
EXPLANATORY NOTE

(This note is not part of the Order)

This Order (“the Order”) brings into force the specified provisions of the Deregulation Act 2015 (“the Act”) on the dates specified. A reference in this Note to a section is to a section of the Act unless otherwise stated.

Some of the provisions have already been brought partially into force by section 115(2) of the Act but only so far as necessary for enabling the exercise on or after 26th March of any power to make subordinate legislation.

Article 2: Provisions coming into force on 1st April 2015

Section 48 introduces new section 220A into the Housing Act 1996. The Secretary of State already has the power to provide financial assistance to enable any person to provide information, training, advice or a dispute resolution service in connection with residential tenancies, as set out in section 94 of the Housing Act 1996, but this does not extend to residential licences. The power in new section 220A enables the Secretary of State to provide funding to persons providing advice to those occupying properties under a residential licence, such as on a mobile home site or those living in bedsits or as lodgers with a licence to occupy. This section comes into force on 1st April 2015 in order to allow financial assistance to be given at the beginning of the financial year.

Section 53 makes amendments to the Traffic Management Act 2004, which introduces a requirement for regulations under section 78 of that Act to make provision requiring notification of a penalty charge to be affixed to a vehicle, subject to certain exceptions. Section 53 also inserts a power into the Traffic Management Act 2004 to prohibit the use of approved devices in relation to enforcement of parking contraventions on a road.

Section 69 amends section 115 of the Licensing Act 2003 to remove the requirement on personal licence holders to apply to renew their personal licences every ten years, and to render the duration of personal licences indefinite. Schedule 18 makes amendments consequential to section 69. The first licences since the personal licences regime was introduced in 2005 expired on 7th February 2015. These provisions come into force at the earliest opportunity after that date so as to minimise the number of renewal applications that need to be made by personal licence holders.

Article 3: Provisions coming into force on 6th April 2015

Section 62 gives the power to provide, in regulations, for the transfer of a child trust fund to a protected child account with the same or another provider. Section 62 comes into force on 6th April 2015 in order to ensure that regulations amending the Child Trust Funds Regulations 2004 can come into force at the beginning of the tax year 2015-16. Section 63 makes provision for the withdrawal of funds from a child trust fund and also for the transfer of a child trust fund to either a different child trust fund provider or to a protected child account with the same or another provider.

Section 76 inserts a new exemption from the descriptions of regulated entertainment in Schedule 1 to the Licensing Act 2003. Exhibitions of films in community premises are not regulated entertainment requiring prior licensing authorisation to the extent that they meet all of the conditions set out in the section. Section 76 comes into force on 6th April 2015 so as to coincide with other changes to regulated entertainment that also come into force on that day.

Article 4: Provisions coming into force on 10th April 2015

Section 52(a), together with Part 1 of Schedule 11, makes changes to legislation relating to drink and drug driving offences.

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These provisions amend the alcohol and drugs provisions relating to road transport in Part 1 of the Road Traffic Act 1988 and in section 15 of the Road Traffic Offenders Act 1988. They also amend the alcohol and drugs provisions relating to rail transport in Chapter 1 of Part 2 of the Transport and Works Act 1992. In both the road and rail regimes, they provide for the removal of the “statutory option” to have a breath specimen replaced, the removal of the need for a preliminary breath test before an evidential breath test may be taken and the extension of role of health care professionals.

Similar amendments are made to the alcohol and drugs provisions relating to the shipping transport regime in Part 4 of the Railways and Transport Safety Act 2003 and to the aviation transport regime in Part 5 of the Railways and Transport Safety Act 2003.

These provisions come into force on 10th April which is the earliest date upon which the police will be able to implement their provisions.

Article 5: Provisions coming into force on 20th April 2015

Section 90 introduces Schedule 21. The Schedule abolishes the Poisons Board and amends the Poisons Act 1972 (“the 1972 Act”) to introduce a common licensing regime for regulating (a) activities involving non-medicinal poisons and (b) activities involving explosives precursors (chemicals that can be used to make explosives). A licence is required by individuals seeking to carry out an activity prohibited by section 3(2) of the 1972 Act. Section 90 and Schedule 21 come into force on the 20th April, but only for the purposes of enabling an application for a licence to be made, considered, determined and issued, ensuring individuals have the opportunity to obtain a licence before the full regime is commenced on 26th May 2015.

Article 6: Provisions coming into force on 26th May 2015

Sections 3 to 5 and Schedule 1 concern English apprenticeships.

Section 3 introduces Schedule 1, which inserts a new Chapter A1 in Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”). The new Chapter A1 introduces a new regime for English apprenticeships. It replaces the provisions which currently govern English apprenticeships with new concepts of an approved English apprenticeship and approved apprenticeship standards. Schedule 1 also inserts a new subsection (1A) into section 100 of the 2009 Act to ensure that under that section the Secretary of State may make any payments or otherwise secure the provision of financial resources in connection with approved English apprenticeships. This is without prejudice to the Secretary of State’s powers to make payments or otherwise secure the provision of financial resources in connection with such apprenticeships, or any other apprenticeship training, under section 100(1) of the 2009 Act or any other enactment.

Part 2 of the Schedule to this Order includes transitional arrangements for the coming into force of Part 1 of Schedule 1 to the Act. This includes a general saving provision (in paragraph 4) which is subject to modifications (in paragraphs 6 to 9) as well as provision for the phasing out of apprenticeship frameworks (in paragraph 5). In paragraph 10 there is a transitional provision to treat work done under arrangements made by the Secretary of State, known as Trailblazer apprenticeships, as having been done under an approved English apprenticeship (within the meaning of Chapter A1 of the 2009 Act). In paragraph 11 there is provision for standards published in connection with Trailblazer apprenticeships to be treated as approved apprenticeship standards for the purposes of the 2009 Act.

Section 4 allows the Secretary of State to enter into arrangements with the Commissioners for Her Majesty’s Revenue and Customs to administer apprenticeship payments on behalf of the Secretary of State. Apprenticeship payments may be paid to persons, such as employers of apprentices, for any purpose connected to approved English apprenticeships. Such payments include payments to encourage opportunities for individuals to do approved English apprenticeships or to work afterwards.

Section 5 authorises the Commissioners for Her Majesty’s Revenue and Customs and the Secretary of State to share information related to approved English apprenticeships with each other

and with each other's service providers (if any). There is provision to safeguard revenue and customs information relating to a person. If such information is disclosed without the Commissioners' consent, section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies to that disclosure.

Section 14 amends Chapter 2 of Part 1 of the Energy Act 2008 so that third parties who wish to make use of an offshore gas unloading facility operated by another person who has a licence for that facility will no longer be required to have a licence themselves to unload at the facility.

Section 44 amends section 25 of the Greater London Council (General Powers) Act 1973 by introducing a new section 25A to provide that the use for temporary sleeping accommodation of any residential premises in Greater London does not constitute a change of use (for which planning permission would be required) if certain conditions are met (the 'exception'). Section 44 also creates a new section 25B of the 1973 Act which provides that either the local planning authority or the Secretary of State may direct that the exception created by section 25A does not to apply to certain residential premises or certain residential premises in certain areas.

Section 45 allows the Secretary of State to make secondary legislation specifying additional circumstances when section 25 does not apply (so that planning permission is not required for use as temporary sleeping accommodation).

Section 59(c) and Part 3 of Schedule 13 omit from the Local Government and Public Involvement in Health Act 2007 the provisions relating to the establishment of joint waste authorities in England and make amendments to other legislation to remove references to those authorities.

Section 68 amends section 107 of the Licensing Act 2003 so as to increase from 12 to 15 the maximum number of events per year for which a temporary event notice on the same premises may be given. The increased limit will apply for calendar years from 1st January 2016.

Section 70 repeals section 148 of the Licensing Act 2003 thereby abolishing the offence of selling liqueur confectionery to children under the age of 16.

Section 72 removes from the Licensing Act 2003 requirements to report the loss or theft of a premises licence, club premises certificate, temporary event notice or personal licence to the police before a replacement copy may be applied for from the licensing authority.

Section 77 requires the Secretary of State to carry out a review of whether the sanctions for failing to have a TV licence in contravention of section 363 of the Communications Act 2003 are appropriate. It comes into force on 26th May 2015 in order to allow the review to be completed by the end of June 2015.

Section 78 enables the Secretary of State to make regulations to (a) replace the TV licensing offences under section 363 of the Communications Act 2003 with a civil monetary penalty regime; or (b) amend the Regulatory, Enforcement and Sanctions Act 2008 to allow the Secretary of State to allow the BBC to impose civil monetary penalties as an alternative to prosecution for those offences. The exercise of these powers will depend on the outcome of the review carried out under section 77. It therefore also comes into force on 26th May 2015.

Sections 80, 81 and 82 allow the Criminal Procedure Rules to supply the procedure under seven statutory provisions where the Rules cannot yet apply. Section 80 concerns the procedure for introducing written witness statements in criminal cases using section 9 of the Criminal Justice Act 1967. Section 81 concerns the procedure for introducing written material in cases in magistrates' courts where section 12 of the Magistrates' Courts Act 1980 is used (written guilty plea). Section 82 makes amendments to: (i) section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (about applications to a High Court judge for permission to start a prosecution in the Crown Court); (ii) Schedule 1 to the Police and Criminal Evidence Act 1984 (applications to a Crown Court judge for a production order or a search warrant in respect of special procedure and excluded material – but the Rules will not apply to applications for the production of journalistic material); (iii) Schedule 5 to the Terrorism Act 2000 and section 352 of the Proceeds of Crime Act 2002 (which

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provide for search warrants issued by a Crown Court judge); and (iv) section 59 of the Criminal Justice and Police Act 2001 (which empowers a Crown Court judge to order the return of property seized in an investigation). This commencement date allows the Criminal Procedure Rule Committee to include new rules about these procedures in Criminal Procedure Rules due to be made in June.

Section 90 and Schedule 21 came into force on the 20th April (detailed above), but only for the purposes of allowing applications for licences to be made, considered, determined and issued. Section 90 and Schedule 21 come into force for all other purposes from the 26th May. The Schedule makes amendments to the 1972 Act, which will create a new common licensing regime for non-medicinal poisons and explosive precursors and introduce a number of new criminal offences.

Section 93 removes the requirement for providers of social work services to register with Her Majesty's Chief Inspector of Education, Children's Services and Skills. Providers of social work services are bodies which enter into delegation arrangements with local authorities in England under section 1 of the Children and Young Persons Act 2008 for the discharge of relevant care functions relating to children.

Section 96 amends sections 56A (acquisitions), 57 (sections 56 to 56B: supplementary) and 65LA (trusts to be dissolved) of the National Health Service Act 2006. These provisions are all concerned with the transfer of property and liabilities between NHS bodies and are being brought into force on 26th May to ensure that NHS bodies can, as soon as possible, rely on the amendments when considering organisational change.

Article 7: Provisions coming into force on 8th June 2015

Section 8(1), (3) and (4) and Schedule 2 amend the Road Traffic Act 1988 to abolish the separate class of disabled driving instructors so that all driving instructors will have the same qualification process to go through regardless of whether or not they have certain disabilities. The emergency control assessment (the "ECA") will no longer be an automatic requirement for all persons who have certain types of disability and are applying to become driving instructors. Instead the ECA can potentially apply to all driving instructors but may only be required where the Registrar has reasonable grounds for believing that the instructor, or person applying to be an instructor, would be unable to take control of the car in an emergency.

This order only commences sections 8(1), (3) and (4) and Part 2 and Part 3 to Schedule 2. Section 8(3) and Part 2 to the Schedule contain transitory provisions that amend the Road Traffic Act 1988 in its current form while Part 1 to the Schedule and section 8(1) amend the Road Traffic Act 1988 in the form it would take if Schedule 6 to the Road Safety Act 2006 was commenced. As Schedule 6 to the Road Safety Act 2006 has not, at the time of making this order, been commenced, Section 8(2) and Part 1 to Schedule 2 do not need to be commenced. Part 3 to Schedule 2 contains consequential amendments to primary legislation; paragraph 31 of this Part is not commenced as it amends the Road Traffic Offenders Act 1988 in the form that Act would take if Schedule 6 of the Road Safety Act 2006 was commenced.

These provisions come into force on 8th June to align with the commencement date for the abolition of the driving licence counterpart (which is provided for in [S.I. 2015/560](#) which commences the relevant parts of the Road Safety Act 2006).

The order includes relevant transitional provisions. These provide that instructors who were registered as disabled driving instructors, or who held disabled trainee instructor licences, must, on and after the commencement date, be treated as if they had been registered or licenced under the same provisions as non-disabled driving instructors or trainee instructors.

Section 51(f) and Part 6 to Schedule 10 amend the Road Traffic Act 1988 to place the use of private sector owned facilities for goods vehicle testing on a statutory footing by giving the Secretary of State an express statutory power to designate premises as vehicle testing stations. The provisions also amend the Road Traffic Act 1988 to give the Secretary of State the option to charge for the provision of an examiner for goods vehicle testing and public service vehicle testing at designated premises on a time-basis rather than a per test basis.

These provisions come into force on 8th June to align with the commencement date for the abolition of the driving licence counterpart (which is provided for in [S.I. 2015/560](#) which commences the relevant parts of the Road Safety Act 2006).

There are relevant transitional provisions in the Order. These provide that where premises are being used as an authorised testing facility under a contract with the Secretary of State, whereby goods vehicles roadworthiness testing could be performed on the premises, those premises must, on and after the commencement date, be treated as if they were “designation premises” for goods vehicle testing under the Road Traffic Act 1988.

Article 8: Provisions coming into force on 15th June 2015

Section 58 amends Part 2 of the Environmental Protection Act 1990 (“the EPA”) (waste on land). It removes the criminal offence in section 46 of the EPA for failure to comply with a requirement for the collection of household waste imposed by a waste collection authority in England. It makes provision for a waste collection authority in England to impose a fixed penalty on any person who has failed to comply with such a requirement where that failure has caused (or is or was likely to cause) a nuisance or has been (or is or was likely to be) detrimental to any amenities of the locality. Schedule 12 amends the London Local Authorities Act 2007 to make changes to the penalty charge provisions in that Act concerning receptacles for household waste that correspond to the amendments made to the EPA.

Article 9: Provisions coming into force on 30th June 2015

Section 9 and Schedule 3 amend the Road Traffic Act 1988 to remove the requirement for policyholders to return their motor insurance certificate to the issuer of that certificate if they cancel their policy mid-term. It is commenced on 30th June 2015 to allow the insurance industry sufficient time to make administrative changes to facilitate the change in legislation

Section 51(b) and Part 2 to Schedule 10 remove the requirements in the Traffic Management Act 2004 for the Secretary of State to receive and approve applications for permit schemes from local highway authorities in England and then give effect to such schemes by order. Local highway authorities in England, acting alone or jointly, can now prepare and commence permit schemes themselves and thereafter revoke or vary such schemes. These provisions also insert the concept of a strategic highways company, as a body which can prepare and commence permit schemes. Permit Schemes previously approved by the Secretary of State are to be treated as if they are commenced by the relevant local highway authority or authorities. These provisions come into operation on the 30th June in order that sufficient time is provided to the industry and stakeholders to adapt to the change. Part 2 to Schedule 10, and section 51(b) to which it relates, is already partially in force by virtue of its inclusion in section 115(2) of the Act.

Article 10: Provisions coming into force on 1st July 2015

Sections 37 to 39 form part of a package of provisions which provide protection for assured shorthold tenants in the private sector against retaliatory eviction, where such tenants are suffering from poor or unsafe property conditions, and which make changes to the eviction procedure under section 21 of the Housing Act 1988 in order to improve and simplify the procedure for both landlords and tenants.

Sections 37 comes into force on 1st July 2015, along with sections 38 and 39 so far as is necessary to allow the Secretary of State to use the power to make regulations by statutory instrument. This will allow the Secretary of State to make the following regulations:

- regulations prescribing the form of a notice to be given under section 21(1) or section 21(4) of the Housing Act 1988;
- regulations prescribing certain requirements relating to the condition of dwelling-houses or their common parts, the health and safety of occupiers or the energy performance of dwelling-houses, whereby a landlord will be prevented from giving their tenant an eviction notice under section 21 of the Housing Act 1988 whilst they are in breach of these requirements;

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- regulations prescribing certain information about the rights and responsibilities of a landlord and a tenant, or any related matters, which a landlord is required to give to their tenant. A landlord will again be prevented from serving an eviction notice under section 21 of the Housing Act 1988 whilst they are in breach of this requirement.

Bringing these sections into force for regulation-making purposes on 1st July 2015 will enable the regulations to come into force at the same time as the substantive provisions in relation to retaliatory eviction and changes to the eviction procedure, which come into force on 1st October 2015.

Article 11: Provisions coming into force on 1st October 2015

Section 2 amends section 124 of the Equality Act 2010 so as to remove the power available to an employment tribunal to make a wider recommendation in cases where it finds that the provisions relating to non-discrimination at work have been contravened. In consequence of this change, section 2 also removes section 125 of the Equality Act 2010, which sets out exemptions to the power to make wider recommendations in national security cases. There are relevant transitional provisions in the Order. These ensure that this change does not affect proceedings which were commenced prior to 1st October 2015.

Sections 6 and 7 make amendments to sections 11 and 12 of the Employment Act 1989, and to Articles 13 and 13A of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990 so that turban-wearing Sikhs may be exempt from legal requirements to wear a safety helmet in all workplaces, either as workers or visitors, subject to certain exclusions. These provisions come into force on 1st October 2015, subject to the saving provisions specified in articles 13(1) and (2) of this Order.

Section 10 amends the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) by standardising at three years the duration of both taxi and private hire driver licences; and at five years the licence for a private hire operator. A shorter duration may be specified depending on the circumstances of the case.

Section 11 inserts new sections 55A and 55B into the 1976 Act the effect of which is to allow private hire operators, based outside London, to sub-contract bookings to other operators based in different districts or in London or Scotland; and to make it an offence for such a private hire operator to sub-contract a booking knowing that the operator to whom it is subcontracted would operate a private hire vehicle where either the vehicle or the driver was not licensed under the 1976 Act.

Section 12 amends the Outer Space Act 1986, which requires a party carrying out certain space activities to indemnify the government against claims arising out of those activities, currently on an unlimited liability basis. Section 12 makes provision for limiting such a party’s liability under the indemnity.

Sections 33 to 41 provide protection for assured shorthold tenants in the private sector against retaliatory eviction, where such tenants are suffering from poor or unsafe property conditions. The sections also make changes to the eviction procedure under section 21 of the Housing Act 1988 in order to improve and simplify the procedure for both landlords and tenants. Section 33 provides assured shorthold tenants in England with protection from retaliatory eviction in certain situations. Section 34 sets out various exemptions, where the provisions of section 33 do not apply. Section 35 makes changes to the requirements for a notice provided in relation to periodic assured shorthold tenancies under section 21(4) of the Housing Act 1988. Section 36 makes changes in relation to the time limits for serving notices under section 21 of the 1988 Act. Section 37 allows the Secretary of State to prescribe the form of a notice to be given under section 21(1) or section 21(4) of the Housing Act 1988. Sections 38 and 39 allow certain requirements to be prescribed in regulations, whereby a landlord will be prevented from serving an eviction notice under section 21 of the Housing Act 1988 whilst they are in breach of the requirements. Section 40 makes provision regarding the repayment of rent where a tenancy ends before the end of a period of the tenancy and section 41 makes provision in relation to the application of sections 33 to 40 of the Act.

Sections 33 to 36, 40 and 41 come into force on 1st October 2015, along with sections 38 to 39 so far as they have not already been brought into force by the Order.

Section 49 amends section 10 of the Transport Act 1968 to permit a Passenger Transport Executive (or equivalent body) to carry passengers by railway within its area and also outside its area anywhere in Great Britain, acting alone or jointly with other Passenger Transport Executives and local transport authorities. Schedule 8 amends a number of provisions which are related, or complementary, to the changes made by section 49. Schedule 8 also inserts a new section 24A into the Railways Act 1993 to enable the Secretary of State to apply similar protective legislative provisions for decentralised rail services as currently apply to franchised rail services.

Sections 51(g) and Part 7 of Schedule 10 amend the Equality Act 2010 to remove the requirement that exemptions from rail vehicle accessibility regulations be made by statutory instrument, and to remove the Secretary of State's power to make regulations as to exemption orders, for example, as to the information to be supplied with an application for an exemption order. They also make consequential amendments to the Equality Act 2010 as a result of these changes.