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- 4 (1) Section 151 (duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks) is amended as follows. 5
- (2) In subsection (1), for the words from “a certificate of insurance” to “security has been given,” substitute “a policy or security is issued or given for the purposes of this Part of this Act,”. 10
- (3) In subsection (2)(a), omit “to which the certificate relates”.
- 5 In section 152 (exceptions to section 151), in paragraph (c) of subsection (1), omit the words from “, and also” to the end of the paragraph.
- 6 In section 153 (bankruptcy, etc, of insured or secured persons not to affect claims by third parties), in subsection (1), for the words from “a certificate of insurance” to “security has been given,” substitute “a person has effected a policy of insurance or been given a security for the purposes of this Part of this Act,”. 15
- 7 In section 161 (interpretation), omit subsection (2).

## SCHEDULE 4

Section 11

20

AGRICULTURAL HOLDINGS ACT 1986: RESOLUTION OF DISPUTES BY THIRD PARTY DETERMINATION

- 1 The Agricultural Holdings Act 1986 is amended as follows.
- 2 In section 2 (restriction on letting agricultural land for less than from year to year), after subsection (4) (determination of disputes arising as to the operation of the section in relation to any agreement to be by arbitration) insert – 25
- “(5) Notwithstanding subsection (4) above, the parties to the agreement may instead refer for third party determination under this Act the dispute that has arisen as to the operation of this section.” 30
- 3 (1) Section 6 (right to written tenancy agreement) is amended as follows.
- (2) After subsection (1) insert –
- “(1A) Where the landlord or tenant has the right under subsection (1) above to refer the terms of the tenancy to arbitration under this Act, the landlord and tenant may instead refer the terms of the tenancy for third party determination under this Act.” 35
- (3) In subsection (2) (contents of arbitrator’s award) –
- (a) in the opening words, after “arbitrator in his award” insert “or (as the case may be) the third party in his determination”;
- (b) in paragraph (b), after “arbitrator” insert “or third party”. 40

- (4) In subsection (3) (power of arbitrator to vary rent in consequence of award)–
- (a) after “arbitrator” insert “or third party”;
  - (b) after “award” insert “or (as the case may be) his determination”.
- (5) In subsection (4) (effect of arbitrator’s award)– 5
- (a) after “The award of an arbitrator” insert “or (as the case may be) the determination of a third party”;
  - (b) after “the award” (in each place where it occurs) insert “or determination”.
- (6) In subsection (6) (period when determination of the terms of the tenancy is pending), after “award of an arbitrator” insert “or the determination of a third party”. 10
- 4 In section 7 (model clauses as to the maintenance, repair and insurance of fixed equipment), in subsection (2) (power for regulations to make provision for matters arising under them to be determined by arbitration), after “arbitration” insert “or third party determination”. 15
- 5 (1) Section 8 (arbitration where terms of written agreement are inconsistent with the model clauses) is amended as follows.
- (2) After subsection (2) insert–
- “(2A) Where the landlord or tenant has the right under subsection (2) above to refer the terms of the tenancy as to the maintenance, repair and insurance of fixed equipment to arbitration under this Act (or would have that right but for subsection (6) below), the landlord and tenant may instead refer those terms for third party determination under this Act.” 20
- (3) In subsection (3) (arbitrator’s duty to consider terms and power to vary them)–
- (a) after “arbitrator” insert “or third party”;
  - (b) after “arbitration” insert “or (as the case may be) for third party determination”; 30
  - (c) after “award” insert “or determination”.
- (4) In subsection (4) (power of arbitrator to vary rent in consequence of award)–
- (a) after “arbitrator” insert “or third party”;
  - (b) after “award” insert “or (as the case may be) his determination”. 35
- (5) In subsection (5) (effect of arbitrator’s award)–
- (a) after “The award of an arbitrator” insert “or (as the case may be) the determination of a third party”;
  - (b) after “the award” (in each place where it occurs) insert “or determination”. 40
- (6) In subsection (6) (references under section to be made at least 3 years apart)–
- (a) after “a reference” insert “to arbitration or third party determination”;
  - (b) for “further such reference” substitute “subsequent reference to arbitration”; 45

- (c) after “award of the arbitrator” insert “or (as the case may be) the determination of the third party”.
- (7) In the sidenote, after “Arbitration” insert “or third party determination”.
- 6 (1) Section 9 (transitional arrangements where liability in respect of fixed equipment transferred) is amended as follows. 5
- (2) After subsection (1) insert –
- “(1A) Where the landlord has the right under subsection (1) above to require that there shall be determined by arbitration under this Act and paid by the tenant the amount of any relevant compensation (or would have that right but for the expiry of the prescribed period), the landlord and tenant may instead refer for third party determination under this Act the question of the amount of any relevant compensation that the tenant is to be required to pay.” 10
- (3) In subsection (2) (definition of “relevant compensation”), for “subsection (1) above” (in the first place where it occurs) substitute “subsections (1) and (1A) above”. 15
- (4) After subsection (3) insert –
- “(3A) Where the tenant has the right under subsection (3) above to require that there shall be determined by arbitration under this Act a claim of a type described in that subsection (or would have that right but for the expiry of the prescribed period), the tenant and landlord may instead refer the claim for third party determination under this Act.” 20
- (5) In subsection (4) (provision about disregarding a variation of the terms of a tenancy as to the maintenance, repair or insurance of fixed equipment), after “arbitrator” insert “or third party”. 25
- 7 In section 10 (tenant’s right to remove fixtures and buildings), after subsection (6) (determination by arbitration of any dispute between a landlord and tenant as to the amount payable by the landlord under subsection (4) on an election to purchase a fixture or building) insert –
- “(6A) Notwithstanding subsection (6) above, the landlord and tenant may instead refer for third party determination under this Act the dispute that has arisen with respect to the amount payable by the landlord under subsection (4).” 30
- 8 (1) Section 12 (arbitration of rent) is amended as follows.
- (2) After subsection (1) insert – 35
- “(1A) The landlord and tenant may instead refer for third party determination under this Act the question of how much rent is to be payable in respect of the holding as from the next termination date.”
- (3) In subsection (2) (arbitrator’s duty to determine rent properly payable) –
- (a) after “arbitrator” insert “or third party”; 40
- (b) after “demand for arbitration” insert “or (as the case may be) the reference for third party determination”.
- (4) In subsection (4) (references to the next termination date following the date of a demand for arbitration) –

- (a) after “a demand for arbitration” insert “, or reference for third party determination,”;
- (b) after “the demand” (in each place where it occurs) insert “or reference”.
- (5) In the sidenote, after “Arbitration” insert “or third party determination”. 5
- 9 In section 13 (increases of rent for landlord’s improvements), after subsection (7) (determination of any dispute between a landlord and tenant under the section to be by arbitration) insert –
- “(7A) Notwithstanding subsection (7) above, the landlord and the tenant may instead refer the dispute for third party determination under this Act.” 10
- 10 (1) Section 14 (variation of terms of tenancies as to permanent pasture) is amended as follows.
- (2) After subsection (2) insert –
- “(2A) Where the landlord or tenant has the right under subsection (2) above to demand that the question described in that subsection shall be referred to arbitration under this Act, the landlord and tenant may instead refer that question for third party determination under this Act.” 15
- (3) In subsection (3) (power of arbitrator to direct modification of terms as to land which is to be maintained as permanent pasture or is to be treated as arable land and as to cropping) – 20
- (a) after “subsection (2)” insert “or (2A)”;
- (b) after “arbitrator” insert “or third party”;
- (c) after “award” insert “or (as the case may be) his determination”. 25
- (4) In subsection (4) (power of arbitrator to order that, on termination of the tenancy, the tenant should leave an area of land as permanent pasture or as temporary pasture sown with certain seeds) –
- (a) after “subsection (2)” insert “or (2A)”;
- (b) after “arbitrator” insert “or third party”. 30
- 11 (1) Section 15 (disposal of produce and cropping) is amended as follows.
- (2) In subsection (6) (determination by arbitration of question whether tenant exercising subsection (1) rights in manner likely to injure holding etc), after “(including an arbitration” insert “or third party determination”.
- (3) After subsection (6) insert – 35
- “(6A) Notwithstanding subsection (6) above, the landlord and tenant may agree that, for the purposes of proceedings brought by the landlord under paragraph (a) of subsection (5) above, the question described in subsection (6) is instead to be referred for third party determination under this Act. 40
- (6B) On a reference under subsection (6A) above, the determination of the third party shall, for the purposes of any proceedings brought under subsection (5) above (including an arbitration or third party determination under paragraph (b)) be conclusive proof of the facts stated in the determination.” 45

- 12 (1) Section 20 (compensation for damage by game) is amended as follows.
- (2) After subsection (4) (amount of compensation to be determined by arbitration, in default of agreement) insert –
- “(4A) Notwithstanding subsection (4) above, the tenant and landlord may instead refer for third party determination under this Act the question of the amount of compensation to which the tenant is entitled.” 5
- (3) After subsection (5) (determination by arbitration of questions as to the landlord’s right to be indemnified against claims for compensation by the person in whom the right to kill and take the wild animals or birds that did the damage is vested) insert – 10
- “(6) Notwithstanding subsection (5) above, the landlord and the other person may instead refer for third party determination under this Act the questions arising between them under that subsection.”
- 13 In section 25 (length of notice to quit), in subsection (3) (effect of determination under section 12 by arbitrator), after “arbitrator” insert “or third party”. 15
- 14 (1) Section 33 (reduction of rent where notice is given to quit part of holding) is amended as follows.
- (2) After subsection (2) (amount of rent reduction to be determined by arbitration, in default of agreement) insert – 20
- “(2A) Notwithstanding subsection (2) above, the tenant and landlord may instead refer for third party determination under this Act the question of the amount of any reduction of rent to which the tenant is entitled under this section.” 25
- (3) In subsection (3) (matters to be taken into account by arbitrator) –
- (a) after “arbitration” insert “or third party determination”;
- (b) after “arbitrator” insert “or (as the case may be) the third party”.
- 15 In section 47 (terms of new tenancy unless varied by arbitration), in the sidenote, after “arbitration” insert “or third party determination”. 30
- 16 (1) Section 48 (arbitration on terms of new tenancy) is amended as follows.
- (2) For subsection (3) substitute –
- “(3) Where the provisions of this section apply –
- (a) the landlord or tenant may by notice in writing served on the other within the prescribed period demand a reference to arbitration under this Act of one or both of the questions specified in subsection (4) below, or 35
- (b) the landlord and tenant may refer for third party determination under this Act one or both of those questions.”
- (3) In subsection (5) (duties of arbitrator on reference of “question (a)”) – 40
- (a) in the opening words –
- (i) after “arbitration” insert “or third party determination”;
- (ii) after “arbitrator” insert “or (as the case may be) the third party”;

- (b) in paragraph (b), after “award” insert “or determination”.
- (4) In subsection (6) (power of arbitrator to vary rent where “question (a)” but not “question (b)” referred to arbitration) –
- (a) after “arbitration” insert “or third party determination”;
- (b) after “arbitrator” insert “or (as the case may be) the third party”; 5
- (c) after “award” insert “or determination”
- (5) In subsection (7) (duties of arbitrator on reference of “question (b)”) –
- (a) after “arbitration” insert “or third party determination”;
- (b) after “arbitrator” insert “or (as the case may be) the third party”.
- (6) In subsection (10) (power of arbitrator to include further provisions in award), after “award” insert “or (as the case may be) the third party may include in his determination”. 10
- (7) In subsection (11) (effect of arbitrator’s award made before “the relevant time”) –
- (a) after “award of an arbitrator” insert “or (as the case may be) the determination of a third party”; 15
- (b) after “award” (in the second place where it occurs) insert “or determination”.
- (8) In subsection (12) (effect of arbitrator’s award made after “the relevant time”) – 20
- (a) after “award of an arbitrator” insert “or (as the case may be) the determination of a third party”;
- (b) after “award” (in the second place where it occurs) insert “or determination”.
- (9) In the sidenote, after “Arbitration” insert “or third party determination”. 25
- 17 In section 74 (supplementary provisions with respect to compensation: termination of tenancy of part of holding), in subsection (2)(b) (matters to be taken into consideration by arbitrator assessing amount of compensation payable to tenant), after “arbitrator” insert “or (as the case may be) the third party appointed under section 84A below”. 30
- 18 In section 75 (compensation where reversionary estate in holding is severed), in subsection (2) –
- (a) after “arbitrator” (in the first place where it occurs) insert “or (as the case may be) the third party”;
- (b) after “awarded” insert “or determined by third party determination”; 35
- (c) after “award” insert “or determination”;
- (d) after “arbitrator” (in the second place where it occurs) insert “or third party”.
- 19 In section 80 (power of Tribunal to direct holding to be treated as market garden), after subsection (7) insert – 40
- “(7A) Notwithstanding the provision made by subsection (7) above for rents to be settled by arbitration, the landlord and tenant may instead refer those rents to be settled by third party determination under this Act.” 45



- 20 (1) Section 83 (settlement of claims on termination of tenancy) is amended as follows.
- (2) After subsection (1) (determination by arbitration of claims arising under the Act etc on or out of the termination of the tenancy) insert –
- “(1A) Notwithstanding subsection (1) above, but subject to the provisions of subsections (2) and (3) below, the tenant and landlord may instead refer for third party determination under this Act any such claim as is mentioned in subsection (1).” 5
- (3) For subsections (4) and (5) (8 month period from the termination of the tenancy within which the landlord and tenant may settle a claim by agreement in writing before it is determined by arbitration) substitute – 10
- “(4) An arbitrator may not be appointed under section 84(2) below to determine a claim which has become enforceable by virtue of the service of a notice under subsection (2) above before the expiry of eight months from the termination of the tenancy.” 15
- 21 After section 84 (arbitrations) insert –
- “84A Third party determinations**
- (1) Parties who wish to refer a matter for third party determination under this Act must jointly appoint a third party to determine the matter. 20
- (2) Parties may not under subsection (1) jointly appoint a third party to determine a matter once an arbitrator has been appointed to determine the matter under section 84(2).
- (3) Any matter which by or by virtue of this Act or regulations made under this Act may be determined by third party determination under this Act is to be treated as having been referred for third party determination under this Act once an appointment has been made under subsection (1). 25
- (4) References to “third party determination under this Act” are to the determination of a matter by the third party appointed under subsection (1) or a replacement third party jointly appointed by the parties on a termination of the earlier appointment and references to a “third party”, in the context of such a determination, are to the third party so appointed. 30
- (5) If a third party appointed under this section to determine a matter dies, or is incapable of acting, the parties may (instead of appointing a replacement) agree to proceed as if they had not referred the matter for third party determination under this Act. 35
- (6) A matter that has been referred for third party determination under this Act may not be determined by arbitration under this Act except by virtue of subsection (5). 40
- (7) Where by virtue of this Act compensation under an agreement is to be substituted for compensation under this Act for improvements or for any such matters as are specified in Part 2 of Schedule 8 to this Act, the third party must award compensation in accordance with the agreement instead of in accordance with this Act.” 45

- 22 In section 85 (enforcement), in subsection (1) (recovery of unpaid amount by county court proceedings), for “or awarded” substitute “, awarded or determined by third party determination”.
- 23 (1) Section 86 (power of landlord to obtain charge on holding) is amended as follows. 5
- (2) In subsection (2) (provision for landlord to request arbitrator to certify amount of compensation and term for which charge may properly be made), in the opening words –
- (a) after “arbitration” insert “or third party determination”;
- (b) after “arbitrator” insert “or (as the case may be) the third party”. 10
- (3) In subsection (3) (landlord acting as trustee etc: ability to obtain order charging the holding with repayment of sums to be paid by the landlord under the Act) –
- (a) for “or awarded” (in the first place where it occurs) substitute “, awarded or determined by third party determination”; 15
- (b) after “awarded” (in the second place where it occurs) insert “or determined by third party determination”.
- 24 In section 96 (interpretation), in subsection (1), at the relevant place insert –  
“ “third party” and “third party determination” have the  
meaning given by section 84A(4) above;”. 20
- 25 (1) Schedule 2 (arbitration of rent: provisions supplementary to section 12) is amended as follows.
- (2) In paragraph 1(3) (amount of rent: arbitrator determining current level of rents for comparable lettings) –
- (a) after “arbitrator” insert “or (as the case may be) the third party”; 25
- (b) after “arbitration” insert “or third party determination”.
- (3) In paragraph 2(1) (amount of rent: duty of arbitrator to disregard increase in rental value due to certain improvements), after “arbitrator” insert “or (as the case may be) the third party”.
- (4) In paragraph 3 (amount of rent: other duties of arbitrator) – 30
- (a) in the opening words, after “arbitrator” insert “or (as the case may be) the third party”;
- (b) in paragraph (a), after “arbitration” insert “or third party determination”.
- (5) In paragraph 4 (frequency of arbitrations under section 12), in subparagraph (1)(c), after “arbitrator” insert “or third party”. 35
- (6) In the heading to the Schedule, after “ARBITRATION” insert “OR THIRD PARTY DETERMINATION”.

**SCHEDULE 5****Section 16**

## AUDITORS CEASING TO HOLD OFFICE

## PART 1

## NOTIFICATION REQUIREMENTS

- |   |   |    |
|---|---|----|
| 1 | Chapter 4 of Part 16 of the Companies Act 2006 (audit: removal, resignation, etc of auditors) is amended in accordance with paragraphs 2 to 11.   | 5  |
| 2 | Omit section 512 (notice to registrar of resolution removing auditor from office).  |    |
| 3 | In section 516 (resignation of auditor), in subsection (2), for “The” substitute “Where the company is a public interest company, the”.   | 10 |
| 4 | Omit section 517 (notice to registrar of resignation of auditor).   |    |
| 5 | (1) Section 518 (rights of resigning auditor) is amended as follows.  |    |
|   | (2) In subsection (1), for the words from “auditor’s notice of resignation” to the end of the subsection substitute “auditor’s (A’s) notice of resignation is accompanied by a statement under section 519 except where—  | 15 |
|   | (a) the company is a non-public interest company, and   |    |
|   | (b) the statement includes a statement to the effect that A considers that none of the reasons for A’s ceasing to hold office, and no matters (if any) connected with A’s ceasing to hold office, need to be brought to the attention of members or creditors of the company (as required by section 519(3B)).” | 20 |
|   | (3) In subsection (2), for “circumstances connected with” substitute “reasons for, and matters connected with,”.  |    |
|   | (4) In subsection (3), in the words after paragraph (b), for “circumstances connected with” substitute “reasons for, and matters connected with,”.  | 25 |
| 6 | In section 519 (statement by auditor to be deposited with company), in subsection (4), for “The statement required by this section” substitute “A statement under this section”.  |    |
| 7 | (1) Section 520 (company’s duties in relation to statement under section 519) is amended as follows.  | 30 |
|   | (2) In subsection (1), for the words from “the statement” to the end of the subsection substitute “a company receives from an auditor (“A”) who is ceasing to hold office a statement under section 519 except where—   |    |
|   | (a) the company is a non-public interest company, and   |    |
|   | (b) the statement includes a statement to the effect that A considers that none of the reasons for A’s ceasing to hold office, and no matters (if any) connected with A’s ceasing to hold office, need to be brought to the attention of members or creditors of the company (as required by section 519(3B)).” | 35 |
|   | (3) In subsection (2), for “The” substitute “Where this section applies, the”.  | 40 |
| 8 | (1) Section 521 (copy of statement to be sent to registrar) is amended as follows.  |    |

- (2) Before subsection (1) insert –
- “(A1) This section applies where an auditor (“A”) of a company sends a statement to the company under section 519 except where –
- (a) the company is a non-public interest company, and
  - (b) the statement includes a statement to the effect that A considers that none of the reasons for A’s ceasing to hold office, and no matters (if any) connected with A’s ceasing to hold office, need to be brought to the attention of members or creditors of the company (as required by section 519(3B)).”
- (3) In subsection (1), for “Unless” substitute “Where this section applies, unless”.
- 9 (1) Section 522 (duty of auditor to notify appropriate audit authority) is amended as follows.
- (2) For subsections (1) to (4) substitute –
- “(1) Where an auditor of a company sends a statement under section 519, the auditor must at the same time send a copy of the statement to the appropriate audit authority.”
- (3) In the heading, for “notify” substitute “send statement to”.
- 10 (1) Section 524 (information to be given to accounting authorities) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) Where the appropriate audit authority receives a statement under section 522 or 523, the authority may forward to the accounting authorities –
- (a) a copy of the statement or notice, and
  - (b) any other information the authority has received from the auditor or the company concerned in connection with the auditor’s ceasing to hold office.”
- (3) Omit subsection (3).
- (4) In the heading, for “Information to be given” substitute “Provision of information”.
- 11 (1) Section 525 (meaning of “appropriate audit authority” and “major audit”) is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (a) –
    - (i) for the words before sub-paragraph (i) substitute “in relation to an auditor of a public interest company (other than an Auditor General)”; 35
    - (ii) in sub-paragraph (ii), after “receiving the” insert “statement or”; 40
  - (b) in paragraph (b), for the words from the beginning to “a major audit” substitute “in relation to an auditor of a non-public interest company (other than an Auditor General)”; 40
  - (c) in paragraph (c), for “in the case of an audit conducted by” substitute “in relation to”. 45

- (3) Omit subsections (2) and (3).
- (4) In the heading, omit “and “major audit””.
- 12 (1) Schedule 8 to the Companies Act 2006 (index of defined expressions) is amended as follows.
- (2) Omit the entry for “major audit”. 5
- (3) At the appropriate places insert—
- |  |  |               |    |
|--|--|---------------|----|
| “exempt reasons, in relation to an auditor of a company ceasing to hold office (in Chapter 4 of Part 16) |  | section 519A” | 10 |
| “non-public interest company (in Chapter 4 of Part 16)   |  | section 519A” |    |
| “public interest company (in Chapter 4 of Part 16)   |  | section 519A” | 15 |

## PART 2

### MISCELLANEOUS

- 13 Chapter 4 of Part 16 of the Companies Act 2006 is further amended as follows. 20

*Failure to re-appoint auditor: special procedure requirements*

- 14 (1) Section 514 (failure to re-appoint auditor: special procedure required for written resolution) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- |   |  |    |
|---|--|----|
| “(1) This section applies where a resolution is proposed as a written resolution of a private company whose effect would be to appoint a person as auditor in place of a person (the “outgoing auditor”) who, at the time the resolution is proposed, is an auditor of the company and who is to cease to hold office at the end of a period for appointing auditors. |  | 25 |
| But this section does not apply if the auditor is to cease to hold office by virtue of section 510 or 516.  |  | 30 |
| (2) This section also applies where a resolution is proposed as a written resolution of a private company whose effect would be to appoint a person as auditor where, at the time the resolution is proposed, the company does not have an auditor and the person proposed to be  |  | 35 |

- appointed is not a person (the “outgoing auditor”) who was an auditor of the company when the company last had an auditor.  
But this is subject to subsection (2A).
- (2A) This section does not apply (by virtue of subsection (2)) if—
- (a) a period for appointing auditors has ended since the outgoing auditor ceased to hold office, 5
  - (b) the outgoing auditor ceased to hold office by virtue of section 510 or 516, or
  - (c) the outgoing auditor has previously had the opportunity to make representations with respect to a proposed resolution under subsection (4) of this section or an intended resolution under section 515(4).” 10
- (3) In subsection (3), for “The” substitute “Where this section applies, the”.
- 15 (1) Section 515 (failure to re-appoint auditor: special notice required for resolution at general meeting) is amended as follows. 15
- (2) For subsections (1) and (2) substitute—
- “(1) Special notice is required for a resolution at a general meeting of a private company whose effect would be to appoint a person as auditor in place of a person (the “outgoing auditor”) who, at the time the notice is given, is an auditor of the company and who is to cease to hold office at the end of a period for appointing auditors. 20  
But special notice is not required under this subsection if the auditor is to cease to hold office by virtue of section 510 or 516.
- (1A) Special notice is required for a resolution at a general meeting of a public company whose effect would be to appoint a person as auditor in place of a person (the “outgoing auditor”) who, at the time the notice is given, is an auditor of the company and who is to cease to hold office at the end of an accounts meeting. 25  
But special notice is not required under this subsection if the auditor is to cease to hold office by virtue of section 510 or 516. 30
- (2) Special notice is required for a resolution at a general meeting of a company whose effect would be to appoint a person as auditor where, at the time the notice is given, the company does not have an auditor and the person proposed to be appointed is not a person (the “outgoing auditor”) who was an auditor of the company when the company last had an auditor. 35  
But this is subject to subsection (2A).
- (2A) Special notice is not required under subsection (2) if—
- (a) a period for appointing auditors has ended or (as the case may be) an accounts meeting of the company has been held since the outgoing auditor ceased to hold office, 40
  - (b) the outgoing auditor ceased to hold office by virtue of section 510 or 516, or
  - (c) the outgoing auditor has previously had the opportunity to make representations with respect to an intended resolution under subsection (4) of this section or a proposed resolution under section 514(4).” 45

- (3) In subsection (3) –  
 (a) omit “such”;  
 (b) after “resolution” insert “mentioned in subsection (1), (1A) or (2)”.

*Replacement of references to documents being deposited at the company’s registered office*

- 16 (1) Section 516 (resignation of auditor) is amended as follows. 5  
 (2) In subsection (1), for the words from “depositing” to the end of the subsection substitute “sending a notice to that effect to the company”.  
 (3) In subsection (3), for “deposited” substitute “received”.
- 17 (1) Section 518 (rights of resigning auditor) is amended as follows.  
 (2) In subsection (2) – 10  
 (a) for “deposit” substitute “send”;  
 (b) for “a signed” substitute “an authenticated”.  
 (3) In subsection (5), for “of the deposit of” substitute “on which the company receives”.
- 18 (1) Section 519 (statement by auditor to be deposited with company) is amended as follows. 15  
 (2) In subsection (4), for “deposited” substitute “sent”.  
 (3) In the heading, for “deposited with” substitute “sent to”.
- 19 In section 520(2) (company’s duties in relation to statement), for “deposit” substitute “receipt”. 20
- 20 In section 521(1) (copy of statement to be sent to registrar), for “deposited” substitute “sent”.

SCHEDULE 6

Section ~~12~~17

INSOLVENCY AND COMPANY LAW

PART 1 25

DEEDS OF ARRANGEMENT

*Repeal of Deeds of Arrangement Act 1914*

- 1 (1) The Deeds of Arrangement Act 1914 is repealed.  
 (2) In the Administration of Justice Act 1925, omit section 22 (which concerns registration of deeds of arrangement and is to be construed as one with the Act of 1914). 30
- 2 (1) The following amendments are made in consequence of paragraph 1.  
 (2) In the Public Trustee Act 1906, in section 2(4), omit “, nor any trust under a deed of arrangement for the benefit of creditors”.  
 (3) In the Trustee Act 1925, omit section 41(2). 35

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- (4) In the Law of Property Act 1925, in section 43(1), omit “, deed of arrangement”.
- (5) In the Law of Property (Amendment) Act 1926, in section 3(1) –  
(a) omit “and property subject to a deed of arrangement”;  
(b) omit “and the trustee under the deed respectively”. 5
- (6) In the Administration of Justice Act 1965, in Schedule 1, omit the entry for the Deeds of Arrangement Act 1914.
- (7) In the Land Charges Act 1972 –  
(a) omit section 1(1)(d) and (6A)(e);  
(b) omit section 7; 10  
(c) in section 17(1), omit the definition of “deed of arrangement”.
- (8) In the Magistrates’ Courts Act 1980, in Schedule 1, omit paragraph 16.
- (9) In the Administration of Justice Act 1985 –  
(a) in section 16(1)(g), omit “or a deed of arrangement for the benefit of his creditors”; 15  
(b) in section 17(2)(c), omit “or a deed of arrangement for the benefit of his creditors”.
- (10) In the Insolvency Act 1985, in Schedule 8, omit paragraph 2.
- (11) In the Insolvency Act 1986 –  
(a) omit section 260(3); 20  
(b) in section 263(5), omit the words from “This is without prejudice” to the end of the subsection;  
(c) omit section 263D(6);  
(d) in section 372(1) –  
(i) omit paragraph (c) and the “or” before it; 25  
(ii) for “, the supervisor of the voluntary arrangement or the trustee under the deed of arrangement” substitute “or the supervisor of the voluntary arrangement”;  
(e) in section 379, omit “, and about proceedings in the course of that year under the Deeds of Arrangement Act 1914”; 30  
(f) in section 388(2)(b), omit “a deed of arrangement made for the benefit of his creditors or”;  
(g) in Schedule 9, in paragraph 24(a), omit “and of jurisdiction under the Deeds of Arrangement Act 1914”;  
(h) in Schedule 14, omit the entries for the Deeds of Arrangement Act 1914. 35
- (12) In the Taxation of Chargeable Gains Act 1992, in section 66(5), in the definition of “deed of arrangement”, for the words from “the Deeds of Arrangement Act 1914” to the end of the definition insert “an enactment forming part of the law of Scotland or Northern Ireland which corresponds to the Deeds of Arrangement Act 1914 applies”. 40
- (13) In the Value Added Tax Act 1994, in section 81(4B)(e), omit “the Deeds of Arrangement Act 1914 or”.
- (14) In the Finance Act 2000 –



- (a) in Part 6 of Schedule 6, omit paragraph 75(2)(e)(i) and the “or” following it;
- (b) in Part 10 of Schedule 6, omit paragraph 120(7)(f)(i) and the “or” following it.
- (15) In the Finance Act 2001 – 5
- (a) omit section 37(7)(f)(i) and the “or” following it;
- (b) in Schedule 8, omit paragraph 11(2)(e)(i) and the “or” following it.
- (16) In the Land Registration Act 2002, in section 87 –
- (a) in subsection (1)(b), at the end insert “and”;
- (b) omit subsection (1)(d) and the “and” before it; 10
- (c) omit subsection (2)(b) and the “or” before it;
- (d) omit subsection (5).
- (17) In the Licensing Act 2003, in section 27(3)(c), omit “a deed of arrangement made for the benefit of his creditors or”.
- (18) In the Pensions Act 2004, omit section 121(2)(c). 15
- (19) In the Constitutional Reform Act 2005 –
- (a) in Schedule 4, omit paragraph 19;
- (b) in Part 2 of Schedule 11, in paragraph 4(3), omit the entry for the Deeds of Arrangement Act 1914.
- (20) In the Tribunals, Courts and Enforcement Act 2007, in Schedule 13, omit paragraph 21. 20
- (21) In the Finance Act 2008, in section 131(8), in the definition of “deed of arrangement”, omit “the Deeds of Arrangement Act 1914 (c. 47) or”.
- (22) In the Third Parties (Rights against Insurers) Act 2010, omit section 4(1)(a).
- 3 The repeals and other amendments made by paragraphs 1 and 2 are to have no effect in relation to a deed of arrangement registered under section 5 of the Deeds of Arrangement Act 1914 before the date on which paragraph 1 of this Schedule comes into force if, immediately before that date, the estate of the debtor who executed the deed of arrangement has not been finally wound up. 25 30

## PART 2

## ADMINISTRATION OF COMPANIES

- 4 Schedule B1 to the Insolvency Act 1986 (administration of companies) is amended in accordance with paragraphs 5 to 7.
- Appointment of administrators* 35
- 5 After paragraph 25 (circumstances in which an administrator of a company may not be appointed under paragraph 22) and before the italic cross-heading following paragraph 25 insert –
- “25A(1) Paragraph 25(a) does not prevent the appointment of an administrator of a company if the petition for the winding up of the company was presented after the person proposing to make 40

	the appointment filed the notice of intention to appoint with the court under paragraph 27.	
	(2) But sub-paragraph (1) does not apply if the petition was presented under a provision mentioned in paragraph 42(4).”	
6	In paragraph 26 (notice by company, or directors of company, of intention to appoint administrator), in sub-paragraph (2) (requirement to give additional notice), for “proposes to make an appointment under paragraph 22” substitute “gives notice of intention to appoint under sub-paragraph (1)”.	5
	<i>Release of administrator where no distribution to unsecured creditors other than by virtue of section 176A(2)(a)</i>	10
7	(1) Paragraph 98 (vacation of office of administrator: discharge from liability) is amended as follows.	
	(2) In sub-paragraph (2)(b) (when discharge takes effect in case of administrator appointed under paragraph 14 or 22), after “22” insert “who has not made a statement under paragraph 52(1)(b)”.	15
	(3) In sub-paragraph (2), after paragraph (b) (but before the “or” following it) insert –	
	“(ba) in the case of an administrator appointed under paragraph 14 or 22 who has made a statement under paragraph 52(1)(b), at a time decided by the relevant creditors,”.	20
	(4) In sub-paragraph (3)–	
	(a) for the words before paragraph (a) substitute “For the purposes of sub-paragraph (2)(ba), the “relevant creditors” of a company are –”;	
	(b) in paragraph (b), for “give or withhold approval” substitute “decide on the time of discharge”.	25

### PART 3

#### WINDING UP OF COMPANIES

8	Part 4 of the Insolvency Act 1986 (winding up of companies registered under the Companies Acts) is amended in accordance with paragraphs 9 and 10.	
	<i>Removal of power of court to order payment into Bank of England of money due to company</i>	30
9	Omit section 151 (payment into bank of money due to company).	
	<i>Release of liquidator where winding-up order rescinded</i>	
10	In section 174 (release of liquidator of company being wound up by the court), after subsection (4) insert –	
	“(4A) Where a winding-up order made by the court in England and Wales is rescinded, the person (whether the official receiver or another person) who is the liquidator of the company at the time the order is rescinded has his release with effect from such time as the court may determine.”	35

## PART 4

## DISQUALIFICATION OF UNFIT DIRECTORS OF INSOLVENT COMPANIES

*Application for making of disqualification order: power to require information*

- 11 (1) In section 7 of the Company Directors Disqualification Act 1986 (disqualification order or undertaking; and reporting provisions), subsection (4) (power of Secretary of State or official receiver to require information) is amended as follows. 5
- (2) In the words before paragraph (a), for the words from “the liquidator” to “or administrative receiver of a company” (in the second place they occur) substitute “any person”. 10
- (3) In paragraph (a), for the words from “any person’s conduct” to the end of the paragraph substitute “that person’s or another person’s conduct as a director of a company which has at any time become insolvent (whether while the person was a director or subsequently), and”. 15
- (4) In paragraph (b), for the words from “relevant to” to the end of the paragraph substitute “as are considered by the Secretary of State or (as the case may be) the official receiver to be relevant to that person’s or another person’s conduct as such a director”. 15

## PART 5

## BANKRUPTCY 20

- 12 Part 9 of the Insolvency Act 1986 (bankruptcy) is amended in accordance with paragraphs 13 to 16.

*Appointment of insolvency practitioner as interim receiver*

- 13 (1) In section 286(1) (power of court to appoint interim receiver if necessary for protection of debtor’s property), after “official receiver” insert “or an insolvency practitioner”. 25
- (2) If sub-paragraph (1) comes into force before the coming into force of the repeal of subsection (2) of section 286 by paragraph 17(2) of Schedule 19 to the Enterprise and Regulatory Reform Act 2013, that subsection is to have effect (until the repeal comes into force) as if for “, instead of the official receiver,” there were substituted “, another insolvency practitioner or the official receiver”. 30
- 14 (1) Section 370 (power to appoint special manager) is amended as follows.
- (2) In subsection (1)(c) (power of court to appoint person to be special manager of property or business of debtor in whose case an interim receiver has been appointed under section 286), for “the official receiver has been appointed interim receiver” substitute “an interim receiver has been appointed”. 35
- (3) In subsection (2) (who may apply for the appointment of a special manager), for “official receiver” (in both places where it occurs) substitute “interim receiver”. 40

*Statement of affairs*

- 15 (1) Section 288 (statement of affairs) is amended as follows.
- (2) In subsection (1) (duty of bankrupt to submit statement of affairs), for the words from “the bankrupt shall submit” to the end of the subsection substitute “the official receiver may at any time before the discharge of the bankrupt require the bankrupt to submit to the official receiver a statement of affairs.” 5
- (3) After subsection (2) insert –
- “(2A) Where a bankrupt is required under subsection (1) to submit a statement of affairs to the official receiver, the bankrupt shall do so (subject to subsection (3)) before the end of the period of 21 days beginning with the day after that on which the prescribed notice of the requirement is given to the bankrupt by the official receiver.” 10
- (4) In subsection (3)(a) (power of official receiver to release bankrupt from duty under subsection (1)), for “the bankrupt from his duty” substitute “a bankrupt from an obligation imposed on the bankrupt”. 15
- (5) For subsection (3)(b) (power of official receiver to extend period for submitting statement of affairs) substitute –
- “(b) either when giving the notice mentioned in subsection (2A) or subsequently, extend the period mentioned in that subsection.” 20
- (6) In subsection (4)(a) (offence of failing to comply with obligation to submit statement of affairs), for “the obligation imposed by” substitute “an obligation imposed under”.

*After-acquired property of bankrupt* 25

- 16 (1) Section 307 (power of trustee in bankruptcy to claim, for the bankrupt’s estate, property which has been acquired by, or has devolved upon, the bankrupt after commencement of the bankruptcy) is amended as follows.
- (2) In subsection (3) (property to vest in trustee on service of notice on bankrupt), for “Subject to the next subsection” substitute “Subject to subsections (4) and (4A)”. 30
- (3) In subsection (4) (trustee not entitled to remedy against certain persons and certain bankers) –
- (a) in the words before paragraph (a), after “service” insert “on the bankrupt”; 35
- (b) omit paragraph (b) (which makes provision about bankers) and the “or” at the end of paragraph (a);
- (c) in the words after paragraph (b) –
- (i) omit “or transaction”; 40
- (ii) omit “or banker” (in both places where they occur).
- (4) After subsection (4) insert –
- “(4A) Where a banker enters into a transaction before service on the banker of a notice under this section (and whether before or after service on the bankrupt of a notice under this section) the trustee is not in

respect of that transaction entitled by virtue of this section to any remedy against the banker.

This subsection applies whether or not the banker has notice of the bankruptcy.”

## PART 6

5

## AUTHORISATION OF INSOLVENCY PRACTITIONERS

- 17 Part 13 of the Insolvency Act 1986 (insolvency practitioners and their qualification) is amended in accordance with paragraphs 18 to 20.
- Repeal of provision for authorisation of nominees and supervisors in relation to voluntary arrangements* 10
- 18 Omit section 389(1A) (acting without qualification not an offence if authorised under section 389A).
- 19 Omit section 389A (authorisation of nominees and supervisors).
- Repeal of provision for authorisation of insolvency practitioners to be granted by competent authority* 15
- 20 Omit sections 392 to 398 and Schedule 7 (procedure for authorisation by competent authority, including provision for reference to Insolvency Practitioners Tribunal).
- 21 (1) The following repeals are made in consequence of paragraph 20.
- (2) In the Parliamentary Commissioner Act 1967, in Schedule 4, omit the entry for the Insolvency Practitioners Tribunal. 20
- (3) In the Northern Ireland Assembly Disqualification Act 1975, in Part 3 of Schedule 1, omit the entry for any member of the Insolvency Practitioners Tribunal in receipt of remuneration.
- (4) In the Companies Act 1985, in Schedule 15D, omit paragraph 37. 25
- (5) In the Insolvency Act 1986 –
- (a) omit section 415A(2);
- (b) in Schedule 10, omit the entry for paragraph 4(3) of Schedule 7.
- (6) In the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)), omit Article 349(2)(c) and the “or” before it. 30
- (7) In the Courts and Legal Services Act 1990, in Schedule 10, omit paragraph 67.
- (8) In the Tribunals and Inquiries Act 1992 –
- (a) in Part 1 of Schedule 1, omit the entry for insolvency practitioners;
- (b) in Schedule 3, omit paragraph 19. 35
- (9) In the Railways Act 1993, omit section 145(2)(b)(ix) (but not the “or” following it).
- (10) In the Greater London Authority Act 1999, omit section 235(2)(c)(ix) (but not the “or” following it).

- (11) In the Utilities Act 2000, omit section 105(5)(j).
- (12) In the Transport Act 2000, in Schedule 9, omit paragraph 3(2)(l).
- (13) In the Enterprise Act 2002, omit section 270(3).
- (14) In the Constitutional Reform Act 2005, in Part 3 of Schedule 14, omit the entry for a member of the Insolvency Practitioners Tribunal panel. 5
- (15) In the Companies Act 2006 –  
(a) in Schedule 2, in Part 2, in Section (A) (United Kingdom), omit paragraph 18;  
(b) in Schedule 11A, omit paragraph 64.
- (16) In the Tribunals, Courts and Enforcement Act 2007 – 10  
(a) in Part 4 of Schedule 6, omit the entry for the Insolvency Practitioners Tribunal;  
(b) in Schedule 10, omit paragraph 19.
- (17) In the Civil Aviation Act 2012, in Schedule 6, in paragraph 4(2), omit the entry for the Insolvency Practitioners Tribunal. 15
- 22 (1) For the purposes of this paragraph –  
the “commencement date” is the date on which paragraph 20 of this Schedule comes into force;  
the “transitional period” is the period of 1 year beginning with the commencement date. 20
- (2) Where, immediately before the commencement date, a person holds an authorisation granted under section 393 of the Insolvency Act 1986, section 393(3A) to (6) of that Act together with, for the purposes of this sub-paragraph, paragraphs (a) and (b) of section 393(2) of that Act (which are repealed by paragraph 20) continue to have effect in relation to the person and the authorisation during the transitional period. 25
- (3) During the transitional period, a person to whom sub-paragraph (2) applies is to be treated for the purposes of Part 13 of the Insolvency Act 1986 as fully authorised under section 390A of that Act (as inserted by section ~~10~~15(3) of this Act) to act as an insolvency practitioner unless and until the person’s authorisation is (by virtue of sub-paragraph (2)) withdrawn. 30
- (4) Where, immediately before the commencement date, a person has applied under section 392 of the Insolvency Act 1986 for authorisation to act as an insolvency practitioner and the application has not been granted, refused or withdrawn, sections 392(4) to (7) and 393(1) and (2) of that Act (which are repealed by paragraph 20) continue to have effect in relation to the person and the application during the transitional period. 35
- (5) Where, during the transitional period, an authorisation is (by virtue of sub-paragraph (4)) granted under section 393 of the Insolvency Act 1986, sub-paragraphs (2) and (3) above apply as if – 40  
(a) the authorisation had been granted immediately before the commencement date;  
(b) in sub-paragraph (2), the reference to section 393(3A) to (6) were a reference to section 393(4) to (6).

- (6) For the purposes of sub-paragraphs (2) and (4), sections 394 to 398 of, and Schedule 7 to, the Insolvency Act 1986 (which are repealed by paragraph 20) continue to have effect during the transitional period.

#### PART 7

### LIABILITIES OF ADMINISTRATORS AND ADMINISTRATIVE RECEIVERS OF COMPANIES AND PREFERENTIAL DEBTS OF COMPANIES AND INDIVIDUALS 5

#### *Treatment of liabilities relating to contracts of employment*

- 23 The Insolvency Act 1986 is amended in accordance with paragraphs 24 to 27.
- 24 In section 19 (vacation of office by administrator), as continued in force by virtue of section 249(1) of the Enterprise Act 2002 (special administration regimes), omit subsection (10) (what “wages or salary” includes for the purposes of subsection (9)(a)). 10
- 25 In section 44 (receivership: agency and liability for contracts), omit subsection (2D) (what “wages or salary” includes for the purposes of subsection (2C)(a)). 15
- 26 In Schedule B1 (administration of companies), in paragraph 99 (vacation of office by administrator: charges and liabilities), omit sub-paragraph (6)(d) (what “wages or salary” includes for the purposes of sub-paragraph (5)(c)) but not the “and” following it.
- 27 In Schedule 6 (categories of preferential debt), in paragraph 15 (what “wages or salary” includes for the purposes of determining what is a category 5 preferential debt), omit paragraph (b) and the “and” before it. 20

#### PART 8

### REQUIREMENTS OF COMPANY LAW: PROXIES

#### *Proxies at a poll taken 48 hours or less after it was demanded* 25

- 28 In section 327(2) of the Companies Act 2006 (which regulates the period of notice required for the appointment of a proxy), omit paragraph (c).
- 29 In section 330(6) of that Act (which regulates the period of notice required for the termination of a proxy’s authority), omit paragraph (c).

#### SCHEDULE 7

Section ~~19~~[24](#) 30

### ASCERTAINMENT OF RIGHTS OF WAY

#### PART 1

### WILDLIFE AND COUNTRYSIDE ACT 1981

- 1 The Wildlife and Countryside Act 1981 is amended as follows.
- 2 In section 53 (duty to keep definitive map and statement under continuous review) – 35

- (a) in subsection (3)(c)(i), omit “or is reasonably alleged to subsist”;
- (b) after subsection (3)(c)(i) insert –
- “(ia) in the case of an authority in Wales, that a right of way which is not shown in the map and statement is reasonably alleged to subsist over land in the area to which the map relates, being such a right of way as is mentioned in sub-paragraph (i);”.
- 3 After that section insert –
- “53ZAModifications arising from administrative errors**
- (1) The Secretary of State may by regulations provide for Schedules 13A and 14A to apply with prescribed modifications in relation to the making of orders under section 53(2) in cases where it appears to a surveying authority in England (whether or not on an application under section 53(5)) that –
- (a) it is requisite to make a modification of a definitive map and statement in consequence of an event mentioned in section 53(3)(c);
- (b) the need for the modification has arisen because of an administrative error; and
- (c) both the error and the modification needed to correct it are obvious.
- (2) The Secretary of State may by regulations provide for Schedule 14A to apply with prescribed modifications in cases where an order under section 53(2) is made in accordance with regulations under subsection (1).
- (3) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) At any time when regulations under subsection (1) are in force, a surveying authority shall, in deciding whether paragraphs (a) to (c) of that subsection apply in a particular case (and, accordingly, whether the provision made by the regulations applies in relation to the making of an order under section 53(2) in that case), have regard to any guidance given by the Secretary of State.
- (5) In this section, “prescribed” means prescribed by regulations.”
- 4 In section 53B (register of applications under section 53), after subsection (4) insert –
- “(4A) Regulations may provide that subsection (1) does not apply, with respect to applications under section 53(5) made to an authority in England, or to any prescribed description of such applications, unless the authority serve notice under paragraph 2(4)(b) of Schedule 13A in relation to such an application.
- (4B) The making of regulations under subsection (4A) does not prevent an authority including in the register any information that they would be required to include in it had the regulations not been made.”



5 After section 54A insert –

**“54B Modifications of definitive map and statement by consent: England**

- (1) This section applies where it appears to a surveying authority in England (whether or not on an application under section 53(5)) that – 5
- (a) it might be requisite to make a modification to a definitive map and statement in consequence of the occurrence of one or more events falling within section 53(3)(b) or (c)(i) or (ii);
  - (b) the basis for the authority’s view that it might be requisite is documentary evidence of the existence of a right of way before 1949; and 10
  - (c) in a case where the authority form that view following an application, the authority have served notice under paragraph 2(4)(b) of Schedule 13A that they are considering the application. 15
- (2) The authority shall ascertain whether every owner of the land to which the modification relates consents to the making of an order under section 53(2) or would so consent if the authority made one or more of the following orders (“special orders”) – 20
- (a) a diversion order;
  - (b) an order altering the width of the path or way;
  - (c) an order imposing a new limitation or condition affecting the right of way.
- (3) A diversion order is an order which, for the purpose of diverting the line of the path or way or part of it – 25
- (a) creates any such new path or way (of the same kind) as appears to the authority appropriate; and
  - (b) extinguishes any public right of way over so much of the path or way as appears to the authority to be appropriate.
- (4) If every owner consents to the making of an order under section 53(2) (without the making of a special order), the authority – 30
- (a) may make the order under section 53(2); and
  - (b) if they do so, shall include in the order a statement that it is made with the consent of every owner.
- (5) If an owner would consent to the making of an order under section 53(2) only if one or more special orders are made, and the other owners (if any) do not object to the making of such an order or orders, the authority may make the special order or orders in question and, if they do so, shall – 35
- (a) make an order under section 53(2); 40
  - (b) include in that order a statement that it is made with the consent of every owner; and
  - (c) combine any special orders and the order under section 53(2) in a single document.
- (6) Before making a diversion order, the authority must – 45
- (a) be satisfied that the path or way will not be substantially less convenient to the public in consequence of the diversion; and
  - (b) have regard to any guidance given by the Secretary of State.

- (7) As soon as reasonably practicable after an authority are satisfied that they have power under subsection (4) or (5) to make an order under section 53(2), the authority must –
- (a) give notice to each owner that they are satisfied that they have that power; and 5
  - (b) include in the notice an explanation of the effect of subsection (9) of this section.
- (8) An order under section 53(2) which includes a statement that it is made with the consent of every owner is referred to in this Act as a modification consent order. 10
- (9) An authority must determine whether to make a modification consent order before the end of the period of 12 months beginning with –
- (a) in the case mentioned in subsection (1)(c), the day on which the authority served notice under paragraph 2(4)(b) of Schedule 13A in respect of the application; 15
  - (b) in any other case, the day on which notice is given under subsection (7).
- (10) The Secretary of State may by order provide that, in cases or circumstances specified in the order, subsection (9) applies as if for the period of 12 months mentioned in that subsection there were substituted a longer period specified in the order. 20
- (11) An order under subsection (10) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament. 25

**54C Modifications of definitive map and statement by consent: supplemental**

- (1) An authority may not make a diversion order under section 54B(5) so as to alter a point of termination of a path or way –
- (a) if that point is not on a highway; or 30
  - (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.
- (2) An authority may not make such an order so as to alter the line of a path or way such that it falls on land owned by a person whose consent was not sought under section 54B(2), unless that other person consents to the alteration. 35
- (3) An authority which make a modification consent order are responsible, as from the date when the order takes effect, for maintaining any path or way, or any part of a path or way, which is shown in a definitive map and statement in consequence of the making of the order or any special order combined with it under section 54B(5) (including so much of a path or way as has been created by the making of a special order altering the width of an existing path or way). 40 45
- (4) Where it appears to the authority –

- (a) that if a modification consent order were to take effect, they would be responsible under subsection (3) for the maintenance of a path or way, or part of a path or way, and
- (b) that work is required to be done to bring the path or way, or the part, into a fit condition for use by the public,
- the authority may not confirm the order under Schedule 14A until they are satisfied that the work has been carried out.”

## PART 2

### NEW SCHEDULE 13A TO THE 1981 ACT

- 6 After Schedule 13 to the Wildlife and Countryside Act 1981 insert – 10

#### “SCHEDULE 13A

##### APPLICATIONS FOR CERTAIN ORDERS UNDER PART 3: ENGLAND

###### *Form of applications*

- 1 (1) An application must be made in the prescribed form and be accompanied by – 15
- (a) a map drawn to the prescribed scale and showing the way or ways to which the application relates; and
- (b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application, unless the authority have informed the applicant that the authority already have access to the evidence in question. 20
- (2) Regulations under sub-paragraph (1) must provide for an application to include an explanation as to why the applicant believes that a definitive map and statement should be modified in consequence of the occurrence of one or more events falling within section 53(3)(b) or (c). 25

###### *Preliminary assessment and notice of applications*

- 2 (1) An authority must, before the end of the period of 3 months beginning with the day on which they receive an application, decide whether the application, and any documentary evidence which the applicant relies on in support of it, show that there is a reasonable basis for the applicant’s belief that a definitive map and statement should be modified in consequence of the occurrence of one or more events falling within section 53(3)(b) or (c). 30 35
- (2) In deciding whether there is such a basis, the authority must have regard to any guidance given by the Secretary of State.
- (3) If they decide that there is no such basis, they must, before the end of that period of 3 months, inform the applicant of their decision and the reasons for it. 40
- (4) If they decide that there is such a basis, they must, before the end of that period –

- (a) inform the applicant; and
  - (b) serve a notice on every owner and occupier of any land to which the application relates stating that an application has been made and the authority are considering it.
- (5) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on the person by sub-paragraph (4) may be served by addressing it to the person by the description “owner” or “occupier” of the land (describing it) and by affixing it to some conspicuous object or objects on the land.

*Failure by authority to conduct preliminary assessment*

- 3 (1) If an authority have not assessed an application in accordance with paragraph 2 before the end of the period of 3 months beginning with the day on which they received the application, the applicant may give notice to the authority in the prescribed form of an intention to apply to a magistrates’ court for an order under this paragraph. 15
- (2) The applicant may apply to a magistrates’ court for an order under this paragraph at any time – 20
- (a) after the end of the period of 1 month beginning with the day on which notice was given; and
  - (b) before the end of the period of 6 months beginning with that day. 25
- (3) On hearing an application under this paragraph, a magistrates’ court may order the authority to take specified steps for the purposes of discharging the authority’s duty under paragraph 2 and to do so within such reasonable period as may be specified.
- (4) An order under sub-paragraph (3) may provide for paragraph 5 to apply in relation to the application made to the authority as if for the period of 12 months beginning with the day on which the authority received the application there were substituted a longer period. 30
- (5) The authority or the applicant may appeal to the Crown Court against a decision of a magistrates’ court under this paragraph. 35
- (6) An order under this paragraph does not take effect – 40
- (a) until the end of the period of 21 days beginning with the day after the day on which the order was made, or
  - (b) if an appeal is brought in respect of the order within that period (whether by way of appeal to the Crown Court or by way of case stated for the opinion of the High Court), until the final determination or withdrawal of the appeal.

*Determination by authority*

- 4 (1) As soon as reasonably practicable after serving a notice under paragraph 2(4)(b), the authority must – 45

- (a) investigate the matters stated in the application; and  
 (b) after consulting with every local authority whose area includes the land to which the application relates, decide whether to make or not to make the order to which the application relates. 5
- (2) The duty in sub-paragraph (1) does not apply in a case to which section 54B (modifications by consent) applies (see section 54B(1)).
- (3) But if, in such a case, an event mentioned below occurs, the authority must take the steps mentioned in sub-paragraph (1)(a) and (b) as soon as reasonably practicable after the occurrence of that event. 10
- The events are –
- (a) that the authority ascertain that an owner does not consent to the making of an order under section 53(2) (whether with or without the making of a special order mentioned in section 54B(2)(a) to (c)); 15
- (b) that the authority decide for any other reason not to make a modification consent order;
- (c) that the period of 12 months beginning with the date on which notice was served under paragraph 2(4)(b) expires without the authority having determined whether to make such an order; 20
- (d) that the authority make such an order but decide not to confirm it.
- (4) As soon as practicable after determining an application, the authority must give notice of their decision by serving a copy of it on the applicant and any person on whom notice of the application was required to be served under paragraph 2(4)(b). 25

*Failure by authority to determine application*

- 5 (1) If an authority have not discharged their duty under paragraph 4 within the period of 12 months beginning with the day on which they received the application, the applicant or any owner or occupier of any land to which the application relates may give notice to the authority in the prescribed form of an intention to apply to a magistrates' court for an order under sub-paragraph (4). 30
- (2) A person who has given notice under sub-paragraph (1) may apply to a magistrates' court for an order under sub-paragraph (4) at any time – 35
- (a) after the end of the period of 1 month beginning with the day on which notice was given; and 40
- (b) before the end of the period of 12 months beginning with that day.
- (3) On the hearing of an application under sub-paragraph (2) the other persons by whom a notice under sub-paragraph (1) could have been given have a right to be heard. 45

- (4) On hearing an application under sub-paragraph (2), a magistrates' court may order the authority to take specified steps for the purposes of discharging their duty under paragraph 4 and to do so within such reasonable period as may be specified.
- (5) The authority may make one application to a magistrates' court for an order extending by up to 12 months the period specified in the order under sub-paragraph (4). 5
- (6) On the hearing of an application under sub-paragraph (5) in relation to an order under sub-paragraph (4), the person who applied for that order and the other persons by whom a notice under sub-paragraph (1) could have been given have a right to be heard. 10
- (7) A decision of a magistrates' court under this paragraph may be appealed to the Crown Court by – 15
- (a) the authority;
  - (b) the applicant for an order under sub-paragraph (4);
  - (c) any other person by whom a notice under sub-paragraph (1) could have been given.
- (8) An order under this paragraph does not take effect – 20
- (a) until the end of the period of 21 days beginning with the day after the day on which the order was made; or
  - (b) if an appeal is brought in respect of the order within that period (whether by way of appeal to the Crown Court or by way of case stated for the opinion of the High Court), until the final determination or withdrawal of the appeal. 25

*Failure by authority to determine application: further provision about notices*

- 6 (1) An applicant for an order under sub-paragraph (4) of paragraph 5 must give notice to the court of the names and addresses of any other person by whom a notice under sub-paragraph (1) of that paragraph could have been given. 30
- (2) If it is not reasonably practicable for an applicant to ascertain such a name and address, the applicant is to be taken to have complied with sub-paragraph (1) if the applicant gives notice to the court that that is the case.
- (3) Notice of the hearing, of the right to be heard and of the right to appeal against a decision on an application under paragraph 5(2) must be given by the court to each person whose name and address is notified to the court under sub-paragraph (1). 35
- (4) Notice of the hearing, of the right to be heard and of the right to appeal against a decision on an application under paragraph 5(5) must be given by the court to – 40
- (a) the person who applied for the order under paragraph 5(4) to which the application relates; and
  - (b) each person whose name and address was notified to the court under sub-paragraph (1) by the person mentioned in paragraph (a). 45

- (5) Where the court is given notice under sub-paragraph (2), notice of the hearing, of the right to be heard and of the right to appeal against a decision on an application under paragraph 5(2) or (5) must also be given by the court by affixing it to some conspicuous object or objects on the land to which the application relates. 5

*Procedure where authority decide not to make order: general*

- 7 (1) Where an authority decide under paragraph 4 not to make an order, the applicant may, at any time within 28 days after service of notice of the decision, give notice to the authority in the prescribed form of the applicant's wish to appeal against the decision to the Secretary of State and of the grounds on which the applicant wishes to do so. 10
- (2) If the applicant gives such notice and does not withdraw it—
- (a) the authority must submit the matter to the Secretary of State; and 15
- (b) the Secretary of State must deal with the matter as an appeal against the decision of the authority.
- (3) The authority may, but need not, act as mentioned in sub-paragraph (2) if the authority are of the opinion that nothing in the grounds of appeal relates to an issue which, if the matter were submitted to the Secretary of State, would be relevant to the Secretary of State's decision on the appeal. 20
- (4) In deciding whether to exercise their power under sub-paragraph (3) not to submit the matter, the authority must have regard to any guidance given by the Secretary of State. 25
- (5) Where the authority decide not to submit the matter, the authority must inform the applicant of their decision and the reasons for it.
- (6) Where the matter is submitted to the Secretary of State, the authority must give notice in the prescribed form—
- (a) setting out the authority's decision; 30
- (b) stating that the matter has been submitted to the Secretary of State;
- (c) naming a place in the area in which the land to which the decision relates is situated where a copy of the decision may be inspected free of charge, and copies of it may be obtained at a reasonable charge, at all reasonable hours; and 35
- (d) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the decision, which must include particulars of the grounds relied on, may be made to the Secretary of State. 40
- (7) Subject to sub-paragraph (9), the notice to be given under sub-paragraph (6) must be given— 45
- (a) by publication on a website maintained by the authority and on such other websites or through the use of such

- other digital communications media as the authority may consider appropriate;
- (b) by serving a like notice on –
- (i) every owner and occupier of any of the land to which the decision relates; 5
  - (ii) every local authority whose area includes any of that land;
  - (iii) every person on whom notice is required to be served in pursuance of sub-paragraph (8); and
  - (iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and 10
- (c) by causing a copy of the notice to be displayed in a prominent position –
- (i) at the ends of so much of any way as is affected by the decision; 15
  - (ii) at council offices in the locality of the land to which the decision relates; and
  - (iii) at such other places as the authority may consider appropriate. 20
- (8) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give the person notice of all such decisions under paragraph 4 not to make an order as –
- (a) are made by the authority during a period specified in the requirement; 25
  - (b) are of a description so specified; and
  - (c) relate to land comprised in an area so specified.
- (9) The Secretary of State may, in any particular case, direct that it is not necessary to comply with sub-paragraph (7)(b)(i); but if such a direction is given in the case of any land, then in addition to publication the notice must be addressed to “The owners and any occupiers” of the land (describing it) and a copy or copies of the notice must be affixed to some conspicuous object or objects on the land. 30  
35
- (10) Sub-paragraph (7)(b) and (c) and, where applicable, sub-paragraph (9) must be complied with not less than 42 days before the expiration of the time specified in the notice.
- (11) A notice required to be served by sub-paragraph (7)(b) on the owner or occupier of any land, or on a local authority, must be accompanied by a copy of so much of the decision as relates to that land or, as the case may be, the area of that authority; and a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate must be accompanied by a copy of the decision. 40  
45
- (12) A notice required to be displayed by sub-paragraph (7)(c) at the ends of so much of any way as is affected by the decision must be accompanied by a plan showing the general effect of the decision so far as it relates to that way.



- (13) At any time after the publication of a notice under this paragraph, and before the expiration of the period specified in the notice for the making of representations and objections, any person may require the authority to inform the person what documents (if any) were taken into account in making the decision and – 5
- (a) as respects any such documents in the possession of the authority, to permit him to inspect them and take copies; and
- (b) as respects any such documents not in their possession, to give him any information the authority have as to where the documents can be inspected; 10
- and the authority must comply with a requirement under this sub-paragraph within 14 days of the making of the requirement.
- (14) Nothing in sub-paragraph (6)(d) or (13) is to be construed as limiting the grounds which may be relied on or the documentary or other evidence which may be adduced at any local inquiry or hearing held under paragraph 8(1)(a) or (c) or included in representations made under paragraph 8(1)(b). 15
- 8 (1) Where a matter is submitted to the Secretary of State under paragraph 7(2), the Secretary of State must either – 20
- (a) cause a local inquiry to be held;
- (b) afford the applicant, and any person by whom a representation or objection has been duly made and not withdrawn, an opportunity to make representations (or further representations) to a person appointed by the Secretary of State for that purpose; or 25
- (c) afford the applicant, and any person by whom a representation or objection has been duly made and not withdrawn, an opportunity to be heard by a person appointed by the Secretary of State for that purpose. 30
- (2) The Secretary of State may, but need not, act as mentioned in sub-paragraph (1) if, in the opinion of the Secretary of State, nothing in the grounds of appeal, and no representation or objection which has been duly made and not withdrawn, relates to an issue which would be relevant to the Secretary of State's decision on the appeal. 35
- (3) On considering the grounds of appeal, any representations or objections duly made (and not withdrawn) and the report of any person appointed to hold an inquiry or appointed as mentioned in sub-paragraph (1)(b) or (c), the Secretary of State may – 40
- (a) uphold the authority's decision;
- (b) direct the authority to make an order in accordance with the direction;
- (c) make an order.
- (4) Sub-paragraph (5) applies if – 45
- (a) the Secretary of State proposes to direct an authority to make an order or proposes to make an order; and
- (b) an order made in accordance with the proposed direction or (as the case may be) the order that the Secretary of State

- is proposing to make would differ in a material respect from the order sought by the applicant in the application.
- (5) The Secretary of State must give such notice as appears to him or her to be requisite of the proposal, specifying the time (which must not be less than 28 days from the date of first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal, which must include particulars of the grounds relied on, may be made. 5
- (6) If any representation or objection duly made under sub-paragraph (5) is not withdrawn, the Secretary of State must either – 10
- (a) cause a local inquiry to be held;
- (b) afford any person by whom a representation or objection has been duly made and not withdrawn, an opportunity to make representations (or further representations) to a person appointed by the Secretary of State for that purpose; or 15
- (c) afford any person by whom a representation or objection has been duly made and not withdrawn, an opportunity to be heard by a person appointed by the Secretary of State for that purpose. 20
- (7) The Secretary of State must consider the report of any person appointed to hold an inquiry or appointed as mentioned in sub-paragraph (6)(b) or (c).
- (8) The Secretary of State may, but need not, act as mentioned in sub-paragraph (6) if, in his or her opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant to the Secretary of State's decision on the appeal. 25
- (9) For the purposes of sub-paragraph (4)(b), an order made in accordance with the proposed direction, or (as the case may be) the order that the Secretary of State is proposing to make, would differ in a material respect from the order sought by the applicant in the application if – 30
- (a) it would affect land not affected by the order sought by the applicant; 35
- (b) it would not show any way shown in the order sought by the applicant;
- (c) it would show any way not so shown; or
- (d) it would show as a highway of a particular description a way which is shown in the order sought by the applicant as a highway of another description. 40
- (10) Nothing in sub-paragraph (5) is to be construed as limiting the grounds which may be relied upon or the documentary or other evidence which may be adduced at any local inquiry or hearing held under sub-paragraph (6)(a) or (c) or included in representations made under sub-paragraph (6)(b). 45

*Procedure where authority decide not to make an order: supplemental*

- 9 (1) A decision of the Secretary of State under paragraph 8 must, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed is to be treated as a decision of the Secretary of State. 5
- (2) The Secretary of State may, if the Secretary of State thinks fit, direct that a decision which, by virtue of sub-paragraph (1) and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State is instead to be made by the Secretary of State; and a direction under this sub-paragraph must state the reasons for which it is given and must be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn. 10 15
- (3) Where the Secretary of State has appointed a person to make a decision under paragraph 8 the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it. 20
- (4) Where by virtue of sub-paragraph (2) or (3) a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter is to be treated as having been done by or in relation to the former. 25
- (5) Regulations under this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
- 10 (1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) apply in relation to any hearing or local inquiry held under paragraph 8 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section. 30 35
- (2) In its application to a hearing or inquiry held under paragraph 8 by a person appointed under paragraph 9, subsection (5) of that section is to have effect as if the reference to the Minister causing the inquiry to be held were a reference to the person so appointed or the Secretary of State. 40
- (3) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or local inquiry under paragraph 8 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section. 45
- 11 Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give the person notice of all such orders as –

- (a) are made by the authority in accordance with a direction under paragraph 8(3)(b) or by the Secretary of State under paragraph 8(3)(c) during a period specified in the requirement;
- (b) are of a description so specified; and
- (c) relate to land in an area so specified.

*Transfer of applications*

- 12 (1) Where an application is made to an authority, the applicant may at any time before the application is determined give notice in the prescribed form to the authority that another person named in the notice is to carry on the application. 10
- (2) Where such a notice is given, the other person is (in relation to any time after it is given) to be treated as the applicant for the purposes of this Act.

*Interpretation* 15

- 13 (1) In this Schedule –
  - “application” means an application under section 53(5);
  - “local authority” means a non-metropolitan district council, a parish council or the parish meeting of a parish not having a separate parish council;
  - “prescribed” means prescribed by regulations made by the Secretary of State.
- (2) Regulations under this Schedule are to be made by statutory instrument and are subject to annulment in pursuance of a resolution of either House of Parliament.” 25

PART 3

NEW SCHEDULE 14A TO THE 1981 ACT

- 7 After Schedule 14 to the Wildlife and Countryside Act 1981 insert the following Schedule –
  - “SCHEDULE 14A 30

PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART 3: ENGLAND

PART 1

ORDERS MADE IN ACCORDANCE WITH PARAGRAPH 8 OF SCHEDULE 13A

- 1 (1) Where an order is made by an authority in accordance with a direction given under paragraph 8(3)(b) of Schedule 13A, or by the Secretary of State under paragraph 8(3)(c) of that Schedule, the Secretary of State must confirm the order. 35
- (2) The order takes effect when it is confirmed by the Secretary of State.

PART 2

OTHER ORDERS

*Application of Part 2*

- 2 Part 2 of this Schedule applies to orders other than those which are made in accordance with a direction given under paragraph 8(3)(b) of Schedule 13A or by the Secretary of State under paragraph 8(3)(c) of that Schedule. 5

*Consultation*

- 3 Before making an order, the authority must consult with every local authority whose area includes the land to which the order relates. 10

*Coming into operation*

- 4 (1) A modification consent order does not take effect until confirmed by the authority under paragraph 9.
- (2) Any other order does not take effect until confirmed either by the authority or the Secretary of State under paragraph 10 or by the Secretary of State under paragraph 13. 15

*Publicity for orders*

- 5 (1) On making an order, the authority must give notice in the prescribed form— 20
- (a) describing the general effect of the order and stating that it has been made and requires confirmation;
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge, and copies may be obtained at a reasonable charge, at all reasonable hours; and 25
  - (c) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order, which must include particulars of the grounds relied on, may be made. 30
- (2) Subject to sub-paragraph (4), the notice to be given under sub-paragraph (1) must be given—
- (a) by publication on a website maintained by the authority and on such other websites or through the use of such other digital communications media as the authority may consider appropriate; 35
  - (b) by serving a like notice on—
    - (i) every owner and occupier of any of that land;
    - (ii) every local authority whose area includes any of that land; 40
    - (iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3); and

- (iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and
  - (c) by causing a copy of the notice to be displayed in a prominent position— 5
    - (i) at the ends of so much of any way as is affected by the order;
    - (ii) at council offices in the locality of the land to which the order relates; and
    - (iii) at such other places as the authority may consider appropriate. 10
- (3) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give the person notice of all such orders as— 15
  - (a) are made by the authority during a period specified in the requirement;
  - (b) are of a description so specified;
  - (c) and relate to land comprised in an area so specified.
- (4) In the case of a modification consent order, the authority may decide that it is not necessary to comply with sub-paragraph (2)(b)(i) and, in any other case, the Secretary of State may give a direction that it is not necessary to comply with it. 20

But, if such a decision is made or such a direction is given in the case of any land, then in addition to publication the notice must be addressed to “The owners and any occupiers” of the land (describing it) and a copy or copies of the notice must be affixed to some conspicuous object or objects on the land. 25
- (5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) must be complied with not less than 42 days before the expiration of the time specified in the notice. 30
- (6) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, must be accompanied by a copy of so much of the order as relates to that land or, as the case may be, the area of that authority; and a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate must be accompanied by a copy of the order. 35
- (7) A notice required to be displayed by sub-paragraph (2)(c) at the ends of so much of any way as is affected by the order must be accompanied by a plan showing the general effect of the order so far as it relates to that way. 40
- (8) At any time after the publication of a notice under this paragraph, and before the expiration of the period specified in the notice for the making of representations and objections, any person may require the authority to inform the person what documents (if any) were taken into account in preparing the order; and 45

- 
- (a) as respects any such documents in the possession of the authority, to permit the person to inspect them and take copies; and
- (b) as respects any such documents not in their possession, to give the person any information the authority have as to where the documents can be inspected; 5
- and the authority must comply with a requirement under this sub-paragraph within 14 days of the making of the requirement.
- (9) Nothing in sub-paragraph (1)(c) or (8) is to be construed as limiting the grounds which may be relied on or the documentary or other evidence which may be adduced at any local inquiry or hearing held under paragraph 13(1)(a) or (c) or 14(3)(a) or (c) or included in representations made under paragraph 13(1)(b) or 14(3)(b). 10
- Irrelevant representations or objections* 15
- 6 (1) If representations or objections have been duly made about an order to an authority (and not withdrawn) but the authority consider that none of them are relevant, the authority may proceed under this Schedule as if no representations or objections had been duly made (and the following provisions of this Schedule apply accordingly). 20
- (2) For the purposes of this paragraph, a representation or objection is relevant if, were the order to be submitted to the Secretary of State under paragraph 11, it would be relevant in determining whether or not to confirm the order (either with or without modifications). 25
- (3) In deciding whether to exercise their power under sub-paragraph (1), an authority must have regard to any guidance given by the Secretary of State.
- (4) Where the authority decide to exercise that power, the authority must inform the applicant, and any person who made a representation or objection (and has not withdrawn it), of their decision and the reasons for it. 30
- (5) Nothing in this paragraph applies to a modification consent order.
- Severance of orders - representations etc relating to only some modifications*
- 7 (1) Where at any time representations or objections duly made and not withdrawn relate to some but not all of the modifications made by an order, the authority may, by notice given to the Secretary of State, elect that, for the purposes of the following provisions of this Schedule, the order is to have effect as two separate orders— 35
- (a) the one comprising the modifications to which the representations or objections relate; and
- (b) the other comprising the remaining modifications. 40
- (2) Any reference in sub-paragraph (1) to an order includes a reference to any part of an order which, by virtue of one or more 45

previous elections under that sub-paragraph, has effect as a separate order.

- (3) Nothing in this paragraph applies to a modification consent order.

*Severance of orders - only some representations etc relevant*

- 8 (1) If representations or objections have been duly made about an order to an authority (and not withdrawn) but the authority consider that not all of the representations or objections are relevant, the authority may elect that the order is to have effect as two separate orders – 5
- (a) the one comprising the modifications to which the relevant representations or objections relate; 10
  - (b) the other, comprising the remaining modifications, which is to be treated as if no representations or objections had been duly made;
- and the following provisions of this Schedule apply accordingly. 15
- (2) For the purposes of this paragraph, a representation or objection is relevant if, were the order to be submitted to the Secretary of State under paragraph 11, it would be relevant in determining whether or not to confirm the order (either with or without modifications).
- (3) In deciding whether to exercise their power under sub-paragraph (1), an authority must have regard to any guidance given by the Secretary of State. 20
- (4) Where the authority decide to exercise such a power, the authority must inform the applicant, and any person who made a representation or objection (and has not withdrawn it), of their decision and the reasons for it. 25
- (5) Nothing in this paragraph applies to a modification consent order.

*Confirmation - modification consent orders*

- 9 (1) The authority may (whether or not any representations or objections are made) confirm a modification consent order – 30
- (a) without modifications; or
  - (b) with modifications, if every owner of the land to which the order relates so consents.
- (2) Nothing in paragraphs 10 to 16 applies to a modification consent order. 35

*Confirmation - unopposed orders (other than modification consent orders)*

- 10 (1) If no representations or objections are duly made, or if any so made are withdrawn, the authority may –
- (a) confirm the order without modification; or
  - (b) if they require any modification to be made, submit the order to the Secretary of State for confirmation by him or her. 40



- (2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State may confirm the order with or without modifications.

*Confirmation - opposed orders (other than modification consent orders)*

- |    |   |   |
|----|---|---|
| 11 | If any representation or objection duly made to an order is not withdrawn the authority must submit the order to the Secretary of State for confirmation by him or her.   | 5   |
| 12 | <p>(1) Where an order is submitted by an authority to the Secretary of State and the representations or objections relate to some but not all of the modifications made by the order, the Secretary of State may, by notice given to the authority, elect that the order is to have effect as two separate orders –</p> <p style="margin-left: 20px;">(a) the one comprising the modifications to which the representations or objections relate (“the opposed order”); and</p> <p style="margin-left: 20px;">(b) the other comprising the remaining modifications.</p> <p>(2) Where notice is given under sub-paragraph (1), paragraph 10 and the following provisions of this Schedule apply as if only the opposed order had been submitted to the Secretary of State for confirmation.</p> <p>(3) Any reference in sub-paragraph (1) to an order includes a reference to any part of an order which, by virtue of one or more previous elections under that sub-paragraph, has effect as a separate order.</p>  | <p>10</p> <p>15</p> <p>20</p>                     |
| 13 | <p>(1) Where an order is submitted to the Secretary of State under paragraph 11, the Secretary of State must, subject to sub-paragraph (2), either –</p> <p style="margin-left: 20px;">(a) cause a local inquiry to be held;</p> <p style="margin-left: 20px;">(b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity to make representations (or further representations) to a person appointed by the Secretary of State for the purpose; or</p> <p style="margin-left: 20px;">(c) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity to be heard by a person appointed by the Secretary of State for the purpose.</p> <p>(2) The Secretary of State may, but need not, act as mentioned in sub-paragraph (1) if, in the Secretary of State’s opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order, either with or without modifications.</p> <p>(3) On considering any representations or objections duly made and the report of any person appointed to hold an inquiry, or appointed as mentioned in sub-paragraph (1)(b) or (c), the Secretary of State may confirm the order with or without modifications.</p> | <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> |

*Restriction on power to confirm orders with modifications*

- 14 (1) The Secretary of State must not confirm an order with modifications so as—
- (a) to affect land not affected by the order;
  - (b) not to show any way shown in the order or to show any way not so shown; or 5
  - (c) to show as a highway of one description a way which is shown in the order as a highway of another description, except after complying with the requirements of this paragraph.
- (2) The Secretary of State must give such notice as appears to him or her to be requisite of his or her proposal so to modify the order, specifying the time (which must not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal, which must include particulars of the grounds relied on, may be made. 10 15
- (3) If any representation or objection duly made under sub-paragraph (1) is not withdrawn, the Secretary of State must either—
- (a) cause a local inquiry to be held;
  - (b) afford any person by whom a representation or objection has been duly made and not withdrawn, an opportunity to make representations (or further representations) to a person appointed by the Secretary of State for that purpose; or 20
  - (c) afford any person by whom a representation or objection has been duly made and not withdrawn, an opportunity to be heard by a person appointed by the Secretary of State for that purpose. 25
- (4) The Secretary of State must consider the report of any person appointed to hold an inquiry or appointed as mentioned in sub-paragraph (3)(b) or (c). 30
- (5) The Secretary of State may, but need not, act as mentioned in sub-paragraph (3) if, in his or her opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order in accordance with his or her proposal. 35
- (6) Sub-paragraph (2) is not to be construed as limiting the grounds which may be relied on at any local inquiry or hearing held under sub-paragraph (3)(a) or (c) or included in representations made under sub-paragraph (3)(b). 40

*Appointment of inspectors etc*

- 15 (1) A decision of the Secretary of State under paragraph 10, 13 or 14 must, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed is to be treated as a decision of the Secretary of State. 45

- (2) The Secretary of State may, if he or she thinks fit, direct that a decision which, by virtue of sub-paragraph (1) and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State is instead to be made by the Secretary of State; and a direction under this sub-paragraph must state the reasons for which it is given and must be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn. 5
- (3) Where the Secretary of State has appointed a person to make a decision under paragraph 10, 13 or 14 the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it. 10
- (4) Where by virtue of sub-paragraph (2) or (3) a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter is to be treated as having been done by or in relation to the former. 15
- (5) Regulations under this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph. 20

*Hearings and local inquiries*

- 16 (1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) are to apply in relation to any hearing or local inquiry held under paragraph 13 or 14 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section. 25
- (2) In its application to a hearing or inquiry held under paragraph 13 or 14 by a person appointed under paragraph 15, subsection (5) of that section has effect as if the reference to the Minister causing the inquiry to be held were a reference to the person so appointed or the Secretary of State. 30
- (3) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or local inquiry under paragraph 13 or 14 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section. 35

PART 3

ORDERS: GENERAL 40

*Notice of final decisions on orders*

- 17 (1) As soon as practicable after a decision to confirm an order is made or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of the decision, the authority must give notice – 45

- (a) describing the general effect of the order as confirmed and stating that it has been confirmed (with or without modification) and the date on which it took effect; and
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge, and copies may be obtained at a reasonable charge, at all reasonable hours. 5
- (2) A notice under sub-paragraph (1) must be given –
- (a) by publication in the manner required by paragraph 5(2)(a); 10
  - (b) by serving a like notice on any persons on whom notices were required to be served under paragraph 5(2)(b) or (4); and
  - (c) by causing like notices to be displayed in the like manner as the notices required to be displayed under paragraph 5(2)(c). 15
- (3) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, must be accompanied by a copy of so much of the order as confirmed as relates to that land or, as the case may be, the area of that authority; and, in the case of an order which has been confirmed with modifications, a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate must be accompanied by a copy of the order as confirmed. 20 25
- (4) As soon as practicable after a decision not to confirm an order or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of his or her decision, the authority must give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 5(2)(b) or (4). 30

*Proceedings for questioning validity of orders*

- 18 (1) If any person is aggrieved by an order which has taken effect and desires to question its validity on the ground that it is not within the powers of sections 53, 54, 54B and 54C or that any of the requirements of Schedule 13A or this Schedule have not been complied with in relation to it, the person may within 42 days from the date of publication of the notice under paragraph 17 make an application to the High Court under this paragraph. 35
- (2) On any such application the High Court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with those requirements, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant. 40 45
- (3) Sub-paragraph (4) applies if the application relates to an order of an authority that has been submitted to, and confirmed by, the Secretary of State.

- (4) The High Court may quash the decision of the Secretary of State confirming the order or any part of it (either generally or in so far as it affects the interests of the applicant), instead of quashing the order or any provision of it.
- (5) Except as provided by this paragraph, the validity of an order is not to be questioned in any legal proceedings whatsoever. 5

*Supplemental*

- 19 (1) The Secretary of State may, subject to the provisions of this Schedule, by regulations make such provision as to the procedure on the making, submission and confirmation of orders as appears to him to be expedient. 10
- (2) In the application of this Schedule to an order that is a modification consent order, any special orders made under section 54B(5) are to be treated as part of the order.
- (3) In this Schedule – 15
- “council offices” means offices or buildings acquired or provided by the authority or by a local authority;
- “local authority” means a non-metropolitan district council, a parish council or the parish meeting of a parish not having a separate parish council; 20
- “order” means an order to which the provisions of this Schedule apply;
- “prescribed” means prescribed by regulations made by the Secretary of State.
- (4) Regulations under this Schedule are to be made by statutory instrument and are to be subject to annulment in pursuance of a resolution of either House of Parliament.” 25

PART 4

HIGHWAYS ACT 1980

- 8 (1) Schedule 6 to the Highways Act 1980 (procedure applicable to the making ~~etc.~~etc of certain orders under the Act relating to footpaths, bridleways and restricted byways) is amended as follows. 30
- (2) In paragraph 1 (publicity for orders) –
- (a) in sub-paragraph (3), in paragraph (a), for the words from “in at least one local newspaper” to the end of the paragraph substitute “(within the meaning of sub-paragraph (3ZA))”; 35
- (b) after sub-paragraph (3) insert –
- “(3ZA) In sub-paragraph (3)(a), “publication” means –
- (a) in relation to England, publication on a website maintained by the authority and on such other websites or through the use of such other digital communications media as the authority may consider appropriate; 40
- 45

- (b) in relation to Wales, publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.”
- (3) In paragraph 2 (opposed and unopposed orders), after sub-paragraph (2) insert – 5
- “(2ZA) If representations or objections have been duly made to an authority in England other than the Secretary of State (and not withdrawn), but the authority consider that none of the representations or objections are relevant, the authority may proceed under this Schedule as if no representations or objections had been duly made (and the provisions of this Schedule apply accordingly). 10
- (2ZB) If representations or objections have been duly made to such an authority (and not withdrawn), but the authority consider that at least one of the representations or objections is not relevant, the authority may elect that the order shall have effect as two separate orders – 15
- (a) the one comprising the modifications to which the relevant representations or objections relate; and 20
- (b) the other, comprising the remaining modifications, which is to be treated as if no representations or objections had been duly made; 20
- and the provisions of this Schedule apply accordingly.
- (2ZC) For the purposes of this paragraph, a representation or objection is relevant if, were the order to be submitted to the Secretary of State, it would be relevant in determining whether or not to confirm the order (either with or without modifications). 25
- (2ZD) In deciding whether to exercise their power under subsection (2ZA) or (2ZB), an authority shall have regard to any guidance given by the Secretary of State. 30
- (2ZE) Where the authority decide to exercise such a power, the authority shall inform the applicant, and any person who made a representation or objection (and has not withdrawn it), of their decision and the reasons for it.” 35
- (4) In that paragraph, after sub-paragraph (3) insert –
- “(4) The Secretary of State may, but not need not, act as mentioned in sub-paragraph (2)(a) or (b) or (3)(b) in relation to an order relating to England if, in his opinion, no objection or representation which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order (either with or without modifications) or to make it.” 40
- (5) After paragraph 2 insert –
- “2ZZA(1)Where at any time representations or objections duly made to an authority in England (and not withdrawn) relate to only parts of an order, the authority may elect that for the purposes of paragraph 2 and the following provisions of this Schedule, the order shall have effect as two separate orders – 45

- 
- (a) the one comprising the parts to which the representations or objections relate; and
- (b) the other comprising the remaining parts.
- (2) Where the authority is not the Secretary of State, an election for the purposes of sub-paragraph (1) shall be given by notice to the Secretary of State. 5
- (3) Where an order made by an authority in England (other than the Secretary of State) is submitted to the Secretary of State, and any representations or objections duly made (and not withdrawn) relate to only parts of the order, the Secretary of State may, by notice given to the authority, elect that it shall have effect as two separate orders – 10
- (a) the one comprising the parts to which the representations or objections relate (“the opposed order”); and
- (b) the other comprising the remaining parts. 15
- (4) Where notice is given under sub-paragraph (3), paragraph 2 and the following provisions of this Schedule apply as if only the opposed order had been submitted to the Secretary of State for confirmation.
- (5) Any reference in sub-paragraph (1) or (3) to an order includes a reference to any part of an order which, by virtue of one or more previous elections under that sub-paragraph, has effect as a separate order.” 20
- (6) In paragraph 4A (publication of orders) – 25
- (a) the existing text becomes sub-paragraph (1);
- (b) in that sub-paragraph, for the words from “in at least one local newspaper” to the end of the sub-paragraph substitute “(within the meaning of sub-paragraph (2))”;
- (c) after that sub-paragraph insert –
- “(2) In sub-paragraph (1), “publication” means – 30
- (a) in relation to England, publication on a website maintained by the authority and on such other websites or through the use of such other digital communications media as the authority may consider appropriate; 35
- (b) in relation to Wales, publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.” 40
- (7) In paragraph 5 (proceedings for questioning validity of orders) omit the “and” after paragraph (b) and insert –
- “(ba) the Schedule has effect as if after paragraph 3 there were inserted –
- “3A (1) Sub-paragraph (2) applies if the application relates to an order of an authority in England that has been submitted to, and confirmed by, the Secretary of State. 45

- (2) The High Court may quash the decision of the Secretary of State confirming the order or any part of it (either generally or in so far as it affects the interests of the applicant), instead of quashing the order or any provision of it.”; and”.

PART 5

5

CONSEQUENTIAL AMENDMENTS

- 9 Part 3 of the Wildlife and Countryside Act 1981 is amended as follows.
- 10 In section 53 (duty to keep definitive map and statement under continuous review) –
- (a) in subsection (5), for “the provisions of Schedule 14” substitute “the provisions of Schedule 13A (in relation to England) and Schedule 14 (in relation to Wales)”;
- (b) in subsection (6), for “the provisions of Schedule 15” substitute “the provisions of Schedule 14A (in relation to England) and Schedule 15 (in relation to Wales)”.
- 11 (1) Schedule 14 (Applications for certain orders under Part 3) is amended as follows.
- (2) In the heading, at the end, insert “: Wales”.
- (3) In paragraph 5 (interpretation), in sub-paragraph (1), for the definition of “local authority” substitute –
- “ “local authority” means a community council;”.
- 12 (1) Schedule 15 (Procedure in connection with certain orders under Part 3) is amended as follows.
- (2) In the heading, at the end, insert “: Wales”.
- (3) In paragraph 13 (interpretation), in sub-paragraph (2), for the definition of “local authority” substitute –
- “ “local authority” means a community council;”.

SCHEDULE 8

Section [2330](#)

PROVISION OF PASSENGER RAIL SERVICES

*Consequential amendments* 30

- 1 The Transport Act 1968 is amended in accordance with paragraphs 2 to 5.
- 2 (1) Section 10(1) is amended as follows.
- (2) In paragraph (iii), before “(ii)”, in both places, insert “(ia)(b) or”.
- (3) In paragraph (iv), before “(ii)” insert “(ia)”.
- (4) After paragraph (viiiia), insert –
- “(viiiiaa) where that area is in England, to let locomotives and other rolling stock on hire to a person not falling within paragraph



- (viiiia) for or in connection with the provision of railway passenger services;”.
- (5) In paragraph (viiiib), at the beginning insert “where that area is in Wales or Scotland,”.
- 3 In section 10(1), paragraphs (vi) and (viza) have effect, until the day on which the repeal of those provisions in relation to Scotland by section 14(1)(a) of the Railways Act 2005 comes into force, as if for “(ii)” there were substituted “(ia)(b)”. 5
- 4 (1) Section 20 (special duty of certain Executives with respect to railway passenger services) is amended as follows. 10
- (2) In paragraph (a) of subsection (2), omit the words from “for the purposes” to the end of the paragraph.
- (3) After subsection (2) insert –
- “(2A) For the purposes of subsection (2)(a) “permitted distance”, in relation to an integrated transport area or a passenger transport area, means the distance of 25 miles from the nearest point on the boundary of that area.” 15
- 5 In section 23A (interpretation of certain provisions of this Part relating to railways), after subsection (1) insert –
- “(1A) For the purposes of section 10, “railway” has the meaning given in section 67(1) of the Transport and Works Act 1992.” 20
- 6 Section 119 of the Transport Act 1985 (bus substitution services and bus service conditions) has effect, until the repeal of the section by Part 4 of Schedule 31 to the Transport Act 2000 comes into force, as if –
- (a) in subsection (3) the words from “for the purposes” to the end of the subsection were omitted; 25
- (b) after subsection (5) there were inserted –
- “(5A) For the purposes of subsection (3) “permitted distance”, in relation to a passenger transport area, means the distance of 25 miles from the nearest point on the boundary of that area.” 30
- 7 In section 13 of the Railways Act 2005 (railway functions of Passenger Transport Executives), in subsection (9), for the words from “has the same meaning” to the end substitute “, in relation to an integrated transport area, means the distance of 25 miles from the nearest point on the boundary of that area.” 35

*Franchise exemptions granted by Secretary of State: protection of railway assets etc*

- 8 After section 24 of the Railways Act 1993 insert –
- “24A Secretary of State franchise exemptions: operator agreements**
- (1) Conditions specified in an order under section 24 made by the Secretary of State may, in particular, include conditions which are to apply to any person providing services under an operator agreement. 40

- (2) An order under section 24 made by the Secretary of State may include provision which, subject to any modifications that the Secretary of State considers appropriate, has an effect in connection with operator agreements which corresponds or is similar to the effect of the following provisions in connection with franchise agreements – 5
- (a) section 27(3) of this Act (restrictions on transfer or creation of security over assets);
  - (b) section 27(5) of this Act (transactions entered into in breach of restrictions to be void); 10
  - (c) section 27(6) and (7) of this Act (no execution or other legal process etc in respect of assets);
  - (d) section 31 of this Act (disapplication of legislation: security of tenure of business premises);
  - (e) sections 55 to 58 of this Act (enforcement); 15
  - (f) section 12 of, and Schedule 2 to, the Railways Act 2005 (transfer schemes), subject to subsection (4) below.
- (3) Provision included in an order by virtue of subsection (2) may be made by applying the provision in question, subject to any modifications that the Secretary of State considers appropriate. 20
- (4) The provision which may be included in an order by virtue of subsection (2)(f) is subject to the following restrictions –
- (a) it is to be provision which applies only where an operator agreement is or has been in force to which one of the following is or was party – 25
    - (i) a Passenger Transport Executive,
    - (ii) a local transport authority, or
    - (iii) a relevant company;
  - (b) the person entitled under the provision to make a transfer scheme is to be a Passenger Transport Executive or local transport authority which – 30
    - (i) is or was party to the operator agreement, or
    - (ii) is the owner, or one of the owners, of a relevant company which is or was party to the operator agreement; 35
  - (c) the persons to whom assets may be transferred under a scheme made under the provision are to be –
    - (i) the Passenger Transport Executive or local transport authority which makes the scheme;
    - (ii) any other Passenger Transport Executive or local transport authority which – 40
      - (a) is or was party to the operator agreement, or
      - (b) is the owner, or one of the owners, of a relevant company which is or was party to the operator agreement; 45
    - (iii) a relevant company;
    - (iv) a person who is, or is to be, the operator under an operator agreement.
- (5) In this section –

- “local transport authority” has the same meaning as in Part 2 of the Transport Act 2000 (see section 108(4) of that Act);
- “operator agreement” means any agreement which a person who has the benefit of a franchise exemption may enter into for another person (“the operator”) to provide the services (or any part of the services) in respect of which the exemption is granted; 5
- “Passenger Transport Executive” means a body which is such an Executive for the purposes of Part 2 of the Transport Act 1968; 10
- “relevant company” means –
- (a) a company that is wholly owned by a Passenger Transport Executive or a local transport authority, or
  - (b) a company of which each owner is a Passenger Transport Executive or a local transport authority.” 15

*Minor correcting amendments*

- 9 (1) In section 30 of the Railways Act 1993 (duty of relevant franchising authority), subsection (3) is amended as follows.
- (2) In paragraph (b) –
- (a) for “notice” substitute “proposal”; 20
  - (b) for “the proposal date specified for the purposes of subsection (5)(a)(ii) of that section” substitute “the date for the discontinuance of services specified in the proposal”.
- (3) In paragraph (c), for “subsection (2)” substitute “subsection (3)”.

~~SCHEDULE 9~~SCHEDULE 10 Section 2431

25

## REGULATION OF THE USE OF ROADS AND RAILWAYS

## PART 1

## PERMIT SCHEMES: REMOVAL OF REQUIREMENT FOR SECRETARY OF STATE APPROVAL

- 1 Part 3 of the Traffic Management Act 2004 (permit schemes) is amended as follows. 30
- 2 (1) Section 33 (preparation of permit schemes) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) A local highway authority in England, or two or more such authorities acting together, may prepare a permit scheme.
  - (1A) A local highway authority in Wales, or two or more such authorities acting together, may prepare and submit to the Welsh Ministers a permit scheme.” 35
- (3) For subsection (2) substitute –
- “(2) The Secretary of State may direct a local highway authority in England, or two or more such authorities acting together, to prepare 40

and give effect to a permit scheme which takes such form as the Secretary of State may direct.

- (2A) The Welsh Ministers may direct a local highway authority in Wales, or two or more such authorities acting together, to prepare and submit to them a permit scheme which takes such form as the Welsh Ministers may direct.” 5
- 3 After section 33 insert –
- “33A Implementation of local highway authority permit schemes: England**
- (1) This section applies to a permit scheme prepared by a local highway authority in England, or two or more such authorities acting together, in accordance with section 33(1) or (2). 10
- (2) The scheme shall not have effect in the area of a participating authority unless the authority gives effect to it by order.
- (3) For the purposes of subsection (2) a local highway authority is a “participating authority” in relation to a permit scheme if it is the highway authority for any of the streets in which the scheme is to control the carrying out of works. 15
- (4) An order under subsection (2) –
- (a) must set out the scheme and specify the date on which the scheme is to come into effect, and 20
- (b) may (in accordance with permit regulations) include provisions which disapply or modify enactments to the extent specified in the order.”
- 4 (1) Section 34 (implementation of local highway authority permit schemes) is amended as follows. 25
- (2) In subsection (1) –
- (a) after “prepared” insert “by a local highway authority in Wales”;
- (b) for “appropriate national authority (“the authority”)” substitute “Welsh Ministers”;
- (c) for “33(1) or (2)” substitute “33(1A) or (2A)”. 30
- (3) In subsection (2), for “authority” substitute “Welsh Ministers”.
- (4) In subsection (3), for “it approves” substitute “the Welsh Ministers approve”.
- (5) In subsection (4), for “the authority by order gives” substitute “the Welsh Ministers by order give”.
- (6) In the heading, at the end insert “: Wales”. 35
- 5 For section 36 (variation and revocation of permit schemes) substitute –
- “36 Variation and revocation of permit schemes**
- (1) A local highway authority in England may by order vary or revoke a permit scheme to the extent that it has effect in the area of the authority by virtue of an order made by the authority under section 33A(2). 40

- (2) The Secretary of State may direct a local highway authority in England to vary or revoke a permit scheme by an order under subsection (1).
- (3) An order made by a local highway authority under subsection (1) may vary or revoke an order made by the authority under section 33A(2), or an order previously made by the authority under subsection (1). 5
- (4) The Welsh Ministers may by order vary or revoke any permit scheme which for the time being has effect by virtue of an order made by them under section 34(4) or 35(2). 10
- (5) An order under subsection (4) may vary or revoke an order made by the Welsh Ministers under section 34(4) or 35(2), or an order previously made under subsection (4).
- (6) The Secretary of State may by order vary or revoke any permit scheme which for the time being has effect by virtue of an order made by the Secretary of State under section 35(2). 15
- (7) An order under subsection (6) may vary or revoke an order made by the Secretary of State under section 35(2), or an order previously made under subsection (6).
- (8) An order under subsection (4) or (6) may relate to one or more permit schemes. 20
- (9) An order under this section may (in accordance with permit regulations) include provisions which disapply or modify enactments to the extent specified in the order.”
- 6 (1) Section 37 (permit regulations) is amended as follows. 25
- (2) In subsection (1) –
- (a) for “appropriate national authority” substitute “Secretary of State”;
- (b) omit “submission, approval,”;
- (c) at the end insert “prepared by local highway authorities in England under section 33(1) or (2) or by the Secretary of State under section 33(3) or (4)”. 30
- (3) After subsection (1) insert –
- “(1A) The Welsh Ministers may by regulations (“permit regulations”) make provision with respect to the content, preparation, submission, approval, operation, variation or revocation of permit schemes prepared by local highway authorities in Wales under section 33(1A) or (2A) or by the Welsh Ministers under section 33(3).” 35
- (4) After subsection (3) insert –
- “(3A) Permit regulations made by the Secretary of State may impose requirements for the purpose of securing that permit schemes are kept under review.” 40
- 7 (1) Section 39 (interpretation of Part 3) is amended as follows.
- (2) In subsection (1), in paragraph (b) of the definition of “the appropriate national authority”, for “National Assembly for Wales” substitute “Welsh Ministers”. 45

- (3) In subsection (3), after “power” insert “of the Secretary of State or the Welsh Ministers”.
- (4) After subsection (5) insert –
- “(6) A statutory instrument containing regulations under this Part made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 8 (1) This paragraph applies to a permit scheme prepared by a local highway authority in England which, by virtue of an order made by the Secretary of State under section 34(4) of the Traffic Management Act 2004, has effect immediately before the date on which paragraphs 1 to 7 come into force.
- (2) On and after that date, the scheme is to be treated as if it had effect by virtue of an order made by the local highway authority under section 33A(2) of that Act.
- PART 2
- ROAD HUMPS
- 9 The Highways Act 1980 is amended as follows.
- 10 In section 90A (construction of road humps by highway authority), in subsection (1)(b), for “the Secretary of State” substitute “the appropriate national authority”.
- 11 (1) Section 90B (additional powers of Secretary of State and Welsh Ministers) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words, for “Secretary of State” substitute “Welsh Ministers”;
- (b) in the opening words, for “he is” substitute “they are”;
- (c) in paragraph (b), for “him” substitute “them”;
- (d) in the closing words, for “him” substitute “them”.
- (3) In subsection (3) –
- (a) for “Secretary of State”, in the first place those words occur, substitute “Welsh Ministers”;
- (b) for “Secretary of State has” substitute “Welsh Ministers have”.
- (4) In subsection (4), for “Secretary of State” substitute “Welsh Ministers”.
- (5) In subsection (5), for “Secretary of State so directs” substitute “Welsh Ministers so direct”.
- (6) In subsection (6) –
- (a) for “Secretary of State” substitute “Welsh Ministers”;
- (b) for “his” substitute “their”.
- (7) In the heading, for “Secretary of State” substitute “Welsh Ministers”.
- 12 (1) Section 90C (road humps: consultation and local inquiries) is amended as follows.
- (2) In subsection (1) –

- 
- (a) for the words from “Where the Secretary of State” to “he or they” substitute “Where a highway authority proposes to construct a road hump under section 90A, or the Welsh Ministers propose to construct a road hump under section 90B, the highway authority or the Welsh Ministers (as the case may be)”; 5
- (b) omit paragraph (a) and the “and” following it;
- (c) in paragraph (b) –
- (i) omit “other”;
- (ii) for “the Secretary of State” substitute “the appropriate national authority”. 10
- (3) For subsection (2) substitute –
- “(2) The highway authority or the Welsh Ministers (as the case may be) shall also comply with such requirements as may be specified in regulations made by the appropriate national authority in relation to – 15
- (a) the publication of –
- (i) details of proposals to construct road humps, and
- (ii) procedures for making objections to such proposals, and
- (b) procedures for dealing with such objections. 20
- (2A) Regulations under subsection (2)(b) may, in particular, contain provision about –
- (a) local inquiries in relation to proposals to construct road humps, and
- (b) the application of subsections (2) to (5) of section 250 of the Local Government Act 1972 in relation to such inquiries, subject to such modifications as may be specified in the regulations.” 25
- (4) Omit subsections (3) to (5).
- (5) In subsection (6) – 30
- (a) for “the Secretary of State” substitute “the appropriate national authority”;
- (b) for “he” substitute “it”.
- 13 (1) Section 90D (regulations concerning construction and maintenance of road humps) is amended as follows. 35
- (2) In subsection (1) –
- (a) for “The Secretary of State” substitute “The appropriate national authority”;
- (b) for “him” substitute “the appropriate national authority”.
- (3) In subsection (3) – 40
- (a) for “the Secretary of State” substitute “the appropriate national authority”;
- (b) for “he” substitute “it”.
- (4) In subsection (4) –
- (a) for “the Secretary of State” substitute “the appropriate national authority”; 45

- (b) for “him” substitute “the appropriate national authority”.
- 14 (1) Section 90E (status of road humps) is amended as follows.
- (2) In subsection (1B)(a), for “the Secretary of State” substitute “the appropriate national authority”.
- (3) In subsection (2), in paragraph (a), for “the Secretary of State” substitute “the appropriate national authority”. 5
- 15 In section 90F (meaning of “road hump” and interpretation of sections 90A to 90E), in subsection (2), after “In sections 90A to 90E above –” insert –
- “the appropriate national authority” means –
- (a) the Secretary of State, in relation to England; 10
- (b) the Welsh Ministers, in relation to Wales;.”
- 16 After section 90F insert –
- “90FA Regulations under sections 90C and 90D**
- (1) Regulations under section 90C or 90D are to be made by statutory instrument. 15
- (2) Regulations under section 90C or 90D may –
- (a) include incidental, supplementary, consequential or transitional provision or savings;
- (b) make different provision for different purposes.
- (3) A statutory instrument containing regulations made by the Secretary of State under section 90C or 90D is subject to annulment in pursuance of a resolution of either House of Parliament. 20
- (4) A statutory instrument containing regulations made by the Welsh Ministers under section 90C or 90D is subject to annulment in pursuance of a resolution of the National Assembly for Wales.” 25
- 17 In section 325 (provisions as to regulations, schemes and orders), after subsection (2A) insert –
- “(2B) This section does not apply to regulations under section 90C or 90D (see section 90FA for provision about such regulations).”

PART 3 30

PEDESTRIAN CROSSINGS: REMOVAL OF REQUIREMENT TO INFORM SECRETARY OF STATE

- 18 In section 23(2) of the Road Traffic Regulation Act 1984 –
- (a) omit paragraph (c) (which requires that the Secretary of State or, in relation to Wales, the Welsh Ministers be informed in writing before certain pedestrian crossings are established or removed etc.); 35
- (b) omit the “and” before that paragraph.



PART 4

OFF-ROAD MOTORING EVENTS

- 19 In section 13A(1) of the Road Traffic Act 1988 (list of motoring offences which do not apply for authorised off-road motoring events), after “2” insert “, 2B”. 5

PART 5

TESTING OF VEHICLES

- 20 In section 52 of the Road Traffic Act 1988 (supplementary provisions about tests etc of goods vehicles), in subsection (2) (which confers power on the Secretary of State to provide and maintain stations and apparatus for the carrying out of examinations of certain goods vehicles), for the words from “provide and maintain” to the end of the subsection substitute “ – 10
- (a) provide and maintain stations where examinations of goods vehicles under regulations under section 49 or under section 50 of this Act may be carried out, 15
  - (b) designate premises as stations where such examinations may be carried out, and
  - (c) provide and maintain apparatus for the carrying out of such examinations.”
- 21 (1) Section 46 of that Act (provision which may be included in regulations under section 45 of that Act about tests of the condition of vehicles other than certain goods vehicles) is amended as follows. 20
- (2) In subsection (1), after paragraph (j) insert –
- “(ja) the charges to be paid to the Secretary of State by persons occupying premises designated under section 8(3)(b) of the [Public](#) Passenger Vehicles Act 1981 as stations where inspections of public service vehicles may be carried out where the charges are in connection with – 25
  - (i) the provision by the Secretary of State of vehicle examiners to examine public service vehicles on the premises, 30
  - (ii) the issue of test certificates or notifications of the refusal of test certificates in respect of examinations of public service vehicles carried out on the premises,
  - (iii) the issue of duplicates or copies of test certificates issued in respect of such examinations, and 35
  - (iv) the correction of errors in test certificates so issued.”
- (3) In that subsection, omit the “and” at the end of paragraph (k) and insert – 40
- “(ka) the keeping by persons mentioned in paragraph (ja) of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed.”

- (4) In that subsection, after paragraph (l) insert “, and  
(m) the keeping of records by persons mentioned in paragraph (ja) and the providing by them of returns and information to the Secretary of State.”
- (5) In subsection (4), after “subsection (1)(j)” insert “or (ja)”. 5
- 22 (1) Section 51 of that Act (particular aspects of regulations under section 49 of that Act dealing with the testing of certain goods vehicles etc) is amended as follows.
- (2) In subsection (1), after paragraph (k) insert –
- “(ka) make provision as to the charges to be paid to the Secretary of State by persons occupying premises designated under section 52(2)(b) as stations where examinations of goods vehicles may be carried out where the charges are in connection with –
- (i) the provision by the Secretary of State of vehicle examiners to examine goods vehicles on the premises, 15
- (ii) the issue of test certificates or notifications of the refusal of test certificates in respect of examinations of goods vehicles carried out on the premises,
- (iii) the issue of duplicates or copies of test certificates issued in respect of such examinations, and 20
- (iv) the correction of errors in test certificates so issued.”.
- (3) In that subsection, after paragraph (ka) (as inserted by sub-paragraph (2) ~~above~~) insert –
- “(kb) make provision as to the keeping by persons mentioned in paragraph (ka) of registers of test certificates in the prescribed form and containing the prescribed particulars, and the inspection of such registers by such persons and in such circumstances as may be prescribed, 25
- (kc) make provision as to the keeping of records by persons mentioned in paragraph (ka) and the providing by them of returns and information to the Secretary of State,”. 30
- (4) After subsection (1) insert –
- “(1A) The provision which may be made by virtue of subsection (1)(ka) above includes provision requiring – 35
- (a) the making to the Secretary of State at prescribed times of payments, of such amounts as may be determined by him in accordance with regulations, on account of charges that may become payable, and
- (b) where forms for test certificates and notifications of the refusal of test certificates are supplied by the Secretary of State, the payment to him of charges for the supply of such forms, 40
- and for the repayment, in prescribed circumstances, of such payments received by the Secretary of State.” 45

## PART 6

## RAIL VEHICLE ACCESSIBILITY REGULATIONS: EXEMPTION ORDERS

- 23 The Equality Act 2010 is amended as follows.
- 24 (1) Section 183 (exemptions from rail vehicle accessibility regulations) is amended as follows. 5
- (2) Omit subsection (3) (power to make regulations as to exemption orders: applications etc).
- (3) After subsection (6) insert –
- “(7) Section 207(2) does not require an exemption order to be made by statutory instrument; but such an order is as capable of being amended or revoked as an order made by statutory instrument.” 10
- 25 In consequence of paragraph 24 –
- (a) omit section 184 (procedure for making exemption orders);
- (b) in section 185 (annual report on exemption orders) –
- (i) omit subsection (1)(b); 15
- (ii) in subsection (2)(b), for “sections 183(4) and 184(2)” substitute “section 183(4)”;
- (c) in section 208 (Ministers of the Crown, etc) –
- (i) omit subsection (5)(g);
- (ii) omit subsection (7)(a). 20
- 26 (1) This paragraph applies to an exemption order made by statutory instrument under section 183(1) of the Equality Act 2010, or treated as so made, before the date on which paragraph 1924(3) comes into force.
- (2) The order is to be treated as having been made otherwise than by statutory instrument; but is to be as capable of being amended or revoked as an order made by statutory instrument. 25

## SCHEDULE 11

## SCHEDULE 12 Section 2532

## ENFORCEMENT OF TRANSPORT LEGISLATION

## PART 1

## DRINK AND DRUG DRIVING OFFENCES 30

*Removal of “statutory option” to have breath specimen replaced: road and rail transport*

- 1 (1) In section 8 of the Road Traffic Act 1988 (choice of specimens of breath), omit subsections (2), (2A), (3) and (4).
- (2) The amendments in sub-paragraphs (3) to (5) are made in consequence of sub-paragraph (1). 35
- (3) In the Road Traffic Act 1988 –
- (a) for the heading of section 8 substitute “Breath specimen showing higher alcohol level to be disregarded”;

- (b) in section 8(1), omit “Subject to subsection (2) below,”;
  - (c) in section 195(3), omit “8(3),”;
  - (d) in section 195(4), omit “8(3),”;
  - (e) in section 195(4A), omit “8(3) or”.
- (4) In the Serious Organised Crime and Police Act 2005, omit section 154(7). 5
- (5) In the Scotland Act 2012, omit section 20(2) to (4).
- 2 (1) In Chapter 1 of Part 2 of the Transport and Works Act 1992 (safety of railways etc: offences involving drink or drugs), in section 32 (choice of specimens of breath), omit subsections (2) to (4).
- (2) In consequence of sub-paragraph (1), for the heading of that section substitute “Breath specimen showing higher alcohol level to be disregarded”. 10

*No need for preliminary breath test before evidential breath test: road transport*

- 3 (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 7 (provision of specimens for analysis), for subsection (2) substitute— 15
- “(2) A constable may make a requirement under this section to provide specimens of breath only if—
- (a) the requirement is made at a police station or a hospital,
  - (b) the requirement is imposed in circumstances where section 6(5) of this Act applies, or 20
  - (c) the constable is in uniform.”
- (3) Omit subsections (2A) and (2B).
- (4) After subsection (2C) insert—
- “(2CA) For the purposes of subsection (2C) “a relevant breath test” is a procedure involving the provision by the person concerned of a specimen of breath to be used for the purpose of obtaining an indication whether the proportion of alcohol in his breath or blood is likely to exceed the prescribed limit.” 25
- (5) After subsection (5) insert— 30
- “(5A) A constable may arrest a person without warrant if—
- (a) the person fails to provide a specimen of breath when required to do so in pursuance of this section, and
  - (b) the constable reasonably suspects that the person has alcohol in his body.” 35

*Removing restriction that evidential breath test must be taken at police station: rail transport*

- 4 (1) In Chapter 1 of Part 2 of the Transport and Works Act 1992 (safety of railways etc: offences involving drink or drugs), section 31 (provision of specimens for analysis) is amended as follows.

(2) For subsection (2) substitute –

- “(2) A constable may make a requirement under this section to provide specimens of breath only if –
- (a) the requirement is made at a police station or a hospital, or
  - (b) the constable is in uniform.”

5

(3) After subsection (7) insert –

- “(7A) A constable may arrest a person without warrant if –
- (a) the person fails to provide a specimen of breath when required to do so in pursuance of this section, and
  - (b) the constable reasonably suspects that the person has alcohol in his body.”

10

*Health care professionals advising whether condition is due to drugs: road and rail transport*

5 In section 7 of the Road Traffic Act 1988 (provision of specimens for analysis), in subsection (3)(c) (medical advice that person’s condition might be due to drugs), after “advised by a medical practitioner” insert “or a registered health care professional”.

15

6 In section 31 of the Transport and Works Act 1992 (provision of specimens for analysis) –

- (a) in subsection (4)(c) (medical advice that person’s condition might be due to drugs), after “advised by a medical practitioner” insert “or a registered health care professional”;
- (b) omit subsections (9A), (9B) and (9C).

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*Further extension of role of health care professionals: road and rail transport*

7 The Road Traffic Act 1988 is amended in accordance with paragraphs 8 and 9.

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8 (1) Section 7A (specimens of blood taken from persons incapable of consenting) is amended as follows.

(2) In subsections (1) and (2)(a), for “a medical practitioner” substitute “a medical or health care practitioner”.

(3) In subsection (2)(b), for “a medical practitioner other than a police medical practitioner” substitute “a practitioner other than a police medical or health care practitioner”.

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(4) In subsection (2)(b)(i), for “to made to a police medical practitioner” substitute “to be made to a police medical or health care practitioner”.

(5) In subsection (2)(b)(ii), omit “medical”.

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(6) In subsection (3), for “a medical practitioner” substitute “a medical or health care practitioner”.

(7) For subsection (7) substitute –

- “(7) In this section –
- “medical or health care practitioner” means a medical practitioner or a registered health care professional;

40

- “police medical or health care practitioner” means a medical practitioner, or a registered health care professional, who is engaged under any agreement to provide medical or health care services for purposes connected with the activities of a police force.” 5
- 9 In section 11 (interpretation), in subsection (4) (providing a specimen of blood), omit “by a medical practitioner or, if it is taken in a police station,”.
- 10 In consequence of paragraphs 8 and 9, in section 15 of the Road Traffic Offenders Act 1988 (use of specimens in proceedings for certain offences under the Road Traffic Act), in subsection (4) (circumstances in which specimen of blood is to be disregarded) – 10
- (a) in paragraph (a), for the words from “and either” to the end of the paragraph substitute “by a medical practitioner or a registered health care professional”;
- (b) in paragraph (b), after “medical practitioner” insert “or a registered health care professional”. 15
- 11 The Transport and Works Act 1992 is amended in accordance with paragraphs 12 and 13.
- 12 (1) Section 31A (specimens of blood taken from persons incapable of consenting) is amended as follows. 20
- (2) In subsections (1) and (2)(a), for “a medical practitioner” substitute “a medical or health care practitioner”.
- (3) In subsection (2)(b), for “a medical practitioner other than a police medical practitioner” substitute “a practitioner other than a police medical or health care practitioner”. 25
- (4) In subsection (2)(b)(i), for “to made to a police medical practitioner” substitute “to be made to a police medical or health care practitioner”.
- (5) In subsection (2)(b)(ii), omit “medical”.
- (6) In subsection (3), for “a medical practitioner” substitute “a medical or health care practitioner”. 30
- (7) For subsection (7) substitute –
- “(7) In this section –
- “medical or health care practitioner” means a medical practitioner or a registered health care professional;
- “police medical or health care practitioner” means a medical practitioner, or a registered health care professional, who is engaged under any agreement to provide medical or health care services for purposes connected with the activities of a police force.” 35
- 13 In section 38 (interpretation of Chapter 1), in subsection (5)(b) (providing a specimen of blood), omit “by a medical practitioner or, if it is taken in a police station,”. 40

*Application of Road Traffic Act provisions in shipping regime*

- 14 (1) In Part 4 of the Railways and Transport Safety Act 2003 (shipping: alcohol and drugs), section 83 (specimens, etc) is amended as follows.
- (2) After subsection (1) (but before the table) insert –
- “(1A) The references in the table to provisions of the Road Traffic Act 1988 or the Road Traffic Offenders Act 1988 are, subject to any contrary intention expressed in this Part or in any other enactment, references to those provisions as amended from time to time.” 5
- (3) The table is amended as follows.
- (4) In the entry for sections 6A to 6E of the Road Traffic Act 1988, in the third column, at the end insert – 10
- “In section 6C, the following shall be disregarded –
- (a) in subsection (1)(b), the words following “in his body”;
- (b) subsection (3). 15
- In section 6D, subsection (1)(b) shall be disregarded.”
- (5) In the entry for section 7 of the Road Traffic Act 1988, in the third column –
- (a) after the first sentence insert –
- “Subsection (1A) shall be disregarded.
- In subsection (2)(b), the reference to the circumstances in which section 6(5) of the 1988 Act applies shall be treated as a reference to the circumstances in which the following provision of this table applies: paragraph (c) of the modifications specified for section 6 of the 1988 Act.”; 20
- (b) in the last sentence, for “or 4” substitute “, 4 or 5A”. 25
- (6) In the entry for section 8 of the Road Traffic Act 1988, in the second column, for “Choice of specimen of breath” substitute “Breath specimen showing higher alcohol level to be disregarded”.
- (7) In the entry for section 10 of the Road Traffic Act 1988, in the third column – 30
- (a) in paragraph (b), for “or 5” substitute “, 5 or 5A”;
- (b) before the last sentence insert –
- “In subsection (2), paragraph (c) shall be disregarded.”
- (8) In the entry for section 15 of the Road Traffic Offenders Act 1988, in the third column – 35
- (a) in the first sentence, for “section 3A, 4 or 5” substitute “any of sections 3A to 5A”;
- (b) after the first sentence insert –
- “Subsection (2)(b) shall be disregarded.”;
- (c) after the last sentence insert – 40
- “Subsection (3A) shall be disregarded.”
- 15 In Schedule 22 to the Crime and Courts Act 2013 (drugs and driving: minor and consequential amendments), omit paragraphs 8 and 14.

*Application of Road Traffic Act provisions in aviation regime*

- 16 (1) In Part 5 of the Railways and Transport Safety Act 2003 (aviation: alcohol and drugs), section 96 (specimens, etc) is amended as follows.
- (2) After subsection (1) (but before the table) insert –
- “(1A) The references in the table to provisions of the Road Traffic Act 1988 or the Road Traffic Offenders Act 1988 are, subject to any contrary intention expressed in this Part or in any other enactment, references to those provisions as amended from time to time.” 5
- (3) The table is amended as follows.
- (4) In the entry for sections 6A to 6E of the Road Traffic Act 1988, in the third column, at the end insert – 10
- “In section 6C, the following shall be disregarded –
- (a) in subsection (1)(b), the words following “in his body”;
- (b) subsection (3). 15
- In section 6D, subsection (1)(b) shall be disregarded.”
- (5) In the entry for section 7 of the Road Traffic Act 1988, in the third column –
- (a) after the first sentence insert –
- “Subsection (1A) shall be disregarded.
- In subsection (2)(b), the reference to the circumstances in which section 6(5) of the 1988 Act applies shall be treated as a reference to the circumstances in which the following provisions of this table apply: paragraphs (c) and (d) of the modifications specified for section 6 of the 1988 Act.”; 20
- (b) in the last sentence, for “or 4” substitute “, 4 or 5A”. 25
- (6) In the entry for section 8 of the Road Traffic Act 1988 –
- (a) in the second column, for “Choice of specimen of breath” substitute “Breath specimen showing higher alcohol level to be disregarded”;
- (b) omit the words in the third column. 30
- (7) In the entry for section 10 of the Road Traffic Act 1988, in the third column –
- (a) in paragraph (b), for “or 5” substitute “, 5 or 5A”;
- (b) before the last sentence insert –
- “In subsection (2), paragraph (c) shall be disregarded.”
- (8) In the entry for section 15 of the Road Traffic Offenders Act 1988, in the third column – 35
- (a) in the first sentence, for “section 3A, 4 or 5” substitute “any of sections 3A to 5A”;
- (b) after the first sentence insert –
- “Subsection (2)(b) shall be disregarded.”; 40
- (c) after the last sentence insert –
- “Subsection (3A) shall be disregarded.”



PART 2

BUS LANE CONTRAVENTIONS

- 17 (1) Until the relevant day, section 144 of the Transport Act 2000 (civil penalties for bus lane contraventions) has effect as if in subsection (3)(b), for the words from “made an order” to the end of the paragraph there were substituted “notified the authority in writing that it is an approved local authority for the purposes of this section (and has not withdrawn that notice).” 5
- (2) In sub-paragraph (1) the “relevant day” means the day on which the repeal of section 144 of the Transport Act 2000 by Part 1 of Schedule 12 to the Traffic Management Act 2004 comes into force in relation to England. 10
- 18 (1) Sub-paragraph (2) applies to any authority which, immediately before paragraph 17 comes into force, is specified in an order under section 144(3)(b) of the Transport Act 2000 as an approved local authority for the purposes of section 144 of that Act.
- (2) The authority is to be treated, on and after the date on which paragraph 17 comes into force, as having been notified in writing by the Secretary of State that it is an approved local authority for the purposes of section 144 of the Transport Act 2000. 15
- 19 In paragraph 9 of Schedule 8 to the Traffic Management Act 2004 (designation of civil enforcement areas for bus lane contraventions), after sub-paragraph (3) insert – 20
- “(3A) A notice given (and not withdrawn) before the commencement of this Part of this Act approving a local authority in England for the purposes of section 144 of the Transport Act 2000 (civil penalties for bus lane contraventions) has effect on and after the commencement of this Part of this Act (in relation to England) as an order under this paragraph designating as a civil enforcement area for bus lane contraventions so much of that authority’s area as is a civil enforcement area for parking contraventions.” 25

SCHEDULE 13

Section [2936](#)

30

HOUSEHOLD WASTE: LONDON

- 1 The London Local Authorities Act 2007 is amended as follows.
- 2 In section 20 (regulations relating to receptacles for household waste), in subsection (9), for “46(2) to (6)” substitute “46(2) to (5)”.
- 3 After section 20 insert – 35
- “20A Regulations relating to receptacles for household waste: enforcement**
- “(1) This section applies where a borough council is satisfied that –
- (a) a person has failed without reasonable excuse to comply with a requirement imposed by regulations made under section 20(1), and 40
- (b) the person’s failure to comply –
- (i) has caused, or is or was likely to cause, a nuisance, or

- (ii) has been, or is or was likely to be, detrimental to any amenities of the locality.
- (2) Where this section applies, the borough council may serve a written warning on the person.
- (3) A written warning must – 5
  - (a) identify the requirement with which the person has failed to comply,
  - (b) explain the nature of the failure to comply,
  - (c) explain how the failure to comply has had, or is or was likely to have, the effect described in subsection (1)(b), 10
  - (d) if the failure to comply is continuing, specify the period within which the requirement must be complied with and explain the consequences of the requirement not being complied with within that period, and
  - (e) whether or not the failure to comply is continuing, explain the consequences of the person subsequently failing to comply with the same or a similar requirement. 15
- (4) Where a written warning has been served in respect of a failure to comply that is continuing, the borough council may require the person on whom the written warning was served to pay a penalty charge if satisfied that the person has failed to comply with the requirement identified in the warning within the period specified by virtue of subsection (3)(d). 20
- (5) Where a person has been required to pay a penalty charge under subsection (4) and that requirement has not been withdrawn on appeal, the borough council may require the person to pay a further penalty charge if satisfied that the failure to comply is still continuing at the end of a relevant period which falls within the period of one year beginning with the day the written warning was served. 25
- (6) For the purposes of subsection (5) – 30
  - (a) a “relevant period” is a period beginning with the day a final notice is served on the person under section 20C(5) in respect of the failure to comply that is continuing and ending with –
    - (i) where the person appeals against the requirement to pay a penalty charge imposed by that final notice, the day on which the appeal that is the final appeal made by the person against the requirement is dismissed or withdrawn; 35
    - (ii) where the person does not appeal, the day on which the period for appealing expires; 40
  - (b) there is no relevant period where the person appeals as mentioned in paragraph (a)(i) and the requirement to pay the penalty charge is withdrawn on appeal.
- (7) Where a written warning has been served, whether or not in respect of a failure to comply that is continuing, the borough council may require the person on whom the written warning was served to pay a penalty charge if satisfied that, within the period of one year beginning with the day the written warning was served – 45

- (a) the person has again failed without reasonable excuse to comply with the requirement identified in the warning and the person’s failure to comply has had, or is or was likely to have, the effect described in subsection (1)(b), or
- (b) the person has failed without reasonable excuse to comply with a requirement that is similar to the one identified in the warning and the person’s failure to comply has had, or is or was likely to have, the effect described in subsection (1)(b). 5
- (8) A borough council may require a person to pay a penalty charge under subsection (5) or (7) each time that the borough council is satisfied of the matters mentioned in the subsection. 10
- (9) A borough council imposing a requirement to pay a penalty charge under subsection (4), (5) or (7) must act in accordance with section 20C.
- (10) In this section and sections 20C and 20D a “penalty charge” means a monetary penalty of an amount determined in accordance with section 20B. 15

#### **20B Amount of penalty charge that may be imposed under section 20A**

- (1) It is to be the duty of the borough councils to set the levels of penalty charges payable to them under section 20A. 20
- (2) Different levels may be set for different areas in Greater London and for different cases or classes of case.
- (3) The borough councils may make provision for treating a penalty charge which is payable under section 20A as having been paid if a lesser amount is received by the relevant council before the end of a period specified by the borough councils. 25
- (4) The Secretary of State may by regulations make provision in connection with the functions conferred on the borough councils under subsections (1) and (3).
- (5) Regulations under subsection (4) may (in particular) – 30
  - (a) require the levels of penalty charges to fall within a range prescribed in the regulations;
  - (b) restrict the extent to which, and the circumstances in which, the borough councils may make provision under subsection (3). 35
- (6) The borough councils must publish, in such manner as the Secretary of State may determine, the levels of penalty charges which have been set by the councils in accordance with this section.
- (7) The functions conferred on the borough councils by subsections (1), (3) and (6) are to be discharged by a joint committee within the meaning of Part 4 (see section 60(1)). 40

#### **20C Penalty charges under section 20A: procedure regarding notices of intent and final notices**

- (1) Before requiring a person to pay a penalty charge under section 20A, a borough council must serve on the person notice of intention to do so (a “notice of intent”) in accordance with subsections (2) to (4). 45

- (2) A notice of intent must contain information about –
  - (a) the grounds for proposing to require payment of a penalty charge,
  - (b) the amount of the penalty charge that the person would be required to pay, and
  - (c) the right to make representations under subsection (3).5
- (3) A person on whom a notice of intent is served may make representations to the borough council as to why payment of a penalty charge should not be required.
- (4) Representations under subsection (3) must be made within the period of 28 days beginning with the day service of the notice of intent is effected. 10
- (5) In order to require a person to pay a penalty charge under section 20A, a borough council must serve on the person a further notice (the “final notice”) in accordance with subsections (6) to (8). 15
- (6) A final notice may not be served on a person by a borough council before the expiry of the period of 28 days beginning with the day service of the notice of intent on the person was effected.
- (7) Before serving a final notice on a person, a borough council must consider any representations made by the person under subsection (3). 20
- (8) The final notice must contain information about –
  - (a) the grounds for requiring payment of a penalty charge,
  - (b) the amount of the penalty charge,
  - (c) how payment may be made,
  - (d) the period within which payment is required to be made (which must not be less than the period of 28 days beginning with the day service of the final notice is effected),
  - (e) any provision giving a discount for early payment made by virtue of section 20B(3),
  - (f) the right to appeal by virtue of section 20D, and
  - (g) the consequences of not paying the penalty charge.25  
30

#### **20D Appeals and application of provisions of Part 4 of this Act**

- (1) Regulations made by the Lord Chancellor under section 62(2) may make provision relating to appeals to an adjudicator against a decision under section 20A to require a person to pay a penalty charge. 35
- (2) Until such time as regulations made by virtue of subsection (1) are in force, regulations under section 80 of the Traffic Management Act 2004 are to apply in relation to appeals of the type described in subsection (1) with such modifications as are prescribed in regulations made by the Secretary of State. 40
- (3) For the purposes of subsection (2), the functions of adjudicators under the regulations as so applied are to be discharged by the persons appointed under regulations made under section 81 of the Traffic Management Act 2004 as adjudicators for the purposes of Part 6 of that Act. 45

- (4) Penalty charges payable under section 20A are penalty charges for the purposes of section 64 and, for the purposes of subsection (2)(b) of section 64, they are to be treated as if they were payable under a provision of Part 4.
- (5) Schedule 4 applies in relation to the administration and enforcement of section 20A as it applies in relation to the administration and enforcement of section 61.” 5
- 4 (1) Section 23 (regulations relating to receptacles for waste: enforcement) is amended as follows.
- (2) In subsection (2), omit “subsection (1) of section 20 (regulations relating to receptacles for household waste) or”. 10
- (3) In subsection (4) –
- (a) omit paragraph (e);
- (b) in paragraph (f), omit “subsection (4) of the said section 20 or” and omit “as the case may be”. 15
- (4) In the heading, after “receptacles for” insert “commercial or industrial”.

## SCHEDULE 14

Section ~~90~~37

### OTHER MEASURES RELATING TO ANIMALS, FOOD AND THE ENVIRONMENT

#### PART 1

#### DESTRUCTIVE IMPORTED ANIMALS 20

##### *Destructive Imported Animals Act 1932 (c. 12)*

- 1 (1) Section 10 of the Destructive Imported Animals Act 1932 (power to extend provisions of Act to other destructive non-indigenous animals) is amended as follows.
- (2) In subsection (1), after “and to destroy any which may be at large” insert “or keep under review whether any which may be at large should be destroyed”. 25
- (3) After subsection (1) insert –
- “(1A) The power in subsection (1) includes power to revoke or amend an order made under that subsection.” 30

##### *Grey Squirrels (Prohibition of Importation and Keeping) Order 1937 (S.I. 1937/478)*

- 2 (1) Article 1 of the Grey Squirrels (Prohibition of Importation and Keeping) Order 1937 is amended as follows.
- (2) The existing text becomes paragraph (1).
- (3) After that paragraph insert – 35
- “(2) In the application of the Destructive Imported Animals Act 1932 in relation to animals of that species, there shall be omitted –

- (a) section 5(2), and
- (b) in section 6(1), paragraph (f) and the reference to a penalty in the case of an offence under paragraph (f).”

PART 2

FARRIERS

5

*Constitution of Farriers Registration Council*

- 3 (1) Part 1 of Schedule 1 to the Farriers (Registration) Act 1975 (constitution of the Farriers Registration Council) is amended as follows.
- (2) In paragraph 1(f) (persons that may appoint one member of the Council) –
- (a) for “The Jockey Club” substitute “The British Horseracing Authority Limited”; 10
  - (b) for “The Council for Small Industries in Rural Areas” substitute “The Secretary of State”.
- (3) After paragraph 6 insert –
- “6A The Secretary of State must consult the Scottish Ministers before appointing a person as member of the Council under paragraph 1(f).” 15

PART 3

JOINT WASTE AUTHORITIES

*Removal of power to establish joint waste authorities in England* 20

- 4 In the Local Government and Public Involvement in Health Act 2007, in Part 11 (joint waste authorities), omit sections 205 to 208 (provisions relating to the establishment of joint waste authorities in England).
- 5 The provisions repealed by paragraph 4 continue to have effect for the purposes of the exercise by the Welsh Ministers of the power conferred on them by section 210 of the Local Government and Public Involvement in Health Act 2007 (power by order to make provision in relation to Wales applying any provisions of sections 205 to 208 with modifications). 25
- 6 (1) The following amendments are made in consequence of paragraph 4.
- (2) In the Landlord and Tenant Act 1954, in section 69(1), in the definition of “local authority”, omit the words from “an authority” to “(joint waste authorities),”. 30
  - (3) In the Trustee Investments Act 1961, in section 11(4)(a), omit the words from “, an authority” to “(joint waste authorities)”.
  - (4) In the Leasehold Reform Act 1967, in section 28(5)(a), omit the words from “any authority” to “(joint waste authorities),”. 35
  - (5) In the Employers’ Liability (Compulsory Insurance) Act 1969, in section 3(2)(b), omit the words from “an authority” to “(joint waste authorities),”.

- (6) In the Local Authorities (Goods and Services) Act 1970, in section 1(4), in the definition of “local authority”, omit the words from “, any authority” to “(joint waste authorities)”.
- (7) In the Local Government Act 1972 –
- (a) in section 70(1) and (3), for “, combined authority or joint waste authority” substitute “or combined authority”; 5
  - (b) in section 80(2)(b), omit “, joint waste authority”;
  - (c) in section 85(4), for “, a combined authority and a joint waste authority” substitute “and a combined authority”;
  - (d) in section 86(2), for “, a combined authority and a joint waste authority” substitute “and a combined authority”; 10
  - (e) in section 92, omit subsections (7A) and (7B);
  - (f) in section 100J –
    - (i) in subsection (1), omit paragraph (ba);
    - (ii) in subsections (2) and (3), omit “(ba),”; 15
    - (iii) in subsection (4)(a), omit “, a joint waste authority”;
  - (g) in section 101(13), omit “a joint waste authority,”;
  - (h) in section 146A(1), omit “a joint waste authority,”;
  - (i) in section 175(3B), omit “, a joint waste authority”;
  - (j) in section 176(3), omit “, a joint waste authority”; 20
  - (k) in section 223(2), omit “a joint waste authority,”;
  - (l) in section 224(2), for “, combined authority or joint waste authority” substitute “or combined authority”;
  - (m) in section 225(3), for “, a combined authority and a joint waste authority” substitute “and a combined authority”; 25
  - (n) in section 228, omit subsection (7B);
  - (o) in section 229(8), omit “, a joint waste authority”;
  - (p) in section 230(2), for “, a combined authority and a joint waste authority” substitute “and a combined authority”;
  - (q) in section 231(4), omit “, a joint waste authority”; 30
  - (r) in section 232(1A), omit “, a joint waste authority”;
  - (s) in section 233(11), omit “, a joint waste authority”;
  - (t) in section 234(4), omit “, a joint waste authority”;
  - (u) in section 239(4A), for “, a combined authority and a joint waste authority” substitute “and a combined authority”; 35
  - (v) in section 270(1), omit the definition of “joint waste authority”.
- (8) In the Employment Agencies Act 1973, in section 13(7), omit paragraph (fza).
- (9) In the Local Government Act 1974 –
- (a) in section 25(1), omit paragraph (cd);
  - (b) in section 26C(6), omit paragraph (d). 40
- (10) In the Health and Safety at Work etc. Act 1974, in section 28(6), omit the words from “, an authority” to “(joint waste authorities)”.
- (11) In the Local Government (Miscellaneous Provisions) Act 1976, in section 44(1), in the definition of “local authority” –
- (a) in paragraph (a), omit the words from “, an authority” to “(joint waste authorities)”; 45

- (b) in paragraph (c), omit the words from “an authority” to “(joint waste authorities),”.
- (12) In the Rent (Agriculture) Act 1976, in section 5(3), omit paragraph (bba).
- (13) In the Rent Act 1977, in section 14(1), omit paragraph (cba).
- (14) In the Local Government, Planning and Land Act 1980— 5
- (a) in section 2(1), omit paragraph (kaa);
- (b) in section 98(8A), omit paragraph (ea) (but not the “and” following it);
- (c) in section 99(4), omit paragraph (dba);
- (d) in section 100(1)(a), for the words from “, a combined authority” to “(joint waste authorities)” substitute “or a combined authority established under section 103 of that Act”; 10
- (e) in Schedule 16, omit paragraph 5BA.
- (15) In the Acquisition of Land Act 1981, in section 17(4), in paragraph (a) of the definition of “local authority”, for the words from “, a combined authority” to the end of the paragraph substitute “or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009”. 15
- (16) In the Local Government (Miscellaneous Provisions) Act 1982—
- (a) in section 33(9)(a), for the words from “, a combined authority” to “(joint waste authorities)” substitute “or a combined authority established under section 103 of that Act”; 20
- (b) in section 33(9)(b), for “, combined authority or joint waste authority” substitute “or combined authority”;
- (c) in section 41(13), in the definition of “local authority”, omit paragraph (ea) (but not the “and” following it). 25
- (17) In the Stock Transfer Act 1982, in Schedule 1, in paragraph 7(2)(a), omit the words from “, an authority” to “(joint waste authorities)”.
- (18) In the County Courts Act 1984, in section 60(3), in the definition of “local authority”, omit the words from “an authority” to “(joint waste authorities),”. 30
- (19) In the Housing Act 1985, in section 4—
- (a) in subsection (1)(e), omit “, a joint waste authority” (in both places it occurs);
- (b) in subsection (2), omit the definition of “joint waste authority”. 35
- (20) In the Landlord and Tenant Act 1985, in section 38, in the definition of “local authority”, omit the words from “, an authority” to “(joint waste authorities)”.
- (21) In the Local Government Act 1988, in Schedule 2, omit the entry relating to an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007. 40
- (22) In the Housing Act 1988, in Schedule 1, in paragraph 12(1), omit paragraph (fa).
- (23) In the Road Traffic Act 1988, in section 144(2)(a)(i), omit the words from “an authority” to “(joint waste authorities),”. 45



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| (24) In the Local Government and Housing Act 1989 –<br>(a) in section 21(1), omit paragraph (ga);<br>(b) in section 152(2), omit paragraph (ia).   |    |
| (25) In the Environmental Protection Act 1990, in section 52(1A), omit the words from “or any authority” to the end of the subsection.   | 5  |
| (26) In the Local Government (Overseas Assistance) Act 1993, in section 1(10), omit paragraph (da).  |    |
| (27) In the Deregulation and Contracting Out Act 1994, in section 79A, omit paragraph (p).   |    |
| (28) In the Housing Grants, Construction and Regeneration Act 1996, in section 3(2), omit paragraph (ja).  | 10 |
| (29) In the Audit Commission Act 1998, in Schedule 2, in paragraph 1, omit paragraph (ma).   |    |
| (30) In the Local Government Act 1999, in section 1(1), omit paragraph (ga).   |    |
| (31) In the Freedom of Information Act 2000, in Schedule 1, omit paragraph 15A.  | 15 |
| (32) In the Local Government Act 2003 –<br>(a) in section 23(1), omit paragraph (ka);<br>(b) in section 33(1), omit paragraph (ja).  |    |
| (33) In the Waste and Emissions Trading Act 2003, in section 24 –<br>(a) in subsection (5), for the words before ““waste disposal authority”” substitute “In this Chapter”;<br>(b) omit subsections (6) and (7). | 20 |
| (34) In the Local Government and Public Involvement in Health Act 2007 –<br>(a) in section 104(2), omit paragraph (g);<br>(b) omit sections 209 and 211 and Schedule 13;<br>(c) in section 240(6), omit “, 207”. | 25 |
| (35) In the Local Democracy, Economic Development and Construction Act 2009 –<br>(a) in section 35(2), omit paragraph (m);<br>(b) in section 123(2), omit paragraph (f).   | 30 |

#### PART 4

#### AIR QUALITY

##### *Removal of duty to conduct further air quality assessments*

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| 7 | In the Environment Act 1995, in section 84 (duties of local authorities in relation to designated areas) –<br>(a) omit subsection (1) (duty of local authority to cause further assessment to be made in relation to air quality in designated air quality management area);<br>(b) in subsection (2), for the words from the beginning to “to” at the beginning of paragraph (b) substitute “Where an order under section 83 above comes into operation, the local authority which made the order shall”. | 35 |
|   |  | 40 |

- 8 (1) The following amendments are made in consequence of paragraph 7.
- (2) In the Environment Act 1995—
- (a) in section 86(2)(b), omit “or 84”;
  - (b) in section 91(1), in the definition of “action plan”, for “84(2)(b)” substitute “84(2)”; 5
  - (c) in Schedule 11, in paragraphs 1(1)(b) and 4(2)(b), omit “or 84”.

## PART 5

### NOISE ABATEMENT ZONES

#### *Removal of power of local authorities to designate area as noise abatement zone*

- 9 Part 3 of the Control of Pollution Act 1974 (noise) is amended in accordance with paragraphs 10 to 14. 10
- 10 Omit section 57 (local authority duty to conduct periodical inspections to decide how to exercise powers concerning noise abatement zones).
- 11 Omit sections 63 to 67 (noise abatement zones).
- 12 Omit section 69 (execution of works by local authority). 15
- 13 In section 73 (interpretation and other supplementary provisions)—
- (a) in subsection (1), omit the definitions of “noise abatement order”, “noise abatement zone”, “noise level register”, “noise reduction notice” and “person responsible”;
  - (b) in subsection (2), for “sections 62 to 67” (in both places where it occurs) substitute “section 62”. 20
- 14 Omit Schedule 1 (provisions applying to coming into operation of noise abatement orders).
- 15 (1) The following repeals are made in consequence of paragraphs 11 and 14.
- (2) In the Control of Pollution Act 1974, in section 104(1), omit the words from “(except sections” to “65(6))”. 25
  - (3) In the Local Government, Planning and Land Act 1980, in Schedule 2, omit paragraphs 14 and 18.
  - (4) In the Environmental Protection Act 1990, in Schedule 15, omit paragraph 15(4). 30

## SCHEDULE 15

Section [3542](#)

### ABOLITION OF OFFICE OF THE CHIEF EXECUTIVE OF SKILLS FUNDING

#### PART 1

##### MAIN AMENDMENTS

- 1 Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009 (the Chief Executive of Skills Funding) is amended as follows. 35

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| 2  | Omit section 81 (the Chief Executive of Skills Funding) and the italic cross-heading before it.  |    |
| 3  | Omit section 82 (apprenticeship functions) and the italic cross-heading before it.   |    |
| 4  | In section 83 (apprenticeship training for certain young persons), in each of subsections (1) to (3), for “Chief Executive” substitute “Secretary of State”.   | 5  |
| 5  | (1) Section 83A (the apprenticeship offer) is amended as follows.  |    |
|    | (2) In each of subsections (1) and (9), for “Chief Executive” substitute “Secretary of State”.   |    |
|    | (3) Omit subsection (10).  | 10 |
| 6  | In section 83B (limit on scope of the apprenticeship offer), in each of subsections (1) and (5), for “Chief Executive” substitute “Secretary of State”.  |    |
| 7  | Omit section 84 (arrangements and co-operation with local authorities).  |    |
| 8  | In section 85 (provision of apprenticeship training etc for persons within section 83 or 83A), in subsection (1), for “Chief Executive” substitute “Secretary of State”.                               | 15 |
| 9  | (1) Section 86 (education and training for persons aged 19 or over and others subject to adult detention) is amended as follows.   |    |
|    | (2) In subsection (1), for “Chief Executive” substitute “Secretary of State”.  |    |
|    | (3) Omit subsection (3).   | 20 |
|    | (4) In subsection (4) –  |    |
|    | (a) for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;   |    |
|    | (b) omit paragraph (i).  |    |
| 10 | (1) Section 87 (learning aims for persons aged 19 or over: provision of facilities) is amended as follows.   | 25 |
|    | (2) In each of subsections (1) and (3), for “Chief Executive” substitute “Secretary of State”.   |    |
|    | (3) In subsection (5) –  |    |
|    | (a) for “Chief Executive” substitute “Secretary of State”;   | 30 |
|    | (b) omit paragraph (f).  |    |
| 11 | In section 88 (learning aims for persons aged 19 or over: payment of tuition fees), in each of subsections (1), (2), (2A), (3), (4) and (6)(a), for “Chief Executive” substitute “Secretary of State”. |    |
| 12 | In section 90 (encouragement of education and training for certain persons), in subsection (1) –   | 35 |
|    | (a) for “Chief Executive” substitute “Secretary of State”;   |    |
|    | (b) for “Chief Executive’s remit” (in each place where it occurs) substitute “Secretary of State’s remit under this Part”.   |    |
| 13 | Omit sections 100 to 103 (provision of financial resources by Chief Executive and performance assessments) and the italic cross-heading before them.   | 40 |

- 14 In section 105 (promoting progression from level 2 to level 3 apprenticeships), in each of subsections (1) and (6), for “Chief Executive” substitute “Secretary of State”.
- 15 Omit section 106 (advice and assistance in relation to apprenticeships).
- 16 (1) Section 107 (provision of services) is amended as follows. 5  
(2) In each of subsections (1) and (3) for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”.  
(3) In subsection (4), omit paragraph (a).  
(4) Omit subsection (5).  
(5) In subsection (6), for “Chief Executive” substitute “Secretary of State”. 10
- 17 Omit sections 108 and 109 (advice and assistance with respect to employment and training).
- 18 Omit section 110 (research, information and advice) and the italic cross-heading before it.
- 19 Omit section 111 (power to confer supplementary functions on Chief Executive). 15
- 20 In section 115 (persons with learning difficulties), in subsection (1) –  
(a) for “Chief Executive” substitute “Secretary of State”;  
(b) for “the functions of the office” substitute “functions under this Part”.
- 21 In section 116 (persons subject to adult detention) – 20  
(a) for “Chief Executive” substitute “Secretary of State”;  
(b) for “the functions of the office” substitute “functions under this Part”.
- 22 Omit sections 117 to 120 (information, guidance and directions).
- 23 Before section 121 (in Chapter 4) insert –  
**“120A Territorial application of Part”** 25  
The functions of the Secretary of State under this Part, other than the functions conferred by section 107, are exercisable in relation to England only.”
- 24 (1) Section 121 (interpretation) is amended as follows.  
(2) In subsection (1), omit the definition of “functions of the office”. 30  
(3) In each of subsections (2) and (3), for “the Chief Executive’s remit” substitute “the Secretary of State’s remit under this Part”.
- 25 In section 122 (sharing of information for education and training purposes) –  
(a) omit subsection (3)(a), (c), (d) and (e); 35  
(b) in subsection (3)(f), for “any person within paragraphs (a) to (c)” substitute “the Secretary of State”;  
(c) omit subsection (5)(a);  
(d) omit subsection (6).

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| 26 | Omit Schedule 4 (which makes provision for the establishment etc of the office of the Chief Executive).                  |    |
| 27 | In Schedule 5 (learning aims for persons aged 19 or over) –  |    |
|    | (a) in paragraph 3(2), for “Chief Executive” (in each place where it occurs) substitute “Secretary of State”;            | 5  |
|    | (b) in paragraph 8, omit paragraph (a).  |    |
| 28 | In consequence of the amendments made by this Schedule to Part 4 –   |    |
|    | (a) for the title of the Part substitute “Apprenticeships and adult education and training: role of Secretary of State”; |    |
|    | (b) for the title of Chapter 1 substitute “Apprenticeships and adult education and training”;                            | 10 |
|    | (c) for the title of Chapter 2 substitute “Provision of services to other bodies”;                                       |    |
|    | (d) in the title of Chapter 3, omit “Chief Executive’s functions:”.  |    |

PART 2

15

CONSEQUENTIAL AMENDMENTS

*Parliamentary Commissioner Act 1967 (c.13)*

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| 29 | In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), omit the entry for the Chief Executive of Skills Funding. | 20 |
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*Education (Fees and Awards) Act 1983 (c.40)*

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| 30 | In section 1 of the Education (Fees and Awards) Act 1983 (fees at universities and other further education establishments), in subsection (3)(f), omit “or the Chief Executive of Skills Funding”. |  |
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*Further and Higher Education Act 1992 (c.13)*

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| 31 | The Further and Higher Education Act 1992 is amended as follows.   |    |
| 32 | In section 22ZA (subsequent instruments and articles: Wales) –   |    |
|    | (a) omit subsection (3);   |    |
|    | (b) omit subsection (6)(b), and the “and” before it.   |    |
| 33 | In section 27C (dissolution of further education corporations: Wales), in subsection (6)(b), for “the Chief Executive of Skills Funding” (in each place where it occurs) substitute “the Secretary of State”.  | 30 |
| 34 | In section 54 (duty to give information), in subsection (1) –  |    |
|    | (a) for “the Chief Executive of Skills Funding” substitute “the Secretary of State”;   | 35 |
|    | (b) for “as the Chief Executive” substitute “as the Secretary of State”;   |    |
|    | (c) for the words from “for the purposes of” to “or (as the case may be)” substitute “for the purposes of the exercise of any of the functions of the Secretary of State under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009 or (as the case may be) for the purposes of the exercise of any of the functions of”. | 40 |

- 35 Omit section 61A (references to appropriate bodies).
- 36 In section 82 (joint exercise of functions), in subsection (3)(a), omit “the Chief Executive of Skills Funding”.
- 37 In section 83 (efficiency studies), in the Table inserted by subsection (1B), in the first column, for “The Chief Executive of Skills Funding” substitute “The Secretary of State”. 5

*Education Act 1996 (c.56)*

- 38 The Education Act 1996 is amended as follows.
- 39 In section 13 (general responsibility for education), in subsection (2)(a), for “the Chief Executive of Skills Funding” substitute “the Secretary of State under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009”. 10
- 40 In section 15ZA (duty in respect of education and training for persons over compulsory school age: England), in subsection (5), for “the Chief Executive of Skills Funding” substitute “the Secretary of State”. 15

*Employment Act 1988 (c.19)*

- 41 In section 26 of the Employment Act 1988 (status of trainees etc), in subsection (1A), omit paragraph (b) (but not the “or” following it).

*Education Reform Act 1988 (c.40)*

- 42 In section 128 of the Education Reform Act 1988 (dissolution of higher education corporations), in subsection (1), omit paragraph (b)(ia). 20

*Value Added Tax Act 1994 (c.23)*

- 43 (1) In Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions), Group 6 is amended as follows.
- (2) In [paragraph item 5A](#), omit paragraph (b), and the “or” following it. 25
- (3) After [paragraph item 5B](#) insert –
- “5C The provision of education or vocational training and the supply, by the person providing that education or training, of any goods or services essential to that provision, to persons who are aged 19 or over, to the extent that the consideration payable is ultimately a charge to funds provided by the Secretary of State in exercise of functions under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009.” 30

(4) [In the Notes to Group 6, in Note \(5A\), for “and 5B” substitute “to 5C”.](#)

*Learning and Skills Act 2000 (c.21)*

- 44 In section 144 of the Learning and Skills Act 2000 (designated institutions: disposal of land, &c), in subsection (9) – 35
- (a) in paragraph (a), omit “for the purposes of a sixth form college”;
- (b) omit paragraph (aa).

*Education Act 2002 (c.32)*

- 45 In section 183 of the Education Act 2002 (transfer of functions relating to allowances under section 181), in subsection (1) –
- (a) omit paragraph (a);
  - (b) omit the “or” at the end of paragraph (aa). 5

*Education Act 2005 (c.18)*

- 46 The Education Act 2005 is amended as follows.
- 47 In section 92 (joint exercise of functions), in subsection (2), omit “, the Chief Executive of Skills Funding”.
- 48 In section 108 (supply of information: education maintenance allowances), in subsection (3), omit paragraph (b). 10

*Education and Inspections Act 2006 (c.40)*

- 49 The Education and Inspections Act 2006 is amended as follows.
- 50 In section 123 (education and training to which this Chapter applies), in subsection (1), in each of paragraphs (b), (c) and (g), omit “or the Chief Executive”. 15
- 51 In section 124 (inspection of education and training to which this Chapter applies), in subsection (5), omit paragraph (ba).
- 52 In section 125 (inspection of further education institutions), in subsection (5), omit paragraph (ba) (but not the “and” following it). 20
- 53 In section 126 (other inspections), in subsection (4), omit paragraph (ba).
- 54 In section 128 (area inspections), in subsection (3), omit paragraph (aa) (but not the “or” following it).
- 55 In section 129 (reports of area inspections), in subsection (2), omit paragraph (ba) (but not the “and” following it). 25
- 56 (1) Section 130 (action plans following area inspections) is amended as follows.
- (2) Omit subsection (2).
  - (3) In subsection (4) –
    - (a) omit “(2) or”;
    - (b) omit “the Chief Executive or”. 30
  - (4) In subsection (5), omit “Chief Executive or the”.
- 57 In section 159 (interpretation of Part 8), in subsection (1), omit the definition of “the Chief Executive”.

*Local Government and Public Involvement in Health Act 2007 (c.28)*

- 58 In section 104 of the Local Government and Public Involvement in Health Act 2007 (application of Chapter: partner authorities), in subsection (4), omit paragraph (f). 35

*Education and Skills Act 2008 (c.25)*

- 59 The Education and Skills Act 2008 is amended as follows.
- 60 In section 13 (notification of non-compliance with duty imposed by section 2), in subsection (5)(f), for “, the Secretary of State or the Chief Executive of Skills Funding” substitute “or the Secretary of State”. 5
- 61 In section 72 (educational institutions), in subsection (5)(f), for “the Secretary of State or the Chief Executive of Skills Funding” substitute “or the Secretary of State”.
- 62 In section 77 (supply of information by public bodies), omit subsection (2)(ba). 10
- 63 In section 132 (providers of independent education or training for 16 to 18 year olds), in subsection (2)(b)(iv), omit “or the Chief Executive of Skills Funding”.

SCHEDULE 16

Section ~~36~~43

FURTHER AND HIGHER EDUCATION: REDUCTION OF BURDENS 15

PART 1

MEASURES APPLYING TO ENGLAND AND WALES

*Control of interest rates on loans*

- 1 In the Further Education Act 1985, omit section 3 (which confers powers on the Secretary of State and the Welsh Ministers to determine the minimum rate of interest on loans made under that Act by local authorities to certain bodies providing education etc). 20

*Powers of Secretary of State in relation to local authority maintained institutions*

- 2 (1) The Education (No. 2) Act 1986 is amended as follows.
- (2) Omit section 61 (which makes provision about the minimum age for governors of higher or further education institutions maintained by local authorities and about the participation of students in proceedings of governing bodies of such institutions). 25
- (3) Omit section 62 (which confers powers on the Secretary of State and the Welsh Ministers to make provision by regulations requiring governing bodies of higher or further education institutions maintained by local authorities to make documents and information relating to the governing bodies available). 30
- 3 (1) The Education Reform Act 1988 is amended as follows.
- (2) Omit section 158 (which requires the governing bodies of institutions providing full-time education which are maintained by local authorities in the exercise of their higher or further education functions to make reports and returns etc to the Secretary of State or Welsh Ministers on request). 35



- (3) Omit section 159 (which confers powers on the Secretary of State and Welsh Ministers to make provision by regulations requiring local authorities to publish information relating to institutions providing full-time education which are maintained by the authorities in the exercise of their higher or further education functions). 5
- (4) Omit section 219 (which confers default powers etc on the Secretary of State and Welsh Ministers in relation to governing bodies of institutions maintained by local authorities and providing higher or further education).

*Transfer of property etc*

- 4 (1) The Further and Higher Education Act 1992 is amended as follows. 10
- (2) Omit sections 23 to 26 (which make provision about the transfer of property etc to further education corporations established to conduct certain other institutions in the education sector).
- (3) Omit sections 32 and 33 (which make provision about the transfer of property etc to institutions designated under section 28 of the 1992 Act). 15
- (4) Omit section 34 (which confers power on the Secretary of State and Welsh Ministers by order to provide for property of a local authority to be made available for use by institutions within the further education sector).
- (5) In consequence of sub-paragraphs (2) to (4) –
- (a) in section 19(4)(c), for “23” substitute “27”; 20
- (b) omit section 35;
- (c) omit section 36;
- (d) omit section 38;
- (e) omit section 58;
- (f) in section 84 – 25
- (i) in subsection (1)(a), omit “Part 1 of this Act or”;
- (ii) in subsection (2), omit “Part 1 of this Act or, as the case may be,”;
- (g) in section 88(1) – 30
- (i) omit “23, 25,”;
- (ii) omit “32,”;
- (h) in section 88A(1) –
- (i) omit “25,”;
- (ii) omit “32,”;
- (i) omit Schedule 5. 35

PART 2

MEASURES APPLYING TO ENGLAND ONLY

*Control of governance of designated institutions conducted by companies*

- 5 (1) Section 31 of the Further and Higher Education Act 1992 (which confers powers on the Secretary of State and the Welsh Ministers to give directions for the purpose of securing that the articles of association etc of institutions designated under section 28 of that Act and conducted by companies are 40

amended as specified in the directions) ceases to have effect in relation to England.

- (2) Accordingly, in section 31(1), after “designated institution”, insert “in Wales”.

*Conversion of sixth form college corporations into further education corporations* 5

- 6 In section 33D of the Further and Higher Education Act 1992 (conversion of sixth form college corporations into further education corporations) –
- (a) omit subsection (2)(b) (which confers power on the Secretary of State to covert a sixth form college corporation established in England into a further education corporation if satisfied that it is no longer appropriate for the body to be a sixth form college corporation), and the “or” before it; 10
  - (b) omit subsection (4) (which makes provision about consultation before the exercise of the power for that purpose).

*Powers of Secretary of State in relation to local authority maintained institutions* 15

- 7 In section 56A of the Further and Higher Education Act 1992 (intervention powers of the Secretary of State in relation to England), for subsection (1) substitute –
- “(1) This section applies if the Secretary of State is satisfied as to one or more of the matters listed in subsection (2) in the case of – 20
- (a) an institution in England within the further education sector, other than a sixth form college, or
  - (b) an institution in England which is maintained by a local authority and provides further education, other than an institution within the higher education sector, 25
- and, in either case, it is immaterial whether or not a complaint is made by any person.”

*Regulation of qualification requirements for teaching staff and principals*

- 8 (1) The following provisions of the Education Act 2002 cease to have effect in relation to England – 30
- (a) section 136(a) (which allows regulations to be made prohibiting the provision of education at a further education institution by a person who does not have a specified qualification);
  - (b) section 136(b) (which allows regulations to be made prohibiting the provision of education at a further education institution by a person unless the person is serving or has served a probationary period); 35
  - (c) section 137 (which allows regulations to be made providing that a person may serve as the principal of a further education institution only if the person has a specified qualification);
  - (d) section 138 (which makes further provision for the purposes of sections 136 and 137). 40
- (2) Accordingly, those provisions are amended as follows –
- (a) in section 136(a), after “further education institution” insert “in Wales”;

- (b) in section 136(b), after “further education institution” insert “in Wales”;
- (c) in section 137(1), after “further education institution” insert “in Wales”;
- (d) in section 138, omit subsection (2). 5

## SCHEDULE 17

Section ~~37~~<sup>44</sup>

### SCHOOLS: REDUCTION OF BURDENS

#### *Responsibility for determining behaviour policy*

- 1 (1) Section 88 of the Education and Inspections Act 2006 (responsibility of governing body for discipline) is amended as follows. 10
  - (2) Before subsection (1) insert—
 

“(A1) The governing body of a relevant school in England must ensure that the head teacher determines measures under section 89(1).”
  - (3) In subsection (1), after “relevant school” insert “in Wales”.
  - (4) In subsection (2), after “governing body” insert “of a relevant school in Wales”.
  - (5) In subsection (4)—
    - (a) omit paragraph (a), and the “and” following it;
    - (b) in paragraph (b), omit “in relation to Wales,”.
  - (6) In consequence of the amendments made to section 88, in section 89 of the 2006 Act (determination by head teacher of behaviour policy)—
    - (a) omit subsection (2);
    - (b) in subsection (3), omit “, so far as it is not determined by the governing body”.20

#### *Home-school agreements* 25

- 2 (1) Sections 110 and 111 of the School Standards and Framework Act 1998 (which require the governing bodies of certain schools to adopt home-school agreements) cease to have effect in relation to schools in England.
  - (2) Accordingly, in section 110(1)—
    - (a) in the opening words, after “of a school” insert “in Wales”;
    - (b) omit paragraph (b) and the “or” before it. 30

#### *Determining school terms*

- 3 (1) Section 32 of the Education Act 2002 (responsibility for fixing dates of terms and holidays and times of sessions), as amended by the Education (Wales) Act 2014, is amended as follows. 35
  - (2) Omit subsection (1).
  - (3) In subsection (2), for the words from “In the case of” to “governing body” substitute “The governing body of a maintained school in England”.

- (4) In subsection (3), in paragraph (a), for “a school within subsection (1)” substitute “a community, voluntary controlled or community special school in England”.

*Staffing matters*

- 4 (1) Section 35(8) of the Education Act 2002 (which requires local authorities etc to have regard to guidance in relation to certain staffing matters at community, voluntary controlled and community special schools and maintained nursery schools) ceases to have effect in relation to schools in England. 5
- (2) Accordingly, in section 35(8) – 10
- (a) after “local authority” insert “in Wales”;
  - (b) after “maintained school” insert “in Wales”;
  - (c) omit paragraph (a) and the “or” following it;
  - (d) in paragraph (b), omit “in relation to Wales”.
- 5 (1) Section 36(8) of the Education Act 2002 (which requires local authorities etc to have regard to guidance in relation to certain staffing matters at foundation, voluntary aided and foundation special schools) ceases to have effect in relation to schools in England. 15
- (2) Accordingly, in section 36(8) – 20
- (a) after “local authority” insert “in Wales”;
  - (b) after “maintained school” insert “in Wales”;
  - (c) omit paragraph (a) and the “or” following it;
  - (d) in paragraph (b), omit “in relation to Wales”.

*Publication of reports*

- 6 (1) The Education Act 2005 is amended in accordance with sub-paragraphs (2) to (4). 25
- (2) Omit the following provisions –
- (a) section 11C(4) (provision of copies of reports relating to the investigation of certain complaints about schools);
  - (b) section 14A(4) (publication, and provision of copies, of interim statements about maintained schools). 30
- (3) In section 14, for subsection (4) (publication, and provision of copies, of reports of certain general school inspections) substitute –
- “(4) The appropriate authority must take such steps as are reasonably practicable, within such period following the receipt by it of the report as may be prescribed, to secure that every registered parent of a registered pupil at the school is informed of the overall assessment contained in the report of the quality of education provided in the school.” 35
- (4) In section 49, for subsection (4) (publication, and provision of copies, of reports relating to denominational education and collective worship at certain schools) substitute – 40
- “(4) The governing body must take such steps as are reasonably practicable, within such period following the receipt by it of the

- report as may be prescribed, to secure that every registered parent of a registered pupil at the school is informed of the overall assessment contained in the report of –
- (a) the quality of the denominational education provided by the school, and 5
  - (b) the content of the school’s collective worship.”
- (5) In Schedule 4 to the School Information (England) Regulations 2008 (S.I. 2008/3093) (specified information to be provided on a school’s website), after paragraph 3 insert –
- “3A Where the school is a voluntary or foundation school which has been designated under section 69(3) of the School Standards and Framework Act 1998 as having a religious character, information as to where and by what means parents may access the most recent report about the school sent to the governing body under section 49 of the Education Act 2005.” 10  
15

## SCHEDULE 18

Section [3946](#)AMENDMENTS CONSEQUENTIAL ON SECTION [3946](#)*Licensing Act 2003 (c. 17)*

- 1 The Licensing Act 2003 is amended as follows.
- 2 In section 10 (sub-delegation of functions by licensing committee etc), omit subsection (4)(a)(xi). 20
- 3 In section 115 (period of validity of personal licence), omit subsection (2)(b) and (c).
- 4 (1) In the italic heading before section 117 (application for grant or renewal of personal licence), omit “and renewal”. 25
- (2) In the heading, omit “or renewal”.
- (3) Omit subsection (1).
- (4) In subsection (2), after “An application” insert “by an individual”.
- (5) Omit subsections (3), (4) and (6).
- 5 Omit section 119 (licence continued pending renewal). 30
- 6 Omit section 121 (determination of application for renewal).
- 7 (1) Section 122 (notification of determinations) is amended as follows.
- (2) In subsection (3), in the definition of “application” omit “or renewal”.
- (3) In the definition of “objection notice” in that subsection, omit “or 121, as the case may be”. 35
- 8 In section 123 (duty to notify licensing authority of convictions during application period), omit “or renewal” in subsections (1) and (4)(a).

9	(1) Section 124 (convictions coming to light after grant or renewal) is amended as follows.	
	(2) In the heading omit “or renewal”.	
	(3) In subsection (1), omit “or renewed”.	
	(4) In subsection (7), omit “or renewal” (in each place where it occurs).	5
10	In section 128 (duty to notify court of personal licence), omit subsection (5)(a) and (c).	
11	In section 134 (licensing authority’s duty to update licence document), in subsection (1)(a), omit “121 or”.	
12	In section 158 (false statements made for the purpose of the Licensing Act), in subsection (1)(d), omit “or renewal”.	10
13	In Schedule 3 (matters to be entered in licensing register), in paragraph (w), omit “or renewal”.	
14	(1) In Schedule 5 (appeals), paragraph 17 is amended as follows.	
	(2) In sub-paragraph (1), omit paragraph (b) and the “ , or” at the end of paragraph (a).	15
	(3) Omit sub-paragraph (3).	
	(4) In sub-paragraph (5), omit “or renewal”.	
	(5) Omit sub-paragraphs (9) to (11).	
	<i>Police Reform and Social Responsibility Act 2011 (c. 13)</i>	20
15	In section 111 of the Police Reform and Social Responsibility Act 2011 (which makes an amendment to section 121 of the Licensing Act 2003, repealed by paragraph 6 above), omit subsection (4).	

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**SCHEDULE 19**

**SCHEDULE 20** Section 5766

REMOVAL OF CONSULTATION REQUIREMENTS

25

PART 1

MEASURES AFFECTING ENGLAND ONLY

*National Parks and Access to the Countryside Act 1949: making of byelaws*

1	In section 91 of the National Parks and Access to the Countryside Act 1949 (default powers of Secretary of State as to certain byelaws), in the proviso to subsection (1) (beginning with the words “Provided that”) –	30
	(a) after “natural beauty” insert “in Wales”;	
	(b) omit “Natural England (as regards land or waterways in England) or”;	
	(c) omit “(as regards land or waterways in Wales)”.	35

*Pests Act 1954: designation of rabbit clearance areas*

- 2 In section 1 of the Pests Act 1954 (designation of rabbit clearance areas), after subsection (11) insert –
- “(11A) The requirement in subsection (11)(a) does not apply to an order which applies only in relation to England.” 5

*Agriculture and Horticulture Act 1964: grading etc of horticultural produce*

- 3 In section 23 of the Agriculture and Horticulture Act 1964 (regulations and orders under Part 3 of that Act), after subsection (1) insert –
- “(1A) Subsection (1) does not apply to regulations which apply, or to an order which applies, only in relation to England.” 10

*Control of Pollution Act 1974: reduction of noise from plant or machinery*

- 4 In section 68 of the Control of Pollution Act 1974 (regulations for reducing noise from plant or machinery), after subsection (2) insert –
- “(2A) Subsection (2) does not apply to regulations which apply only in relation to England.” 15

*Agriculture (Miscellaneous Provisions) Act 1976: metrication of measurements*

- 5 In section 7 of the Agriculture (Miscellaneous Provisions) Act 1976 (metrication of measurements), after subsection (4) insert –
- “(4A) Subsection (4) does not apply to regulations which make amendments that apply only in relation to England.” 20

*Forestry Act 1979: metrication of measurements*

- 6 In section 2 of the Forestry Act 1979 (metrication of measurements), in subsection (4), for the words from “Before” to “the appropriate authority” substitute “Before any such regulations are made by the Welsh Ministers, they”. 25

*Derelict Land Act 1982: grants for reclaiming or improving derelict land etc*

- 7 (1) In section 1 of the Derelict Land Act 1982 (powers of Secretary of State to make grants for reclaiming or improving derelict land etc), omit subsection (6A).
- (2) In consequence of sub-paragraph (1), in the Natural Environment and Rural Communities Act 2006, in Schedule 11, omit paragraph 99. 30

*Horticultural Produce Act 1986: movement of horticultural produce*

- 8 In section 3 of the Horticultural Produce Act 1986 (orders to amend that Act in connection with the movement of horticultural produce), after subsection (2) insert –
- “(2A) Subsection (2) does not apply to an order which makes amendments that apply only in relation to England.” 35

*Housing Act 1988: designation of Housing Action Trust Areas*

- 9 In section 61 of the Housing Act 1988 (consultation and publicity prior to the designation of a housing action trust area), in subsection (1) (which requires consultation with every local housing authority any part of whose district is to be included in the proposed designated area), after “designation order” insert “in relation to Wales”. 5

*Land Drainage Act 1991: codes of practice*

- 10 In section 61E of the Land Drainage Act 1991, after subsection (4) insert –  
“(5) Subsection (4) does not apply to an order which applies only in relation to England.” 10

*Environment Act 1995: National Park grant*

- 11 (1) In section 72 of the Environment Act 1995 (National Park grant), in subsection (2) –  
(a) after “National Park authority” insert “in Wales”;  
(b) omit the words from “, according to whether” to “Natural England or”. 15
- (2) In consequence of sub-paragraph (1), in the Natural Environment and Rural Communities Act 2006, in Schedule 11, omit paragraph 144.

*Environment Act 1995: hedgerows*

- 12 In section 97 of the Environment Act 1995 (hedgerows), after subsection (6) insert –  
“(6A) Subsection (6)(d) does not apply to regulations which apply only in relation to England.” 20

*Environment Act 1995: environmental subordinate legislation*

- 13 Omit section 99 of the Environment Act 1995 (consultation before making or modifying certain subordinate legislation for England). 25

*Local Government Act 1999: keeping of accounts by best value authorities*

- 14 (1) In section 23 of the Local Government Act 1999 (regulations about the keeping of accounts by best value authorities), omit subsection (4).  
(2) In consequence of sub-paragraph (1), in the Public Audit (Wales) Act 2004, in Schedule 1, omit paragraph 14. 30

*Countryside and Rights of Way Act 2000: grants to conservation boards*

- 15 (1) In section 91 of the Countryside and Rights of Way Act 2000 (grants to conservation boards), omit subsection (2).  
(2) In consequence of sub-paragraph (1), in the Natural Environment and Rural Communities Act 2006, in Schedule 11, omit paragraph 164(e). 35



*Fire and Rescue Services Act 2004: schemes for combining fire and rescue authorities*

- 16 (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) In section 2 (power to create combined fire and rescue authorities), after subsection (6) insert—
- “(6A) The duty to consult under subsection (6) does not apply if— 5
- (a) the scheme constituted a fire and rescue authority for an area in England, and
- (b) the variation or revocation has been proposed by the fire and rescue authority.”
- (3) In section 4 (which makes provision for the continuation, variation and revocation of schemes for combining fire authorities under the Fire Services Act 1947), after subsection (5) insert— 10
- “(5A) The duty to consult under subsection (5) does not apply if—
- (a) the scheme constituted a fire and rescue authority for an area in England, and 15
- (b) the variation or revocation has been proposed by the fire and rescue authority.”

PART 2

MEASURES AFFECTING ENGLAND AND WALES

*Water Industry Act 1991: provision of sewers* 20

- 17 In section 101A of the Water Industry Act 1991 (further duty of sewerage undertaker to provide sewers), in subsection (5), omit the words from the beginning to “and” in the closing words.

*Local Government Act 2003: commencement of BID arrangements following appeal*

- 18 In section 53 of the Local Government Act 2003 (commencement of BID arrangements), omit subsection (7). 25

~~SCHEDULE 21~~

SCHEDULE 22 Section ~~60~~69

LEGISLATION NO LONGER OF PRACTICAL USE

PART 1

COMPANIES

30

*Companies Act 2006 (c. 46)*

- 1 Omit section 1175 of, and Schedule 9 to, the Companies Act 2006 (which make amendments of Part 7 of the Companies Act 1985 and Part 8 of the Companies (Northern Ireland) Order 1986).

PART 2

INDUSTRY

*Newspaper Libel and Registration Act 1881 (c. 60)*

- 2 In the Newspaper Libel and Registration Act 1881, omit sections 7 to 18 and Schedules A and B (provisions relating to a register of proprietors of newspapers other than newspapers belonging to companies formed and registered under the Companies Act 2006 or incorporated in another EEA state). 5
- 3 In consequence of paragraph 2, in section 1 of the Newspaper Libel and Registration Act 1881, omit the definitions of “registrar”, “occupation” and “place of residence”. 10

*Industry Act 1972 (c. 63)*

- 4 In the Industry Act 1972, in Schedule 3 (shipbuilding: transitional provisions), omit paragraph 1(b)(ii) (saving provision for the Shipbuilding Industry Board (Dissolution Provisions) Order 1971 (S.I. 1971/1939)). 15

*Aircraft and Shipbuilding Industries Act 1977 (c. 3)*

- 5 The Aircraft and Shipbuilding Industries Act 1977 is repealed.
- 6 (1) The following amendments are made in consequence of paragraph 5.  
(2) In the Civil Aviation Act 1982, in Schedule 15, omit paragraph 18.  
(3) In the Companies Act 1989, in Schedule 18, omit paragraph 16. 20

*British Steel Act 1988 (c. 35)*

- 7 The British Steel Act 1988 is amended in accordance with paragraphs 8 and 9.
- 8 (1) Omit section 6 (target investment limit for Government shareholding in successor company to British Steel Corporation). 25  
(2) In consequence of sub-paragraph (1) –  
(a) in section 4(1), omit “Subject to section 6(5),”;  
(b) in section 13(2), omit “6 or”.
- 9 In Schedule 3 (transitional provisions and savings), omit paragraph 10 (saving provision for regulations made under section 24 of the Iron and Steel Act 1953 (compensation to officers and servants) or having effect as if made under paragraph 2 of Schedule 4 to the Iron and Steel Act 1975 (compensation to employees)). 30

*European Communities (Definition of Treaties) (International Railway Tariffs Agreements) Order 1980 (S.I. 1980/1094)*

- 10 The European Communities (Definition of Treaties) (International Railway Tariffs Agreements) Order 1980 is revoked. 35

## PART 3

## ENERGY

Atomic Energy Act 1946 (c. 80)

- 11 Omit sections 6 and 7 of, and Schedule 1 to, the Atomic Energy Act 1946 (which confer powers to do work for the purpose of discovering certain minerals and to compulsorily acquire rights to work such minerals). 5
- 12 (1) The following amendments are made in consequence of paragraph 11.
- (2) In the 1946 Act—
- (a) in section 15(1), omit the words “, except an order made under section seven thereof or an order varying or revoking such an order.”; 10
- (b) in section 16, omit the words from “Provided that” to the end of the section;
- (c) in section 19, omit paragraphs (c) and (d);
- (d) in section 20(1), omit the words “, except sections six and seven thereof.”. 15
- (3) In the Atomic Energy Authority Act 1954, in Schedule 3, omit—
- (a) the paragraph beginning “In subsection (1) of section seven”;
- (b) the paragraph beginning “At the end of section sixteen”;
- (c) the paragraph beginning “In paragraph (c) of section nineteen”. 20

Energy Act 1976 (c. 76)

- 13 Omit section 9 of the Energy Act 1976 (which requires the consent of the Secretary of State for offshore natural gas to be subjected in Great Britain to certain processes of liquefaction which result in the production of liquid methane or ethane). 25
- 14 In consequence of paragraph ~~11~~13—
- (a) in the Oil and Gas (Enterprise) Act 1982, in Schedule 3, omit paragraph 37;
- (b) in the Gas Act 1995, in Schedule 4, omit paragraph 11(1);
- (c) in the Petroleum Act 1998, in Schedule 4, omit paragraph 12. 30

Nuclear Industry (Finance) Act 1977 (c. 7)

- 15 Omit section 3 of the Nuclear Industry (Finance) Act 1977 (which provides for expenditure which the Secretary of State may incur with a view to, or in connection with, the acquisition of shares etc in the National Nuclear Corporation Limited to be paid out of money provided by Parliament). 35

Sustainable Energy Act 2003 (c. 30)

- 16 Omit section 7 of the Sustainable Energy Act 2003 (which required the Gas and Electricity Markets Authority to pay into the Consolidated Fund amounts of up to £60 million, on the Secretary of State’s direction, for the Secretary of State then to spend on promoting the use of energy from renewable sources). 40

*Electricity and Gas (Energy Efficiency Obligations) Orders*

- 17 The following Orders (which impose energy efficiency obligations on certain gas and electricity suppliers for periods which have now expired) are revoked –
- (a) the Electricity and Gas (Energy Efficiency Obligations) Order 2001 (S.I. 2001/4011); 5
  - (b) the Electricity and Gas (Energy Efficiency Obligations) Order 2004 (S.I. 2004/3392).
- 18 In consequence of paragraph [1417](#), the Electricity and Gas (Energy Efficiency Obligations) (Amendment) Order 2003 (S.I. 2003/1180) is revoked. 10

PART 4

TRANSPORT

*Road Traffic Act 1988 (c. 52)*

- 19 (1) Omit section 64A of the Road Traffic Act 1988 (which makes it an offence to use certain unregistered vehicles on a road without an EC certificate of conformity). 15
- (2) In consequence of sub-paragraph (1) –
- (a) in section 183(2) of the Road Traffic Act 1988 (which makes provision about the application of certain provisions of that Act to vehicles in the public service of the Crown), for “sections 64A, 65 and 65A” substitute “sections 65 and 65A”; 20
  - (b) in Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), omit the entry relating to section 64A of the Road Traffic Act 1988.

PART 5

25

ENVIRONMENT

*Farm and Garden Chemicals Act 1967 (c. 50)*

- 20 The Farm and Garden Chemicals Act 1967 is repealed.
- 21 (1) The following amendments are made in consequence of paragraph [1720](#).
- (2) In the Food Safety Act 1990, in Schedule 3, omit paragraph 5. 30
  - (3) In the Regulatory Enforcement and Sanctions Act 2008, in Schedule 3, omit the entry for the Farm and Garden Chemicals Act 1967.

*Statutory Water Companies Act 1991 (c. 58)*

- 22 The Statutory Water Companies Act 1991 is repealed.
- 23 (1) The following amendments are made in consequence of paragraph [1922](#). 35
- (2) In the Water Act 1983 –
    - (a) omit section 3(5)(b);

(b)	in section 10, omit the definition of “statutory water company” (but not the “and” following it).	
(3)	In the Water Act 1989, in section 174(8), omit “the Statutory Water Companies Act 1991,”.	
(4)	In the Water Industry Act 1991 –	5
(a)	in section 5(5), omit “the Statutory Water Companies Act 1991,”;	
(b)	in section 6(5) –	
(i)	after “water undertaker” insert “or a sewerage undertaker”;	
(ii)	omit the words from “or a statutory water company” to the end of the subsection;	10
(c)	in section 202(6), omit “the Statutory Water Companies Act 1991,”;	
(d)	in section 206(10), omit “the Statutory Water Companies Act 1991,”;	
(e)	in Schedule 3 –	
(i)	omit paragraph 1(b) and the “and” before it;	
(ii)	omit paragraph 2(b) (but not the “and” following it);	15
(iii)	omit paragraph 5(3);	
(iv)	in paragraph 7(4), omit paragraph (a) and the “and” following it;	
(v)	in paragraph 7(4)(b), omit “in any other case,”;	
(vi)	in paragraph 8, omit paragraph (a) and the “and” following it;	20
(vii)	in paragraph 8(b), omit “in any other case,”;	
(viii)	in paragraph 9, in the substituted subsection (1)(c) of section 23 of the 1986 Act, omit the words from the beginning of the paragraph to “that is not a limited company,”;	25
(ix)	in paragraph 9, in the substituted subsection (2) of section 23 of the 1986 Act, omit the words from “, except where the company” to “is not a limited company,”;	
(f)	in Schedule 13, in paragraph 4, omit the words from “(including,” to the end of the paragraph.	30
(5)	In the Water Resources Act 1991, in section 204(7), omit “the Statutory Water Companies Act 1991,”.	
(6)	In the Enterprise Act 2002, in Schedule 15, omit the entry for the Statutory Water Companies Act 1991.	
(7)	In the Companies Act 2006, in section 994(3), omit paragraph (b) and the “or” before it.	35
<i>Sea Fish (Conservation) Act 1992 (c. 60)</i>		
24	Omit section 10 of the Sea Fish (Conservation) Act 1992 (which requires a report on the operation of the Act to be laid before Parliament within the period of 6 months beginning with 1 January 1997).	40

PART 6

ANIMALS AND FOOD

*Agricultural Produce (Grading and Marking) Acts 1928 and 1931*

- 25 The Agricultural Produce (Grading and Marking) Act 1928 and the Agricultural Produce (Grading and Marking) Amendment Act 1931 are repealed. 5
- 26 (1) The following amendments are made in consequence of paragraph [2225](#).  
(2) In the Agriculture (Miscellaneous Provisions) Act 1963, omit section 23.  
(3) In the Agriculture and Horticulture Act 1964, omit section 22(1).  
(4) In the Criminal Justice Act 1967, in Part 1 of Schedule 3, omit the entries for the Agricultural Produce (Grading and Marking) Act 1928 and the Agricultural Produce (Grading and Marking) Amendment Act 1931. 10  
(5) In the Trade Descriptions Act 1968 –  
(a) omit section 2(4)(b);  
(b) in Schedule 1, omit paragraph 3. 15  
(6) In the Local Government etc. (Scotland) Act 1994, in Schedule 13, omit paragraph 14.  
(7) In the Regulatory Enforcement and Sanctions Act 2008, in Schedule 3, omit the entry for the Agricultural Produce (Grading and Marking) Act 1928.

[Breeding of Dogs Act 1973 \(c. 60\)](#) 20

- [27](#) [In section 1 of the Breeding of Dogs Act 1973 \(licensing of breeding establishments for dogs\), omit subsection \(4\)\(i\) \(requirement for local authority, in determining whether to grant a licence, to have regard to the need for securing the keeping of accurate records\).](#)
- [28](#) (1) [The following amendments are made in consequence of paragraph 27.](#) 25  
(2) [In section 1 of the Breeding of Dogs Act 1973 –](#)  
(a) [at the end of subsection \(4\)\(g\), insert “and”;](#)  
(b) [omit the “and” following subsection \(4\)\(h\);](#)  
(c) [in the closing words of subsection \(4\), for “paragraphs \(a\) to \(i\)” substitute “paragraphs \(a\) to \(h\)”;](#) 30  
(d) [omit subsection \(4A\).](#)  
(3) [In the Breeding and Sale of Dogs \(Welfare\) Act 1999, omit section 2\(3\).](#)

*Animal Health Act 1981 (c. 22)*

- 29 Part 2A of the Animal Health Act 1981 (provision about transmissible spongiform encephalopathies in sheep) is repealed. 35
- 30 In consequence of paragraph [2429](#), omit section 6 of, and the Schedule to, the Animal Health Act 2002.

*Milk (Cessation of Production) Act 1985 (c. 4)*

31 The Milk (Cessation of Production) Act 1985 is repealed.

*Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)*

32 (1) Section 8 of the Breeding and Sale of Dogs (Welfare) Act 1999 (sale of dogs) is amended as follows. 5

(2) Omit subsection (1)(e) (offence for keeper of a licensed breeding establishment to sell to the keeper of a licensed pet shop or a licensed Scottish rearing establishment a dog which, when delivered, is not wearing a collar with an identifying tag or badge).

(3) Omit subsection (3) (offence for keeper of a licensed pet shop to sell a dog which, when delivered to him, was wearing a collar with an identifying tag or badge but is not wearing such a collar when delivered to the purchaser). 10

(4) In consequence of sub-paragraph (2)–

(a) in subsection (1), at the end of paragraph (c), insert “or”;

(b) in that subsection, omit the “or” following paragraph (d). 15

*Coal and Other Mines (Horses) Order (S.I. 1956/1777)*

33 The Coal and Other Mines (Horses) Order 1956 is revoked.

## PART 7

## EDUCATION

*Greenwich Hospital School (Regulations) (Amendment) Order 1948 (S.I.1948/2792)* 20

34 The Greenwich Hospital School (Regulations) (Amendment) Order 1948 is revoked.

## PART 8

## CRIMINAL LAW

*Town Police Clauses Act 1847 (10 &11 Vict. (c. 89))* 25

35 In section 28 of the Town Police Clauses Act 1847 (which creates a number of offences) omit the paragraphs beginning–

(a) “Every person who exposes for show, hire or sale”;

(b) “Every person who slaughters or dresses any cattle”;

(c) “Every person having the care of any waggon, cart or carriage”;

(d) “Every person who causes any public carriage, sledge, truck, or barrow”;

(e) “Every person who causes any tree or timber or iron beam”;

(f) “Every person who leads or rides any horse or other animal”;

(g) “Every person who places or leaves any furniture”;

(h) “Every person who places, hangs up, or otherwise exposes to sale”;

(i) “Every person who rolls or carries any cask”;

(j) “Every person who places any line, cord or pole”;

35

- (k) “Every person who publicly offers for sale or distribution,”;
- (l) “Every person who wilfully and wantonly disturbs any inhabitant”;
- (m) “Every person who flies any kite,”;
- (n) “Every person who cleanses, hoops, fires, washes, or scalds”;
- (o) “Every person who throws or lays down any stones”;
- (p) “Every person who beats or shakes any carpet”;
- (q) “Every person who fixes or places any flower-pot or box”;
- (r) “Every person who throws from the roof”;
- (s) “Every occupier of any house or other building”;
- (t) “Every person who leaves open any vault or cellar”;
- (u) “Every person who throws or lays any dirt, litter, or ashes”;
- (v) “Every person who keeps any pigstye”.



# Deregulation Bill

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## B I L L

[\[AS AMENDED IN PUBLIC BILL COMMITTEE\]](#)

To make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes.

*Presented by Oliver Letwin,  
supported by  
The Prime Minister, the Deputy Prime Minister,  
Secretary Chris Grayling, Secretary Michael  
Gove, Secretary Eric Pickles, Secretary Owen  
Paterson, Secretary Edward Davey, Secretary  
Patrick McLoughlin, Secretary Maria Miller, Mr  
Kenneth Clarke, Michael Fallon*

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*Ordered, by The House of Commons,  
to be Printed, ~~23rd January~~ [25 March](#)  
2014.*

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