

Draft Regulations laid before Parliament under section 23(6) of the Business and Planning Act 2020 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.XXXX

HIGHWAYS, ENGLAND

The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023

Made - - - - *******
Coming into force - - *******

The Secretary of State, considering it reasonable to do so to mitigate an effect of coronavirus⁽¹⁾, makes the following Regulations in exercise of the powers conferred by sections 10(2) and 23(2)(c) of the Business and Planning Act 2020⁽²⁾.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 23(6) of that Act.

Citation, commencement, extent and savings

1. These Regulations may be cited as the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023 and come into force on the day after the day on which they are made (“the coming into force date”).

2. These Regulations extend to England and Wales.

3. The amendments made by regulation 5 only apply in relation to a pavement licence under Part 1 of the Business and Planning Act 2020 (“the 2020 Act”) for which an application is made in accordance with section 2 of the 2020 Act on or after the coming into force date.

Amendment of the Business and Planning Act 2020

4. The 2020 Act is amended in accordance with the following provisions.

5. In section 4 (duration)⁽³⁾—

(a) in subsection (1)(b), for “30 September 2023” substitute “30 September 2024”;

(b) in subsection (2)(b), for “30 September 2023” substitute “30 September 2024”; and

(1) “Coronavirus” has the meaning given by section 10(3) of the Business and Planning Act 2020 (c. 16).

(2) 2020 c. 16.

(3) Sections 4(1)(b), (2)(b) and (4) were previously amended by S.I. 2022/862, regulation 5.

(c) in subsection (4), for “30 September 2023” substitute “30 September 2024”.

6. In section 10(1) (expiry of pavement licence provisions)(4), for “30 September 2023” substitute “30 September 2024”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Date

Name
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

(4) Section 10(1) was previously amended by [S.I. 2022/862](#), regulation 6.

EXPLANATORY NOTE

(This note is not part of the Regulations)

In response to the coronavirus pandemic, sections 1-10 of the Business and Planning Act 2020 (“the 2020 Act”) made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on highway adjacent to their premises (“a pavement licence”).

Under the 2020 Act, a pavement licence may specify an expiry date, which may not be later than the date specified in section 4(2)(b). If a pavement licence does not specify an expiry date, the licence expires on the date specified in section 4(1)(b). If a pavement licence is deemed to be granted under section 3(9) (where the local authority has failed to determine an application), that pavement licence expires after a year, or if earlier on the date specified in section 4(4).

Prior to these Regulations, the date specified in each of those subsections is 30th September 2023. Regulation 5 extends the dates specified in sections 4(1)(b), (2)(b) and (4) by twelve months, to 30th September 2024.

Regulation 5 only applies to a pavement licence for which application is made on or after the date these Regulations come into force. The previous date of 30th September 2023 will continue to apply in relation to any pavement licence applied for before the date these Regulations come into force, though the holder of such a licence may be able to apply for a further licence.

Regulation 6 extends the expiry of sections 1-9 of the 2020 Act generally, also to 30th September 2024.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.