.
[62] ibid, col 819.
[63] ibid, col 820.
[64] ibid, col 821.
[65] ibid, col 823.
[66] ibid, col 827.

that self-employed persons conducting undertakings where they are most at risk of serious injury or fatality will not be exempt from the law".[67]

The Opposition amendment was defeated by 283 votes to 227.[68]

Taxis and Private Hire Vehicles (Clauses 10–12)

Clauses 10 to 12 of the Bill would make some changes to the law regarding taxis and private hire vehicles (PHVs). Clause 10 would allow a driver without a PHV licence to drive a licensed PHV when it is not being used as a PHV—this is currently an offence. Clause 11 would standardise the length of time for which licenses are issued: three years for taxi and PHV drivers' licences, and five years for private hire operator licences. Licences of shorter duration could be issued in individual circumstances. Clause 12 would allow PHV operators to subcontract a booking to another operator licensed to operate in a different licensing district.

The Opposition moved an amendment to remove these clauses from the Bill altogether. Gordon Marsden, Shadow Minister for Transport, "strongly oppose[d]" these proposals because he believed they would "put passengers at risk".[69] He argued that allowing non-licensed drivers to drive PHVs would "greatly increase the potential for rogue minicab drivers" by making it "difficult to monitor whether a minicab is in service or off duty and whether the driver is a minicab licence holder or not".[70] He pointed out that "rapes and sexual assaults committed by people purporting to be private hire drivers are not uncommon". He was also concerned that allowing subcontracting to private hire firms in other areas would deny customers the ability to choose a firm "based on a strong reputation for safety".[71] He feared that reducing the frequency with which drivers would have to renew their taxi or PHV licence could "dilute the safety checks" made by local authorities.[72] He criticised the Government for introducing these reforms when "the police, industry bodies and members of the trade are warning that they have severe safety implications" and when the Law Commission was conducting a comprehensive review of the regulation and enforcement of the taxi and private hire trade.[73]

Tom Brake, Parliamentary Secretary, Office of the Leader of the House of Commons, did not believe that "anything the Government are putting forward today will increase the likelihood of there being rogue, unlicensed taxi operators".[74] He noted that measures similar to those in clauses 11 and 12 were already operating without difficulty in London.[75] He argued that the Law Commission supported the proposals, and that nothing in the present Bill would prevent the Law Commission delivering more comprehensive reforms in this area at a future date.[76]

The Opposition amendment to remove these clauses was defeated by 285 votes to 206.[77]

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[67] ibid, col 834.
[68] ibid, col 836.
[69] HC *Hansard*, 23 June 2014, col 35.
[70] ibid, col 37.
[71] ibid, col 38.
[72] ibid, col 39.
[73] ibid, cols 36–7.
[74] ibid, col 29.
[75] ibid, cols 29–30.
[76] ibid, col 67.
[77] ibid, col 79.

Authorisation of Insolvency Practitioners (Clause 18)

Clause 18 of the Bill as introduced in the Lords would make changes to the way that insolvency practitioners are authorised. At present, licensed insolvency practitioners are authorised to act in both personal and corporate insolvency cases. Clause 18 would allow insolvency practitioners to choose to qualify and practice in only one area of insolvency, or in both.[78] In the Government's view:

> The proposed system will reduce barriers to entry by enabling would-be insolvency practitioners to qualify in respect of only corporate or personal insolvency […] those who wish to specialise will benefit from shorter training periods and lower training costs. That will increase competition and bring down fees […][79]

At report stage, the Opposition tabled an amendment to drop this clause from the Bill. Toby Perkins, Shadow Minister for Business, Innovation and Skills, believed that it would "dumb down the profession".[80] He explained that:

> […] just one out of seven recognised professional bodies in the field supports partial licences, and 75 percent of small firms undertake both corporate and personal insolvency procedures for commercial reasons, so it is the large players that are likely to be able to adopt partial licences. If any of the benefits that the Solicitor-General has laid out actually come to pass […] they will exclude small players from the insolvency market and make it very much the preserve of large companies.
>
> […] The implications for Scotland, whose insolvency regime is very different, have not been laid out.[81]

The Opposition amendment was defeated by 273 votes to 213.[82]

Right to Buy (Clause 29)

Clause 29 of the Bill would amend the Housing Act 1985 to allow public sector tenants in England to exercise the 'right to buy' their home after three years, reducing the current five-year qualification period. The reduced qualification period would also apply to those assured tenants who have the 'right to acquire' their home. At report stage, Caroline Lucas (Green MP for Brighton, Pavilion) commented that giving these tenants the right to buy their home at a reduced price was "not a bad thing in itself", but "only on the strict condition that it does not jeopardise affordable housing supply, including the ability of housing associations to build new affordable housing".[83] She said she was "deeply concerned about the lack of affordable housing", claiming that "only one in seven homes sold through right to buy has been replaced". She therefore proposed a new clause which would "require the Government 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 ask for an assessment to be carried out of changes since 2012 before further policy changes are made".

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[78] For an explanation of the different legal systems applicable in England and Wales and in Scotland, see House of Commons Library, *Deregulation Bill: Committee Stage Report*, 9 May 2014, RP 14/28, p 11.
[79] HC *Hansard*, 23 June 2014, col 111.
[80] ibid, col 112.
[81] ibid, col 113.
[82] ibid, col 142.
[83] ibid, col 116.

Oliver Heald, the Solicitor-General, assured Ms Lucas that the Government was "committed to keeping the reinvigorated right to buy scheme under review".[84] He explained that the Government's impact assessment set out the right-to-buy policy in a broader perspective;[85] the Government's intention was that "for transfers completing after 30 September 2014, net proceeds from preserved right-to-buy sales are, within three years, to be used to fund new affordable housing at no greater subsidy cost than under the main affordable homes programme".[86]

Caroline Lucas pushed her new clause to a division; it was defeated by 274 votes to 208.[87]

Building Regulations and Energy Efficiency (Clauses 32 and 33)

Clause 32 of the Bill would create new powers to allow the Secretary of State to include optional requirements in building regulations. The purpose of this would be to allow local planning authorities to make provision to deal with local circumstances, without having to require compliance with multiple standards drawn from sources other than building regulations, as is currently the case.[88] Although the requirements are referred to as 'optional', the Explanatory Notes make clear these requirements would "become binding requirements when included as a condition of planning permission".[89] In some cases, the optional requirements could be "more demanding" than those that generally apply in building regulations.[90] However, clause 33 would explicitly prevent local planning authorities from requiring dwellings to meet higher standards for energy efficiency than the standards required in the building regulations. Oliver Heald, the Solicitor-General, explained at report stage that these provisions came about through work the Government had undertaken with industry and groups concerned with sustainability, accessibility and environmental standards to "rationalise the plethora of local standards by regularising them through the building control system" and were intended to free the housing industry from the "excessive and ill-considered costs imposed […] by some local authorities".[91]

The Government's policy is that new dwellings will have to meet a zero net carbon emissions standard from 2016.[92] The Government plans to set a minimum energy performance standard in the building regulations, while the remainder of the zero-carbon target for new dwellings could be met through off-site carbon abatement measures.[93] Jonathan Reynolds, Shadow Minister for Energy and Climate Change, questioned what would happen between now and 2016. He tabled an amendment which would have prevented clauses 32 and 33 from coming into force until then, as he did not believe that the Government should be able to "[stop] local authorities specifying a higher standard of energy efficiency in new build properties" before the

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[84] ibid, col 110.
[85] Department for Communities and Local Government, *Impact Assessment: Reducing the Right to Buy Qualifying Period for Social Tenants*, 31 January 2014.
[86] HC *Hansard*, 23 June 2014, col 110.
[87] ibid, col 126.
[88] Explanatory Notes, para 185.
[89] ibid, para 187.
[90] ibid, para 186.
[91] HC *Hansard*, 23 June 2014, col 111.
[92] Explanatory Notes, para 189.
[93] Cabinet Office, *Briefing on the Queen's Speech*, 4 June 2014, p 26. For further information about the zero-carbon homes target, see House of Commons Library, *Zero Carbon Homes*, 18 November 2013, SN06678 and House of Lords Library, *Infrastructure Bill*, 13 June 2014, LLN 2014/018, section 7.2.

zero-carbon homes policy was in operation.[94] This amendment was defeated by 272 votes to 209.[95]

Marine Accident Investigations (Clause 40)

The Merchant Shipping Act 1995 places a duty on the Secretary of State to order the re-hearing of a formal investigation into a marine accident if new and important evidence emerges that could not be produced at the time of the original investigation. Clause 40 would repeal the duty for the Secretary of State automatically to order a re-hearing, but s/he would retain a discretionary power to re-open the investigation. Where there were grounds for suspecting a miscarriage of justice, the Secretary of State would continue to be subject to an automatic requirement to re-open the investigation.[96]

The Opposition tabled an amendment which would have retained the Secretary of State's duty to re-open an investigation if "secondary investigations have enabled more new, significant, or important evidence to become available", and would have obliged him/her to have particular regard both to the rights of those affected by the accident and to future safety measures. Gordon Marsden, Shadow Minister for Transport, argued that a number of serious maritime accidents had demonstrated the importance of the existing duty, noting that "the causes of major incidents involving great loss of life have sometimes been found on the second investigation and after some time".[97] He referred in detail to the case of the MV Derbyshire, which sank in 1980 but was not found until 1994.[98] After a campaign by the unions, the investigation into the loss of the ship was re-opened in 1998; the reinvestigation "absolved the crew of any blame for the loss of the vessel" and led to "significant improvements" in safety measures.[99] Mr Marsden claimed that making the duty to re-open such cases discretionary represented "an unacceptable weakening of the Secretary of State's ability to protect seafarers and their families".[100]

Tom Brake, Parliamentary Secretary, Office of the Leader of the House of Commons, objected that the Labour amendment would "enable anyone who disagreed with the findings of an investigation to search for new evidence and, regardless of how trivial that might be, compel the Secretary of State to reopen the investigation".[101] He stated that clause 40 would allow each case to "be considered on its merits", and he was "convinced that the Secretary of State would reopen the investigation" if similar circumstances to the MV Derbyshire case arose again.

The Opposition amendment was defeated by 284 votes to 211.[102]

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[94] HC *Hansard*, 23 June 2014, col 118.
[95] ibid, col 146.
[96] Explanatory Notes, para 211.
[97] HC *Hansard*, 23 June 2014, col 39.
[98] ibid, cols 40–1.
[99] ibid, col 40.
[100] ibid, col 41.
[101] ibid, col 32.
[102] ibid, col 83.

6. Report Stage: Other Matters Debated

Apprenticeships (Clauses 3–5 and Schedule 1)

Clause 3 and schedule 1 of the Bill implement proposals from the Richard Review to simplify English apprenticeships.[103] Under the current arrangements, there are statutory minimum standards which must be included in a recognised English apprenticeship framework. Schedule 1 would replace the current apprenticeship frameworks with approved apprenticeship standards and would allow employers to have a greater input than they do at present. Speaking at the Bill's report stage, Tom Brake, Parliamentary Secretary, Office of the Leader of the House of Commons, explained that: "Currently, issuing authorities, generally sector skills councils appointed by the Secretary of State, issue apprenticeship frameworks. In the future, the Government will encourage employers, or consortiums including employers, to be actively involved in developing outcome-focused standards before submitting them to the Secretary of State for approval and publication."[104]

A number of Government amendments were made to schedule 1 at report stage. Mr Brake explained that their purpose was "to clarify the role of the Secretary of State and others in preparing, amending and withdrawing apprenticeship standards, better to reflect Government ambitions to put employers at the heart of standards development".[105]

Tom Brake noted that the Richard Review of apprenticeships had also recommended that funding should be routed direct to employers instead of to training providers.[106] Clause 4 of the Bill would accordingly enable the Secretary of State to make payments directly to employers of apprentices (in respect of English apprenticeships). These payments would be administered on behalf of the Secretary of State by HM Revenue and Customs (HMRC).[107] Mr Brake explained that the Government had published a technical consultation on apprenticeship funding reform in March 2014, seeking views on two different funding options: pay as you earn and an apprenticeship credit.[108] The consultation closed at the beginning of May, and the Government expects to announce later this year the next steps with regard to funding models.[109]

At report stage, the Government tabled amendments to move provisions establishing an "information-sharing gateway" between HMRC and the Secretary of State for the purpose of these payments from clause 4 into a separate new clause of their own (clause 5 in the Bill as introduced in the Lords). Tom Brake explained the purpose of the information-sharing gateway:

> […] information already held by government can be used to validate payments without placing additional reporting burdens on employers—the Government want to avoid that. Subject to the detailed design and operation of the payment system, which is still to be confirmed following the recent consultation, examples of the types of data that may need to be shared in order to validate payments and manage the risk of fraud

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[103] Doug Richard, *The Richard Review of Apprenticeships*, November 2012; and Explanatory Notes, para 356.
[104] HC *Hansard*, 14 May 2014, col 844.
[105] ibid.
[106] ibid, col 843.
[107] Explanatory Notes, para 35.
[108] HC *Hansard*, 14 May 2014, col 841; and Department for Business, Innovation and Skills and Department for Education, 'Apprenticeship Funding Reform in England: Payment Mechanisms and Funding Principles', 6 March 2014.
[109] HC *Hansard*, 14 May 2014, col 841.

include: employers' PAYE references; apprentices' national insurance numbers; and details of the amounts that have been paid.[110]

The Opposition tabled an amendment which would have required the Government to report to Parliament within six months of the provisions coming into force on what information had been shared. Chi Onwurah expressed concerns that the new clause was "about the Government deciding to share potentially sensitive data with people they choose without explaining the what, why or who".[111] Mr Brake took the view that this amendment was "not necessary" as the type of information sharing proposed was "quite normal" within Government.[112] He reassured the House that HMRC could share information only with the Secretary of State or someone providing services on his/her behalf, and only for the purposes of the Secretary of State's functions in relation to approved English apprenticeships.[113] The new clause was added to the Bill without a division. The Government also made several technical amendments to clause 4 to ensure that it "provides the necessary powers for the policy options in the consultation".[114]

Rights of Way (Clauses 21–27)

Clauses 21 to 27 of the Bill contain measures intended to "[devolve] decisions on public rights of way to a local level, which will cut the time for recording a right of way by several years".[115] The measures are a package based on the recommendations of a stakeholder working group on unrecorded rights of way appointed by Natural England and the Department for the Environment, Food and Rural Affairs (Defra) which reported in 2010, and a Defra consultation in 2012.[116] The members of the stakeholder group, including different interest groups such as farmers and ramblers, have "emphasised that the measures need to be adopted in full for the agreement to remain valid".[117]

Bill Wiggin (Conservative MP for North Herefordshire) moved a new clause at report stage that would have obliged the authorities to have regard to a "presumption that footpaths should not pass through farmyards, gardens, commercial premises or other land where privacy, safety or security are an issue" when determining whether to extinguish or divert a public right of way. He said he was "alarmed at the risks created by footpaths passing through fields or farmyards", citing the dangers to the public from farm equipment and livestock, and farmers' consequent vulnerability to negligence claims.[118] He also sought to protect the "privacy and security […] sacrificed by those who have a footpath running through their home or garden".[119] Brooks Newmark (Conservative MP for Braintree) made similar points, speaking to three new clauses he had tabled which sought to "create more flexibility in the system to allow paths that go right past people's front doors and their gardens to be moved slightly".[120]

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[110] ibid, col 842.
[111] ibid, col 849.
[112] ibid, col 842.
[113] ibid.
[114] ibid, col 843.
[115] Cabinet Office, 'Government Unveils Deregulation Bill', 1 July 2013.
[116] Natural England, *Stepping Forward: The Stakeholder Working Group on Unrecorded Public Rights of Way: Report to Natural England*, 25 March 2010; and Defra, 'Consultation Outcome: Improvements to the Policy and Legal Framework for Public Rights of Way', 29 July 2013.
[117] House of Commons Library, *Deregulation Bill: Committee Stage Report*, 9 May 2014, RP 14/28, p 16.
[118] HC *Hansard*, 23 June 2014, cols 70–1.
[119] ibid, col 71.
[120] ibid, cols 75–7.

Tom Brake, Parliamentary Secretary, Office of the Leader of the House of Commons, responded that the "issue of cattle attacks on public rights of way is being addressed separately by the Government, and there is no suggestion from any of the parties involved that primary legislation is required to sort out the problem".[121] He explained that the Bill already contained a provision (clause 24 in the Bill as introduced in the Lords) that would give more landowners the "right to apply" for the diversion or extinguishment of a public right of way on their land. This would be supplemented by guidance that would "effectively act as a presumption to divert or extinguish public rights of way that pass through the gardens of family homes, working farmyards or commercial premises where privacy, safety or security are a problem".[122] Mr Brake made the case that "until we see how well the 'right to apply' provisions work alongside the new guidance, making further legislation would be premature". Mr Wiggin withdrew his new clause.[123]

TV Licensing (Clauses 59 and 60)

Clauses were added to the Bill at committee stage that would allow the non-payment of the TV licence to be made a civil offence, rather than a criminal offence as at present. Clause 59 would require the Secretary of State for Culture, Media and Sport to conduct a review of the sanctions for non-payment within three months of the passing of the Bill, to examine proposals for decriminalising the relevant offences. Clause 60 would allow the Secretary of State either to replace the existing sanctions entirely with a civil monetary penalty scheme, or to permit the BBC to impose civil fines as an alternative to prosecution.

At report stage, Helen Goodman, Shadow Minister for Culture, Media and Sport, moved an amendment that would have required the Secretary of State to lay the terms of reference of the review before Parliament. She said that Labour wanted to ensure a "proper, analytical and unbiased review" which should cover: the impact on the level of licence fee evasion; the impact on the BBC's finances; the impact of new technology and the possibility of ending the BBC's universal offer; alternative sanctions; the cost of collection; and lessons to be learned from other areas such as the DVLA, subscription channels, utilities and council tax.[124] Ms Goodman also spoke to another Opposition amendment which would have ensured that the current system of sanctions could not be changed until the next review of the BBC's Royal Charter had taken place.[125] Chris Bryant (Labour MP for Rhondda) argued that it would be "completely the wrong way round" to decide on sanctions for non-payment of the licence fee before deciding on "what the point of the BBC is and how it should be financed".[126] He feared that "by proceeding in the wrong order […] there is a danger that we will undermine the licence fee and break something that is fundamentally a British value—good public service broadcasting".[127]

Oliver Heald, the Solicitor-General, maintained that the debate was about "enforcement of the licence fee, not the principle".[128] He felt that "it would be premature to put restrictions on the timing" of when new penalties could be introduced "given that the charter review has not yet started and the Government have not set out the detail of the process and the timing".[129] He

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[121] ibid, col 77.
[122] ibid, col 78.
[123] ibid, col 79.
[124] ibid, cols 90–2.
[125] ibid, col 90.
[126] ibid, col 94.
[127] ibid, col 99.
[128] ibid, col 98.
[129] ibid, col 100.

thought it unnecessary to lay the terms of the review before Parliament as the normal procedure would be to deposit copies in the Libraries of both Houses. Helen Goodman withdrew the amendments.[130]

Parliamentary Privilege and the Defamation Act 1996 (Schedule 20)

Thomas Docherty (Labour MP for Dunfermline and West Fife) and William Cash (Conservative MP for Stone) spoke to their amendment to include section 13 of the Defamation Act 1996 in the list of measures to be repealed by schedule 20. This schedule "disapplies specified legislation which is no longer of practical use" (for example, because it pertains to a situation that no longer exists, or refers to other legislation that has already been repealed).[131] The history of section 13 is related to the former MP Neil Hamilton and the 'cash for questions' affair:

> The case was a libel action brought by Neil Hamilton, then an MP, and a political lobbyist, Ian Greer, against the *Guardian* newspaper over allegations that Hamilton had "made corrupt use of his right to ask questions of ministers and had received money via Mr Greer's company ('cash for questions')". In its defence, the newspaper submitted that for a full defence it would need to use parliamentary proceedings as evidence relating to Mr Hamilton's conduct and motives in tabling parliamentary questions and early day motions. The judge found that this was contrary to Article 9 [of the Bill of Rights 1689, which provides that "the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament"] and stopped the proceedings on the ground that it would not be fair to allow the claimant to sue for libel if the defendant newspaper was not permitted to justify what it had written. In other words, just like every other citizen a Member was bound by the prohibition on impeaching or questioning proceedings in Parliament, even if it might be in the MP's own interest for the court to let the parties in the case do so.
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> Section 13 of the Defamation Act 1996 was intended to remedy the injustice perceived to exist in this kind of case. It enabled a person, who may be a Member of either House or of neither House, to waive parliamentary privilege, so far as he or she is concerned, for the purposes of defamation proceedings. The essential protection of Members against legal liability for what they have said or done in Parliament remained and could not be waived.[132]

Thomas Docherty explained that section 13 was framed so that the person to whom parliamentary privilege applied could waive their privilege, but the other party in a defamation case could not seek to have parliamentary privilege waived, which "created an unfair playing field".[133] He described it as "a silly piece of legislation that should never have been introduced". Mr Docherty and Mr Cash pointed out that a Joint Committee on Parliamentary Privilege in 1999 and a second, separate committee of the same name in 2013—on which they had served—had both recommended the repeal of section 13.[134] Mr Cash pointed to the "fundamental flaw" identified by the 1999 Joint Committee, namely that section 13 "undermined the basis of privilege: freedom of speech was the privilege of the House as a

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[130] ibid, col 102.
[131] Explanatory Notes, para 776.
[132] House of Commons Library, 'Ending the Hamilton Affair?', Second Reading Blog, 22 May 2014.
[133] HC *Hansard*, 14 May 2014, col 800.
[134] Joint Committee on Parliamentary Privilege, *First Report*, 9 April 1999, HL Paper 43-I of session 1998–99 and Joint Committee on Parliamentary Privilege, *Parliamentary Privilege*, 3 July 2013, HL Paper 30 of session 2013–14.

whole and not of the individual Member in his or her own right".[135] He also alluded to the anomaly that a section 13 waiver was available only in defamation cases and not in other types of civil or criminal action.

The Government supported the amendment to repeal section 13. Oliver Heald, the Solicitor-General, noted that "the provision has never been used and it creates an anomaly".[136] Chi Onwurah, Shadow Minister for the Cabinet Office, said that the Opposition also supported this "sensible" amendment.[137] It was agreed without division.

Lord Lester of Herne Hill has introduced a private member's bill, the Parliamentary Privilege (Defamation) Bill [HL], which also seeks the repeal of section 13. Lord Lester's Bill received its second reading in the House of Lords on 27 June 2014.[138]

7. Third Reading

Oliver Letwin, Minister for Government Policy, opened the third reading debate on 23 June 2014 by asserting that the Bill was in a similar condition "to that in which it entered this House".[139] This comment was apparently in response to an accusation made by Toby Perkins, Shadow Minister for Business, Innovation and Skills, at the end of the report stage earlier the same day that the Bill had "morphed almost daily" from "an unambitious, predominantly inconsequential list of minor changes" to a "leviathan of a Bill with a multitude of ill-thought-out, scarcely consulted-on clauses".[140] Mr Letwin set the Bill in the context of "the enormous amount of work that has been going on across Government for the past three or four years to lessen the burden of regulation".[141] He hoped that the House would welcome it as a "highly useful contribution to the enormously important task of making this country an easier place to do business so that we can fulfil our long-term economic plan".[142]

Chi Onwurah, Shadow Minister for the Cabinet Office, claimed that the Bill was "contrived to meet the Prime Minister's vainglorious goal to leave government, come what may, with fewer regulations than when he entered".[143] She argued that it was "more about removing burdens from Ministers than from the entrepreneurs and business people we seek to support", and that it did not address concerns such as the cost of living, zero hours contracts or youth unemployment. She criticised the Government for having "rammed" new clauses into the Bill without sufficient time for consultation or parliamentary debate. She indicated that Labour would not vote against the Bill's third reading, but would continue to oppose several clauses (clause 1 on the health and safety at work duty of self-employed people; clause 2 on the power of employment tribunals to make wider recommendations; and what is now clause 18 on the authorisation of insolvency practitioners) in the House of Lords.[144]

The Bill was given its third reading by 190 votes to 6.[145]

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[135] HC *Hansard*, 14 May 2014, col 801.
[136] ibid, col 796.
[137] ibid, col 798.
[138] HL *Hansard*, 27 June 2014, cols 1517–26.
[139] HC *Hansard*, 23 June 2014, col 153.
[140] ibid, col 112.
[141] ibid, col 153.
[142] ibid, col 154.
[143] ibid, col 155.
[144] ibid, col 156.
[145] ibid, col 158.

8. Joint Committee on Human Rights

Economic Growth Duty (Clauses 83–85)

Clause 83 (in the Bill as introduced in the Lords) provides that whilst exercising their regulatory function, regulators must "have regard to the desirability of promoting economic growth" and must in particular consider the "importance for economic growth" of ensuring that any regulatory action they take is necessary and proportionate. At the Bill's second reading, Oliver Letwin, the Minister for Government Policy, described this as "probably the single most important clause in the Bill".[146] Clause 84 would enable a Minister to specify in a statutory instrument which regulatory duties would be subject to this duty (in some cases it might not apply to all of a regulator's functions). Clause 85 would give the power for a Minister to issue guidance on how regulatory functions may be exercised so as to promote economic growth, and how regulators subject to the duty could demonstrate that they were complying with it. Regulators subject to the economic growth duty would also have a duty to regard any such guidance. The Government published a draft version of the guidance in January 2014.[147] The Explanatory Notes to the Bill state that:

> The background to these provisions is the post-implementation review of the Regulators' Compliance Code which found that regulators had a tendency to regard the promotion of economic growth as subsidiary to their statutory duties, the Focus on Enforcement reviews which found that businesses experience inconsistent or disproportionate enforcement decisions and Lord Heseltine's independent report entitled *No Stone Unturned in Pursuit of Growth*, which recommended that the Government should impose an obligation on regulators to take proper account of the economic consequences of their actions.[148]

The Government ran a consultation on the duty of non-economic regulators to have regard to economic growth in 2013, in which it maintained that a growth duty would "enable regulators to respond more comprehensively to the challenge of stripping back burdens to the minimum necessary and proactively supporting growth by incorporating economic concerns into the forefront of thinking".[149] The Government stated that "the duty needs to be imposed via primary legislation to provide the legal foundation needed".

The Joint Committee on Human Rights has consistently expressed concerns about the implications of applying the economic growth duty to the Equality and Human Rights Commission (EHRC). The Joint Committee believed that the duty in clause 85 to have regard to ministerial guidance "raises serious questions about the EHRC's independence from the executive".[150] Considering the implications of this, the Joint Committee noted:

> To the extent that it applies to the EHRC's function of promoting human rights, it risks being incompatible with the requirement of the Paris Principles that national human

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[146] HC *Hansard*, 3 February 2014, col 37.
[147] Department for Business, Innovation and Skills, *Draft Guidance—Non-Economic Regulations: Duty to Have Regard to Growth*, 23 January 2014.
[148] Explanatory Notes, para 410.
[149] Department for Business, Innovation and Skills, *Consultation Paper—Non-Economic Regulators: Duty to Have Regard to Growth*, March 2013, pp 10–11.
[150] Joint Committee on Human Rights, *Legislative Scrutiny (1) Criminal Justice and Courts Bill and (2) Deregulation Bill*, 11 June 2014, HL Paper 189 of session 2013–14, p 29.

> rights institutions must be independent of the Government, and may therefore imperil the "A" status accreditation enjoyed by the EHRC. To the extent that it applies to the EHRC's functions in relation to equality and discrimination it further risks being incompatible with the requirement in the EU Equal Treatment Directive that there must be a national equality body which is independent from the executive, and with the provisions in national legislation (the Equality Act) which are designed to give effect to that requirement in EU law.[151]

The Joint Committee noted that the Government was "working closely with the EHRC to try and reach a satisfactory outcome on this matter", but in the Joint Committee's view, the issue "could be easily avoided if the proposed new duty did not apply to the EHRC".[152] In its latest report, published on 11 June 2014, the Joint Committee recommended that "unless the continuing discussions between the Government and the [Equality and Human Rights] Commission satisfy the Commission that the growth duty will not in any way impact upon its independence" the duty should "not be applied to the EHRC".[153]

Power of Employment Tribunals to make Wider Recommendations (Clause 2)

Under the Equality Act 2010, employment tribunals have the power in discrimination cases to make what are known as 'wider recommendations', which affect persons other than the complainant in a case. [154] For example, the tribunal could recommend that an employer takes certain steps to reduce the impact of a discriminatory act on all members of a particular category of people within the employer's workforce. Clause 2 would remove this power. The Government described the rationale for removing the power as follows: "we are only aware of a handful of such recommendations (in four employment tribunal cases) since this provision came into force in October 2010. Given that many employers will make changes following a tribunal anyway, and because recommendations are non-binding, we feel that these provisions are not having a significant impact on employer behaviour".[155]

The Joint Committee noted that the EHRC regarded the power as "useful, both for the employer to whom the recommendation is made and to the Commission itself for following up tribunal decisions".[156] The Joint Committee also pointed out that the EHRC did not "consider that sufficient evidence has been gathered to make out the case for abolition". The Joint Committee therefore recommended that the power of employment tribunals to make wider recommendations in discrimination cases should be retained.[157]

Journalistic Materials (Clause 64)

Clause 64 would enable simple procedures for making various types of application made to a judge to be set out in the Criminal Procedure Rules. Following the Bill's second reading, media representatives raised concerns that this would repeal some of the protections given by the Police and Criminal Evidence Act 1984 (PACE) in cases where the police were making an

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[151] ibid.
[152] ibid, pp 30 and 31.
[153] ibid, p 32.
[154] Explanatory Notes, para 31.
[155] Home Office (Government Equalities Office), *Impact Assessment of Removing the Provisions in the Equality Act 2010 which give Employment Tribunals the Power to Make Wider Recommendations*, 16 August 2012
[156] Joint Committee on Human Rights, *Legislative Scrutiny (1) Criminal Justice and Courts Bill and (2) Deregulation Bill*, 11 June 2014, HL Paper 189 of session 2013–14, p 33.
[157] ibid.

application to the court for access to journalistic material.[158] The Joint Committee wrote to Oliver Letwin about this matter in March 2014.[159] Mr Letwin informed the Joint Committee that the Government and media representatives had "agreed to work together to find a mutually agreeable amendment to the Bill that would preserve in PACE the status quo in relation to journalistic material".[160] He said the Government intended to table an amendment at report stage "after an informal sounding exercise has been completed to ensure that no other material under PACE should also be treated in the same way". Amendments were duly made to the Bill, without debate, at report stage.[161]

9. Summary Table

The table that follows briefly summarises the main provisions of the Bill. For further details about these measures, please refer to the Explanatory Notes to the Bill and to the House of Commons Library Research Paper, *Deregulation Bill*, 30 January 2014, RP 14/06. Clauses and schedules marked * in the table were added to the Bill at committee stage; for further details please see the House of Commons Library Research Paper, *Deregulation Bill: Committee Stage Report*, 9 May 2014, RP 14/28. Clauses and schedules marked ** in the table were added to the Bill at report stage; for further details please see section 4 of this Note.

Clause 89 sets out the territorial extent of the Bill. It provides that, except where specified, any repeal, revocation or other amendment made by the Bill has the same extent as the original legislation. In some cases the territorial extent of a provision in the Bill (the jurisdiction(s) in which the provision forms part of the law) is not identical with the territory in which the provision will apply or have a practical effect. For example, the territorial extent of a provision might be England and Wales, but the provision might only change the powers of the Secretary of State in relation to England, and leave the powers of the Welsh Ministers unchanged. The provision would form part of the law of England and Wales, but would only have a practical application in England. Drawing on commentary in the Explanatory Notes, the table below shows the territorial extent of each measure (England (E), Wales (W), Scotland (S), Northern Ireland (NI)) and, if this is different, where the changes in the law would apply.

Measures affecting the workplace: general	
1	Would remove the general health and safety at work duty from self-employed persons, unless they are conducting a prescribed undertaking. *E,W,S*
2	Would remove the power of employment tribunals to make 'wider recommendations' in discrimination cases. *E,W,S*
3 and Schedule 1	Would simplify English apprenticeships in line with the Richard Review. Replace apprenticeship frameworks with apprenticeship standards and allow employers to have greater input. Separate statutory requirements for English and Welsh apprenticeships. *E,W* *(but Welsh apprenticeships would be unchanged)*

[158] House of Commons Library, *Deregulation Bill: Committee Stage Report*, 9 May 2014, RP 14/28, p 37.
[159] Joint Committee on Human Rights, Letter from the Chair to Oliver Letwin, Minister for Government Policy, 12 March 2014.
[160] Joint Committee on Human Rights, Letter to the Chair from Oliver Letwin, Minister for Government Policy, 27 March 2014.
[161] HC *Hansard*, 23 June 2014, col 150.

4	Would enable the Secretary of State to make payments directly to employers of apprentices (in respect of English apprenticeships). *E,W* *(but would only relate to English apprenticeships)*
5**	Would establish an "information-sharing gateway" between HMRC and the Secretary of State for the purposes of payments in clause 4. *E,W* *(but would only relate to English apprenticeships)*
6*	Would exempt Sikhs from the requirement to wear a safety helmet in all workplaces, not just construction sites. *E,W,S*
7**	Would exempt Sikhs from the requirement to wear a safety helmet in all workplaces, not just construction sites. *NI*
Measures affecting business: particular areas	
8 and Schedule 2	Would introduce a common qualification process for all driving instructors, including disabled driving instructors *E,W,S*
9 and Schedule 3	Would remove the requirement that a motor insurance policy is not in force until the driver delivers a certificate of insurance to the policyholder. *E,W,S*
10*	Would allow a driver without a private hire vehicle (PHV) licence to drive a licensed PHV when it is not being used as a PHV—this is currently an offence. *E,W*
11*	Would standardise the length of time for which licenses are issued: three years for taxi and PHV drivers' licences, and five years for private hire operator licences. Licences of shorter duration could be issued in individual circumstances. *E,W*
12*	Would allow PHV operators to subcontract a booking to another operator licensed to operate in a different licensing district. *E,W*
13**	Would limit the indemnity applicable to licensed space activities (currently the indemnity is unlimited). *E,W,S,NI*
14* and Schedule 4*	Would allow some disputes regarding agricultural holdings that can currently be referred to arbitration to be determined by a third party appointed by the parties to the dispute. *E,W*
15	Would allow third parties to make use of an offshore gas unloading facility operated by a licence holder without having to obtain a licence themselves. *E,W,S,NI*
16	Would allow the Secretary of State to publish online lists of authorised fuels and exempted fireplaces that can be used in smoke control areas, rather than having to do so through regulations. *E,W* *(but would apply only in England)*
17	Would revoke outdated legislation relating to requirements to sell knitting yarn by net weight or in specified quantities. *E,W,S*

Companies and insolvency	
18	Would change the system of authorisation for insolvency practitioners so they could choose to be licensed to practice in either corporate or personal insolvency cases, or in both. Currently there is no partial authorisation; all practitioners are licensed to act in relation to corporate and personal insolvency cases. *E,W,S*
19 and Schedule 5	Would amend the requirements for giving notice when auditors leave office. *E,W,S,NI*
20 and Schedule 6	Part 1: Would repeal the Deeds of Arrangement Act 1914. Deeds of Arrangement have been replaced by Individual Voluntary Arrangements as an alternative to bankruptcy. *E,W* Part 2: Would enable a company or its directors to appoint an administrator despite the presentation of a winding-up petition, if the petition is presented during an interim moratorium. Removes the requirement to give notice to prescribed persons of the intention to appoint an administrator. Clarifies the procedure for the release of an administrator where unsecured creditors have no interest in the administration. *E,W,S* Part 3: Would remove the court's power to order payment into the Bank of England of money due to a company. Allows for the release of a liquidator with an effect from the time determined by the court when a winding-up order is rescinded, rather than the liquidator having to make a separate application to the court. *E,W,S* *(but the provisions on liquidators would not apply in Scotland)* Part 4: Permits the Secretary of State or the official receiver to obtain information about a person's conduct as a company director from anyone (not just from officers of the company, as at present). *E,W,S* Part 5: Would permit the court to appoint the official receiver or any insolvency practitioner as interim receiver in all circumstances. Requires a bankrupt to submit a statement of affairs in creditor petition cases only when requested to do so by the official receiver. Clarifies the law in relation to banks offering accounts to undischarged bankrupts. *E,W* Part 6: Would repeal provision for authorisation of nominees and supervisors in relation to voluntary arrangements. Requires that all insolvency practitioners must be authorised from a recognised professional body and can no longer be authorised directly by the Secretary of State. *E,W,S* Part 7: Would repeal one element of the priority given to employees' wages in certain insolvency proceedings, as the type of employee contract it relates to no longer exists. *E,W,S* *(but does not apply in Scotland)*

Use of Land	
21	Would prevent the definitive map and statement of rights of way from being modified after the cut-off date (1 January 2026) in the Countryside and Rights of Way Act 2000 if doing so might affect the exercise of a protected right of way and the only basis for making the modification was evidence that the right did not exist before 1 January 1949. *E,W* *(but would only apply in England)*
22	Would allow the Secretary of State to make regulations allowing surveying authorities a one-year period after the cut-off date in which to designate rights of way that would otherwise be extinguished from the cut-off date. *E,W* *(but would only apply in England)*
23	Would allow people who access their land or property via a public right of way to continue to exercise a private right of way over that access, even if the public right of way was extinguished after the cut-off date. *E,W* *(but would only apply in England)*
24	Would allow the Secretary of State to extend the types of land on which landowners, lessees or occupiers can apply to have a public right of way extinguished or diverted (currently the right to apply exists only for land used for agriculture, forestry or the breeding or keeping of horses). *E,W* *(but would only apply in England)*
25	Would enable authorities to authorise the erection of gates on byways to prevent animals coming on to the land or escaping from it. Currently gates can only be authorised on footpaths or bridleways. *E,W* *(but would only apply in England)*
26	Would allow local authorities to recover their full costs in relation to dealing with applications to extinguish or divert public paths. At present, they are only allowed to charge fees up to a set level. *E,W* *(but would only apply in England)*
27 and Schedule 7	Would change the procedure for ascertaining public rights of way in England, passing responsibilities from the Secretary of State to local authorities. *E,W* *(but would only apply in England)*
28	Would remove a requirement dating back to 1854 for the Secretary of State to consent to the erection of public statutes in London. *Would only apply in London*
Housing and development	
29	Would amend the Housing Act 1985 to allow public sector tenants in England to exercise the 'right to buy' their home after three years, reducing the current five-year qualification period. The reduced qualification period would also apply to those assured tenants who have the 'right to acquire' their home. *E,W* *(but would only apply in England)*

30	Would remove the Secretary of State's discretionary power to require local housing authorities to prepare a housing strategy. *E,W* *(but would only apply in England)*
31**	Would ensure that if a landlord has complied with the tenancy deposit protections requirements for a tenancy, s/he does not need to comply with them again for a replacement tenancy with the same tenant. Where the requirements were not complied with for the original tenancy (for example if it began prior to 2007) and a replacement statutory tenancy was in place, clause 31 would give the landlord extra time to comply with the requirements. *E,W*
32*	Would create new powers to allow the Secretary of State to include optional requirements in building regulations. The purpose of this would be to allow local planning authorities to make provision to deal with local circumstances, without having to require dwellings to comply with multiple standards drawn from sources other than building regulations, as is currently the case. These requirements would be binding requirements when included as a condition of planning permission. *E,W* *(but would only apply in England)*
33*	Would explicitly prevent local planning authorities from requiring dwellings to meet higher standards for energy efficiency than the standards required in the building regulations. *E,W* *(but would only apply in England)*
34**	Would allow the Secretary of State to make regulations specifying when the use of residential premises in London for temporary sleeping accommodation would not require planning permission. *E,W* *(but would only apply in London)*
Transport	
35 and Schedule 8	Would enable Passenger Transport Executives (PTEs) in England to carry passengers by railway anywhere in Great Britain. Currently a PTE can only carry passengers within a geographic limit that extends to 25 miles beyond the boundary of its jurisdiction. *E,W,S,NI* *(but would apply only to PTEs based in England)*
36 and Schedule 9	Part 1**: Would allow the DVLA to issue driving licenses to people with certain medical conditions for up to ten years, rather than the current maximum of three years. *E,W,S* Part 2: Would remove the requirement to obtain approval from the Secretary of State for permit schemes for road works. *E,W* *(but would apply only in England)* Part 3: Would remove the Secretary of State's power to construct road humps, as in practice this is done by local authorities. *E,W* *(but would apply only in England)* Part 4: Would remove the requirement to inform the Secretary of State or Welsh Ministers in writing before zebra, pelican or puffin crossings are installed or removed. *E,W,S*

	Part 5: Would mean that a participant driving in an authorised off-road motoring event could not be found guilty of causing death by careless driving if s/he was driving in accordance with the authorisation given for the event. *E,W,S* Part 6: Would change the way the Secretary of State can charge fees relating to the annual roadworthiness testing of lorries, buses and coaches. *E,W,S* Part 7: Would allow the Secretary of State to grant exemptions from the rail vehicle accessibility regulations (which ensure that new and refurbished rail vehicles have features to make them more accessible to disabled people) by administrative order, rather than by statutory instrument. *E,W,S*
37 and Schedule 10	Part 1: Would change the requirements relating to the testing of people suspected of driving under the influence of drink or drugs. *Road and rail: E,W,S* *Shipping: E,W,S,NI* *Aviation: E,W,S,NI* Part 2: Would allow the Secretary of State to designate an 'approved local authority' for the purpose of enforcing bus lane contraventions by giving notice in writing, rather than by means of an order. *E,W* *(but would apply only in England)*
38**	Would amend the Traffic Management Act 2004 to require that notice of a penalty charge must be affixed to the vehicle to prevent the automatic issuing by post of fines for parking offences. Would also allow the Secretary of State to make regulations prohibiting the use of CCTV or other devices in connection with parking enforcement. *E,W* *(but would apply only in England)*
39**	Would remove the prohibition on the Rail Accident Investigation Branch (RAIB) investigating tram accidents in Scotland. *E,W,S,NI* *(but would apply only in Scotland)*
40	The Merchant Shipping Act 1995 places a duty on the Secretary of State to order the re-hearing of a formal investigation into a marine accident if new and important evidence emerges that could not be produced at the time of the original investigation. Clause 40 would repeal the duty for the Secretary of State automatically to order a re-hearing, but s/he would retain a discretionary power to re-open the investigation. Where there were grounds for suspecting a miscarriage of justice, the Secretary of State would continue to be subject to an automatic requirement to re-open the investigation. *E,W,S,NI*
Communications	
41	Would repeal sections 17 and 18 of the Digital Economy Act 2010, under which the Secretary of State could make regulations about allowing courts to grant injunctions requiring internet service providers to block access to websites for the purpose of preventing internet piracy. No regulations have been made under these powers. *E,W,S,NI*

The environment etc	
42	Would repeal certain sections of the Climate Change and Sustainable Energy Act 2006 requiring the Secretary of State to publish reports and targets relating to energy matters such as microgeneration and renewable heat. *E,W or E,W,S or E,W,S,NI depending on the measure to be repealed*
43 and Schedule 11	Would change the law so that it was no longer a criminal offence in England to fail to comply with local arrangements for household waste collection (for example, what waste may be left out for collection, when and in what type of receptacle). Would introduce a system of fixed penalties that could be applied in England for failure to comply with household waste collection arrangements. *E,W,S* *(but would apply only in England)*
44 and Schedule 12	Part 1: Would remove the presumption that animals covered by the Destructive Imported Animals Act 1932 (such as musk rats and grey squirrels) should be destroyed. Would provide that it is no longer an offence for landowners to fail to notify the authorities of grey squirrels on their land. *E,W* Part 2: Would allow Lantra (the UK's Sector Skills Council for land-based and environmental industries) to appoint lay members to the Farriers' Registration Council. The body that previously had this power no longer exists. *E,W,S* Part 3: Would remove the power to appoint Joint Waste Authorities in England. None have been appointed since the power was created in 2007. *E,W* *(but would apply only in England)* Part 4: Would repeal the requirement for local authorities to carry out 'further assessments' in Air Quality Management Areas before they can implement local action plans to improve air quality. *E,W* Part 5: Would remove local authorities' powers to designate noise abatement zones. *E,W*
Regulation of Child Trust Funds	
45	Would allow regulations to be made enabling a wider range of organisations to manage Child Trust Funds on behalf of looked-after children. *E,W,S,NI*
46	Would allow Child Trust Funds to continue to be managed by a responsible person on a child's behalf after the child reaches the age of 16. *E,W,S,NI*
47	Would allow regulations to be made permitting investments held in a Child Trust Fund to be transferred into a Junior Individual Savings Account (ISA), and permitting funds from a Child Trust Fund to be transferred into another tax advantaged account once the child reaches the age of 18. *E,W,S,NI*

48	Would enable the Treasury to make regulations to "safeguard the interests" of children holding a Child Trust Fund, for example by ensuring that account holders can access suitable tax advantaged accounts. The Government is seeking these powers in view of the uncertainty of the potential impact on the Child Trust Fund market of allowing transfers to Junior ISAs. *E,W,S,NI*
Education and Training	
49 and Schedule 13	Would abolish the Office of the Chief Executive of Skills Funding. Certain powers and duties relating to apprenticeships and further education and skills for adults would be transferred to the Secretary of State. *E,W* *E,W,S,NI (paras 19 and 20 of schedule 13)*
50 and Schedule 14	Part 1: Would remove unused powers of the Secretary of State and Welsh Ministers to set interest rates on loans made by local authorities to certain educational providers. Would bring governance arrangements of higher and further education institutions maintained by local authorities in line with other higher and further education institutions. Would remove unused powers of the Secretary of State and Welsh Ministers to transfer property to further education corporations. *E,W* Part 2: Would remove the Secretary of State's power to give directions relating to the articles of association of designated institutions conducted by companies. Would remove the Secretary of State's power to convert a sixth form college corporation into a further education corporation unilaterally. Would remove the Secretary of State's power to impose qualification requirements for teaching staff and principals at further education institutions in England. *E,W* *(but would apply only in England)*
51 and Schedule 15	Would remove the Secretary of State's power to require maintained schools in England to set annual targets in relation to school performance. *E,W* *(but would apply only in England)* Would remove the requirement in England for school governing bodies to make a review a statement of general principles on behaviour policy. Would transfer responsibility to community, voluntary controlled, community special schools and maintained nursery schools in England for setting their own term dates. Governing bodies and heads of maintained schools in England would no longer be required to have regard to statutory guidance on certain staffing matters, and governing bodies would no longer have to provide certain types of reports, such as Ofsted reports, to parents. *E,W* *(but would apply only in England)* Would remove the requirement for schools to adopt a home school agreement setting out the school's aims and values, expectations of pupils and the responsibilities of parents and the school with regard to the child's education. *E,W*
Alcohol and entertainment	
52** and Schedule 16**	Would introduce a simplified licensing scheme for community groups and certain small businesses ('ancillary sellers') wishing to sell small amounts of alcohol. *E,W*

53	If the organiser of an event wants to serve or sell alcohol, provide late-night refreshment or put on regulated entertainment, they must apply for a temporary event notice (TEN). Clause 53 would increase the maximum number of TENs that can be granted to an individual premises from 12 to 15 each year. *E,W*
54 and Schedule 17	Would remove the requirement to renew personal licences by providing that a personal licence applies indefinitely (rather than for ten years as at present). Would not change the requirements for a premises licence. *E,W*
55	It would no longer be a criminal offence to sell liqueur confectionary to a person aged under 16. *E,W*
56	Would allow licensing authorities to exempt 'late night refreshment' (supplying hot food or hot drink between 11pm and 5am) from licensing requirements in certain circumstances. *E,W*
57	Would remove the requirement for a licence holder to report the loss or theft of their licence to the police before they may apply for a replacement. *E,W*
58	Would exempt the showing of films at community premises from licensing requirements, subject to the audience consisting of no more than 500 people, the event not being held to make profit, and certain other conditions. *E,W*
59*	Would require the Secretary of State to conduct a review of the sanctions for non-payment within three months of the passing of the Bill, to examine proposals for decriminalising the relevant offences. *E,W,S,NI*
60*	Would allow the Secretary of State either to replace the existing sanctions entirely with a civil monetary penalty scheme, or to permit the BBC to impose civil fines as an alternative to prosecution. *E,W,S,NI*
Administration of justice	
61	Would remove the Senior President of Tribunals' duty to make an annual report to the Secretary of State on the standards of decision-making by the Secretary of State based on cases which are appealed to the First Tier Tribunal. *E,W,S*
62	Would allow the Criminal Procedure Rules to alter the period during which other parties can object to a written statement being tendered in evidence, subject to a minimum of seven days. *E,W*
63	Would allow the Criminal Procedure Rules to dispense with the requirement for certain matters to be read aloud in court when a defendant is pleading guilty in writing without attending the court. *E,W*
64	Would enable simple procedures for making various types of application made to a judge to be set out in the Criminal Procedure Rules. *E,W and (some provisions only) S,NI* *(but would apply in England and Wales only)*
65	Would make change to the application of Multi-Agency Public Arrangements to offenders who receive, or meet the conditions to receive, a disqualification order. *E,W*

66	Would allow the Secretary of State to close a prison without having to make a statutory instrument in order to do so. *E,W*
67**	Would allow HMRC to disclose information it 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 person's claiming to be eligible under section 3 of the Mesothelioma Act 2014 for a payment under the Diffuse Mesothelioma Payment Scheme. *E,W,S,NI*
Other measures to reduce burdens on public authorities	
68** and Schedule 18**	Would abolish the statutory requirement for a Poisons Board under the Poisons Act 1972 and introduce a single regulatory scheme for non-medicinal poisons and chemicals which can be used to make explosives ('explosive precursors') in line with EU Regulation 98/2013. *E,W*
69	Would allow all London street trading appeals to be heard in the Magistrates' Court. Currently some types of appeal are heard by the Secretary of State. *E,W*
70	Would clarify the law to ensure that decisions about whether to prosecute under the Gangmasters (Licensing) Act 2004 could be made by the Director of Public Prosecutions as well as by enforcement officers appointed by the Secretary of State. *E,W,S,NI* *(but would apply only to proceedings in England and Wales)*
71	Would remove the requirement for social work practices to be registered with and inspected by Ofsted. *E,W* *(but would apply only to England)*
72**	Would permit the Electoral Commission to produce a five-year plan in the first year of a new Parliament and subsequently as required by the Speaker's Commission, rather than having to do so annually. *E,W,S,NI, Gibraltar*
73**	Would make the same provision for the Local Government Boundary Commission for England (LGBCE), and would allow the LGBCE to appoint up to two independent members to its audit committee. *E,W* *(but would apply only to England)*
74	Would allow the Gas and Electricity Markets Authority to publish its gas supply licensing and electricity supply licensing registers on its website, rather than having to make hard copies available for public inspection. *E,W,S*
75	Would remove the requirement for local authorities to produce a sustainable community strategy. *E,W* *(but would apply to England only; the requirement has already been repealed in Wales)*
76	Would repeal duties relating to Local Area Agreements (LAAs). There are no longer any LAAs in local areas. *E,W* *(but would apply only to England)*
77	Would repeal provisions establishing a formal basis for Multi-Area Agreements. This legislation has never been used. *E,W* *(but would apply only to England)*

78 and Schedule 19	Would remove the requirement for 'best value authorities' (local authorities in England as defined in section 1 of the Local Government Act 1999) to consult local representatives where they consider it appropriate. *E,W* *(but would apply only to England)* Would remove a number of statutory requirements to consult that are currently imposed on the Secretary of State or other public authorities. *Varies depending on requirement to be repealed*
Legislative reform	
79	Would allow Ministers to amend primary or secondary legislation by statutory instrument in order to spell out dates described in it (for example, to amend references to "the appointed day" by subsequently inserting the actual date on which the provision came into force). *E,W,S,NI* *(but would not apply to areas within Scottish devolved competence, Northern Ireland devolved competence or for subordinate legislation made by Welsh Ministers or the National Assembly for Wales)*
80**	Would allow rules, regulations and orders to be combined in one statutory instrument. Generally this cannot happen at present unless an Act gives express power for the purpose. *E,W,S,NI* *(but would not apply to Scottish statutory instruments, Northern Ireland rules or statutory instruments made by the Welsh Ministers)*
81	Would ensure that references in secondary legislation made under the Merchant Shipping Act 1995 to an international agreement were interpreted as a reference to the agreement as modified, rather than to the version of the agreement that existed at the time the secondary legislation was made (known as 'ambulatory references). *E,W,S,NI*
Legislation no longer of practical use	
82 and Schedule 20	Would disapply legislation deemed to be "no longer of practical use", for example because it pertains to a situation that no longer exists, or because it refers to other legislation that has already been repealed. The measures to be disapplied are grouped under the following headings: Companies; industry; energy; transport; environment; animals and food; education; civil law; criminal law; housing. *Varies depending on measure to be disapplied*
Exercise of regulatory functions	
83	Would provide that whilst exercising their regulatory function, regulators must "have regard to the desirability of promoting economic growth" and must in particular consider the "importance for economic growth" of ensuring that any regulatory action they take is necessary and proportionate. *E,W,S,NI*
84	Would enable a Minister to specify in a statutory instrument which regulatory duties would be subject to this duty (in some cases it might not apply to all of a regulator's functions). *E,W,S,NI*
85	Would give the power for a Minister to issue guidance on how regulatory functions may be exercised so as to promote economic growth, and how regulators subject to the duty could demonstrate that they were complying with it. *E,W,S,NI*
86	Defines terms used in clauses 83–85. *E,W,S,NI*