

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

2021 No. ***

HIGHWAYS, ENGLAND

The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021

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, application and savings

1. These Regulations may be cited as the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 and come into force on the day after the day on which they are made (“the coming into force date”).

2. The amendments made by regulation 4 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

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

4. In section 4 (duration)—

- (a) in subsection (1)(b), for “30 September 2021” substitute “30 September 2022”;
- (b) in subsection (2)(b), for “30 September 2021” substitute “30 September 2022”; and
- (c) in subsection (4), for “30 September 2021” substitute “30 September 2022”.

(1) “Coronavirus” has the meaning given by section 10(3) of the Business and Planning Act 2020 (c. 16).
(2) 2020 c. 16

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 No. 866

5. In section 10(1) (expiry of pavement licence provisions), for “30 September 2021” substitute “30 September 2022”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Date

Name
Minister of State
Ministry of Housing, Communities and Local
Government

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 2021. Regulation 4 extends the dates specified in sections 4(1)(b), (2)(b) and (4) by twelve months, to 30th September 2022.

Regulation 4 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 2021 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 5 extends the expiry date of sections 1-9 of the 2020 Act generally, also to 30th September 2022.

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.