Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 5

REDUCTION OF LEGISLATIVE BURDENS

Miscellaneous

69 Civil liability for breach of health and safety duties

(1) Section 47 of the Health and Safety at Work etc. Act 1974 (civil liability) is amended as set out in subsections (2) to (7).

(2) In subsection (1), omit paragraph (b) (including the "or" at the end of that paragraph).

(3) For subsection (2) substitute—

"(2) Breach of a duty imposed by a statutory instrument containing (whether alone or with other provision) health and safety regulations shall not be actionable except to the extent that regulations under this section so provide.

(2A) Breach of a duty imposed by an existing statutory provision shall not be actionable except to the extent that regulations under this section so provide (including by modifying any of the existing statutory provisions).

(2B) Regulations under this section may include provision for—

(a) a defence to be available in any action for breach of the duty mentioned in subsection (2) or (2A);

(b) any term of an agreement which purports to exclude or restrict any liability for such a breach to be void."

(4) In subsection (3), omit the words from ", whether brought by virtue of subsection (2)" to the end.

(5) In subsection (4)—

(a) for "and (2)" substitute ", (2) and (2A)", and

(b) for "(3)" substitute "(2B)(a)".

(6) Omit subsections (5) and (6).

(7) After subsection (6) insert—

"(7) The power to make regulations under this section shall be exercisable by the Secretary of State."

(8) Where, on the commencement of this section, there is in force an Order in Council made under section 84(3) of the Health and Safety at Work etc. Act 1974 that applies to matters outside Great Britain any of the provisions of that Act that are amended by this section, that Order is to be taken as applying those provisions as so amended.

(9) The amendments made by this section do not apply in relation to breach of a duty which it would be within the legislative competence of the Scottish Parliament to impose by an Act of that Parliament.

(10) The amendments made by this section do not apply in relation to breach of a duty where that breach occurs before the commencement of this section.

70 Estate agency work

In section 1 of the Estate Agents Act 1979 (estate agency work), for subsection (4) substitute—

"(4) This Act does not apply to the following things when done by a person who does no other things which fall within subsection (1) above—

(a) publishing advertisements or disseminating information;

(b) providing a means by which—

(i) a person who wishes to acquire or dispose of an interest in land can, in response to such an advertisement or dissemination of information, make direct contact with a person who wishes to dispose of or, as the case may be, acquire an interest in land;

(ii) the persons mentioned in sub-paragraph (i) can continue to communicate directly with each other."

71 Bankruptcy applications: determination by adjudicators

(1) In Part 14 of the Insolvency Act 1986 (public administration (England and Wales)), before section 399 and the cross-heading which precedes it insert—

"Adjudicators

398A Appointment etc of adjudicators and assistants

(1) The Secretary of State may appoint persons to the office of adjudicator.

(2) A person appointed under subsection (1)—

(a) is to be paid out of money provided by Parliament such salary as the Secretary of State may direct,

(b) holds office on such other terms and conditions as the Secretary of State may direct, and

(c) may be removed from office by a direction of the Secretary of State.

(3) A person who is authorised to act as an official receiver may not be appointed under subsection (1).

(4) The Secretary of State may appoint officers of the Secretary of State's department to assist adjudicators in the carrying out of their functions."

(2) In Part 9 of that Act (bankruptcy), before Chapter 1 insert the Chapter set out in Schedule 18 (adjudicators: bankruptcy applications by debtors and bankruptcy orders).

(3) Schedule 19 (adjudicators: minor and consequential amendments) has effect.

72 Abolition of Agricultural Wages Board and related English bodies

(1) The Agricultural Wages Board for England and Wales is abolished.

(2) Every agricultural wages committee for an area in England is abolished.

(3) Every agricultural dwelling-house advisory committee for an area in England is abolished.

(4) Schedule 20 (abolition of Agricultural Wages Board and related English bodies: consequential provision) has effect.

73 Unnecessary regulation: miscellaneous

Schedule 21 (unnecessary regulation: miscellaneous) has effect.