



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 12

MISCELLANEOUS

228 Registration of short-term rental properties

- (1) The Secretary of State must by regulations make provision requiring or permitting the registration of specified short-term rental properties in England.
- (2) “Short-term rental property” means—
 - (a) a dwelling, or part of a dwelling, which is provided by a person (“the host”) to another person (“the guest”)—
 - (i) for use by the guest as accommodation other than the guest’s only or principal residence,
 - (ii) in return for payment (whether or not by the guest), and
 - (iii) in the course of a trade or business carried on by the host, and
 - (b) any dwelling or premises, or part of a dwelling or premises, not falling within paragraph (a) which is specified for the purposes of this paragraph.
- (3) The Secretary of State must consult the public before making the first regulations under this section.
- (4) The requirement in [subsection \(3\)](#) may be satisfied by consultation undertaken before the coming into force of this section.
- (5) Regulations under this section may, in particular, include provision about or in connection with—
 - (a) who may, or must, maintain the register or registers provided for under this section;
 - (b) who may, or must, register a specified short-term rental property on any register provided for under this section;
 - (c) conditions that must be satisfied for a specified short-term rental property to be registered or conditions that may be placed upon a specified short-term

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- rental property’s registration (including provision about the circumstances in which such conditions may be varied);
- (d) the circumstances in which the registration of a specified short-term rental property may be revoked;
 - (e) procedural requirements relating to the registration of a specified short-term rental property, the variation of any conditions placed on the registration or the revocation of the registration;
 - (f) appeals against decisions made in relation to the registration of a specified short-term rental property;
 - (g) the form or content of—
 - (i) a register provided for under this section,
 - (ii) an application for registration on such a register, or
 - (iii) any other document provided for under this section;
 - (h) how the registration of a specified short-term rental property may or must be publicised;
 - (i) the collection, provision or publication of information in connection with regulations under this section;
 - (j) exemptions from some or all of the requirements imposed by regulations under this section;
 - (k) prohibiting the provision of a short-term rental property or anything done wholly or partly for the purposes of promoting such a property to the public or a section of the public, in the course of a trade or business, where the property is not registered or another requirement imposed by regulations under this section has not been met;
 - (l) the enforcement of requirements or prohibitions imposed by regulations made under this section.
- (6) Provision under [subsection \(5\)\(l\)](#) may, in particular, include provision—
- (a) conferring a power on a court or tribunal;
 - (b) for the imposition of civil sanctions and appeals against such sanctions.
- (7) Regulations under this section may make provision for the imposition of civil sanctions whether or not the conduct in respect of which the sanction is imposed constitutes an offence.
- (8) Regulations under this section may—
- (a) provide for the charging of fees or other charges;
 - (b) confer a function, including a function involving the exercise of a discretion, on any person;
 - (c) relate to all or only part of England (and still discharge the duty in [subsection \(1\)](#)).
- (9) In this section—
- “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices, enforcement undertakings);
- “premises” includes any place and, in particular, includes—
- (a) any vehicle or vessel;
 - (b) any tent or moveable structure;

“specified” means specified or described in regulations made under this section.

229 Pavement licences

Schedule 22 makes—

- (a) provision to make the regime for pavement licences under sections 1 to 9 of the Business and Planning Act 2020 permanent, and
- (b) other provision relating to pavement licences.

230 Historic environment records

- (1) A relevant authority must maintain an historic environment record for its area.
- (2) An “historic environment record” is a system for storing and making available to the public information about—
 - (a) any of the following in the area—
 - (i) a listed building within the meaning given by section 1(5) of the Listed Buildings Act;
 - (ii) a conservation area within the meaning given by section 91(1) of that Act;
 - (iii) a scheduled monument within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979;
 - (iv) a garden or other area of land included in a register maintained by the Historic Buildings and Monuments Commission for England under section 8C of the Historic Buildings and Ancient Monuments Act 1953;
 - (v) a site designated as a restricted area under section 1 of the Protection of Wrecks Act 1973;
 - (vi) a World Heritage Site (that is to say, a property appearing on the World Heritage List kept under Article 11(2) of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972);
 - (vii) anything of a description specified in regulations under subsection (3),
 - (b) other sites in the area which the authority considers to be of historic, architectural, archaeological or artistic interest,
 - (c) objects found in the area in the course of archaeological investigations which the authority considers to be of such interest, and
 - (d) historical, architectural, archaeological or scientific investigations or studies relating to—
 - (i) anything within paragraphs (a) to (c), or
 - (ii) the development, preservation or present character of any part of the area.
- (3) The Secretary of State may, by regulations, specify for the purposes of subsection (2)(a)(vii) a description of object, structure or site that—
 - (a) is designated, registered or similarly recognised under an enactment, and
 - (b) appears to the Secretary of State to be so wholly or partly because of historic, architectural, archaeological or artistic importance.

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- (4) Subsection (1) requires information to be included in an historic environment record only so far as the relevant authority—
- (a) has the information, and
 - (b) considers it suitable for inclusion in the record.
- (5) A relevant authority must take such steps as it considers reasonable to—
- (a) obtain information for inclusion in its historic environment record, and
 - (b) keep information included in its historic environment record up to date.
- (6) The Secretary of State may by regulations make provision—
- (a) about how information is to be stored or made available as described in subsection (2);
 - (b) for and in connection with the charging of fees by relevant authorities in respect of—
 - (i) the provision of advice or assistance to persons making use, or proposing to make use, of an historic environment record;
 - (ii) the provision of documents copied or derived from an historic environment record.
- (7) Regulations under subsection (6)(a) may, in particular, make provision requiring or enabling information to be stored or made available in accordance with such standards or specifications as are published by the Secretary of State from time to time.
- (8) The relevant authorities for the purposes of this section are—
- (a) each county council in England,
 - (b) each district council for an area in England for which there is no county council,
 - (c) each London borough council,
 - (d) the Common Council of the City of London,
 - (e) the Council of the Isles of Scilly,
 - (f) each National Park authority for a National Park in England, and
 - (g) the Broads Authority.
- (9) For the purposes of this section—
- (a) the area of the Common Council includes the Inner Temple and the Middle Temple,
 - (b) an area comprising a National Park for which there is a National Park authority is the area of that authority and no other relevant authority, and
 - (c) the area comprising the Broads, as defined by section 2(3) of the Norfolk and Suffolk Broads Act 1988, is the area of the Broads Authority and no other relevant authority.

231 Review of governance etc of RICS

- (1) The Secretary of State may, from time to time, appoint an independent person to carry out a review of—
- (a) the governance of the Royal Institution of Chartered Surveyors,
 - (b) the effectiveness of the Institution in meeting its objectives, and
 - (c) any other matter specified in the appointment.

- (2) A matter may be specified under [subsection \(1\)\(c\)](#) only if the Secretary of State considers that the matter is connected with—
 - (a) the governance of the Institution, or
 - (b) the effectiveness of the Institution in meeting its objectives.
- (3) On completion of a review, the appointed person must make a written report to the Secretary of State—
 - (a) setting out the result of the review, and
 - (b) making such recommendations (if any) as the person considers.
- (4) The Secretary of State must publish a copy of the report.
- (5) In [this section](#) “independent” means appearing to the Secretary of State to be independent of—
 - (a) the Secretary of State, and
 - (b) the Royal Institution of Chartered Surveyors.

232 Marine licensing

- (1) The Marine and Coastal Access Act 2009 is amended in accordance with subsections (2) to (7).
- (2) In section 72A (further fees chargeable where the Welsh Ministers are the appropriate licensing authority)—
 - (a) in the heading, from “Welsh” to the end substitute “appropriate licensing authority is the Secretary of State, the Scottish Ministers or the Welsh Ministers”;
 - (b) in subsection (1), for the words from “Welsh” to the end substitute “appropriate licensing authority in relation to a marine licence granted under this Part is the Secretary of State, the Scottish Ministers or the Welsh Ministers.”;
 - (c) in subsection (2)(c), insert at the beginning “where the Welsh Ministers are the licensing authority.”;
 - (d) after subsection (2) insert—
 - “(2A) Where the licensing authority is the Secretary of State or the Scottish Ministers, the authority may charge a fee for dealing with—
 - (a) a variation of the licence under section 72(3) (whether or not on an application), or
 - (b) a transfer and variation of the licence under section 72(7).”;
 - (e) in subsection (4), for “subsection (2)” substitute “subsections (2) and (2A)”;
 - (f) in subsection (6)—
 - (i) the words from “an application” to “72” become paragraph (a),
 - (ii) at the beginning of that paragraph insert “where the Welsh Ministers are the licensing authority.”,
 - (iii) after that paragraph insert “, or
 - (b) where the licensing authority is the Secretary of State or the Scottish Ministers, an application for a variation of a licence under section 72(3) or a transfer and variation of a licence under section 72(7).”;

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- (iv) in the closing words, after “licensee” insert “or (as the case may be) other applicant”; and
 - (g) in subsection (9), after “licensee” insert “or other applicant”.
- (3) In section 98 (delegation of functions), in subsection (6)—
- (a) in paragraph (ca), for “Welsh Ministers are the licensing authority” substitute “licensing authority is the Secretary of State, the Scottish Ministers or the Welsh Ministers”;
 - (b) in paragraph (ha), for “Welsh Ministers are the licensing authority” substitute “licensing authority is the Secretary of State, the Scottish Ministers or the Welsh Ministers”;
 - (c) in paragraph (hb), for “Welsh Ministers are the licensing authority” substitute “licensing authority is the Secretary of State, the Scottish Ministers or the Welsh Ministers”.
- (4) In section 107A (deposits on account of fees payable)—
- (a) in the heading, after “the” insert “Secretary of State, the Scottish Ministers or the”;
 - (b) in subsection (1), from “Welsh” to the end substitute “appropriate licensing authority is the Secretary of State, the Scottish Ministers or the Welsh Ministers.”
- (5) In section 107B (supplementary provision about fees)—
- (a) in the heading, after “the” insert “Secretary of State, the Scottish Ministers or the”;
 - (b) in subsection (1), from “Welsh” to the end substitute “appropriate licensing authority is the Secretary of State, the Scottish Ministers or the Welsh Ministers.”
- (6) In section 108 (appeals against notices), in subsection (2A), at the beginning insert “The Secretary of State, the Scottish Ministers or”.
- (7) In section 110A (fees: oil and gas activities for which marine licence needed), in subsection (4)—
- (a) after “67,” insert “72(3), 72(7) or 72A(2)(a) or (b),”;
 - (b) after “67(2)” insert “or 72A(4)”;
 - (c) after “67(5)” insert “or 72A(6)”.
- (8) The amendments made to the Marine and Coastal Access Act 2009 by sections 77 to 80 of the [Environment \(Wales\) Act 2016 \(anaw 3\)](#) extend to Scotland and Northern Ireland (as well as England and Wales).
- (9) The Public Bodies (Marine Management Organisation) (Fees) Order 2014 ([S.I. 2014/2555](#)) is revoked.

233 Power to replace Health and Safety Executive as building safety regulator

- (1) The Secretary of State may by regulations make provision for a body (“the new regulator”) to replace the Health and Safety Executive as the building safety regulator for the purposes of the Building Safety Act 2022.
- (2) The new regulator may be—
- (a) a body established by the regulations, or

- (b) another body specified in the regulations.
- (3) The Secretary of State may by regulations make further provision in connection with subsection (1), including provision—
 - (a) conferring the functions of the Health and Safety Executive as the building safety regulator on to the new regulator;
 - (b) establishing or modifying the constitutional arrangements of the new regulator;
 - (c) establishing or modifying the funding arrangements of the new regulator;
 - (d) conferring a power on the Secretary of State to give directions to the new regulator.
- (4) Regulations under this section may amend, repeal or revoke any provision made by or under—
 - (a) the Health and Safety at Work etc. Act 1974;
 - (b) the Building Act 1984;
 - (c) TCPA 1990;
 - (d) section 54 of PCPA 2004;
 - (e) the Building Safety Act 2022.
- (5) No regulations may be made under this section after the end of the period of 24 months beginning with the day on which the final report of the Grenfell Tower Inquiry is presented to Parliament in accordance with section 26 of the Inquiries Act 2005.
- (6) In this section—
 - “constitutional arrangements”, in relation to the new regulator, include matters relating to—
 - (a) the name and status of the body;
 - (b) the chair, members and staff of the body (including qualifications and procedures for appointment and functions);
 - (c) the body’s powers to employ staff;
 - (d) remuneration, allowances and pensions for the body’s members and staff;
 - (e) governing procedures and arrangements (including the role and membership of committees and sub-committees);
 - (f) reports and accounts (including audit);
 - “funding arrangements”, in relation to the new regulator, include provision for it to be funded by a Minister of the Crown and the extent of such funding;
 - “Grenfell Tower Inquiry” means the public inquiry into the fire at Grenfell Tower on 14 June 2017 as set up on 15 August 2017 for the purposes of section 5 of the Inquiries Act 2005;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

234 Transfer schemes in connection with regulations under [section 233](#)

- (1) The Secretary of State may, in connection with regulations under [section 233\(1\)](#), make one or more schemes for the transfer of property, rights and liabilities (“transfer schemes”).

Status: This is the original version (as it was originally enacted).

- (2) A transfer scheme in connection with regulations under section 233(1) may provide for the transfer of property, rights or liabilities to the new regulator from the Health and Safety Executive.
- (3) The things that may be transferred under a transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) criminal liabilities.
- (4) A transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done by, on behalf of or in relation to the Health and Safety Executive in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the Health and Safety Executive in respect of anything transferred;
 - (d) make provision for references to the Health and Safety Executive in an instrument or other document in respect of anything transferred to be treated as references to the new regulator;
 - (e) make provision for the shared ownership or use of property;
 - (f) make provision which is the same as or similar to the TUPE regulations;
 - (g) make other consequential, supplementary, incidental or transitional provision.
- (5) A transfer scheme may provide—
- (a) for modifications by agreement;
 - (b) for modifications to have effect from the date when the original scheme came into effect.
- (6) In subsection (4)(f), “the TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).
- (7) For the purposes of this section—
- (a) references to rights and liabilities include rights and liabilities relating to a contract of employment;
 - (b) references to the transfer of property include the grant of a lease.
- (8) For the purposes of subsection (7)(a)—
- (a) an individual who holds employment in the civil service of the State is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual’s employment in the civil service of the State are to be treated as constituting the terms of the contract of employment.
- (9) In this section “new regulator” has the meaning given in section 233(1).

235 Transfer of land by local authorities

- (1) In Schedule 1 to the Academies Act 2010 (Academies: land), after paragraph 9 insert—

“Compulsory transfer to trustees

- 9A (1) This paragraph applies where Conditions A to D are met.

Status: This is the original version (as it was originally enacted).

- (2) Condition A is that a local authority make premises (“the new premises”) available to be used by an Academy school.
- (3) Condition B is that the new premises are made available as an alternative to premises (“the existing premises”) which have previously been used by—
 - (a) the Academy school, or
 - (b) a maintained school, Academy or sixth form college that has been or is to be discontinued and that the Academy school replaces.
- (4) Condition C is that the existing premises are held on trust by a person or persons (“the trustees”) for the purposes of (as the case may be)—
 - (a) the Academy school, or
 - (b) the discontinued maintained school, Academy or sixth form college.
- (5) Condition D is that the trustees—
 - (a) having sold the existing premises, pay to the local authority a sum that—
 - (i) is just, having regard to the value of the local authority’s interest in the new premises, but
 - (ii) does not exceed the total of the proceeds of sale and any interest that has accrued to the trustees on those proceeds, or
 - (b) if the local authority agree to accept the trustees’ interest in the existing premises, transfer that interest to the local authority.
- (6) The local authority must transfer their interest in the new premises to the trustees to be held by them on trust for the purposes of the Academy school.
- (7) The local authority must pay to the trustees to whom the transfer is made their reasonable costs in connection with the transfer.
- (8) Any question relating to the duty in sub-paragraph (6) may, if not agreed by the local authority and the trustees, be referred by the local authority or the trustees to the adjudicator (see section 25 of the School Standards and Framework Act 1998).
- (9) The questions referred to in sub-paragraph (8) include in particular—
 - (a) the extent of the premises an interest in which is to be transferred by the local authority,
 - (b) whether a sum proposed by any person to be paid by the trustees as specified in sub-paragraph (5)(a) is just having regard to the value of the local authority’s interest in the new premises,
 - (c) the amount of any interest that has accrued to the trustees on proceeds of sale as referred to in sub-paragraph (5)(a)(ii), and
 - (d) the identity of the trustees to or by whom a payment or transfer should be made.
- (10) The local authority and the trustees respectively must provide to the adjudicator any information the adjudicator may request from them for

the purpose of exercising the functions the adjudicator has by virtue of this paragraph.

(11) Any sum paid to the local authority as referred to in sub-paragraph (5) (a) is to be treated for the purposes of section 14 of the School Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school, Academy or sixth form college referred to in sub-paragraph (3) (a) or (b).

(12) In this paragraph, references to premises do not include playing fields.”

(2) In section 25 of the School Standards and Framework Act 1998 (adjudicators), in subsection (2), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.

(3) In Schedule 5 to that Act (adjudicators), in paragraph 5(1), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.

(4) In Part 2 of Schedule 22 to that Act (maintained schools: disposals on discontinuance), in paragraph 5, after sub-paragraph (1A) insert—

“(1B) This paragraph also does not apply where the school mentioned in sub-paragraph (1)(a) is (with or without other schools) to be replaced by an Academy school in circumstances where paragraph 9A(1) of Schedule 1 to the Academies Act 2010 applies.”

236 Open access mapping

(1) The Countryside and Rights of Way Act 2000 is amended as follows.

(2) After section 9 (maps in conclusive form) insert—

“9A Review of maps (England)

(1) This section applies where a map has been issued in conclusive form for the purposes of this Part in respect of any area in England.

(2) Natural England must before 1 January 2031, to the extent that they consider appropriate, carry out a review of whether—

(a) any land shown on that map as open country or registered common land is open country or registered common land at the time of the review, and

(b) any land in that area which is not so shown ought to be so shown.

(3) Regulations may require Natural England to carry out subsequent reviews, in respect of such matters and in respect of such circumstances as may be prescribed.”

(3) In section 10 (review of maps)—

(a) at the end of the heading insert “(Wales)”;

(b) in subsection (1), after “area” insert “in Wales”;

(c) in subsection (2), for paragraphs (a) and (b) substitute—

“(a) in the case of the first review, not more than ten years after the issue of the map in conclusive form, and

- (b) in the case of subsequent reviews, not more than fifteen years after the previous review.”
- (4) In section 11 (regulations relating to maps)—
 - (a) in subsection (2), after paragraph (j) insert—
 - “(ja) the procedure to be followed on a review under section 9A (including provision as to the period within which, and the manner in which, representations may be made to Natural England in relation to such a review),”;
 - (b) after subsection (3) insert—
 - “(3A) Regulations made by virtue of subsection (2)(ja) may make provision—
 - (a) for appeals in relation to a review, including by making provision applying, or corresponding to, any provision of, or made under, Schedule 1A to the National Parks and Access to the Countryside Act 1949 (coastal access reports) (with or without modifications);
 - (b) enabling Natural England to make a determination in preparing a map on a review that any boundary of an area of open country is to be treated as coinciding with a particular physical feature (whether the effect is to include other land as open country or to exclude part of an area of open country).”

237 Childcare: use of non-domestic premises

- (1) In section 96 of the Childcare Act 2006 (meaning of early years and later years provision etc), in each of subsections (4) and (8) omit “, where at least half of the provision is on domestic premises”.
- (2) [Schedule 23](#) amends the Childcare Act 2006 to make provision relating to the registration of persons providing childminding wholly on non-domestic premises.

238 Childcare: number of providers

In section 96 of the Childcare Act 2006 (meaning of early years and later years provision etc), in each of subsections (5) and (9), for “three” substitute “four”.

239 Amendments of Schedule 7B to the Government of Wales Act 2006

- (1) Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) is amended in accordance with subsections (2) and (3).
- (2) In paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities)—
 - (a) omit the “or” at the end of paragraph (vi);
 - (b) after paragraph (vii) insert “; or
 - (viii) [Chapter 1](#) of [Part 3](#) or [Part 6](#) of the Levelling-up and Regeneration Act 2023.”
- (3) In paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—
 - (a) omit the “or” at the end of the first paragraph (ix);
 - (b) for the second paragraph (ix) substitute—

“(x) the Trade (Australia and New Zealand) Act 2023; or
(xi) Chapter 1 of Part 3 or Part 6 of the Levelling-up and
Regeneration Act 2023.”

(4) In the Procurement Act 2023—

(a) in section 118 (concurrent powers and the Government of Wales Act 2006),
for paragraphs (c) and (d) substitute—

“(c) at the end of paragraph 11(6)(b)(x), omit “or”, and

(d) in paragraph 11(6)(b)(xi), at the end insert “, or

(xii) the Procurement Act 2023.”

(b) in Schedule 11 (repeals and revocations), for paragraph 1 substitute—

“1 In Schedule 7B to the Government of Wales Act 2006 (general
restrictions on devolved competence)—

(a) paragraph 9(9)(d) (as inserted by the Trade (Australia and
New Zealand) Act 2023), and

(b) paragraph 11(6)(b)(x) (as inserted by the Levelling-up
and Regeneration Act 2023).”

240 Blue plaques in England

In paragraph 4 of Schedule 2 to the Local Government Act 1985 (Listed Buildings,
Conservation Areas and Ancient Monuments), for “Greater London” substitute “any
area in England”.

241 Powers of local authority in relation to the provision of childcare

In section 8 of the Childcare Act 2006 (powers of local authority in relation to the
provision of childcare)—

(a) in subsection (1)(c) omit “subject to subsection (3),”;

(b) omit subsections (3) to (5).

242 Report on enforcement of the Vagrancy Act 1824

- (1) The Secretary of State must prepare and publish a report on the impact of the
enforcement of sections 3 and 4 of the Vagrancy Act 1824 on the levelling-up missions
(within the meaning given by section 1(2)(a)).
- (2) The report must be published within the period of 12 months beginning with the day
on which this section comes into force.
- (3) This section ceases to have effect on the day on which section 81 of the Police, Crime,
Sentencing and Courts Act 2022 (repeal of the Vagrancy Act 1824 etc) comes into
force.

243 Qualifying leases under the Building Safety Act 2022

- (1) The Building Safety Act 2022 is amended in accordance with subsections (2) to (4).
- (2) In section 119 (meaning of “qualifying lease”) after subsection (3) insert—

“(3A) A connected replacement lease (see section 119A) is also a “qualifying lease”.”

(3) After section 119 insert—

“119A Meaning of “connected replacement lease”

- (1) For the purposes of section 119 (and this section) a lease (the “new lease”) is a “connected replacement lease” if—
 - (a) the new lease is a lease of a single dwelling in a relevant building,
 - (b) the tenant under the new lease is liable to pay a service charge,
 - (c) the new lease was granted on or after 14 February 2022,
 - (d) the new lease replaces—
 - (i) one other lease, which is a qualifying lease (whether under section 119(2) or (3A)), or
 - (ii) two or more other leases, at least one of which is a qualifying lease (whether under section 119(2) or (3A)), and
 - (e) there is continuity in the property let.
- (2) For the purposes of subsection (1)(d), the new lease replaces another lease if—
 - (a) the term of the new lease begins during the term of the other lease, and the new lease is granted in substitution of the other lease, or
 - (b) the term of the new lease begins at the end of the term of the other lease (regardless of when the lease is granted).
- (3) For the purposes of subsection (2)(a), the circumstances in which the new lease is granted in substitution of another lease include circumstances where—
 - (a) the new lease is granted by way of a surrender and regrant of the other lease (including a deemed surrender and regrant, whether deemed under an enactment or otherwise);
 - (b) the new lease is granted under—
 - (i) section 24 of the Landlord and Tenant Act 1954 (renewed business leases),
 - (ii) section 14 of, or Schedule 1 to, the Leasehold Reform Act 1967 (extension of leases of houses), or
 - (iii) section 56 of the Leasehold Reform, Housing and Urban Development Act 1993 (extension of leases of flats),in a case where that provision of that Act applies by virtue of the other lease.
- (4) For the purposes of subsection (1)(e) there is continuity in the property let if—
 - (a) the newly let property is exactly the same as the already let property,
 - (b) the newly let property consists of some or all of the already let property, together with other property (whether or not that other property was previously let) (a “property combination”), or
 - (c) the newly let property consists of some, but not all, of the already let property (but no other property) (a “property reduction”).
- (5) But there is no continuity in the property let by virtue of a property reduction if, as respects any lease in the relevant chain of qualifying leases, there was continuity in the property let by virtue of a property combination.

- (6) For that purpose, the “relevant” chain of qualifying leases is the chain of qualifying leases of which the new lease would be part were it a connected replacement lease.
- (7) For the purposes of subsection (1)(e) there is also continuity in the property let if the new lease is granted to rectify any error in the lease, or any lease, which the new lease replaces.
- (8) Where a dwelling is at any time on or after 14 February 2022 let under two or more leases to which subsection (1)(a) and (b) apply, any of the leases which is superior to any of the other leases is not a connected replacement lease.
- (9) For the purposes of sections 122 to 125 and Schedule 8, all of the leases in a chain of qualifying leases are to be treated as a single qualifying lease which has a term that—
- (a) began when the term of the initial qualifying lease in that chain began, and
 - (b) ends when the term of the current connected replacement lease in that chain ends.
- (10) The Secretary of State may by regulations make provision about the meaning of “connected replacement lease” (including provision changing the meaning).
- (11) The provision that may be made in regulations under this section includes—
- (a) provision which amends this section;
 - (b) provision which has retrospective effect.
- (12) Provision in regulations under this section made by virtue of section 168(2)
- (a) (consequential provision etc) may (in particular) amend this Act.
- (13) In this section—
- “already let property”, in relation to a new lease, means the property let by the lease or leases which the new lease replaces;
 - “chain of qualifying leases” means—
 - (a) an initial qualifying lease which is the preceding qualifying lease in relation to a connected replacement lease (the “first replacement lease”),
 - (b) the first replacement lease, and
 - (c) any other connected replacement lease if the preceding qualifying lease in relation to it is—
 - (i) the first replacement lease, or
 - (ii) any other connected replacement lease which is in the chain of qualifying leases;
- and a chain of qualifying leases may accordingly consist of different leases at different times (if further connected replacement leases are granted);
- “current connected replacement lease”, in relation to a particular time, means a connected replacement lease during the term of which that time falls;
 - “initial qualifying lease” means a lease which is a qualifying lease under section 119(2);

- “new lease” has the meaning given in subsection (1);
“newly let property” means the property let by the new lease;
“preceding qualifying lease”, in relation to the new lease, means—
- (a) in a case within subsection (1)(d)(i), the lease which the new lease replaces;
 - (b) in a case within subsection (1)(d)(ii), a lease which—
 - (i) the new lease replaces, and
 - (ii) is a qualifying lease.

(14) The definitions in section 119(4) also apply for the purposes of this section.”

- (4) In section 168(6)(a) (affirmative procedure for regulations), after “74,” insert “119A,”.
- (5) The amendments made by this section are to be treated as having come into force on 28 June 2022.

244 Road user charging schemes in London

- (1) Schedule 23 to GLAA 1999 (road user charging) is amended as follows.
- (2) After paragraph 1(3) insert—

“(3A) Any reference in this Schedule to national obligations is a reference to obligations imposed by or under any enactment on a Minister of the Crown.”

- (3) After paragraph 3 insert—

“Proposals relating to certain TfL schemes: opt out

- 3A (1) This paragraph applies where Transport for London proposes to—
- (a) make a TfL scheme the purpose, or one of the purposes, of which is the improvement of air quality, or
 - (b) significantly vary a TfL scheme where the purpose, or one of the purposes, of the variation is the improvement of air quality.
- (2) Transport for London must publish a draft order containing the proposed TfL scheme or the proposed variations to the TfL scheme.
 - (3) The draft order must be in such form as the Authority may determine.
 - (4) Transport for London may not make the order and submit it to the Authority in accordance with paragraph 4(1) otherwise than in accordance with [sub-paragraph \(8\)](#).
 - (5) A relevant London borough council may, within the opt-out period, give notice that it wants to opt out of the scheme (an “opt-out notice”).
 - (6) An opt-out notice must be given to—
 - (a) Transport for London, and
 - (b) the Secretary of State.
 - (7) A London borough council is “relevant” if—

Status: This is the original version (as it was originally enacted).

- (a) any of the council's area falls within the charging area of the proposed TfL scheme or of the TfL scheme after the proposed variations have been made, and
 - (b) the principal purpose of the scheme applying in the council's area is the improvement of air quality.
- (8) After the opt-out period has ended—
 - (a) if [sub-paragraph \(9\)](#) applies, Transport for London may make the order and submit it to the Authority in accordance with paragraph 4(1);
 - (b) if [sub-paragraph \(10\)](#) applies, Transport for London may make the order and submit it to the Authority in accordance with paragraph 4(1) only if Transport for London first modifies the order so that the proposed TfL scheme, or the TfL scheme after the proposed variations have been made, will not apply to the area of each eligible council which has given, and not withdrawn, an opt-out notice.
- (9) This sub-paragraph applies if—
 - (a) no opt-out notice has been given within the opt-out period or any opt-out notices that have been given within that period have been withdrawn, or
 - (b) one or more opt-out notices have been given within the opt-out period and have not been withdrawn, but each of them was given by a London borough council that is an ineligible council (whether or not that council was an ineligible council at the time the opt-out notice was given) and in each case either—
 - (i) the council did not submit an alternative plan, within the opt-out period, to the Secretary of State under paragraph 3B, or
 - (ii) the council did so submit an alternative plan and the plan has been rejected under that paragraph.
- (10) This sub-paragraph applies if—
 - (a) one or more opt-out notices have been given within the opt-out period and have not been withdrawn,
 - (b) in the case of any opt-out notice that was given by a London borough council that is an ineligible council (whether or not that council was an ineligible council at the time the opt-out notice was given)—
 - (i) the council did not submit an alternative plan, within the opt-out period, to the Secretary of State under paragraph 3B, or
 - (ii) the council did so submit an alternative plan and the plan has been rejected under that paragraph, and
 - (c) one or more of the opt-out notices that have been given, and not withdrawn, was given by a London borough council that is an eligible council (whether or not that council was an eligible council at the time the opt-out notice was given).

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- (11) A relevant London borough council is an “eligible council” if it has complied with any duty imposed on it under or by virtue of Part 4 of the Environment Act 1995 and—
- (a) no part of the council’s area is designated, or is required to be designated, as an air quality management area under section 83 of the Environment Act 1995 (designation of air quality management areas), or
 - (b) if any part of the council’s area is so designated, or required to be so designated, the council has an alternative plan that has been approved by the Secretary of State under paragraph 3B.
- (12) In this paragraph and paragraph 3B—
- “alternative plan” means a plan for improving air quality in the area of the London borough council which does not involve the TfL scheme applying to any of the area of the London borough council;
- “eligible council” has the meaning given by sub-paragraph (11) and “ineligible council” is to be read accordingly;
- “opt-out notice” has the meaning given by sub-paragraph (5);
- “opt-out period” means the period of 10 weeks beginning with the day on which the draft order containing the proposed TfL scheme, or the proposed variations to the TfL scheme, is published in accordance with sub-paragraph (2);
- “relevant London borough council” has the meaning given by sub-paragraph (7).

- 3B (1) This paragraph applies where paragraph 3A applies and a relevant London borough council—
- (a) gives an opt-out notice, within the opt-out period, in relation to the TfL scheme and does not withdraw it, and
 - (b) submits an alternative plan to the Secretary of State within that period.
- (2) The London borough council must—
- (a) notify Transport for London that the council has submitted the alternative plan, and
 - (b) provide Transport for London with a copy of it.
- (3) The Secretary of State must, before the end of the review period, by notice to the London borough council and Transport for London—
- (a) approve the alternative plan, or
 - (b) reject the alternative plan.
- (4) Subject to sub-paragraph (5), the Secretary of State must approve the alternative plan if the Secretary of State is satisfied that it is likely to achieve and maintain improvements in relation to air quality standards and objectives, in every part of the London borough council’s area that is designated, or is required to be designated, as mentioned in paragraph 3A(11)(a), that are similar to those that the proposed TfL scheme, or the TfL scheme after the proposed variations have been made, is likely to achieve if it applies to the area of the council.

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- (5) The Secretary of State is not required to approve the alternative plan if the Secretary of State considers that the plan is inconsistent, or could be inconsistent, with national policies or obligations relating to air quality.
- (6) At any time during the review period before the Secretary of State approves or rejects the alternative plan under [sub-paragraph \(3\)](#), the Secretary of State may invite the London borough council to modify the plan for the purposes of securing that—
- (a) the Secretary of State can be satisfied as mentioned in [sub-paragraph \(4\)](#), or
 - (b) the plan is consistent with national policies or obligations relating to air quality,
- and if the council modifies the plan, [sub-paragraphs \(3\) to \(5\)](#) apply in relation to the plan as modified.
- (7) The review period is the period of 16 weeks beginning with the day after the day on which the opt-out period ends.
- (8) The Secretary of State may on one or more occasions extend the review period.
- (9) The Secretary of State must give notice of any extension under [sub-paragraph \(8\)](#) to—
- (a) each London borough council that has—
 - (i) given an opt-out notice, within the opt-out period, in relation to the TfL scheme and not withdrawn it, and
 - (ii) submitted an alternative plan to the Secretary of State within that period, and
 - (b) Transport for London.
- (10) Where a London borough council’s alternative plan has been approved under this paragraph, the Mayor may issue a direction to the council requiring it to take such steps as may be specified in the direction for the purpose of securing that the alternative plan is implemented.
- (11) The power to give a direction under [sub-paragraph \(10\)](#) may only be exercised by the Mayor after consultation with the London borough council concerned.
- (12) Where the Mayor issues a direction to a London borough council under [sub-paragraph \(10\)](#), the council must comply with the direction.
- (13) In [sub-paragraph \(4\)](#) the reference to air quality standards and objectives is to air quality standards and objectives within the meaning of Part 4 of the Environment Act 1995.”
- (4) After paragraph 4(2) insert—
- “(2A) Where an order has been modified in accordance with [paragraph 3A\(8\)\(b\)](#) before being made and submitted by Transport for London under this paragraph, the Authority must—
- (a) require Transport for London to publish its proposals for the TfL scheme, or the proposed variations to the TfL scheme, and to consider objections to the proposals, and

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- (b) consult or require Transport for London to consult—
 - (i) any London borough council any of whose area falls within the charging area of the proposed TfL scheme or of the TfL scheme after the proposed variations have been made,
 - (ii) the Secretary of State, and
 - (iii) such other persons as the Authority considers appropriate.
- (2B) In a case not falling within [sub-paragraph \(2A\)](#), the Authority may—
 - (a) consult, or require an authority making a charging scheme to consult, other persons;
 - (b) require such an authority to publish its proposals for the scheme and to consider objections to the proposals.”
- (5) In paragraph 4(3)—
 - (a) in the opening words, for “The” substitute “In any case, the”;
 - (b) omit paragraphs (a) and (aa).
- (6) After paragraph 4 insert—

“Secretary of State’s intervention power in relation to certain schemes

- 4A (1) This paragraph applies where—
- (a) the Secretary of State has been consulted under paragraph 4(2A)(b)(ii) about an order containing a proposal for a TfL scheme or proposed variations to a TfL scheme, and
 - (b) the Authority has—
 - (i) made any modifications to the order under paragraph 4(3)(d) that it considers appropriate, or
 - (ii) decided not to make any such modifications.
- (2) The Authority may not confirm the order under paragraph 4(1) unless—
- (a) the Authority has published the order, and
 - (b) the condition in [sub-paragraph \(3\)](#) has been met.
- (3) The condition in this sub-paragraph is met if—
- (a) the period of 60 days beginning with the day on which the order is published (the “confirmation period”) expires without the Secretary of State giving the Authority a direction in relation to the order under [sub-paragraph \(4\)](#), or
 - (b) before the end of the confirmation period the Secretary of State gives the Authority a direction in relation to the order under [sub-paragraph \(4\)](#) and the Authority has modified the order in accordance with the direction.
- (4) Where the Secretary of State considers that as a result of the order being modified in accordance with [paragraph 3A\(8\)\(b\)](#)—
- (a) the proposed TfL scheme contained in the order would or could be inconsistent with national policies or obligations relating to air quality, or

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- (b) the TfL scheme after the proposed variations contained in the order have been made would or could be inconsistent with such policies or obligations,

the Secretary of State may, within the confirmation period, direct the Authority to make modifications to the order so as to prevent the inconsistency by expanding the charging area of the proposed TfL scheme contained in the order, or the TfL scheme after the proposed variations contained in the order have been made, to include any of the area of a London borough council to which the scheme would not otherwise apply by virtue of the modification in accordance with [paragraph 3A\(8\)\(b\)](#).”

(7) In paragraph 34B(1), after “functions” insert “, or the Secretary of State’s functions,”.

(8) In paragraph 38—

- (a) after “sub-paragraphs” insert “(2A), (2B),”;
- (b) at the end insert “, but does not apply to a variation to a TfL scheme made as a result of a modification to an order under [paragraph 4A\(3\)\(b\)](#)”.

245 Protected landscapes

(1) The National Parks and Access to the Countryside Act 1949 is amended in accordance with subsections (2) and (3).

(2) In section 4A (application of Part 2 of Act to Wales), after subsection (2) insert—

“(3) Subsection (1) does not apply in relation to section 11A(1A) or (1B) (duty to further statutory purposes of National Parks in England).”

(3) In section 11A (duty to have regard to purposes of National Parks)—

- (a) in the heading, for “to have regard” substitute “in relation”;
- (b) after subsection (1), insert—

“(1A) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

(1B) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a devolved Welsh authority must have regard to the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.”;

- (c) in subsection (2), after “Park”, in the first place it occurs, insert “in Wales”;
- (d) after that subsection, insert—

“(2A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under [subsection \(1A\)](#) (including provision about things that the authority may, must or must not do to comply with the duty).”;

(e) after subsection (5), insert—

“(5A) In this section, “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act).”

(4) After section 66 of the Environment Act 1995 (national park management plans), insert—

“66A National Park Management Plans (England): further provision

(1) The Secretary of State may by regulations make provision—

- (a) requiring a National Park Management Plan for a park in England to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
- (b) setting out how such a Management Plan must contribute to the meeting of such targets;
- (c) setting out how such a Management Plan must further the purposes specified in section 5(1) of the National Parks and Access to the Countryside Act 1949.

(2) The Secretary of State may by regulations make provision—

- (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the preparation, implementation or review of a National Park Management Plan for a park in England;
- (b) setting out how such a relevant authority may or must do so.

(3) In this section—

“devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);

“relevant authority” has the same meaning as in section 11A of the National Parks and Access to the Countryside Act 1949.

66B Regulations under section 66A: procedure etc

(1) The power to make regulations under section 66A—

- (a) is exercisable by statutory instrument;
- (b) includes power to make different provision for different purposes or different areas;
- (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision.

(2) A statutory instrument containing regulations under section 66A is subject to annulment in pursuance of a resolution of either House of Parliament.”

(5) The Countryside and Rights of Way Act 2000 is amended in accordance with subsections (6) to (10).

(6) In section 85 (general duty of public bodies etc)—

- (a) before subsection (1), insert—

Status: This is the original version (as it was originally enacted).

“(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

(A2) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a devolved Welsh authority must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”;

- (b) in subsection (1), after “beauty”, in the first place it occurs, insert “in Wales”;
- (c) after that subsection, insert—

“(1A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under [subsection \(A1\)](#) (including provision about things that the authority may, must or must not do to comply with the duty).”;

- (d) in subsection (3), after “(2)—” insert—
 ““devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);”.

(7) In section 87 (general purposes and powers)—

- (a) before subsection (1) insert—

“(A1) It is the duty of a conservation board established in relation to an area in England, in the exercise of their functions, to seek to further—

- (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and
- (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,

but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).”;

- (b) in subsection (1), after “board”, in the first place it occurs, insert “established in relation to an area in Wales”;
- (c) in subsection (2), for the words from “while” to “(1)” substitute “whilst fulfilling their duties under subsection (A1) or (1) (as the case may be)”.

(8) In section 90 (supplementary provisions relating to management plans), after subsection (2) insert—

“(2A) The Secretary of State may by regulations make provision—

- (a) requiring a plan under section 89 relating to an area of outstanding natural beauty in England to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
- (b) setting out how such a plan must contribute to the meeting of such targets;

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- (c) setting out how a plan under section 89 relating to an area of outstanding natural beauty in England must further the purpose of conserving and enhancing the natural beauty of that area.”

(9) After that section insert—

“90A Duty of public bodies etc in relation to management plans

- (1) The Secretary of State may by regulations make provision—
 - (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the preparation, implementation or review of a plan under section 89 relating to an area of outstanding natural beauty in England;
 - (b) setting out how such a relevant authority may or must do so.
- (2) In this section—
 - “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);
 - “relevant authority” has the same meaning as in section 85.”

(10) After section 91 insert—

“91A Regulations under Part 4

- (1) A power to make regulations under this Part—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes or different areas;
 - (c) includes power to make consequential, incidental, supplementary, transitional, transitory or saving provision.
 - (2) Regulations under this Part are to be made by statutory instrument.
 - (3) A statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (11) The Norfolk and Suffolk Broads Act 1988 is amended in accordance with subsections (12) to (15).

(12) In section 3 (the Broads Plan), after subsection (6) insert—

- “(7) The Secretary of State may by regulations make provision—
 - (a) requiring the Broads Plan to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
 - (b) setting out how the Broads Plan must contribute to the meeting of such targets;
 - (c) setting out how the Broads Plan must further the purposes mentioned in subsection (8).
- (8) The purposes are the purposes of—
 - (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;

Status: This is the original version (as it was originally enacted).

- (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
- (c) protecting the interests of navigation.”

(13) In section 17A (general duty of public bodies etc)—

- (a) in subsection (1), for “shall have regard to” substitute “must seek to further”;
- (b) after that subsection insert—

“(1A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under subsection (1) (including provision about things that the authority may, must or must not do to comply with the duty).”

(14) After that section insert—

“17B Duty of public bodies etc to contribute to the Broads Plan

(1) The Secretary of State may by regulations make provision—

- (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the implementation or review of the Broads Plan;
- (b) setting out how such a relevant authority may or must do so.

(2) In this section—

“devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);

“relevant authority” has the same meaning as in section 17A.”

(15) In section 24 (orders and byelaws)—

- (a) in the heading, after “orders” insert “, regulations”;
- (b) in subsection (1), after “orders” insert “or regulations”;
- (c) in subsection (3), after “orders” insert “, regulations”.