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Deregulation and Contracting Out Act 1994

CHAPTER 40

DEREGULATION AND CONTRACTING OUT ACT 1994

PART I

DEREGULATION

CHAPTER I

GENERAL

Removal or reduction of burdens

- 1 Power to remove or reduce certain statutory burdens on businesses, individuals etc.
- 2 Limitations on the power under section 1.
- 3 Preliminary consultation.
- 4 Parliamentary consideration of proposals.

Enforcement procedures and appeals

- 5 Powers to improve enforcement procedures.
- 6 Model provisions with respect to appeals.

CHAPTER II

MISCELLANEOUS DEREGULATORY PROVISIONS

- 7 Undertakings as alternative to monopoly reference by Director General of Fair Trading.

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- 8 Newspaper mergers: meaning of “newspaper proprietor” etc.
- 9 Undertakings as alternative to merger reference: non-divestment matters.
- 10 Restrictive trade practices: non-notifiable agreements.
- 11 Restrictive trade practices: registration of commercially sensitive information.
- 12 Anti-competitive practices: competition references.
- 13 Striking off of non-trading private companies.
- 14 Repeal of section 43 of the Weights and Measures Act 1985.
- 15 Building societies: issue of deferred shares at a premium.
- 16 Building societies: class 1 and 2 advances—third party mortgages.
- 17 Building societies: direct participation in syndicated lending.
- 18 Licensed premises at international ports: permitted hours.
- 19 Bars in licensed premises in England and Wales: children’s certificates.
- 20 Betting on Sundays.
- 21 Sporting events and activities on Sundays.
- 22 Sunday opening of certain licensed premises in Scotland.
- 23 Repeal of Part I of the Shops Act 1950.
- 24 Repeal of remainder of the Shops Act 1950.
- 25 Controls on fund-raising for charitable institutions: exclusion of connected companies.
- 26 Offences under section 63 of the Charities Act 1992: creation of statutory defence.
- 27 Applications for permits to conduct public charitable collections: time-limits.
- 28 Annual audit or examination of charity accounts.
- 29 Annual reports of charities.
- 30 Annual returns by charities.
- 31 Slaughterhouses and knackers’ yards: uniting of enforcement functions.
- 32 Building regulations: power to repeal or modify provisions of local Acts.
- 33 Amendment of duty of care etc. as respects waste.
- 34 Controls on London lorries: replacement of discretionary exceptions.
- 35 Employment agencies etc.: replacement of licensing.
- 36 Unfair dismissal: selection for redundancy.
- 37 Power to repeal certain health and safety provisions.
- 38 Inspection of independent schools.
- 39 Chapter II: consequential amendments.
- 40 Extent of Chapter II.

CHAPTER III

GOODS VEHICLE OPERATOR LICENSING

- 41 The 1968 Act.
- 42 Use of vehicles under licences.
- 43 Objections to grant or variation of licences.
- 44 Determination of applications for licences.
- 45 Conditions for securing road safety.
- 46 Duration of licences and grant of interim licences.
- 47 Variation of licences.
- 48 Revocation, suspension and curtailment of licences.
- 49 Publication of applications.

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- 50 Review and transfer of operating centres.
- 51 Assessors.
- 52 Review of decisions.
- 53 Appeals.
- 54 Partnerships.
- 55 Operators' licences not to be transferable etc.
- 56 Fees.
- 57 Chapter III: minor and consequential amendments.

CHAPTER IV

PUBLIC SERVICE VEHICLE OPERATOR LICENSING ETC.

- 58 The 1981 Act.
- 59 Undertakings given on applications.
- 60 Objections to applications for licences.
- 61 Duration of licences.
- 62 Suspension of licences.
- 63 Operators' discs.
- 64 Repeal of section 27 of the 1981 Act.
- 65 Review of decisions and correction of errors.
- 66 Fees.
- 67 Disqualification of PSV operators.
- 68 Chapter IV: minor and consequential amendments.

PART II

CONTRACTING OUT

Contracting out of functions

- 69 Functions of Ministers and office-holders.
- 70 Functions of local authorities.
- 71 Functions excluded from sections 69 and 70.
- 72 Effect of contracting out.
- 73 Termination of contracting out.

Provisions for facilitating contracting out

- 74 Powers of certain office-holders.
- 75 Restrictions on disclosure of information.
- 76 Amendments of enactments etc.

Supplemental

- 77 Provisions with respect to orders.
- 78 Extent of Part II.
- 79 Interpretation of Part II.

PART III

SUPPLEMENTARY

- 80 Financial provisions.
- 81 Repeals.
- 82 Short title, commencement and extent.

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SCHEDULES

SCHEDULE 1 — Powers to Improve Enforcement Procedures

Explanation of suggested remedial action

- 1 (1) This paragraph confers power to provide that, where an...

Explanation of immediate enforcement action etc.

- 2 (1) This paragraph confers power to provide that, where an...

Right to make representations

- 3 This paragraph confers power to provide that, before an enforcement...

Explanation of right of appeal

- 4 This paragraph confers power to provide that, where—

Application of provisions to other interested persons

- 5 (1) This paragraph confers power to provide that, where—

SCHEDULE 2 — Section 7: Sectoral Regulators

Telecommunications

- 1 (1) The Director General of Telecommunications shall be entitled to...
 2 In section 50(4) of the Telecommunications Act 1984 (which makes...
 3 In section 50(6) of the Telecommunications Act 1984 (power of...

Electricity

- 4 (1) The Director General of Electricity Supply shall be entitled...
 5 (1) The Director General of Electricity Supply for Northern Ireland...
 6 (1) In section 43(4) of the Electricity Act 1989 (which...
 7 (1) In section 43(6) of the Electricity Act 1989 (power...

Water

- 8 (1) The Director General of Water Services shall be entitled...
 9 So far as necessary for the purposes of, or in...
 10 (1) Section 31 of the Water Industry Act 1991 shall...

Railways

- 11 (1) The Rail Regulator shall be entitled to exercise, concurrently...
 12 In section 67(4) of the Railways Act 1993 (which makes...
 13 In section 67(8) of the Railways Act 1993 (power of...
 14 Section 93B of the Fair Trading Act 1973 (offences of...

Interpretation

- 15 Expressions used in this Schedule which are also used in...

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SCHEDULE 3 — Non-notifiable Agreements: Modifications of the Restrictive Trade Practices Act 1976

- 1 The Restrictive Trade Practices Act 1976 shall be amended as...
- 2 In section 1 (registration of agreements) after subsection (2) there...
- 3 (1) Section 24 (particulars and time for registration) shall be...
- 4 After section 25 there shall be inserted— Registration of non-notifiable...
- 5 (1) Section 26 shall be amended as follows.
- 6 In section 36 (Director’s power to obtain information) after subsection...
- 7 (1) Schedule 2 (furnishing of particulars of agreements) shall be...

SCHEDULE 4 — Section 12: Sectoral Regulators and Transition

Sectoral regulators

- 1 The amendments of the Competition Act 1980 made by section...
- 2 In each of the following, namely— (a) section 50(4) of...
- 3 In each of the following, namely— (a) section 50(6) of...
- 4 In section 67(8) of the Railways Act 1993 (corresponding provision...

Transition

- 5 (1) Where, immediately before the relevant day, an investigation under...
- 6 Where, immediately before the relevant day, an investigation has been...
- 7 Where, immediately before the relevant day, the authority by whom...
- 8 In paragraphs 5 to 7 above, “relevant day” means the...

SCHEDULE 5 — Striking off of Non-trading Private Companies: Great Britain

- 1 The Companies Act 1985 shall be amended as follows.
- 2 After section 652 there shall be inserted— Registrar may strike...
- 3 (1) Section 653 (objection to striking off by persons aggrieved)...
- 4 In Schedule 24 (punishment of offences), there shall be inserted...

SCHEDULE 6 — Striking Off of Non-trading Private Companies: Northern Ireland

- 1 The Companies (Northern Ireland) Order 1986 shall be amended as...
- 2 After Article 603 there shall be inserted— Registrar may strike...
- 3 (1) Article 604 (objection to striking off by persons aggrieved)...
- 4 In Schedule 23 (punishment of offences), there shall be inserted...

SCHEDULE 7 — Children’s Certificates: Supplementary Provisions

SCHEDULE 8 — SCHEDULE TO BE INSERTED IN THE BETTING, GAMING AND LOTTERIES ACT 1963 AFTER SCHEDULE 5

SCHEDULE 9 — Slaughterhouses and Knackers’ Yards: Uniting of Enforcement Functions

Powers to transfer enforcement functions to agriculture Ministers

- 1 (1) This paragraph applies to the following provisions of the...
- 2 (1) This paragraph applies to the following provisions of the...
- 3 (1) This paragraph applies to the following provisions of the...
- 4 No functions under the Slaughterhouses Act 1974 or the Slaughter...
- 5 (1) Regulations under paragraph 1(2), 2(2) or 3(2) above may...

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Territorial division of enforcement functions under the Food Safety Act 1990

6 In section 6(4)(a) of the Food Safety Act 1990 (which...

SCHEDULE 10 — Employment Agencies etc.: Replacement of Licensing

Part I — GENERAL

Great Britain

1 (1) The Employment Agencies Act 1973 shall be amended as...

Northern Ireland

2 (1) Articles 3 to 5 of the Employment (Miscellaneous Provisions)...

Part II — SEAMEN

United Kingdom

3 Sections 110 to 112 of the Merchant Shipping Act 1894...

Great Britain

4 In the Employment Agencies Act 1973, in section 13(7) (exceptions...

Northern Ireland

5 In the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981, in...

SCHEDULE 11 — Miscellaneous Deregulatory Provisions: Consequential Amendments

Licensing Act 1964 (c. 26)

1 (1) The Licensing Act 1964 shall be amended as follows....

Fair Trading Act 1973 (c. 41)

2 (1) The Fair Trading Act 1973 shall be amended as...

Energy Act 1976 (c. 76)

3 In section 5(6) of the Energy Act 1976, for “under”,...

Competition Act 1980 (c. 21)

4 (1) The Competition Act 1980 shall be amended as follows....

Road Traffic Regulation Act 1984 (c. 27)

5 In Schedule 9 to the Road Traffic Regulation Act 1984,...

Company Directors Disqualification Act 1986 (c. 46)

6 In the Company Directors Disqualification Act 1986, in section 2(1),...

Building Societies Act 1986 (c. 53)

7 (1) The Building Societies Act 1986 shall be amended as...

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Financial Services Act 1986 (c. 60)

8 In section 125(7) of the Financial Services Act 1986, the...

Companies Act 1989 (c. 40)

9 In Schedule 14 to the Companies Act 1989, in paragraph...

Companies (Northern Ireland) Order 1989 (N.I. 18)

10 In the Companies (Northern Ireland) Order 1989, in Article 5(1),...

Companies (Northern Ireland) Order 1990 (N.I. 5)

11 In Schedule 14 to the Companies (Northern Ireland) Order 1990,...

Charities Act 1993 (c. 10)

12 In section 47(3) of the Charities Act 1993—

SCHEDULE 12 — Schedule to be Inserted in the Transport Act 1968 after
Schedule 8

SCHEDULE 13 — Goods Vehicle Operator Licensing: Minor and Consequential
Amendments

Part I — AMENDMENT OF THE TRANSPORT ACT 1968 (1968 C. 73)

- 1 (1) In section 62(2) the words from “which” to the...
- 2 (1) In section 63(3) after “64(2)” there shall be inserted...
- 3 In section 66(1)(a) for “the authorised vehicles are used” there...
- 4 (1) In section 69(4) for “(1)(b)” there shall be substituted...
- 5 (1) In section 69A(1)— (a) for “authorised vehicles” there shall...
- 6 (1) In section 69B(1) and (2)— (a) after “any place”...
- 7 (1) For section 69C(1) there shall be substituted—
- 8 Section 69F shall be omitted.
- 9 For section 69G there shall be substituted— Objections and
representations:...
- 10 In section 82(4) for “authorised vehicles” there shall be substituted...
- 11 (1) After section 84(a) there shall be inserted—
- 12 In section 85(1) for “authorised vehicles” there shall be substituted...
- 13 In section 87(3) the words “or 69F” shall be omitted...
- 14 (1) In section 91(1)— (a) in paragraph (a) for “69...
- 15 (1) In section 92(1)— (a) the definition of “authorised vehicle”...

Part II — AMENDMENT OF OTHER ENACTMENTS

- 16 In section 233(1)(c) of the Road Traffic Act 1960—
- 17 In section 2(2) of the Road Traffic (Drivers’ Ages and...
- 18 (1) Section 73 of the Road Traffic Act 1988 shall...

SCHEDULE 14 — PSV Operator Licensing etc: Minor and Consequential
Amendments

- 1 The 1981 Act shall be amended as follows.
- 2 In section 14(4) for “the provisions of sections 15 and...
- 3 Section 14A(3) shall be omitted.
- 4 In section 16(6) the word “or” immediately before paragraph (b)...
- 5 (1) Section 17(2)(c) shall be omitted. (2) In section 17(3)—...
- 6 In section 18(3)(d)— (a) after “discs” there shall be inserted...

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- 7 (1) Section 50(2) shall be omitted. (2) In section 50(4)—...
8 In section 12 of the Transport Act 1985 subsection (3)...

SCHEDULE 15 — Restrictions on Disclosure of Information

Preliminary

- 1 (1) Paragraphs 2 to 5, 7 and 8 below apply...

Disclosures between contracting parties etc.

- 2 The enactment or obligation shall not prevent or penalise the...

Disclosures by contracting parties to contractor B

- 3 (1) This paragraph applies where another person (contractor B) is...

Disclosures by contracting parties to contractor C

- 4 (1) This paragraph applies where another person (contractor C) is...

Disclosures by contractor A to authority D

- 5 The enactment or obligation shall not prevent or penalise the...

Disclosures to contractor A by authority E

- 6 The enactment or obligation shall not prevent or penalise the...

Disclosures for audit purposes

- 7 (1) Where authority A is a Minister or office-holder, the...

Implied term of contractor A's contract

- 8 It shall be an implied term of any contract made...

Unauthorised disclosures

- 9 (1) This paragraph applies where— (a) any information is disclosed...

Interpretation: general

- 10 (1) In this Schedule— “ancillary services” means services certified by...

SCHEDULE 16 — Amendments etc. for Facilitating Contracting Out

Newspaper Libel and Registration Act 1881 (c.60) and Limited Partnerships Act 1907 (c.24)

- 1 (1) This paragraph applies where by virtue of an order...

Courts Act 1971 (c.23)

- 2 For section 27 of the Courts Act 1971 there shall...

Local Government Act 1972 (c.70)

- 3 If and to the extent that an order under section...

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Patents Act 1977 (c.37)

- 4 If and to the extent that an order under section...

Rent (Scotland) Act 1984 (c.58)

- 5 At the beginning of subsection (3) of section 43 of...
6 After section 43 of that Act there shall be inserted...
7 After section 43A of that Act there shall be inserted...

Companies Act 1985 (c.6)

- 8 After subsection (6) of section 704 of the Companies Act...
9 In section 735A(2) of that Act (relationship of Act to...
10 In section 735B of that Act (relationship of Act to...

Gas Act 1986 (c.44)

- 11 (1) In subsection (5) of section 13 of the Gas...
12 (1) In subsection (5) of section 16 of that Act...
13 (1) In subsection (2) of section 17 of that Act...

Agriculture Act 1986 (c.49)

- 14 For subsection (3) of section 1 of the Agriculture Act...

European Economic Interest Grouping Regulations 1989

- 15 In paragraph 16 of Schedule 4 to the European Economic...

Food Safety Act 1990 (c.16)

- 16 After subsection (5) of section 6 of the Food Safety...
17 In subsection (1) of section 42 of that Act (default...
18 In subsection (1) of section 50 of that Act (service...
19 In subsection (2) of section 53 of that Act (general...

Social Security Administration Act 1992 (c.5)

- 20 (1) After subsection (7) of section 54 of the Social...
21 After subsection (6) of section 123 of that Act (disclosure...
22 After subsection (3) of section 127 of that Act (housing...
23 After subsection (3) of section 128 of that Act (council...

Social Security Administration (Northern Ireland) Act 1992 (c.8)

- 24 (1) After subsection (7) of section 52 of the Social...
25 After subsection (6) of section 117 of that Act (disclosure...

SCHEDULE 17 — Repeals

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