



Deregulation Act 2015

2015 CHAPTER 20

Measures affecting business: particular areas

8 Driving instructors

- (1) Schedule 2 makes provision to simplify the regulation of driving instructors by removing the separate system for the registration of disabled instructors.
- (2) Part 1 of the Schedule contains amendments of Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006.
- (3) Part 2 of the Schedule contains transitory amendments of Part 5 of the Road Traffic Act 1988 which have effect before the commencement of Schedule 6 to the Road Safety Act 2006.
- (4) Part 3 of the Schedule contains consequential and related amendments.

9 Motor insurers

- (1) In Part 6 of the Road Traffic Act 1988 (compulsory insurance or security against third-party risks), section 147 (issue and surrender of certificates of insurance and of security) is amended as follows.
- (2) In subsection (1), for “A policy of insurance shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the insurer” substitute “An insurer issuing a policy of insurance for the purposes of this Part of this Act must deliver”.
- (3) In subsection (2), for “A security shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the person giving the security” substitute “A person giving a security for the purposes of this Part of this Act must deliver”.
- (4) Omit subsections (4) to (5) (obligation to surrender certificate following cancellation of policy of insurance or security).
- (5) Schedule 3 makes amendments in consequence of this section.

10 Taxis and private hire vehicles: duration of licences

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers' licences for hackney carriages and private hire vehicles)—
 - (a) in subsection (1)(a), for “for such lesser period as the district council may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”;
 - (b) in subsection (1)(b), for “for such lesser period as they may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.
- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—
 - “(2) Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”

11 Private hire vehicles: sub-contracting

In the Local Government (Miscellaneous Provisions) Act 1976, after section 55 insert—

“55A Sub-contracting by operators

- (1) A person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle may arrange for another person to provide a vehicle to carry out the booking if—
 - (a) the other person is licensed under section 55 in respect of the same controlled district and the sub-contracted booking is accepted in that district;
 - (b) the other person is licensed under section 55 in respect of another controlled district and the sub-contracted booking is accepted in that district;
 - (c) the other person is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London; or
 - (d) the other person accepts the sub-contracted booking in Scotland.
- (2) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the person licensed under section 55 who accepted the booking and the person who made the booking.
- (3) Where a person licensed under section 55 in respect of a controlled district is also licensed under that section in respect of another controlled district, subsection (1) (so far as relating to paragraph (b) of that subsection) and section 55B(1) and (2) apply as if each licence were held by a separate person.
- (4) Where a person licensed under section 55 in respect of a controlled district is also a London PHV operator, subsection (1) (so far as relating to paragraph (c) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the London PHV operator were separate persons.

- (5) Where a person licensed under section 55 in respect of a controlled district also makes provision in the course of a business for the invitation or acceptance of bookings for a private hire car or taxi in Scotland, subsection (1) (so far as relating to paragraph (d) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the person making the provision in Scotland were separate persons.

In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.

- (6) In this section, “London PHV operator” and “operating centre” have the same meaning as in the Private Hire Vehicles (London) Act 1998.

55B Sub-contracting by operators: criminal liability

- (1) In this section—

“the first operator” means a person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle and then made arrangements for another person to provide a vehicle to carry out the booking in accordance with section 55A(1);

“the second operator” means the person with whom the first operator made the arrangements (and, accordingly, the person who accepted the sub-contracted booking).

- (2) The first operator is not to be treated for the purposes of section 46(1)(e) as operating a private hire vehicle by virtue of having invited or accepted the booking.
- (3) The first operator is guilty of an offence if—
- (a) the second operator is a person mentioned in section 55A(1)(a) or (b),
 - (b) the second operator contravenes section 46(1)(e) in respect of the sub-contracted booking, and
 - (c) the first operator knew that the second operator would contravene section 46(1)(e) in respect of the booking.”

12 Space activity: limit on indemnity required

- (1) The Outer Space Act 1986 is amended as follows.

- (2) In section 3 (prohibition of unlicensed activities), after subsection (3) insert—

“(3A) An order under subsection (3) may—

- (a) provide that section 10(1) does not apply to a person to the extent that the person is carrying on activities that do not require a licence by virtue of the order;
- (b) specify the maximum amount of a person’s liability under section 10(1) so far as the liability relates to the carrying on of activities that do not require a licence by virtue of the order.”

- (3) In section 5 (terms of licence), after subsection (2) insert—

“(3) A licence must specify the maximum amount of the licensee’s liability to indemnify Her Majesty’s government in the United Kingdom under section 10 in respect of activities authorised by the licence.”

(4) In section 10 (obligation to indemnify government against claims), after subsection (1) insert—

“(1A) Subsection (1) is subject to—

- (a) any limit on the amount of a person’s liability that is specified in a licence, and
- (b) any order made under section 3(3).”

(5) The Secretary of State may vary any licence under section 4 of the 1986 Act that is held at the time when this section comes into force so as to specify the maximum amount of the licensee’s liability under section 10 of that Act.

(6) A variation under subsection (5) is to be made by giving notice in writing to the licensee.

(7) The power under section 15(6) of the 1986 Act may be exercised so as to extend to any of the Channel Islands, the Isle of Man or any British overseas territory any provision made by this section (subject to any specified exceptions or modifications).

13 Agricultural Holdings Act 1986: resolution of disputes by third party determination

Schedule 4 amends the Agricultural Holdings Act 1986 to provide for certain matters arising under the Act to be capable of third party determination.

14 Shippers etc of gas

(1) In Part 1 of the Energy Act 2008 (gas importation and storage), after section 3 insert—

“3A Exception for unloading to an installation in certain circumstances

The prohibition in section 2(1) does not apply to a person (“A”) who uses a controlled place for the unloading of gas to an installation if—

- (a) the installation is maintained by another person (“B”) who has a licence in respect of the maintenance of the installation and the use of a controlled place for the unloading of gas to it, and
- (b) B consents to the use by A of the controlled place for the unloading of gas to the installation.”

(2) In consequence of subsection (1), in section 2(2) of the 2008 Act, for “section 3” substitute “sections 3 and 3A”.

15 Suppliers of fuel and fireplaces

(1) Part 3 of the Clean Air Act 1993 (smoke control areas) is amended as follows.

(2) In section 20 (offence of emitting smoke in smoke control area where emission caused by use of fuel other than authorised fuel), after subsection (5) insert—

- “(5ZA) In the application of this Part to England, “authorised fuel” means a fuel included in a list of authorised fuels kept by the Secretary of State for the purposes of this Part.
- (5ZB) The Secretary of State must—
- (a) publish the list of authorised fuels, and
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.
- (5ZC) The list must be published in such manner as the Secretary of State considers appropriate.”
- (3) In that section, in subsection (6) as it applies in relation to England and Wales (definition of “authorised fuel”), for “In” substitute “Except as provided by subsection (5ZA), in”.
- (4) In section 21 (power by order to exempt certain fireplaces), at the beginning insert—
- “(A1) For the purposes of the application of this Part to England, the Secretary of State may exempt any class of fireplace from the provisions of section 20 (prohibition of smoke emissions in smoke control area) if he is satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (A2) An exemption under subsection (A1) may be made subject to such conditions as the Secretary of State considers appropriate.
- (A3) The Secretary of State must—
- (a) publish a list of those classes of fireplace that are exempt under subsection (A1) including details of any conditions to which an exemption is subject;
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes of fireplace that are so exempt or to the conditions to which an exemption is subject.
- (A4) The list must be published in such manner as the Secretary of State considers appropriate.”
- (5) In that section as it applies in relation to England and Wales, the existing text becomes subsection (5) and in that subsection, for “The” substitute “Except where subsection (A1) applies, the”.
- (6) In the sidenote to that section, omit “by order”.
- (7) In section 29 (interpretation of Part 3), in the definition of “authorised fuel”, for “20(6)” substitute “20”.

16 Sellers of knitting yarn

- (1) The Weights and Measures (Knitting Yarns) Order 1988 ([S.I. 1988/895](#)) (quantities in which yarn is to be sold) is revoked.
- (2) In consequence of subsection (1), in the Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations 2009 ([S.I. 2009/663](#)), omit regulation 3.