

SCHEDULE 2

AMENDMENTS OF PRIMARY LEGISLATION.

London Local Authorities Act 1995

- 48.**—(1) The London Local Authorities Act 1995⁽¹⁾ is amended as follows.
- (2) In section 2 (interpretation) for the definition of “the fire and rescue authority” substitute—
- ““the fire and rescue authority”, in relation to premises, means—
- (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, the enforcing authority within the meaning given by article 25 of that Order; or
- (b) in any other case, the London Fire and Emergency Planning Authority;”.
- (3) In section 16 (near beer licensing) after subsection (3) insert—
- “(3A) No term, condition or restriction is to be imposed under subsection (2) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005 in respect of the premises.”.
- (4) In section 18(1) (refusal of licence) for paragraphs (f) and (g) substitute—
- “(f) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, that Order or any regulations made under it are not being complied with in respect of the premises;
- (g) where the Regulatory Reform (Fire Safety) Order 2005 does not apply to the premises—
- (i) proper precautions against fire on the premises are not being taken;
- (ii) satisfactory means of escape in case of fire and suitable fire-fighting appliances are not provided on the premises; or”.
- (5) In section 20 (power to prescribe standard terms, conditions and restrictions) after subsection (1) insert—
- “(1A) No standard condition that is applicable to premises to which the Regulatory Reform (Fire Safety) Order 2005 applies may be prescribed by regulation under subsection (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.”.
- (6) In section 22 (variation of near beer licence)—
- (a) in subsection (3) after the words “The council may” insert “, subject to subsection (4) below”; and
- (b) after subsection (3) insert—
- “(4) No term, condition or restriction may be varied under this section in so far as the effect of the variation would be that the term, condition or restriction as varied would relate to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(1) 1995 (c. x). The definition of “fire authority” was substituted by the Greater London Authority Act 1999 (c. 29), section 328 and Schedule 29. Further amendments were made by the Fire and Rescue Services Act 2004 (c. 21), section 53 and paragraph 86 of Schedule 1.