

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 23: Legislation no longer of practical use

887. *Schedule 23* disapplies specified legislation which is no longer of practical use.

Part 1: Companies

888. *Paragraph 1* removes unnecessary provisions relating to the audit of charitable companies. The provisions were originally included in the Companies Act 2006 to address an anticipated transitional issue in relation to moving the rules requiring audits of some small charitable companies from the Companies Acts to charities legislation. The envisaged situation only arose in Scotland and England and Wales for a short transitional period, and did not arise in Northern Ireland. This means that the provisions are no longer needed and can be repealed.

889. The repeal generally forms part of the law of England and Wales, Scotland and Northern Ireland and comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 2: Industry

Newspaper Libel and Registration Act 1881

890. *Paragraph 2* of this Schedule repeals the registration provisions in the Newspaper Libel and Registration Act 1881. The repeals, like the 1881 Act, will form part of the law of England and Wales and Northern Ireland.

891. The 1881 Act introduced a system of registration for newspaper titles that were not registered as companies. The effect of registration is to provide information on the name and address of proprietors of newspaper titles for the purpose of enabling libel suits to be brought against them.

892. Newspapers published by companies registered under the Companies Act 2006 or registered in another EEA state do not need to register under the Act. The overwhelming majority of UK newspapers are run as registered companies, formed and registered under the Companies Act 2006 or incorporated in another EEA state.

893. With the majority of newspapers being registered as companies, and therefore not required to register their details under these provisions, and the increased use of the internet for the dissemination of information, registration no longer serves a purpose. The Department for Business, Innovation and Skills consulted on whether to repeal the registration provisions of the 1881 Act in January 2012 (*“Providing a flexible framework which allows companies to compete and grow: discussion paper”*). There was support for doing so.

894. The amendments of the 1881 Act come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Mining Industry Act 1920

895. *Paragraph 4* of this Schedule repeals the Mining Industry Act 1920 (“the 1920 Act”) in its entirety.
896. The 1920 Act concerned the re-organisation of the mining and quarrying industries post World War One, and in particular covered recruitment, welfare and pension provisions. The majority of the Act has been repealed as having achieved its objective, and the remaining provisions concern administrative arrangements which are no longer useful. The coal mining industry in particular has been completely restructured, most recently by the [Coal Industry Act 1994 \(c. 21\)](#), since the 1920 Act became law.
897. [Sections 2, 4](#) and [23](#) concern outdated administrative arrangements. Section 2(1) conferred on the Board of Trade (“the Board”) the powers of a Secretary of State under mining and quarrying legislation. However the Board’s powers have, by various transfers of functions orders over the years, been transferred back to the Secretary of State. Section 2(3) imposed functions on the Board, firstly, concerning information and statistics relating to the mining industry. This provision is no longer needed as similar functions were conferred on the Coal Authority by the Coal Industry Act 1994 in relation to coal mining, and in respect of other aspects of the mining industry the Secretary of State’s existing powers to gather and disseminate information and statistics are considered sufficient. Secondly, functions were imposed on the Board regarding research in relation to matters connected with the Board’s functions. As the functions of the Board are now those of the Secretary of State, this is also redundant.
898. [Section 4](#) concerned the appointment of committees to give the Board advice and assistance in relation to the mining industries. As the functions of the Board are now those of the Secretary of State, who has the benefit of the modern civil service and access to expert advice as needed, this provision is redundant.
899. [Section 23](#) allowed the Board and any other government department to make arrangements for the exercise of each other’s functions relating to mines and the mining industry. This is not needed in relation to the powers of the Secretary of State, because any Secretary of State can exercise the functions, and in relation to functions exercised by agencies, such as the Health and Safety Executive, it would not be appropriate for the Secretary of State to seek to exercise those functions.
900. [Sections 18](#) and [22](#) concern the ability of the Board to hold inquiries and make schemes as to the drainage of mines. The powers have been very little used since 1920, and are considered not likely to be needed again, in view of the decline of the mining industries in the United Kingdom. Private arrangements can be made between neighbouring mine and land owners.
901. The 1920 Act forms part of the law of England and Wales, Scotland and Northern Ireland but the repeal made by paragraph 4 forms part of the law of England and Wales and Northern Ireland only. The amendments of the 1920 Act come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Mining Industry Act 1926

902. *Paragraph 6* repeals section 20 of the Mining Industry Act 1926 which concerns the ability of a coal mining company to establish a profit sharing scheme, regardless of the provisions of the company’s articles of association. This provision pre-dates the nationalisation and privatisation of the coal mining industry, and modern companies legislation. Modern companies legislation should apply to coal mining companies in the same way as it applies to any other company, and there is no need for any special provision. There is a saving provision however, as it would not be fair to undermine any existing profit sharing schemes which have been established under this power.

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

903. The repeal, like the 1926 Act, will form part of the law of England and Wales and Scotland. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Industry Act 1972 and Aircraft and Shipbuilding Industries Act 1977

904. *Paragraphs 7 to 9* in Part 2 of this Schedule repeal redundant legislation related to the former nationalised aircraft and shipbuilding industries.
905. *Paragraph 7* repeals a saving provision in Schedule 3 to the Industry Act 1972 that currently saves an order containing redundant provisions related to the dissolution of the Shipbuilding Industry Board. The repeal, like Schedule 3 to the 1972 Act, forms part of the law of England and Wales and Scotland.
906. *Paragraph 8* repeals the Aircraft and Shipbuilding Industries Act 1977 and the repeal, like the Act, forms part of the law of England and Wales, Scotland and Northern Ireland. Since the abolition of British Shipbuilders in 2013, the remaining provisions of the Aircraft and Shipbuilding Industries Act 1977 contain only redundant provisions related to the historic vesting of assets in British Aerospace. Paragraph 9 makes minor amendments consequential on the repeal in paragraph 8.
907. *Paragraphs 7 to 9* come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

British Steel Act 1988

908. *Paragraphs 11 and 12* in Part 2 of this Schedule repeal redundant legislation related to the iron and steel industry.
909. *Paragraph 11(1)* repeals section 6 of the British Steel Act 1988 and the repeal, like the section, forms part of the law of England and Wales and Scotland. Section 6 is a provision requiring the Secretary of State to set a target investment limit in relation to shares held by the government in the company previously called British Steel plc. The provision ceased to have practical effect when the company became a wholly owned private company. Paragraph 11(2) makes minor amendments consequential on the repeal in paragraph 11(1).
910. *Paragraph 12* repeals paragraph 10 of Schedule 3 to the British Steel Act 1988 and the repeal, like the Schedule, forms part of the law of England and Wales, Scotland and Northern Ireland. Paragraph 10 of Schedule 3 to the 1988 Act is a saving provision that currently saves four sets of regulations related to redundant schemes for the payment of compensation to workers adversely affected by the denationalisation and renationalisation of the iron and steel industry.
911. The repeals of provisions in the British Steel Act 1988 made by paragraphs 11 and 12 come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

European Communities (Definition of Treaties) (International Railway Tariffs Agreements) Order 1980

912. The European Communities (Definition of Treaties) (International Railway Tariffs Agreements) Order 1980 designates as EU Treaties, for the purposes of the European Communities Act 1972, seven agreements relating to the European Coal and Steel Community, which are no longer in force.
913. *Paragraph 13* revokes the 1980 Order. The effect of the revocation is that the agreements listed in the Schedule to the Order are no longer defined as EU Treaties for the purposes of section 1 of the European Communities Act 1972. As none of the agreements listed remain in force, paragraph 10 has the effect of revoking redundant legislation.

914. [Paragraph 13](#) will form part of the law of England and Wales, Scotland and Northern Ireland and comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 3: Energy

Atomic Energy Act 1946

915. [Paragraph 14](#) repeals sections 6 and 7 of the Atomic Energy Act 1946. Section 6 enabled the Secretary of State to carry out work on any land to discover whether minerals from which “prescribed substances” can be obtained are present and section 7 conferred the power compulsorily to acquire the exclusive right to work such minerals. “Prescribed substances”, as defined, include uranium, plutonium and other substances prescribed by order which can be used for the production or use of atomic energy or research. Exploration in the United Kingdom for uranium has occurred on a small number of occasions, returning sub-economic yields. It is unclear whether the provisions have ever been relied upon and the United Kingdom no longer needs to search for these substances as it has a steady supply from politically stable countries.
916. [Paragraph 15](#) makes minor amendments consequential on the repeals in paragraph 14.
917. The repeals and consequential amendments form part of the law of England and Wales and Scotland and will come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Energy Act 1976

918. Section 9 of the Energy Act 1976 requires the Secretary of State’s consent for offshore natural gas to be subjected in Great Britain to any process of liquefaction which results in the production of liquid methane or ethane.
919. Section 9 of the Energy Act 1976 was introduced to control the possible export of natural gas from the gas fields being newly exploited offshore in the North Sea, given such exports could affect domestic energy supplies. Export was expected to be achieved by liquefaction of the natural gas in Great Britain. However, there has been no market demand for such exports. In consequence, no requests for consent for a permission under section 9 are recorded and the provision is no longer of practical use.
920. The repeal forms part of the law of England and Wales and Scotland and will come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Nuclear Industry (Finance) Act 1977

921. [Paragraph 18](#) repeals a redundant provision in the Nuclear Industry (Finance) Act 1977.
922. [Section 3](#) enabled the Secretary of State to incur expenditure in the acquisition of shares or securities of the National Nuclear Corporation Limited. That company was involved in the construction of nuclear power stations and had been formed as part of an earlier restructuring of the nuclear industry. The power is no longer needed as all share purchases have been completed and the National Nuclear Corporation is no longer in existence.
923. The repeal forms part of the law of England and Wales, Scotland and Northern Ireland and comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Sustainable Energy Act 2003

924. [Paragraph 19](#) repeals a redundant provision in the Sustainable Energy Act 2003, namely section 7. Section 7 contained a power for the Secretary of State to direct the

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

Gas and Electricity Markets Authority to transfer monies raised by the Non-Fossil Fuel Obligation to the Consolidated Fund, up to a maximum of £60 million. It also imposed a duty on the Secretary of State to spend those monies for the purpose of promoting the use of renewable energy.

925. As the Secretary of State has directed the transfer of the maximum amount permitted under section 7, and has spent that amount on the promotion of the use of renewable energy, the section is now redundant, having served its purpose.
926. The repeal, like the provision, forms part of the law of England and Wales, and comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Electricity and Gas (Energy Efficiency Obligations) Orders

927. *Paragraphs 20 and 21* of this Schedule revoke three orders which no longer have any operative effect. These three orders imposed an energy efficiency obligation on certain gas and electricity suppliers. The obligations imposed were known as the Energy Efficiency Commitment. The 2001 Order imposed a three year obligation commencing 1st April 2002. The 2003 Order made an amendment to the 2001 Order. The 2004 Order imposed a different three year obligation commencing 1st April 2005. The obligations in the 2001 Order and the 2004 Order have now expired and therefore all three of these orders are being revoked.
928. The revocations form part of the law of England and Wales and Scotland (as do the Orders that are to be revoked), and come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 4: Transport

Road Traffic Act 1988

929. *Paragraph 22(1)* repeals section 64A of the Road Traffic Act 1988. This repeal removes the offence of using an unregistered tractor or motor cycle on a public road without a valid EC Certificate of Conformity. The tractors and motor cycles covered by this offence are those that are subject to European legislation governing their construction. An EC Certificate of Conformity is a declaration by a manufacturer that the vehicle complies with the requirements of the approval (known as “type approval”) granted under that European legislation.
930. This repeal removes an offence which is covered by other legislation. Specifically, section 29 of the Vehicle Excise and Registration Act 1994 makes it an offence to use an unlicensed vehicle of any type on public roads, including vehicles that have not been registered for the first time. In addition, other legislation (the Tractor etc (EC Type-Approval) Regulations 2005 and the Motor Cycles Etc. (EC Type Approval) Regulations 1999) makes it a requirement that the vehicles covered by section 64A have a valid EC Certificate of Conformity in order to be registered for the first time.
931. As a consequence of the repeal of section 64A, *paragraph 22(2)* removes references to the offence from section 183(2) of the Road Traffic Act 1988 and from Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988.
932. The repeal and consequential amendments made in this Part of the Schedule form part of the law of England and Wales and Scotland and come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Subordinate legislation relating to railways

933. *Paragraph 23* revokes 3 Orders.

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

934. The first is the Railways Act 1993 (Extinguishment of Relevant Loans) (Railtrack plc) Order 1996. The background to this is that the Railways Act 1993 (Extinguishment of Relevant Loans) (Railtrack plc) Order 1996 extinguished Railtrack plc's liability in respect of loans set out in the Schedule to the Order. The loans were initially made to the British Railways Board and liability was subsequently transferred to Railtrack plc as part of the privatisation of the railways in the 1990s. Railtrack was a group of companies that owned the railway infrastructure including track, signalling, tunnels, bridges, level crossings and the majority of stations in Great Britain from 1994 to 2002 when its operations were transferred to Network Rail. Railtrack plc was placed into railway administration in October 2001 and acquired by Network Rail in 2002. Since the Order has now served its purpose in extinguishing the loans, and as Railtrack plc no longer exists, the instrument is spent.
935. The 1993 Order forms part of the law of England and Wales and Scotland and the revocation has the same extent.
936. The second is the Railtrack Group PLC (Target Investment Limit) Order 1996. That Order fixed, for the first time, the target investment for the Government's shareholding in Railtrack Group PLC. That limit was expressed as a proportion of the voting rights exercisable in all circumstances at general meetings of Railtrack. Following the entry into administration of Railtrack plc in October 2001, Railtrack Group PLC was placed into members' voluntary liquidation in October 2002 and finally dissolved in June 2010. Since the Order now has no ongoing purpose as Railtrack Group PLC no longer exists, the instrument is spent.
937. The 1996 Order forms part of the law of England and Wales and Scotland and the revocation has the same extent.
938. The third is the Strategic Rail Authority (Capital Allowances) Order 2001 which made provision about expenditure incurred by the Strategic Rail Authority for tax purposes. In particular, it prescribed the expenditure which the Strategic Rail Authority was taken as having incurred from the transfer to it of plant and machinery from the then Franchising Director and the British Transport Police and a mechanism for its calculation. The Strategic Rail Authority was established in 2001 as a non-departmental public body whose main functions were to provide strategic direction for the railway industry and to award and ensure compliance with passenger rail franchises. Following its abolition in 2006, the functions of the Strategic Rail Authority were transferred to the Department for Transport, Network Rail, the Office of Rail Regulation, the devolved administrations and the Greater London Authority. The Order is being revoked because it is spent following the abolition of the Strategic Rail Authority in 2006.
939. The 2001 Order forms part of the law of England and Wales, Scotland and Northern Ireland and the revocation has the same extent.
940. The revocations of the three Orders come into force at the end of the period of two months beginning with the day on which the Act is passed.

Part 5: Environment

Farm and Garden Chemicals Act 1967

941. *Paragraph 24* in Part 5 of this Schedule repeals the Farm and Garden Chemicals Act 1967, an Act which forms part of the law of England and Wales and Scotland. The repeal has the same extent. *Paragraph 25* makes amendments consequential on that repeal.
942. The 1967 Act and its associated regulations (the Farm and Garden Chemical Regulations 1971) imposed requirements on the labelling and marking of some pesticides (those listed in the Regulations) sold for use in Great Britain. In particular, they required the name of the pesticide active substance and any hazard symbol to appear on the product label. The 1967 Act's requirements were replaced initially by

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

specific national legislation and more recently by EU legislation, currently Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market and its associated legislation. The 1967 Act is therefore now obsolete.

943. *Paragraphs 24 and 25* come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Merchant Shipping Act 1988

944. *Paragraph 26* in Part 5 repeals the Merchant Shipping Act 1988. The 1988 Act forms part of the law of England and Wales, Scotland and (for certain purposes) Northern Ireland, as will the repeal of the 1988 Act.
945. The only operative provision of the 1988 Act still in force is section 37 (licensing of tidal works by harbour authorities), with other provisions remaining in place only to support that section. The effect of section 37 is to make provision for regulations to disapply the requirements of section 34 of the [Coast Protection Act 1949 \(c. 74\)](#) in particular circumstances. Section 34 was repealed (in England and Wales by the [Marine and Coastal Access Act 2009 \(c. 23\)](#) and in Scotland by the [Marine \(Scotland\) Act 2010 \(asp 5\)](#)). Consequently neither section 37, nor the provisions which support it, have any practical effect.
946. The repeal comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Statutory Water Companies Act 1991

947. *Paragraph 27* in Part 5 of this Schedule repeals the Statutory Water Companies Act 1991, an Act which forms part of the law of England and Wales only. *Paragraph 28* removes references to the Act and the term “statutory water company” from other Acts. The repeals and amendments relating to statutory water companies come into force at the end of the period of 2 months beginning with the day on which the Act is passed.
948. Statutory water companies were private businesses with share capital that were incorporated under individual Acts of Parliament. Most dated from the middle of the 19th Century and included, for example, York Waterworks which provided water supply services to the city of York. Unlike the water authorities that were privatised in 1989, statutory water companies were never in the public sector and were not required to register as limited companies under the Companies Act 1985 because they were incorporated under local Acts. The Statutory Water Companies Act regulated how the statutory water companies could operate. For example, it restricted the rate of dividend payable to shareholders and the amount the company could borrow.
949. There are no longer any statutory water companies left as, since privatisation, they have either merged with other water companies or been taken over by other limited companies. This means the provisions of the Statutory Water Companies Act are now redundant and can be repealed.

Sea Fish (Conservation) Act 1992

950. Section 10 of the Sea Fish (Conservation) Act 1992 required the Minister to report to Parliament with a review of the Act. The duty was to report within six months of 1st January 1997 after consulting those representing the interests of the fishing industry. On 20th March 1997, Lord Lucas answered a parliamentary question to explain that there was nothing of substance to report. He explained that the principal purpose of the Act had been to make provision for the introduction of restrictions on time spent at sea but the policy was suspended because of a legal challenge and a decision was subsequently made not to pursue it.
951. *Paragraph 29* repeals section 10 as the period within which the duty to report was to be discharged expired several years ago.

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

952. The repeal of section 10 forms part of the law of England and Wales, Scotland and Northern Ireland. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Highways (Assessment of Environmental Effects) Regulations 1988 and 1994

953. *Paragraph 30* revokes two spent statutory instruments related to the assessment of the effects on the environment of certain projects for constructing or improving a highway.
954. The Highways (Assessment of Environmental Effects) Regulations 1988 inserted a new Part 5A on Environmental Impact Assessments into the Highways Act 1980 (“the 1980 Act”) so as to implement Council Directive [85/337/EEC](#). These provisions were amended by the Highways (Assessment of Environmental Effects) Regulations 1994. The provisions contained in both sets of regulations were superseded by [S.I. 1999/369](#), which inserted a replacement Part 5A into the 1980 Act so as to implement Council Directive [97/11/EC](#) (which amended Directive [85/337/EEC](#)).
955. The Regulations form part of the law of England and Wales (as will the revocations). The revocations come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 6: Animals and food

Sea Fisheries Act 1868 and other fisheries legislation

956. *Paragraph 31* repeals the Sea Fisheries Act 1868, the Fisheries Act 1891 and the British Fishing Boats Act 1983 and makes consequential amendments. This legislation has been superseded by a combination of directly applicable provisions of EU law and other legislation.
957. The repeals have the same extent as the legislation amended except that the repeals of the Fisheries Act 1891 and the British Fishing Boats Act 1983 (and the related consequential amendments) do not extend to Scotland.
958. The repeals come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Agricultural Produce (Grading and Marking) Acts 1928 and 1931

959. The Agricultural Produce (Grading and Marking) Act 1928, as amended by the Agricultural Produce (Grading and Marking) Amendment Act 1931, enables regulations to be made prescribing grade designations and marks to indicate the quality of agricultural and fishery produce and contains provisions to do with the storage and marking of eggs.
960. The Acts have hardly been used during the last 70 years. They have been overtaken by more recent domestic legislation as well as European Union marketing legislation. The Acts are regarded as redundant and as serving no useful purpose. *Paragraph 33* in Part 6 of this Schedule repeals the 1928 and 1931 Acts. *Paragraph 34* makes consequential amendments of other Acts as a result of the repeal of the 1928 and 1931 Acts.
961. The 1928 and 1931 Acts form part of the law of England and Wales and Scotland and the repeal has the same extent. *Paragraphs 33 and 34* come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Breeding of Dogs Act 1973

962. *Paragraph 35* of this Schedule repeals the requirement under the Breeding of Dogs Act 1973 for local authorities, when deciding whether to grant a dog breeding licence, to have regard to the need for securing that dog breeding records be kept in a prescribed form and to specify licence conditions to secure that objective. With the introduction

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

in England of compulsory microchipping of all dogs from 6 April 2016 and proposed regulations about microchipping in Wales most of the information will be contained on the database relating to the microchip.

963. The 1973 Act extends to England and Wales and Scotland but the amendments to it will form part of the law of England and Wales only. The amendments will only come into force once commencement orders are made by the Secretary of State, in relation to England, and by the Welsh Ministers, in relation to Wales.

Animal Health Act 1981

964. *Paragraph 37* in Part 6 of this Schedule repeals the whole of Part 2A (sections 36A to 36M) of the Animal Health Act 1981, an Act which forms part of the law of England and Wales. The repeal has the same extent. The enabling powers that were inserted by the Animal Health Act 2002 as Part 2A (Scrapie) of the Animal Health Act 1981 have never been exercised and are no longer required; the relevant provisions of the Animal Health Act 2002 are repealed by *paragraph 38*. There had been a concern about the risk that scrapie disease might mask other disease in sheep and therefore it was planned to introduce a compulsory programme for breeding resistance to scrapie in sheep. However following further scientific evidence the EU decided against introducing such compulsory breeding programmes.
965. *Paragraphs 37 and 38* come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Milk: cessation of production

966. *Paragraph 39* in Part 6 of this Schedule repeals the Milk (Cessation of Production) Act 1985. The Act forms part of the law of England and Wales, Scotland and (for certain purposes) Northern Ireland.
967. *Paragraph 40* in Part 6 of this Schedule revokes the Milk (Cessation of Production) (Northern Ireland) Order 1985. The Order forms part of the law of Northern Ireland only.
968. Council Regulation (EEC) No 857/84 established, with effect from 2 April 1984, a system under which each producer of milk or milk products was allocated an individual “reference quantity”. If a producer’s production exceeded their reference quantity, there was provision for them to pay a levy. The reference quantity is commonly referred to as “milk quota”.
969. Council Regulation (EEC) No 857/84 also allowed Member States to grant compensation to producers who undertook to discontinue milk production. Such cessation of production would involve surrender of the producer’s milk quota.
970. The 1985 Act enables schemes to be made allowing the payment of compensation on the cessation of milk production and the surrender of milk quota. Such schemes could only apply to producers registered in respect of land in Great Britain. Such schemes were made under that Act in relation to England, Wales and Scotland.
971. The 1985 Act forms part of the law of Northern Ireland only for a highly specialised purpose; to allow the identification of which Parliamentary procedure (affirmative or negative resolution) would apply to any separate legislation on this topic applying only to Northern Ireland.
972. The 1985 Order was made under the provisions of Schedule 1 to the Northern Ireland Act 1974, as modified by section 6 of the 1985 Act. The 1974 Act was repealed by the Northern Ireland Act 1998. However, the 1998 Act provided that Orders made under the 1974 Act were to continue in force.

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

973. The 1985 Order enables schemes to be made allowing the payment of compensation on the cessation of milk production and the surrender of milk quota. Such schemes could only apply to producers registered in respect of land in a part of Northern Ireland. A scheme was made applying to such producers.
974. The schemes made in relation to England, Scotland and Northern Ireland were revoked with effect from 6 April 2007. They have not been replaced, and there is no intention to replace them. The underlying milk quota system itself (whose provisions are now contained in Council Regulation (EC) No 1234/2007) will cease with effect from 31 March 2015.
975. The repeal of the 1985 Act forms part of the law of England and Wales and Northern Ireland only. The revocation of the 1985 Order forms part of the law of Northern Ireland only. The repeal and the revocation come into force at the end of the period of 2 months beginning with the day on which the Act is passed. The Scottish Government has confirmed that it intends to enact legislation to repeal the 1985 Act in relation to Scotland, and will do so at a later date.

Breeding and Sale of Dogs (Welfare) Act 1999

976. *Paragraph 41* of this Schedule repeals the offences in the Breeding and Sale of Dogs (Welfare) Act 1999 of a licensed dog breeder selling to a licensed pet shop or Scottish rearing establishment a dog without an identifying tag or badge and of a keeper of a licensed pet shop selling on without an identifying tag or badge a dog delivered with such a tag or badge.
977. With the introduction of compulsory microchipping of all dogs from 6 April 2016 in England and proposed regulations about microchipping in Wales most of the information will be contained on the database relating to the microchip.
978. The 1999 Act extends to England and Wales and Scotland but the amendments to it will form part of the law of England and Wales only. They will come into force, in relation to England, on a day to be appointed by the Secretary of State in a commencement order and, in relation to Wales, on a day to be appointed by the Welsh Ministers in a commencement order.

Coal and Other Mines (Horses) Order

979. *Paragraph 42* revokes the Coal and Other Mines (Horses) Order 1956 which sets out health and welfare rules for horses employed in mines. The powers under which the Order was made (section 190 of the Mines and Quarries Act 1954) have been repealed and it now has effect by virtue of the [Mines and Quarries Acts 1954 to 1971 \(Repeals and Modifications\) Regulations 1974 \(S.I. 1974/2013\)](#), which were made under section 15 of the Health and Safety at Work etc. Act 1974.
980. The Order is considered no longer to be of practical use, since horses have not been used in mines in England and Wales for a considerable period of time. Any horses employed in mines would in any event be appropriately protected under modern animal welfare legislation of general application, namely the Animal Welfare Act 2006.
981. The 1956 Order forms part of the law of England and Wales and Scotland. However, the revocation forms part of the law of England and Wales only. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 7: Education

982. The Royal Hospital School, an independent school located in Ipswich, is owned and operated by Greenwich Hospital to meet one of its charitable objectives. Greenwich Hospital is an ancient Crown charity providing charitable support including annuities, sheltered housing and education, to serving and retired personnel of the Royal Navy and Royal Marines and their dependents. Under the Greenwich Hospital Acts of 1865

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

to 1990, and through other legislation, the Secretary of State for Defence holds the charitable organisation's assets in trust for the Crown.

983. *Paragraph 43* revokes the Greenwich Hospital School (Regulations) (Amendment) Order 1948, which Order restricted admission to the Greenwich Hospital School (now the Royal Hospital School) to the sons of officers and men of the Royal Navy and of other seafarers. It is thought that an oversight led to a failure to revoke the Order when the Greenwich Hospital Act 1990, which made it lawful to admit pupils to the Royal Hospital School regardless of any seafaring connection or of gender, came into force. The enabling power under which the 1948 Order was made (section 20 of the Greenwich Hospital Act 1865) has been expressly retained by section 1 of the Greenwich Hospital Act 1990.
984. The 1948 Order forms part of the law of England and Wales but applies only to England. The revocation comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 8: Civil law

985. Parliamentary privilege protects freedom of speech in debates or other proceedings in Parliament. It does so by preventing the proceedings being impeached or questioned in any court or place out of Parliament. Traditionally, the privilege could not be waived but section 13 of the Defamation Act 1996 allowed a person (whether a member of Parliament or not) to waive it for the purpose of defamation proceedings.
986. *Paragraph 44* repeals section 13 of the Defamation Act 1996. The removal of this provision means that a person is no longer able to waive this protection.
987. Joint Committees on Parliamentary Privilege in 1999 and 2013 both recommended that section 13 of the Defamation Act 1996 be repealed (see Reports of the Joint Committee on Parliamentary Privilege, Session 1998-99, HL Paper 43-1, HC 214-1 and Session 2013-14, HL Paper 30, HC 100).
988. The repeal forms part of the law of England and Wales, Scotland and Northern Ireland, and comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 9: Criminal law

Town Police Clauses Act 1847

989. *Paragraph 45* repeals 22 of the 25 remaining criminal offences in section 28 of the Town Police Clauses Act 1847. The offences relate to obstructions, annoyances or dangers in the street. The offences in question are either anachronistic or relate to behaviour which is covered by more recent legislation.
990. The paragraph forms part of the law of England and Wales only. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.

Part 10: Housing

Housing Act 1988

991. Sections 56 to 58 of the Housing Act 1980 provided for a new form of tenancy known as the "assured tenancy". This new form of tenancy was short-lived, as these tenancies were replaced by assured tenancies under the Housing Act 1988.
992. Section 37(1) of the Housing Act 1988 provided that no assured tenancy under the Housing Act 1980 could be entered into on or after 15 January 1989. Under section 1(3) of the Housing Act 1988, any assured tenancy that existed on that date under the

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

provisions of the Housing Act 1980, became an assured tenancy under the Housing Act 1988.

993. Sections 56 to 58 of the Housing Act 1980 were, therefore, repealed by the Housing Act 1988. However, there was a saving provision in paragraph 3 of Schedule 18 to the Housing Act 1988 for those assured tenancies to which section 1(3) of the Housing Act 1988 did not apply.
994. Section 37(2) of the Housing Act 1988 provided that section 1(3) of that Act did not apply to an assured tenant under the Housing Act 1980 who, before 15 January 1989, had made an application to the court under section 24 of the Landlord and Tenant Act 1954, for the grant of a new tenancy, and who, on that date, was still waiting for the court's decision.
995. In any case where the court decided not to grant a new tenancy, the assured tenancy under the Housing Act 1980 would have ceased. In any case where the court did grant a new tenancy, section 37(2) of the Housing Act 1988 provided that the new tenancy would be an assured tenancy under the Housing Act 1988. This means that the saving provision in paragraph 3 of Schedule 18 to the Housing Act 1988 is no longer required (no relevant court decisions are still awaited).
996. *Paragraph 46* provides that the saving provision in paragraph 3 of Schedule 18 to the Housing Act 1988 ceases to have effect in relation to tenancies of dwelling-houses in England (and so will continue only for Wales).
997. The paragraph forms part of the law of England and Wales, but the changes will only affect England. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.