



Deregulation Act 2015

2015 CHAPTER 20

Other measures to reduce burdens on public authorities

90 Poisons and explosives precursors

Schedule 21 introduces a common system for regulating the possession etc of non-medicinal poisons and explosives precursors.

91 London street trading appeals: removal of role of Secretary of State in appeals

- (1) The London Local Authorities Act 1990 is amended in accordance with subsections (2) and (3).
- (2) After section 30 insert—

“30A Other Part III appeals

- (1) Any person aggrieved—
 - (a) by a resolution rescinding or varying a designating resolution;
 - (b) by a resolution under subsection (1)(b) of section 24 (Designation of licence streets) of this Act;
 - (c) by a standard condition prescribed by regulations under subsection (3) of section 27 (Conditions of street trading licences) of this Act; or
 - (d) by the amount of a fee or charge under section 32 (Fees and charges) of this Act;

may appeal to a magistrates’ court acting for the area of the borough council which passed the resolution, prescribed the condition or determined the amount of the fee or charge (as the case may be).

- (2) An appeal under subsection (1) may be brought—
 - (a) in the case of an appeal under paragraph (a) or (b) of that subsection, at any time before the expiration of the period of three months beginning with the date on which notice of the passing of the resolution is

- published for the second time in accordance with subsection (10) of section 24 (Designation of licence streets) of this Act;
- (b) in the case of an appeal under paragraph (c) of that subsection, at any time before the expiration of the period of three months beginning with the date upon which the licence holders or a body or bodies representative of them were notified of the making of the regulations;
- (c) in the case of an appeal under paragraph (d) of that subsection—
- (i) if it relates to the amount of a fee payable under subsection (1) of section 32 (Fees and charges) of this Act, at any time before the expiration of the period of three months beginning with the date on which the fee payable is notified to the licence holders or a body or bodies representative of them;
 - (ii) if it relates to the amount of a charge under subsection (2) of section 32 (Fees and charges) of this Act, at any time before the expiration of the period of three months beginning with the date on which notice of the determination of the charge has been given to the licence holders or a body or bodies representative of them.
- (3) A person desiring to appeal under subsection (1) shall give written notice to the magistrates' court and to the borough council specifying the matter about which the person is aggrieved and the grounds upon which the appeal is made.
- (4) On an appeal to a magistrates' court under this section, the court may make such order as it thinks fit.”
- (3) In section 30—
- (a) omit subsections (11) and (12);
 - (b) in the sidenote, after “Part III appeals” insert “: refusal to grant a licence etc.”.
- (4) Section 19 of the City of Westminster Act 1999 is amended as follows.
- (5) In subsection (1), for the words from “the Secretary of State” to the end of the subsection substitute “a magistrates' court acting for the area of the council”.
- (6) After subsection (2) insert—
- “(3) A person desiring to appeal under subsection (1) shall give written notice to the magistrates' court and to the council specifying the matter about which the person is aggrieved and the grounds upon which the appeal is made.
 - (4) On an appeal to a magistrates' court under this section, the court may make such order as it thinks fit.”
- (7) For the sidenote substitute “Appeals to a magistrates' court”.

92 **Gangmasters (Licensing) Act 2004: enforcement**

In section 15 of the Gangmasters (Licensing) Act 2004 (enforcement and compliance officers), after subsection (6) insert—

- “(7) This section does not prevent the Secretary of State from making arrangements for ensuring that functions relating to the institution or conduct of proceedings in England and Wales for an offence under this Act are carried out by the Director of Public Prosecutions and, accordingly, the terms of appointments

under subsection (1), or arrangements under subsection (2), may include provision, or be modified so as to include provision, for enforcement officers not to carry out such functions at any time when they are being carried out by the Director.”

93 Reduction in regulation of providers of social work services

- (1) In the Care Standards Act 2000, omit section 4(10) (which provides for the Act to apply to a provider of social work services as it applies to an agency to which that Act applies).
- (2) In consequence of subsection (1)—
 - (a) in that Act, omit—
 - (i) section 5(1A)(f), and the “and” before it;
 - (ii) section 30A(6)(f);
 - (iii) section 121(4A);
 - (b) in the Children and Young Persons Act 2008, omit section 4.

94 Electoral Commission: changes to facilitate efficient administration

- (1) Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (the Electoral Commission) is amended as follows.
- (2) Paragraph 15 (five-year plan) is amended as set out in subsections (3) and (4).
- (3) In sub-paragraph (1), after “paragraph 14” insert “in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election,”.
- (4) After that sub-paragraph insert—

“(1A) The Speaker’s Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submit such an estimate as is mentioned in paragraph 14 in respect of a financial year other than one mentioned in that sub-paragraph.”
- (5) In paragraph 16 (annual examination of Commission by Comptroller and Auditor General), in sub-paragraph (1)—
 - (a) after “paragraphs 14 and 15” insert “in respect of any year when both an estimate under paragraph 14 and a five-year plan under paragraph 15 are submitted to them,”;
 - (b) for “in each year” substitute “before the Committee consider the estimate and plan”.
- (6) In the cross-heading preceding paragraph 16, for “Annual examination” substitute “Examination”.

95 LGBC for England: changes to facilitate efficient administration

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

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

96 NHS foundation trusts and NHS trusts: acquisitions and dissolutions etc

- (1) The National Health Service Act 2006 is amended as follows.
- (2) In section 56A (acquisitions), after subsection (4) insert—
 - “(4A) Where the regulator proposes to grant the application, it may by order make provision for the transfer of employees of B to A on the grant of the application.”
- (3) After section 56A insert—

“56AA Acquisitions under section 56A: supplementary

- (1) On the grant of an application under section 56A—
 - (a) any order made by the regulator under section 56A(4A) takes effect,
 - (b) the property and liabilities of the acquired NHS foundation trust or NHS trust are transferred to the acquiring NHS foundation trust (other than rights and liabilities which may be dealt with by order under section 56A(4A)),
 - (c) the acquired NHS foundation trust or NHS trust is dissolved, and
 - (d) where the acquired trust is an NHS trust, the NHS trust order establishing it is revoked.
- (2) So far as may be necessary for the purposes of subsection (1)(b)—
 - (a) anything done before the grant of the application by or in relation to the acquired trust is to be treated (on and after the grant) as having been done by or in relation to the acquiring trust;
 - (b) any reference in a document to the acquired trust is to be read as a reference to the acquiring trust.
- (3) Anything (including legal proceedings) that, immediately before the grant of the application, is in the process of being done by or in relation to the acquired trust may continue to be done afterwards by or in relation to the acquiring trust.
- (4) In subsection (1)—
 - (a) “liabilities” includes criminal liabilities;
 - (b) “property” includes trust property.”
- (4) In section 57 (sections 56 to 56B: supplementary), after subsection (3) insert—

“(3A) The order may include provision for the transfer of employees of the trust or trusts dissolved by the order.”
- (5) In section 64 (orders and regulations under this Chapter)—
 - (a) in subsection (4), before paragraph (c) insert—

“(ba) section 56A(4A),”;
 - (b) in subsection (4A), after “section” insert “56A(4A),”.
- (6) In section 65LA (trusts to be dissolved), in subsection (3)(b), for the words following “trust” to the end substitute “—
 - (i) to an NHS body;
 - (ii) to the Secretary of State;
 - (iii) between more than one NHS body or between one or more NHS bodies and the Secretary of State.”
- (7) In that section, in subsection (5), for “to an NHS foundation trust” substitute “to an NHS body”.
- (8) In paragraph 31 of Schedule 4 (NHS trusts established under section 25), as it has effect until its repeal by section 179(2) of the Health and Social Care Act 2012, at the beginning insert “Subject to section 56AA,”.

97 Access to registers kept by Gas and Electricity Markets Authority

- (1) Section 36 of the Gas Act 1986 (keeping of register under Part 1 of that Act: gas supply) is amended in accordance with subsections (2) to (4).
- (2) In subsection (1) (duty on Authority to maintain register), omit “at such premises and”.
- (3) For subsection (4) substitute—

“(4) The contents of the register must be shown on the Authority’s website.”
- (4) In consequence of the amendment made by subsection (3) of this section, in subsection (5), for “so made” substitute “made by the Secretary of State”.
- (5) Section 49 of the Electricity Act 1989 (keeping of register under Part 1 of that Act: electricity supply) is amended in accordance with subsections (6) to (8).
- (6) In subsection (1) (duty on Authority to maintain register), omit “at such premises and”.
- (7) For subsection (5) substitute—

“(5) The contents of the register must be shown on the Authority’s website.”
- (8) In consequence of the amendment made by subsection (7) of this section, in subsection (6), for “so made” substitute “made by the Secretary of State”.

98 Information contained in entries of births and deaths

- (1) The Births and Deaths Registration Act 1953 is amended as follows.
- (2) After section 34 (entry in register as evidence of birth or death) insert—

“34A Searches and records of information: additional provision

- (1) The Minister may make regulations for the purpose of enabling the Registrar General—
 - (a) to carry out, on request, a search to find out whether the Registrar General’s certified copies contain a particular entry;
 - (b) to provide, on request, a record of information contained in an entry in the Registrar General’s certified copies, otherwise than in the form of a certified copy.
- (2) The regulations may authorise or require the Registrar General to charge a fee of an amount specified in the regulations for carrying out a search or providing a record.
- (3) The regulations may make provision—
 - (a) as to how a request for a search or a record may be made;
 - (b) as to the forms in which a record may be provided.
- (4) The provision that may be made in the regulations includes provision for a record to be provided in a form that does not include all of the information contained in an entry.
- (5) This section does not affect the entitlement under this Act of any person to a certified copy of an entry in the Registrar General’s certified copies.

- (6) In this section, “the Registrar General’s certified copies” means the certified copies of entries in registers sent to the Registrar General under this Act or under any enactment repealed by this Act and kept in the General Register Office.
- (7) Section 30(4) applies for the purposes of this section as it applies for the purposes of section 30.”
- (3) In section 39 (regulations), in paragraph (a), for “and 10C” substitute “, 10C and 34A”.
- (4) In section 39A (regulations made by the Minister: further provisions), in subsection (5), for “and 10C” substitute “, 10C and 34A”.

99 Information contained in entries of marriages and civil partnerships

- (1) After section 65 of the Marriage Act 1949 (searches of indexes kept by Registrar General) insert—

“65A Searches and records of information: additional provision

- (1) The Secretary of State may make regulations for the purpose of enabling the Registrar General—
 - (a) to carry out, on request, a search to find out whether the Registrar General’s certified copies contain a particular entry;
 - (b) to provide, on request, a record of information contained in an entry in the Registrar General’s certified copies, otherwise than in the form of a certified copy.
- (2) The regulations may authorise or require the Registrar General to charge a fee of an amount specified in the regulations for carrying out a search or providing a record.
- (3) The regulations may make provision—
 - (a) as to how a request for a search or a record may be made;
 - (b) as to the forms in which a record may be provided.
- (4) The provision that may be made in the regulations includes provision for a record to be provided in a form that does not include all of the information contained in an entry.
- (5) Before making regulations under this section, the Secretary of State must consult the Registrar General.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section does not affect the entitlement of any person to a certified copy of an entry in the Registrar General’s certified copies.
- (9) In this section, “the Registrar General’s certified copies” means the certified copies of entries in marriage register books sent to the Registrar General under this Part of this Act and kept in the General Register Office.”

- (2) In section 36 of the Civil Partnership Act 2004 (regulations and orders), in subsection (2), after paragraph (f) insert—
- “(g) for the carrying out by the Registrar General, on request, of searches of entries in the register and the provision, on request, of information contained in the entries (otherwise than in the form of certified copies).”
- (3) In section 9 of the Marriage (Same Sex Couples) Act 2013 (conversion of civil partnership into marriage), in subsection (5), after paragraph (b) insert—
- “(ba) the carrying out, on request, of searches of any information recorded and the provision, on request, of records of any information recorded (otherwise than in the form of certified copies).”

100 Repeal of duty to prepare sustainable community strategy

- (1) In the Local Government Act 2000, omit section 4 (which requires local authorities in England to prepare sustainable community strategies).
- (2) In consequence of subsection (1), omit the following provisions—
- (a) in that Act of 2000, section 4A;
 - (b) in the Planning and Compulsory Purchase Act 2004, section 19(2)(f) and (g) and (7);
 - (c) in the Sustainable Communities Act 2007, section 7;
 - (d) in the Local Government and Public Involvement in Health Act 2007, sections 78, 106(2)(c)(i), 111(4)(c)(i) and 114;
 - (e) in the Housing and Regeneration Act 2008, section 126;
 - (f) in the Child Poverty Act 2010, section 24;
 - (g) in the Equality Act 2010, section 1(4) and (5);
 - (h) in the Local Government (Wales) Measure 2009, in Schedule 2, paragraph 3.

101 Repeal of duties relating to local area agreements

- (1) In Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007—
- (a) omit sections 105 to 113 (which impose duties on local authorities in England to make local area agreements specifying local improvement targets if so directed by the Secretary of State);
 - (b) in section 117—
 - (i) omit the definitions of “designated target”, “local area agreement”, “local improvement target” and “revision proposal”;
 - (ii) in the definition of “responsible local authority” omit the words from “and “the responsible local authority”, in relation to a local area agreement” to the end of the definition;
 - (c) omit section 118(1) and (2) (which make transitional provision in relation to local area agreements).
- (2) In consequence of subsection (1), in the heading of the Chapter, omit “Local Area Agreements and”.

102 Repeal of provisions relating to multi-area agreements

- (1) Omit Part 7 of the Local Democracy, Economic Development and Construction Act 2009 (which makes provision for the approval by the Secretary of State of multi-area agreements prepared by local authorities in England and for the effect of such approval etc).
- (2) In consequence of subsection (1)—
 - (a) in the Police Reform and Social Responsibility Act 2011, in Schedule 16, omit paragraph 377;
 - (b) in the Education Act 2011, in Schedule 16, omit paragraph 45;
 - (c) in the Health and Social Care Act 2012, in Schedule 5, omit paragraph 172.

103 Repeal of duties relating to consultation or involvement

- (1) In the Local Government Act 1999, omit section 3A (which makes provision for best value authorities to involve local representatives in the exercise of their functions).
- (2) In consequence of subsection (1)—
 - (a) in the Local Government Act 1999, in section 28(2), omit “3A,”;
 - (b) in the Local Government and Public Involvement in Health Act 2007, omit section 138;
 - (c) in the Police Reform and Social Responsibility Act 2011, in Schedule 16, omit paragraph 243.
- (3) Schedule 22 makes provision for disapplying certain other requirements about consultation etc imposed on public bodies.