

Legislation Mapping Phase 2

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1. Background

The Legislation Mapping Project forms one strand of LBRO's wider 'Mapping of the Regulatory Landscape Project' which is exploring the complexities of the regulatory landscape within which LBRO will operate. This wider project will aim to map the regulatory landscape in a way which will develop LBRO's understanding and which will improve the awareness of LBRO's stakeholders of issues beyond their own area of experience and expertise.

The purpose of the Legislative Mapping Project is to define and clarify the legislative scope of LBRO in order to:

1. ensure that LBRO and its staff understand where LBRO has a role and where it does not;
2. help LBRO to explain to local authorities what regulatory functions LBRO are responsible for; and
3. to prioritise those areas of legislation where LBRO does not currently have in-house expertise and where local authority practices are more likely to vary e.g. in terms of responsibility for enforcement.

The delivery of the project is in three phases, as follows:

1. Phase 1 consisted of agreeing the project scope with LBRO; documenting the scope; and recommending 'priority' legislation to LBRO for inclusion in Phase 2.
2. Phase 2 consists of the following deliverables:
 - Categorisation of the legislation listed in schedule 3 of the RES Bill in terms of 'areas of legislation', with notes on which regulatory service areas may have an interest in the legislation and, where applicable, noting the appropriate local authority i.e. County/ Unitary/ District. It was noted that practice varies significantly between local authorities and it is not possible to state categorically which service area is responsible for each piece of legislation.
 - Comparison of the legislation lists in schedule 3 of the RES Bill and Part 3 of the schedule to the listing order for the Regulators' Compliance Code.
 - 'Priority' legislation researched, with reference to its applicability to 'business' or 'domestic'. Examples to be provided.
 - A report on Phase 2 report, including recommendations with regard to Phase 3, for consideration by LBRO.
3. Phase 3 may include research into additional pieces of legislation identified by LBRO. It may also include work on further areas suggested to LBRO by the consortium.

2. Phase 2

This report covers the work carried out in Phase 2 of the project. It is presented in three parts, based on the agreed deliverables, under the headings '**Categorisation**', '**Regulators' Compliance Code**' and '**Notes on Selected Legislation**'.

The work has been based on the version of the Regulatory Enforcement and Sanctions Bill provided to the consortium by LBRO at the project outset. The document, which is in pdf format, is entitled 'RES Bill First Reading'. Schedule 3 to the Bill lists 185 Acts which are specified for the purposes of Part 1 of the Bill. This list plays an important part in defining LBRO's role since LBRO's scope is determined by whether or not local authorities are exercising 'relevant functions'. A relevant function means:

- “(a) a function under a relevant enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity, or
- (b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of a relevant enactment relate to any activity.”

A 'relevant enactment' includes all primary legislation listed in Schedule 3, secondary legislation made under it, and certain legislation made under s.2 of the European Communities Act 1972.

3. Categorisation

The legislation included in Schedule 3 is listed in Table 2 below, along with the following information:

- A category or area of legislation. These categories are explained in Table 1 below.
- A summary which is, in most cases copied from the 'description of the act and relevant provisions' included in the initial analysis of the legislation undertaken by BRE (provided by LBRO at the outset of the project). Where inaccuracies or inconsistencies have been identified in the BRE description during the course of the project, it has been amended.
- An indication of the local authority enforcement services which may have an interest in the legislation. The work done has not extended to examining the provisions of each piece of legislation in any detail, or to checking whether specific powers and/or duties are included for local authorities, or for specific local authority services, and it must be noted that practice varies significantly between local authorities. It is not possible to state categorically which service area is responsible for each piece of legislation. The situation is complex for a number of reasons: local authorities may choose to allocate responsibilities under particular legislation to different service areas; local authorities use different names for different service areas, and may combine different responsibilities in a variety of ways. For example, a local authority may have a generic 'Warden' service which deals with legislation traditionally associated with Environmental Health or Licensing; and local authorities may choose to enforce certain legislation where they have no duty or powers to do so.
- The table does not include a specific reference to the appropriate local authority i.e.. County/ Unitary/ District. However, where the likely enforcing service listed is Trading Standards then enforcement will be by a County or Unitary authority. Where Environmental Health is listed then enforcement will be by a District or Unitary Authority. In most cases where the likely enforcing service is listed as licensing, the appropriate authority is likely to be a District or Unitary authority. Some pieces of legislation are enforced by different

services in single tier and 2 tier authority areas. For example, food standards legislation is enforced by Environmental Health or Trading Standards in a unitary authority but in a 2 tier area it is a County function and is enforced by Trading Standards.

- Notes of any relevant information that were identified during the course of the project, and references to later tables where the legislation also appears.

Table 1. Legislation Categories

Category	Descriptor
Agriculture (A)	regulation of fertilisers and feeding stuffs
Animal Health and Welfare (AHW)	regulation of pets, farmed animals, animal trade and movement, animal diseases and animal by products.
Environmental Protection (EP)	regulation of the air, land, water, waste and recycling, local environment and pollution. Includes the areas of noise, water pollution, industrial pollution and contaminated land.
Fire Prevention (FP)	local fire and rescue services make sure fire safety regulations are met and provide advice on fire prevention, both in commercial and residential premises.
Food Safety, Standards & Hygiene (FSSH)	regulating the whole of the food chain from farm to fork. It covers, marketing, labelling, regional and local food, organic, wine, milk, eggs poultry and beef labelling. Hygiene governs the conditions under which food is manufactured, prepared, stored and sold.
Health and Safety (HS)	local authorities are responsible for health and safety enforcement in offices, shops and other parts of the service sector. Enforcement is mainly through environmental health specialists.
Housing (H)	regulation of the landlord and tenant sector in terms of minimum safety standards. This area also covers empty homes, homes in multiple occupation, tenancy deposit scheme and health and safety.
Licensing (L)	the issue of licenses and subsequent regulation of people, places and vehicles. This includes alcohol and public entertainment, door supervisors and gambling.
Trading Standards (TS)	regulation of businesses and protection of consumers, including areas such as consumer credit, fair trading, product safety, scams, rogue traders, metrology and under age sales.

Table 2. Categorisation of Acts Listed in Schedule 3 to the RES Bill

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Accommodation Agencies Act 1953 (c.23), section 1	Makes provision regarding illegal advertisements for the letting of houses and flats.	TS	Trading Standards		See table 5
Administration of Justice Act 1970 (c.31), section 40	Includes offences relating to the harassment of debtors. Trading standards will use this offence when prosecuting rogue traders.	TS	Trading Standards		
Agricultural Produce (Grading and Marking) Act 1928 (c.19)	Makes provision regarding food labelling, particularly in relation to agricultural produce.	FSSH	Trading Standards	Environmental Health	See table 6
Agriculture (Miscellaneous Provisions) Act 1954 (c.39), section 9	Makes provision regarding animal feed.	A	Trading Standards		See table 5
Agriculture (Miscellaneous Provisions) Act 1968	Makes provision regarding the welfare of livestock and related offences.	AHW	Trading Standards		
Agriculture Act 1967 (c.22)	Establishes the Meat & Livestock Commission and makes provision regarding food labelling and the sale of meat.	FSSH	Trading Standards	Environmental Health	
Agriculture Act 1970 (c. 40)	Makes provisions regarding the sale of fertilisers, animal feeding stuffs and pet foods.	A	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Agriculture and Horticulture Act 1964 (c.28), Part 3	Makes provision regarding food labelling and the sale of agriculture produce.	FSSH	Trading Standards		See table 5
Animal Boarding Establishments Act 1963 (c. 43)	Makes provision regarding the licensing of boarding establishments for animals.	AHW	Environmental Health	Trading Standards	
Animal Health Act 1981 (c. 22)	Makes provision regarding the movement, importation and marking of animals.	AHW	Trading Standards	Environmental Health	
Animal Health and Welfare Act 1984 (c.40)	Makes provision regarding the breeding of livestock and the prevention of disease.	AHW	Trading Standards	Environmental Health	
Animal Welfare Act 2006 (c. 45)	Makes general provisions regarding animal welfare and the prevention of harm to animals.	AHW	Trading Standards	Environmental Health	
Antisocial Behaviour Act 2003 (c.38)	Makes offences regarding the provision and sale of air weapons to children, noisy premises, the sale of aerosol paint to children etc.	TS	Trading Standards		
Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)	Makes provision regarding the welfare of dogs in commercial breeding premises.	AHW	Environmental Health	Licensing	See table 6
Breeding of Dogs Act 1973 (c. 60)	Makes provision for licensing breeding establishments for dogs.	AHW	Environmental Health	Licensing	See table 6

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Breeding of Dogs Act 1991 (c. 11)	Creates offences relating to unlicensed breeding establishments for dogs.	AHW	Environmental Health	Licensing	See table 6
Business Names Act 1985 (c. 7)	Prohibits the use of certain business names.	TS	Trading Standards		
Cancer Act 1939 (c.13) , section 4	Makes provision regarding advertising cures for cancer.	TS	Trading Standards		See table 5
Caravan Sites and Control of Development Act 1960 (c.62)	Makes provision regarding licensing and control of caravan sites.	HS	Environmental Health	Licensing	See table 6
Celluloid and Cinematograph Film Act 1922	Makes provision regarding the safe storage of raw celluloid.	HS	Trading Standards		
Charities Act 1993 (c.10) , sections 76 to 78	Makes provision regulating fund raising activity and public charitable collections, registration of charities and corporation between charities and local authorities.	L	Licensing		See table 5
Charities Act 2006 (c.50) section 50	Makes provision regarding public charitable collections.	L	Licensing		See table 5
Children & Young Persons (Protection From Tobacco) Act 1991 (c.23)	Makes provision for the placing of warning statements in retail premises and on vending machines relating to tobacco. Makes provision with respect to enforcement action by local authorities.	TS	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Children and Young Persons Act 1933 (c.12), Part 1	Makes provision regarding the sale of tobacco to children under the age of eighteen.	TS	Trading Standards		The age limit was amended to 18 by the Children and Young Persons (Sale of Tobacco etc) Order 2007
Children and Young Persons Act 1963 (c.50), Part 2	Makes provision relating to the employment of children and young persons.	TS	Trading Standards		
Christmas Day (Trading) Act 2004	Makes provision regarding the opening of shops on Christmas Day and the loading and unloading of goods on Christmas Day.	HS	Environmental Health		
Cinemas Act 1985 (c.13)	Makes provision regarding licensing of exhibitions.	L	Licensing		No longer has effect in England & Wales by virtue of Sch. 6 Licensing Act 2003
Clean Air Act 1993	Makes provision regarding the omission of smoke, grit and dust from chimneys, smoke control areas and control of certain types of pollution.	EP	Environmental Health	Trading Standards	
Clean Neighbourhoods and Environment Act 2005 parts 2,6 & 7	Makes provision regarding parking vehicles on the road that are marked for sale; dog control areas and audible alarms and other noise related nuisance.	EP	Environmental Health		See table 5
Companies Act 1985 Chapter 1 of Part 2 and section 693	Makes provision regarding the registration of companies and places a requirement on companies to exhibit their name in every place where it carries on its business.	TS	Trading Standards		See table 5

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Consumer Credit Act 1974 (c. 39)	Makes provision regarding the provision of credit and the supply of goods on hire or hire purchase.	TS	Trading Standards		
Consumer Protection Act 1987 (c.43)	Makes provision with respect to the liability of persons for damage caused by defective products etc.	TS	Trading Standards		Part 3 (misleading prices) is likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008
Control of Pollution (Amendment) Act 1989 (c. 14)	Makes it an offence to transport waste without a licence.	EP	Environmental Health	Licensing Trading Standards	
Control of Pollution Act 1974 (c.39)	Makes provision with respect to waste disposal, water pollution, noise, atmospheric pollution and public health.	EP	Environmental Health		
Copyright, Designs and Patents Act 1988 M (c.48) sections 107A, 198A	Makes provision regarding the ownership of copyright.	TS	Trading Standards		See table 5
Countryside Act 1968 (c.41)	Power for LA to make bye-laws for the preservation of order, for the prevention of damage to the land or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.	EP	Environmental Health		See table 6
Courts and Legal Services Act 1990 (c.41) Part 4 and Part 6	Makes provision regarding the certification of solicitors, and property loans to be enforced by weights and measures officers.	TS	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Criminal Justice and Police Act 2001 (c.16), Part 1	Includes provisions allowing local authorities to close unlicensed premises.	TS	Trading Standards		
Criminal Justice and Public Order Act 1994 (c.33), Part V, Part VII and Part XII	Grants local authorities the power to direct unauthorised campers to leave land. Creates an offence for causing intentional harassment, harm or distress, as well as offences relating to the unauthorised sale of tickets to football matches and the soliciting of hire car vehicles.	TS	Trading Standards		
Crossbows Act 1987 (c.32)	Creates offences regarding the sale and letting on hire of crossbows to, and the purchase, hiring and possession of crossbows by, persons under the age of seventeen.	TS	Trading Standards		
Dangerous Dogs Act 1991 (c. 65)	Includes provision allowing local authorities to seize dogs.	HS	Environmental Health	RSPCA	
Dangerous Wild Animals Act 1976 (c.38)	Makes provision for licensing the ownership of wild animals and performing wild animals. Used in relation to zoos and circuses.	AHW	Environmental Health	Licensing	See table 6
Defective Premises Act 1972	Makes provision regarding the construction, maintenance and repair of dwelling and places duties on landlords to ensure that all persons who might reasonably be affected by the defective state of their property are safe from personal injury.	HS	No apparent enforcement role		See table 6

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Development of Tourism Act 1969 (c.51)	Makes provision regarding the registration of hotels and other establishments where sleeping accommodation is provided.	TS	Trading Standards		See table 3
Disability Discrimination Act 1995	Makes it unlawful to discriminate against disabled persons in connection with the provision of goods, facilities and services.	TS	No apparent enforcement role		
Dogs Act 1906 (c.32)	Makes provision regarding injury caused to livestock by dogs, the seizure of stray dogs, and places requirements on the owners of cattle to bury dead livestock.	AHW	Police Trading Standards		See table 6
Education Reform Act 1988 (c.40), Section 215	Makes provision regarding the use of unrecognised degrees. Section 214 creates offences relating to issuing 'fake' degrees. Section 215 makes provision regarding enforcement of the offences in section 214.	TS	Trading Standards		See table 5
Employment Agencies Act 1973 (c.35)	Makes provision regarding the regulation of employment agencies, restricting charging people seeking employment and allowing local authorities to inspect employment agencies.	TS	Trading Standards		
Energy Act 1976 (c.76)	Makes provision regarding the fuel consumption of passenger vehicles.	EP	Trading Standards		
Enterprise Act 2002 (c.17), Part 8	Makes provision regarding the enforcement of consumer legislation.	TS	Trading Standards		See table 5

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Environment Act 1995 (c.25)	Makes provision regarding contaminated land and abandoned mines, national parks, air quality and powers of entry.	EP	Environmental Health		
Environment and Safety Information Act 1988 (c.30)	Establishes public registers of certain notices served concerning health, safety and environmental protection.	EP	Environmental Health		
Environmental Protection Act 1990 (c.43)	Makes provision regarding the control of pollution from industrial and other processes.	EP	Environmental Health		
Estate Agents Act 1979 (c.38)	Makes provision regarding those who can act as estate agents, general regulations regarding estate agents and powers of entry and inspection.	TS	Trading Standards		
Explosives (Age of Purchase etc.) Act 1976 (c.26)	Restricts the sale of explosive substances to young persons and increases relevant penalties.	HS	Trading Standards		
Explosives Act 1875 (c.17)	Makes provisions regarding the manufacturing and sale of gunpowder, nitro-glycerine and other explosive substances.	HS	Trading Standards		
Explosives Act 1923 (c.17)	Makes provision regarding the precautions to be taken in factories where explosives are produced.	HS	Trading Standards	Fire Service	
Factories Act 1961 (c.34)	Makes provision regarding health and safety of those employed in factories.	HS	Environmental Health		
Fair Trading Act 1973 (c.41)	Makes provision regarding pyramid schemes and other related trading practices.	TS	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Farm and Garden Chemicals Act 1967 (c.50)	Makes provision regarding the labelling and making of farm and garden chemicals	TS	Trading Standards		
Farriers (Registration) Act 1975	Makes provision regarding the registration of farriers.	AHW	Trading Standards	Licensing	
Fire and Rescue Services Act 2004 (c.21)	Makes provision regarding fire safety and the promotion of fire safety.	FP	Fire Service	Environmental Health	See table 3
Fire Precautions Act 1971 (c. 40)	Gives power to the fire authority to make fire certificate compulsory for use of certain premises as a dwelling.	FP	Fire Service	Environmental Health	Repealed by the Regulatory Reform (Fire Safety) Order 2005 See table 3
Fire Safety and Safety at Places of Sport Act 1987 (c. 27)	Extends the provisions of the Safety at Sports Grounds Act 1975. Makes provisions relating to health and safety at sports grounds and regulating entertainment licences.	HS	Licensing	Environmental Health or Trading Standards or FRA where not the LA	See table 6
Firearms Act 1968 (c27)	Makes provisions regarding business and other transactions with firearms and ammunition, amongst other things.	HS	Police	Possibly Trading Standards	See table 6
Firearms Act 1982 (c.31)	Extends the provisions of the Firearms Act 1968 to imitation firearms.	HS	There are no duties or powers within the Act.		See table 6
Fireworks Act 2003	Makes provision relating to the supply of fireworks and the licensing of suppliers of fireworks.	HS	Trading Standards		
Food Act 1984 (c.30)	Makes provisions regarding markets (prohibited sales in market hours, weighing machines and scales etc.) amongst other things.	FSSH	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Food and Environment Protection Act 1985 (c. 48), Parts 1 & 2	Makes provision regarding the contamination of food, licences for the deposit of substances and articles in the sea, and the control of pesticides.	HS	Environmental Health	Trading Standards	See table 5
Food Safety Act 1990 (c 16), Parts 2 & 3	Makes provisions and associated offences relating to food safety, the selling of unfit food, inspection and enforcement etc.	FSSH	Trading Standards Environmental Health		See table 5
Food Standards Act 1999 (c. 28)	Makes provision relating to food safety and animal feeding stuffs amongst other things.	FSSH	Trading Standards	Environmental Health	
Forgery and Counterfeiting Act 1981 (c.45)	Creates a number of offences relating to forgery and counterfeiting.	TS	Trading Standards		
Fraud Act 2006 (c.35)	Includes provisions regarding common informers that are used by trading standards officers.	TS	Trading Standards		
Gambling Act 2005 (C.19)	Makes provisions relating to gambling, and gambling licenses.	L	Licensing	Environmental Health	
Game Act 1831 (C.32)	Makes provision regarding the killing and supply of game.	AHW	Environmental Health		
Ground Game Act 1880 (c.47)	Makes provision for an occupier of land to protect crops from damage by hares and rabbits. It creates exemptions from game licenses but prohibits night shooting, and in greater London the use of poison.	L	Police Licensing		See table 6

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Guard Dogs Act 1975 (c.50)	Makes provisions to license ownership of guard dogs and guard dog kennels, amongst other things.	AHW	Environmental Health	Licensing	See table 6
Hallmarking Act 1973 (c.43)	Makes provision regarding the composition, assaying, marking and description of articles of or containing precious metals.	TS	Trading Standards		
Health Act 2006 (c.28), Part 1	Makes provision regarding smoke free premises and no smoking signs.	HS	Environmental Health	Trading Standards	
Health and Safety at Work, etc. Act 1974 (c.37)	Makes provisions for the purpose of securing the health, safety and welfare of people at work.	HS	Environmental Health	Health and Safety Executive	
Highways Act 1980 (c.66)	A consolidating Act that gives broad powers to a highway authority to manage all aspects of a highway.	L	Police	LA transport and highways service	See table 6
House to House Collections Act 1939 (c.44)	Makes provision regarding the licensing of house to house collections carried out by charities.	L	Licensing		
Housing Act 1985 (c.68), Parts 8,9 & 10	Makes provision regarding area improvements and overcrowding of premises.	H	Environmental Health		See table 6
Housing Act 1996 (c.52), Part 8	The Act makes provision regarding social housing and the responsibilities of landlords in relation to anti-social behaviour and charging. Part VIII contains miscellaneous and general provisions	H	There is no clear enforcement role in Part VIII.		See table 6

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Housing Act 2004 (c.34), Parts 2 & 5	The Parts in scope make provisions regarding the licensing of houses in multiple occupation and home information packs.	H	Environmental Health (HMOs) Trading Standards (Home Information Packs)		See table 6
Hypnotism Act 1952	Makes provision regarding the licensing of hypnotists.	L	Licensing		
Intoxicating Substances (Supply) Act 1985 (c.26)	Makes it an offence to supply persons under the age of eighteen with intoxicating substances such as solvents.	TS	Trading Standards		
Knives Act 1997 (c.21)	Makes provision relating to the marketing of knives in a way that encourages violent behaviour, using the knife as a weapon.	TS	Trading Standards		
Legal Services Act 2007, section 198	Makes provision regarding local weights and measures authorities.	TS	Trading Standards		See table 3
Licensing Act 2003 (c.17)	Makes provision regarding the sale and supply of alcohol.	L	Licensing		
Litter Act 1983 (c 35)	Makes provisions regarding littering that local authorities use in relation to fly-tipping.	EP	Environmental Health		
Local Government (Miscellaneous Provisions) Act 1976 (c.57)	Makes provision regarding the licensing of hackney carriages.	L	Licensing	Environmental Health	
Local Government (Miscellaneous Provisions) Act 1982 (c.30)	Makes provision regarding the licensing of sex establishments, control of street trading, and the registration of acupuncture, tattooing, ear-piercing and electrolysis premises.	L	Licensing	Environmental Health	See table 6

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Local Government Act 1972 (c.70), Parts 9 & 11	Makes provision regarding public health and general provisions relating to local authorities.	HS	Environmental Health		See table 5
Local Government Act 1985 (c.51), Part 2	Transfers a number of functions (including those relating to waste regulation and land drainage) to London Borough Councils, Metropolitan District Councils and other existing authorities.	L			
Local Government Act 1988 (c.9), Part 4	Makes general and miscellaneous provisions including provisions regarding the registration of dogs.	HS	Licensing	Environmental Health	
Local Government Act 2000 (c. 22), Part 1	Makes provision regarding the promotion of economic, social or environmental well being by local authorities.	HS			
London Government Act 1963 (c.33)	Makes provision for local authority officers to enter premises.	HS			
London Local Authorities Act 1990 (c.vii)	Makes provisions regarding the licensing of night cafes and street trading.	L	Licensing		
London Local Authorities Act 1991 (c.xiii)	Creates powers for local authorities in relation to audible alarms.	L	Licensing	Environmental Health	
London Local Authorities Act 1994 (c.xii)	Makes provision relating to street trading and night cafes.	L	Licensing	Environmental Health	
London Local Authorities Act 1995 (c.x)	Makes provision regarding advertisement hordings, defacement of buildings, and licensing of near beer (a vehicle, vessel or stall selling alcohol) licensing.	L	Licensing	Environmental Health	

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
London Local Authorities Act 1996 (c.ix)	Makes provision relating to occasional sales and entertainment premises, as well as provision relating to fire safety.	L	Licensing	Environmental Health	
London Local Authorities Act 2000 (c.i)	Makes provision regarding licensing of theatres, cinemas, night cafes etc.	L	Licensing	Environmental Health	
London Local Authorities Act 2004 (c.I)	Makes provisions relating to street trading and night cafes, amongst other things.	L	Licensing	Environmental Health	
London Local Authorities Act 2007 (c.ii)	Makes provision regarding advertising, industrial and commercial waste and licensing of bars and street trading amongst other things.	L	Licensing	Environmental Health	
London Olympic Game and Paralympics Games Act 2006 (c. 12)	Makes provision regarding street trading amongst other things.	HS	Licensing	Environmental Health	
Malicious Communications Act 1988 (c.27)	Makes it an offence to send letters with the intent of causing distress or anxiety. Offence used by trading standards officers.	TS	Trading Standards		
Medicines Act 1968 (c.67)	Makes provision regarding the labelling of medical products, and licenses and certificates relating to medical products.	TS	Trading Standards Medicines Control Agency		
Mines and Quarries (Tips) Act 1969 (c.10)	Makes health and safety provisions relating to disused mines and quarries.	HS	Environmental Health		
Mines and Quarries Act 1954 (c 70)	Makes health and safety provisions relating to mines and quarries.	HS	Environmental Health		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Mock Auctions Act 1961	Creates penalties for promoting or conducting mock auctions	TS	Trading Standards		See table 3 Likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008
Motor Cycle Noise Act 1987 (c.34)	Makes provisions regarding motor cycle exhausts.	EP	Environmental Health		
National Lottery etc. Act 1993 (c.39), sections 12 & 13	Makes provision for the Secretary of State to make regulations regarding the promotion of lotteries, including the age at which lottery tickets may be purchased.	TS	Trading Standards		See table 5
Noise Act 1996 (c.37)	Makes provision regarding noise emitting from premises at night, including grants powers of investigation.	EP	Environmental Health		
Noise and Statutory Nuisance Act 1993 (c.40)	Makes provision regarding noise in the street to be deemed a statutory nuisance; audible intruder alarms; and, the operation of loudspeakers.	EP	Environmental Health		
Office, Shops and Railway Premises Act 1963 (c. 41)	Makes provision regarding the health and safety of those employed in offices or in railway premises.	HS	Environmental Health		
Offshore Safety Act 1992 (c. 15)	Makes provision regarding the health and safety of those persons on offshore installations or engaged on pipe-line works amongst other things.	HS	Environmental Health		
Olympic Symbol etc. (Protection) Act 1995 (c.32)	Makes provision about the commercial use of the Olympic symbol and certain words associated with the Olympic games.	TS	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Opticians Act 1989	Makes provision regarding the registration of opticians.	L			
Osteopaths Act 1993	Makes it an offence to claim to be an osteopath when they are not registered as such.	TS	Trading Standards		
Pedlars Act 1871	Requires those acting as a pedlar to have a certificate, granted by the police.	L	Police No apparent LA enforcement role.		
Performing Animals (Regulations) Act 1925 (c.38)	Regulates the exhibition and training of performing animals	AHW	Environmental Health		
Pests Act 1954	Makes provision relating to the destruction and control of rabbits, other animals and birds	A	Environmental Health		
Pet Animals Act 1951 (c.35)	Makes provision for the licensing of pet shops, amongst other things.	AHW	Environmental Health		
Petroleum (Consolidation) Act 1928 (c.32)	Makes it a requirement to have a license when storing petroleum spirit.	TS	Trading Standards or Fire Authority		
Petroleum (Transfer of Licences) Act 1936	Allows for the transfer of petroleum spirit licensing.	L	Trading Standards or Fire Authority		
Plant Health Act 1967	Makes provisions for the control of pests and diseases injurious to agricultural or horticultural crops, or to trees or bushes.	A			See table 6
Poisons Act 1972 (c.66)	Creates restrictions on the use of poisons and requires sellers of certain poisons to be licensed.	L	Trading Standards		
Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (c.31), section 5	Makes provision regarding the collection of money and sale of goods for the purposes of charities	L	Licensing		See table 6

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Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Pollution Prevention and Control Act 1999 (c.24)	Makes provision for the regulation of polluting activities, and regarding time-limited disposal or waste management licences.	EP	Environmental Health		
Prevention of Damage by Pests Act 1949 (c.55)	Requires local authorities to ensure that district is free of rats and mice, and provides them with a power to inspect for this purpose, amongst other things.	HS	Environmental Health		
Prices Act 1974 (c.24)	Makes provision requiring prices to be displayed on goods for sale.	TS	Trading Standards		
Private Hire Vehicles (London) Act 1998	Makes provisions regarding licensing of private hire vehicles.	L	Licensing		
Private Security Industry Act 2001 (c.12)	Establishes the Security Industry Authority and makes provisions regarding licensing of private security firms.	L	Security Industry Authority No apparent LA enforcement role.		See table 6
Property Misdescriptions Act 1991 (c.29)	Prohibits the making of false or misleading statements about property matters in the course of estate agency business and property development business.	TS	Trading Standards		
Protection Against Cruel Tethering Act 1988 (c.31)	Makes an offence of cruel tethering.	AHW	Trading Standards	Environmental Health	
Protection from Harassment Act 1997 (c.40)	Makes an offence of harassment. Used by Trading Standards when dealing with door step sales.	TS	Trading Standards		
Protection of Animals Act 1911 (c.27)	Makes provision regarding the sale of seeds known to be poisonous.	AHW	Licensing	Trading Standards or Environmental Health	

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Public Health Act 1936 (c 49)	Makes provision relating to filthy and verminous premises.	HS	Environmental Health		
Public Health Act 1961 (c 64)	Makes provisions regarding the examination of drains.	HS	Environmental Health		
Public Passenger Vehicles Act 1981 (c 14)	Makes provision regarding taxi licenses	L	Licensing		
Refuse Disposal (Amenity) Act 1978 (c 3)	Makes provisions regarding unauthorised dumping of refuse.	EP	Environmental Health		
Regulatory Reform (Fire Safety) Order 2005 S.I. 2005/1541	Makes provision relating to the duties of Fire Authorities and Fire Safety.	FP	Fire Service		
Riding Establishments Act 1964 (c 70)	Makes provision for the licensing of riding establishments.	L	Licensing	Environmental Health	
Riding Establishments Act 1970 (c 32)	Makes provision regarding the licensing of riding establishments.	L	Licensing	Environmental Health	
Road Traffic (Foreign Vehicles) Act 1972 (c 27)	Prohibits the driving of foreign vehicles, including goods vehicles in certain circumstances.	TS	Trading Standards		
Road Traffic Act 1988 (c 52), sections 15A, 17,18, 41, 71, 81, 82, and 196	Makes provision regarding the sale of safety equipment for children and motorcycle helmets, amongst other things.	TS	Trading Standards		See table 5
Road Traffic (Consequential Provisions) Act 1988 (c 54)	Makings provision relating to vehicles that could cause a public or private nuisance.	TS	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Safety at Sports Grounds Act 1975 (c 52)	Makes provision regarding public safety at sports grounds, including requiring ground with a capacity of over 10,000 to have a safety certificate.	HS	Environmental Health	Trading Standards	
Sale of Goods Act 1979 (c 54)	An Act outlining the contractual relationship between parties in the sale of goods. The Act defines what a contract is, the rights and obligations between contracting parties (specifically the obligation to sell goods that are as described and of satisfactory quality), when and how a contract is void and remedies for a breach.	TS	No apparent LA enforcement role		
Scotch Whisky Act 1988 (c 22)	Prohibits the production in Scotland of whisky other than Scotch whisky. Restricts the sale of spirits as Scotch whisky.	TS	Trading Standards		
Scrap Metal Dealers Act 1964 (c 69)	Makes provision for the registration of scrap metal dealers	HS	Environmental Health	Trading Standards	
Sea Fisheries Regulation Act 1966	Provides a power to enter property where it is suspected that there has been a breach of a bye-law of a local fishery committee.	FSSH			
Serious Organised Crime and Police Act 2005 (c 15), Part 4	Part 4 of the Act is concerned with public order and conduct in public, including the use of loud speakers in public.	N/a	Police No apparent LA enforcement role.		See table 6

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Slaughter of Poultry Act 1967 (c 24)	Makes provision regarding the humane slaughter of poultry. LAs allowed to inspect under section 4 for the purposes of ascertaining whether or not a slaughter house is in compliance with regulations and codes of practice.	FSSH	Environmental Health		
Slaughterhouses Act 1974 (c 3)	Makes provision regarding public slaughterhouses, and for the agreed restriction of slaughterhouses. LAs enforcers of the regulations under Part 2 regarding the humane slaughter of animals.	AHW	Environmental Health		
Sunday Trading Act 1994 (c 20)	Makes provision regarding trading on a Sunday and loading and unloading at large shops on a Sunday, amongst other things.	TS	Trading Standards Environmental Health		
Supply of Goods (Implied Terms) Act 1973	Makes provision with respect to the terms to be implied in contracts of sale of goods and hire-purchase agreements and on the exchange of goods for trading stamps, and with respect to the terms of conditional sale agreements: and for connected purposes.	TS	No apparent LA enforcement role.		
Supply of Goods and Services Act 1982 (c 29)	Makes provision regarding the terms to be implied in certain contracts for the transfer of the property in goods, in certain contracts for the hire of goods and in certain contracts for the supply of services; and for connected purposes.	TS	No apparent LA enforcement role.		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Theatres Act 1968 (c 54)	Makes provisions regarding the licensing of premises for the public performance of play amongst other things.	L	Environmental Health		
Theft Act 1968 (c 60)	Makes provision regarding the meaning of theft.	TS	Trading Standards		
Theft Act 1978 (c 31)	Makes it an offence to make off without payment.	TS	Trading Standards		
Timeshare Act 1992 (c 35)	Makes provision regarding timeshare accommodation agreements.	TS	Trading Standards		
Tobacco Advertising and Promotion Act 2002 (c 36)	Prohibits tobacco advertising.	HS	Trading Standards		
Town Police Clauses Act 1847 (c 89)	Makes provision regarding hackney carriages amongst other things.	L	Licensing		
Trade Descriptions Act 1968 (c 29)	Makes provision regarding the description of goods and services.	TS	Trading Standards		Offence provisions are likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008
Trade Marks Act 1994 (c 26) section 93	Section 93 creates a duty for local weights and measures authorities to enforce the provisions of section 92 (offences relating to the unauthorised use of trade marks)	TS	Trading Standards		See table 5
Trading Representations (Disabled Persons) Act 1958 (c 49)	Makes provision for the registration of goods advertised as made by, or sold for the benefit of, blind or otherwise disabled persons.	TS	Trading Standards		Likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Traffic Management Act 2004 (c 18)	Makes provision regarding the false use of badges for display on motor vehicles used by disabled persons, amongst other things.				
Transport Act 1981	Makes provisions relating to the sums to be paid for a license to be purchased under the Town and Police Clauses Act 1847. (Section 35)	L	Licensing		
Unfair Contract Terms Act 1977	Makes provision limiting the extent to which civil liability for breach of contract, or for negligence or other breach of duty, can be avoided by means of contract terms.	TS	Trading Standards		
Unsolicited Goods and Services Act 1971 (c 30)	Makes provision relating the provision of unsolicited goods.	TS	Trading Standards		
Vehicles (Crime) Act 2001	Makes it an offence to carry on a business as a motor salvage operator in the area of a local authority without being registered by the authority in question.	L	Licensing Police (have powers of entry and inspection)		See table 6
Veterinary Surgeons Act 1966 (c 36)	Makes provision for the registration of veterinary surgeons and creates offences for use of practitioners' titles by unqualified persons.	TS	Trading Standards		
Video Recordings Act 1984 (c 39)	Makes provision regarding the supply of classified and unclassified videos.	TS	Trading Standards		
Violent Crime Reductions Act 2006 (c 38)	Includes offences used by trading standards officers relating to the persistent sale of alcohol to those underage.	TS	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Notes
Water Industry Act 1991 (c 56) sections 77 to 85	Bestows a number of functions on local authorities in relation to water quality, undertakers supplies, piped water supplies, private supplies etc.	EP	Environmental Health		See table 5
Water Resources Act 1991 (c 57)	Makes provisions regarding water resources and water quality amongst other things.	EP	Environmental Health		
Weeds Act 1959 (c.54)	Creates powers to require occupiers of land to prevent the spread of injurious weeds.	EP			
Weights and Measures Act 1985 (c 72)	Makes numerous provisions relating to weights and measures, including details and standards of measurement.	TS	Trading Standards		
Weights and Measures Act etc. 1976 (c 77)	Makes provisions regarding food shortages.	TS	Trading Standards		
Welfare of Animals at Slaughter Act 1991 (c 30)	Makes provision regarding the welfare of animals at slaughter.	AHW	Trading Standards	Environmental Health	
Wildlife and Countryside Act 1981 (c 69)	Prohibits certain methods of killing or taking of wild animals amongst other things.	AHW			
Zoo Licensing Act 1981 (c 37)	Makes provision regarding the licensing of zoos.	L	Environmental Health	Licensing	

4. Regulators' Compliance Code

The Regulators' Compliance Code¹ ('RCC') and the Section 21 statutory principles² of good regulation ('the principles') apply to any regulator whose regulatory functions are specified in the listing order³ which comes into force on 6th April 2008.

The RCC and the principles are of interest to LBRO as they apply to the same local authority regulatory services. However, a direct comparison of the legislation listed in Schedule 3 of the Regulatory Enforcement and Sanctions Bill ('Sch.3') with that listed in Part 3 of the schedule to the listing order ('Pt3'), which concerns 'local authorities', does reveal some differences which merit comment:

- Table 3 below includes legislation which is listed in Sch.3 but not Pt3;
- Table 4 below includes legislation which is listed in Pt3 but not Sch.3; and
- Table 5 below includes primary legislation which is listed in Sch.3 **and** Pt 3, but where a specific section or part is mentioned in either list which is not mentioned in the other. Due to time constraints, no comment is offered on the possible reasons for, or impact of these differences.

Table 3. Legislation which is listed in Sch.3 but not Pt3

Sch.3	Pt3	Notes
Development of Tourism Act 1969	Not listed	
Fire & Rescue Services Act 2004	Not listed	Fire & Rescue services are not defined as 'local authorities' in the listing order, hence their legislation is not included in Pt 3. However, Fire & Rescue Services in England are included in Part 1 of the schedule to the listing order so they must comply with RCC and the principles in all their regulatory functions.
Fire Precautions Act 1971	Not listed	This Act was repealed by the Regulatory Reform (Fire Safety) Order 2005
Legal Services Act 2007, s. 198	Not listed	s.198 allows local Weights & Measures Authorities to institute proceedings in respect of unlicensed conveyancing. However, this provision has not yet been brought into force and it is likely that this is why it is not included in Part 3.
Mock Auctions Act 1961	Not listed	This Act is likely to be repealed in 2008 by the Consumer Protection from Unfair Trading Regulations

¹ Statutory code of practice introduced under section 22 of the Legislative and Regulatory Reform Act 2006

² Section 21 Legislative and Regulatory Reform Act 2006

³ The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

Table 4. Legislation which is listed in Pt3 but not Sch.3

Pt3	Sch.3	Notes
Regulations which implement EC requirements	Not listed	Sch. 3 does not include these regulations because Section 4(2) of the RES Bill defines 'relevant enactments' as: 1. legislation listed in Sch. 3, and subordinate legislation; and 2. legislation made under section 2(2) of the European Communities Act 1972 in respect of a) agricultural produce (quality standards and labelling); b) animal health and welfare; c) animal feed; d) consumer protection; e) environmental protection; food hygiene and standards; g) public health and safety; h) weights and measures (including measuring instruments).
Road Traffic Act 1991	Not listed	An amending Act.
Solicitors Act 1974	Not listed	S.22 of the Act controls unlicensed conveyancing and S.23 includes powers for officers of a local Weights and Measures Authority. [Will be repealed by the Legal Services Act 2007 from a date to be appointed]

Table 5. Primary legislation listed in Sch.3 and Pt 3, differences in scope

Legislation	Sch.3	Pt3
Accommodation Agencies Act 1953	Section 1 only	Whole Act
Agriculture (Miscellaneous Provisions) Act 1954	Section 9 only	Whole Act
Agriculture and Horticulture Act 1964	Part 3 only	Whole Act
Cancer Act 1939	Section 4 only	Whole Act
Charities Act 1993	Sections 76 to 78 only	Whole Act
Charities Act 2006	Section 50 only	Whole Act
Clean Neighbourhoods and Environment Act 2005	Parts 2, 6 and 7 only	Whole Act

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Legislation	Sch.3	Pt3
Companies Act 1985	Chapter 1 of Part 11 and section 693 only	Part 11
Copyright, Designs and Patents Act 1988	Sections 107A and 198A only	Whole Act
Education Reform Act 1988	Section 215 only	Sections 214 & 215
Enterprise Act 2002	Whole Act	Part 8
Food and Environment Protection Act 1985	Parts 1 and 2 only	Whole Act
Food Safety Act 1990	Parts 2 and 3 only	Whole Act
Local Government Act 1972	Parts 9 and 11 only	Part 9
National Lottery etc. Act 1993	Sections 12 and 13 only	Whole Act
Road Traffic Act 1988	Sections 15A, 17, 18, 41, 71, 81, 82 and 196 only	Whole Act
Trade Marks Act 1994	Section 93 only	Whole Act
Water Industry Act 1991	Sections 77 to 85 only	Whole Act

5. Notes on Selected Legislation

In the opening discussion to this project it was agreed that an analysis of a selection of the legislation in Schedule 3 would be undertaken. It was LBRO's view that a primary factor in making the selection would be 'fringe' legislation. This was taken to mean legislation likely to be enforced by those outside of the mainstream services of Trading Standards, Environmental Health and Fire. Using these criteria, and taking into account a number of other factors (multiplicity of potential enforcers; not purely administrative legislation; expertise held within LBRO; potential for any inconsistency to raise concerns amongst business, communities or lobby groups), a selection of 58 pieces of legislation was made and LBRO were invited to make a selection from this list. LBRO selected 24 Acts for further research and these are listed in Table 6 below.

Table 6. Selected Legislation

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Agricultural Produce (Grading and Marking) Act 1928 (c.19)	Makes provision regarding food labeling, particularly in relation to agricultural produce.	FSSH	Trading Standards	Environmental Health	Impacts primarily on business engaged in growing and selling vegetables, fruit, eggs etc.	All agricultural produce must be marked or labelled with a grade to indicate the quality of the product, thus giving the consumer confidence in the produce they are buying. For example you might see "Class A" apples for sale in the greengrocer. This impacts on both suppliers and sellers of agricultural produce in terms of ensuring that all produce is graded and marked in accordance with the legislation.
Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)	An Act relating to the commercial breeding and sale of dogs; to regulate the welfare of dogs kept in commercial breeding establishments; to establish records of dogs kept at such establishments; and for connected purposes.	AHW	Environmental Health	Licensing	Impacts on those businesses that run dog breeding establishments.	All breeding establishments must be licensed by the local authority and in order to get the licence, certain conditions must be met which involves inspection by a local authority officer or appointed vet. Carrying on a business without a licence or failing to comply with any other aspect of the legislation will result in penalties.

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Breeding of Dogs Act 1973 (c.60)	Makes provision for licensing breeding establishments for dogs.	AHW	Environmental Health	Licensing	The powers in this Act were extended by the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11) detailed above.	See above.
Breeding of Dogs Act 1991 (c.11)	An Act to extend powers of inspection for the purposes of the Breeding of Dogs Act 1973 to premises not covered by a licence under that Act.	AHW	Environmental Health	Licensing	Impacts on those businesses that run dog breeding establishments.	Extended the powers of local authority officers in the 1973 Act, so that where there were reasonable grounds to suspect an offence under the Act, a warrant could be applied for to enter premises (other than those which held a license as a breeding establishment).

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Caravan Sites and Control of Development Act 1960 (c.62)	An Act to make further provision for the licensing and control of caravan sites, to authorise local authorities to provide and operate caravan sites, to amend the law relating to enforcement notices and certain other notices issued under Part III of the Town and Country Planning Act 1947.	L	Environmental Health	Licensing	Impacts on land owners wishing to use their land as a caravan site.	A land owner wishing to run a caravan site must apply for a licence from the local authority. The local authority may attach conditions to the licence, for example, limiting the number of caravans permitted on the site at any one time or ensuring adequate sanitation facilities are provided. An officer from the local authority may inspect the site to ascertain whether the conditions of the licence are being met.
Countryside Act 1968 (c.41)	Power for LA make bye-laws for the preservation of order, for the prevention of damage to the land or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.	EP	Environmental Health		The impact of this legislation is on the community, that is to say all those using country parks or other land owned by the Council.	The local authority may appoint wardens to enforce the local bye-laws relating to the use of parks and open spaces, for example to prevent littering, the control and prevent the lighting of fires and to control the use of waterways. The majority of this Act centers around the Local Authority as the planning authority. There have been a number of amendments to the Act since it's commencement.

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Dangerous Wild Animals Act 1976 (c.38)	Makes provision for licensing the ownership of wild animals and performing wild animals. Used in relation to zoos and circuses.	AHW	Environmental Health	Licensing	Impact on owners of animals classified as "dangerous" by the legislation. It aims to protect the community at large.	Owners of dangerous animals must hold a licence granted by the local authority. There are a number of conditions which must be met before the licence is granted. Local Authority officers also have a number of powers under the Act. for example to inspect animals and premises and to seize and dispose of the animals where offences have been committed.
Defective Premises Act 1972	Makes provision regarding the construction, maintenance and repair of dwellings and places duties on landlords to ensure that all persons who might reasonably be affected by the defective state of their property are safe from personal injury.	H	There is no apparent enforcement role here – the provisions are civil.		Protection of individuals	Where a developer sells a house or flat which is not habitable, the purchaser may claim damages under this Act.

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Dogs Act 1906 (c. 32)	Makes provision regarding injury caused to livestock by dogs, the seizure of stray dogs, and places requirements on the owners of cattle to bury dead livestock.	AHW	Police (in relation to seizure of strays) and Trading Standards (in relation to farmers who permit dead livestock to lay unburied on land which dogs have access to).		Impact on farmers and landowners. Protection of communities	Farmers and land owners must bury dead livestock immediately, to prevent the spread of disease by dogs who may come into contact with the carcasses. These provisions have now been largely superseded by other legislation.

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Fire Safety and Safety at Places of Sport Act 1987 (c. 27)	Extends the provisions of the Safety of Sports Grounds Act 1975 (the principal act) to all sports grounds, including indoor facilities. It inserts Section 10B into the principal act making it a duty of every LA to enforce within their area the provisions of the principal act as amended. The secretary of State may designate as a sports ground requiring a certificate under the principal act any sports ground which in his opinion has a capacity of over 10,000. There are many designatory Orders. A LA may issue a safety certificate with conditions specific for the stadium in question. An inspection may be carried out by the LA (or Fire and Rescue Authority if the LA are not the FRA)	HS	Licensing	Environmental Health or Trading Standards or FRA where not the LA	Business	Following a complaint about overcrowding at a sports event the LA decides to issue a prohibition notice under Section 10 of the principal act (inserted by the 1987 Act) requiring the number of spectators to be limited. The notice must be copied to a number of other authorities

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Firearms Act 1968 (c27)	A consolidation act relating to business and other transactions in firearms and ammunition, including the need to register ownership, register as a dealer and keep records and the use of firearms. It includes the sale of imitation firearms and air weapons to minors	HS	Police.	There are no duties for local authorities, however the offences created are 'common informer' type and so a local authority may institute proceedings perhaps targeting underage sales.	Business and consumer	A LA decides that in order to promote the social well being of a community it prosecutes a market trader for selling an imitation firearm to a person under the age of 18.
Firearms Act 1982 (c.31)	An Act to apply the provisions of the <i>Firearms Act 1968</i> (with certain exceptions) to imitation firearms which are readily convertible into firearms to which section 1 of that Act applies. (See above)	HS	There are no duties or powers within this Act, it simply extends the definition of 'firearm'			
Ground Game Act 1880 (c.47)	Makes provision for an occupier of land to protect crops from damage by hares and rabbits. It creates exemptions from game licenses but prohibits night shooting, and, in greater London, the use of poison.	L			Consumer (i.e. Occupier of Land)	A LA receives a report that an owner of land is shooting rabbit at night without a game license. It advises the owner to shoot them in the daytime. It could prosecute under section 6 (common informers)

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Guard Dogs Act 1975 (c.50)	Makes provisions as to ownership and handling of guard dogs including the labelling of premises on which guard dogs are present and the licensing of guard dog kennels. It does not relate to agricultural or domestic premises	AHW	Environmental Health	Licensing	Business	A local kennels are keeping guard dogs in breach of conditions imposed in a license issued by a District or Unitary LA under Section 3. In this instance they relate to the welfare of the dogs. The LA warns the person owning the kennels it commits an offence under Section 5 that could attract a fine on summary conviction. (Level 5) (Common informers)
Highways Act 1980 (c.66)	A consolidating act that gives broad powers to a highway authority to manage all aspects of a highway. The Bill (but in Sch 6) makes reference to Part 9 which relates to unlawful interference with the highway. Many different aspects are capable of being controlled. E.g. obstruction by trading, builders skips, unlawful blocking, damaging a road sign, and letting off a firearm or firework so as to damage a carriageway.	L			Business, consumer and community	Trading is taking place alongside a highway and spreading out so as to obstruct a footpath and cycle way. The LA investigates and decides to take legal proceeding to prevent the trading taking place. (Section 148)

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Housing Act 1985 (c.68) , Parts 8, 9 and 10	<p>Broad ranging Act which consolidated earlier legislation but has since been much amended.</p> <p>Part 8 includes provisions for area improvement – local housing authorities may declare housing action areas or general improvement areas and the local housing authority has various powers under this Part.</p> <p>Part 9 included provisions for slum clearance – demolition of unfit premises. This Part was repealed by the Housing Act 2004 s.266, Sch.16.</p> <p>A local housing authority must enforce the provisions of Part X of the Act which deals with overcrowding of dwellings</p>	H	Environmental Health		Protection of individuals and communities.	

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Housing Act 1996 (c.52) , Part 8	<p>The Act makes provision regarding social housing and the responsibilities of landlords in relation to anti-social behaviour and charging.</p> <p>Part VIII contains miscellaneous and general provisions, including enabling provisions for the Secretary of State to give directions to social landlords (as defined in s.80 Housing Act 1985) in respect of certain charges.</p> <p>Part VIII also amends provisions in the Housing Act 1985 in relation to compulsory purchase powers.</p>	H	There is no clear enforcement role in Part VIII.		Protection of communities	

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Housing Act 2004 (c.34) , Parts 2 to 5	Part 2 of the Act created a new regime for houses in multiple occupation (including the making of HMO declarations and the licensing of certain houses in multiple occupation) and includes offences for operating unlicensed HMOs. Part 3 makes provision for the selective licensing of other residential accommodation let by private land.	H	Environmental Health		Impact on business (e.g. Landlords) for the protection of individuals.	
	Part 4 of the Act contains additional provisions in relation to HMOs and certain housing to which the provisions of Parts 2 or 3 apply. The additional provisions include powers for the local housing authority to serve overcrowding notices on unlicensed HMOs. Part 5 of the Act introduces provisions relating to Home Information Packs for residential property which is being marketed.	H TS	Environmental Health Trading Standards		Impact on property owners for the protection of individuals and communities. Regulation impacts on business (estate agents) and on consumers or businesses buying or selling residential property.	Sellers must provide a Home Information Pack. Estate agents must join an approved redress scheme.

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Local Government (Miscellaneous Provisions) Act 1982 (c.30)	Makes provision regarding the licensing of sex establishments, control of street trading, and the registration of acupuncture, tattooing, ear-piercing and electrolysis premises.	L	Licensing	Environmental Health	Business	A District or unitary Council in England or Council in Wales concerned about the proliferation of sex shops in its area resolves that this Act will apply to sex shops in its area and licensing is now required. It imposes standard conditions that prevent establishments trading next to schools. An information campaign is run for operators of such establishments
Plant Health Act 1967	Makes provisions for the control of pests and diseases injurious to agricultural or horticultural crops, or to trees or bushes. It contains functions relating to local authorities power to remove and destroy crops for the purpose of preventing the spread of diseases and pests injurious to agriculture	A			Business, Consumer or Community	The Forestry Commission made an order in 1984 to ensure the destruction of Elm trees with Dutch Elm disease. Certain LAs were required to enforce the provisions. Suspected infestations were investigated and trees were burnt.

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (c.31)	Section 5 allows specified LAs to make regulations regarding the collection of money and sale of goods in the street or public places for charitable purposes, and creates offences for breaching such regulations (Prospectively repealed by the Charities Act 1992, once the relevant provisions are brought into force).	L	Licensing		Regulation of businesses or individuals acting for charitable purposes, for the protection of communities.	A LA might restrict the number of street collections that any one organisation can carry out to one a year.
Private Security Industry Act 2001 (c.12)	Establishes the Security Industry Authority and makes provisions regarding licensing of private security firms. The Act creates offences in relation to unlicensed security operatives and unlicensed wheel clampers.	L	Security Industry Authority	S.13 of the Act enables the Secretary of State, by order, to make provision for local authorities to carry out some or all of the SIA's licensing functions. This enabling power does not appear to have been used to date	Regulation of business for the protection of individuals and communities.	Businesses and employees operating in the private security sector e.g.. Door supervisors, CCTV operators etc. are required to be licensed.

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Serious Organised Crime and Police Act 2005 (c 15) , Part 4	<p>The Act establishes SOCA and makes provisions regarding police powers. Part 4 is concerned with public order and conduct in public. Provisions which may be of relevance to LAs are:</p> <ul style="list-style-type: none"> Section 137 which creates an offence for operating a loudspeaker in a designated area unless exempt. One of the exemptions is where consent has been granted by the local authority under Sch. 2 to the Noise and Statutory Nuisance Act 1993 (which is listed in Sch.3). Section 142 which amends the Crime and Disorder Act 1998 (not listed in Sch.3) to allow LAs to contract out their functions in relations to ASBOs. 	N/a	Whilst the LA gives consent under Sch. 2, of the Noise & Statutory Nuisance Act, the enforcing authority for the s.137 offence would appear to be the police.		<p>Restriction placed on any individual/ organisation wishing to use loudspeakers in designated areas.</p> <p>Aims to protect the community.</p>	

Legislation (RES Bill, Sch 3)	Summary	Category	Likely enforcement service	Alternative enforcement service	Impacts on business, consumer or community.	Example of impact
Vehicles (Crime) Act 2001	Creates a local authority registration scheme for motor salvage operators	L	Licensing Police (have powers of entry and inspection)		Licensing requirement placed on business. Aims to protect community and individuals from crime by reducing the opportunity for disposing of stolen vehicles within the salvage industry.	Businesses trading as motor salvage operators must be registered and are required to keep certain records. There are offences for trading without being registered and for failing to keep required records.

6. Conclusions and Recommendations

This project has involved a superficial examination of Schedule 3 to the RES Bill, which has highlighted a number of areas where LBRO may wish to consider whether action or further research is required:

- a. Certain pieces of legislation which have been included in Schedule 3 have either been repealed or are likely to be repealed before the RES Bill is passed. To summarise, these include:
 - Cinemas Act 1985 (no longer has effect in England & Wales)
 - Consumer Protection Act 1987, Part 3
 - Fire Precautions Act 1971
 - Housing Act 1985, Part 9
 - Mock Auctions Act 1961
 - Trade Descriptions Act 1968 (offence provisions)
 - Trading Representations (Disabled Persons) Act 1958

It is suggested that these could be removed from the Schedule.

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- b. Schedule 3 includes section 198 of the Legal Services Act 2007, which is not yet in force, whilst Part 3 of the Schedule to the listing order includes the Solicitors Act 1974, which will be repealed once section 198 is in force. It is suggested that a check should be made on the likely date for this section to be brought into force.
- c. A number of pieces of legislation are listed in both Schedule 3 and Part 3 of the Schedule to the listing order, but the extent to which they are within scope is different. The reasons for these differences may merit investigation.
- d. The Highways Act 1980 appears in total in Schedule 3 but is limited to Part 9 in Schedule 6 of the RES Bill. The Firearms Acts 1968 & 1982 (an amending Act) are both listed in Schedule 3 but neither is listed in Schedule 6. No further comparison has been made between the two schedules but it is suggested that this might prove a useful exercise.
- e. Schedule 3 includes some amending legislation. Where an Act amends earlier legislation, it is suggested that any enforcement is carried out under the earlier Act, as amended, not under the later amending Act. For example, the Fire Safety at Places of Sport Act 1987 amends the principal Act of 1975 only, yet the 1975 Act is not included in Schedule 3. It is suggested that the reasons for the inclusion of such amending legislation could be investigated, particularly where the legislation that is amended is not included.
- f. A number of pieces of legislation have been identified where there are no obvious powers for local authority regulatory services eg. Defective Premises Act 1972; Disability Discrimination Act 1995; Housing Act 1996, Part 8; Pedlars Act 1871; Sale of Goods Act 1979; Serious Organised Crime and Police Act 2005, Part 4; Supply of Goods (Implied Terms) Act 1973; Supply of Goods and Services Act 1982. It is suggested that the reasons for the inclusion of such legislation could be investigated.
- g. No work has been carried out to identify legislation that is enforced by local authority regulatory services which is not included in Schedule 3. It is suggested that this might prove useful.
- h. Some of the legislation listed in Schedule 3, in particular in relation to housing and licensing, would appear to extend LBRO's role under Part 1 of the RES Bill beyond regulation of businesses. Further consideration may need to be given to the implications of LBRO's potential role with regard to consumers/ tenants/ landowners.

Annex to LBRO Legislation Mapping Project Phase 2 Report

Legislation by Category

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Table 2a. Category: Agriculture

(regulation of fertilisers and feeding stuffs)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Agriculture (Miscellaneous Provisions) Act 1954 (c. 39), section 9	Makes provision regarding animal feed	Trading Standards		See table 5

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Agriculture Act 1970 (c. 40)	Makes provisions regarding the sale of fertilizers, animal feeding stuffs and pet foods	Trading Standards		
Pests Act 1954	Makes provision relating to the destruction and control of rabbits, other animals and birds	Environmental Health		
Plant Health Act 1967	Makes provisions for the control of pests and diseases injurious to agricultural or horticultural crops, or to trees or bushes.			See table 6

Table 2b. Category: Animal Health & Welfare

(regulation of pets, farmed animals, animal trade and movement, animal diseases and animal by products)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Agriculture (Miscellaneous Provisions) Act 1968	Makes provision regarding the welfare of livestock and related offences	Trading Standards		
Animal Boarding Establishments Act 1963 (c.43)	Makes provision regarding the licensing of boarding establishments for animals	Environmental Health	Animal Health & Welfare	
Animal Health Act 1981 (c. 22)	Makes provision regarding the movement, importation and marking of animals	Trading Standards	Animal Health & Welfare	
Animal Health and Welfare Act 1984 (c.40)	Makes provision regarding the breeding of livestock and the prevention of disease.	Animal Health & Welfare		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Animal Welfare Act 2006 (c.45)	Makes general provisions regarding animal welfare and the prevention of harm to animals.	Animal Health & Welfare		
Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)	Makes provision regarding the welfare of dogs in commercial breeding premises.	Environmental Health	Licensing	See table 6
Breeding of Dogs Act 1973 (c.60)	Makes provision for licensing breeding establishments for dogs.	Environmental Health	Licensing	See table 6
Breeding of Dogs Act 1991 (c.11)	Creates offences relating to unlicensed breeding establishments for dogs	Environmental Health	Licensing	See table 6
Dangerous Wild Animals Act 1976 (c.38)	Makes provision for licensing the ownership of wild animals and performing wild animals. Used in relation to zoos and circuses.	Environmental Health	Licensing	See table 6
Dogs Act 1906 (c.32)	Makes provision regarding injury caused to livestock by dogs, the seizure of stray dogs, and places requirements on the owners of cattle to bury dead livestock.	Police Trading Standards		See table 6
Farriers (Registration) Act 1975	Makes provision regarding the registration of farriers.	Trading Standards	Licensing	
Game Act 1831 (C.32)	Makes provision regarding the killing and supply of game.	Environmental Health		
Guard Dogs Act 1975 (c. 50)	Makes provisions to license ownership of guard dogs and guard dog kennels, amongst other things.	Environmental Health	Licensing	See table 6
Performing Animals (Regulations) Act 1925 (c. 38)	Regulates the exhibition and training of performing animals	Environmental Health		
Pet Animals Act 1951 (c. 35)	Makes provision for the licensing of pet shops, amongst other things.	Environmental Health		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Protection Against Cruel Tethering Act 1988 (c.31)	Makes an offence of cruel tethering	Trading Standards	Environmental Health	
Protection of Animals Act 1911 (c.27)	Makes provision regarding the sale of seeds known to be poisonous.	Licensing	Trading Standards or Environmental Health	
Slaughterhouses Act 1974 (c 3)	Makes provision regarding public slaughterhouses, and for the agreed restriction of slaughterhouses. LAs enforcers of the regulations under Part 2 regarding the humane slaughter of animals.	Environmental Health		
Welfare of Animals at Slaughter Act 1991 (c 30)	Makes provision regarding the welfare of animals at slaughter.	Trading Standards	Environmental Health	
Wildlife and Countryside Act 1981 (c 69)	Prohibits certain methods of killing or taking of wild animals amongst other things.			

Table 2c. Category: Environmental Protection

(regulation of the air, land, water, waste and recycling, local environment and pollution. Includes the areas of noise, water pollution, industrial pollution and contaminated land)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Clean Air Act 1993	Makes provision regarding the omission of smoke, grit and dust from chimneys, smoke control areas and control of certain types of pollution.	Environmental Health	Trading Standards	

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Clean Neighbourhoods and Environment Act 2005 parts 2,6 & 7	Makes provision regarding parking vehicles on the road that are marked for sale; dog control areas and audible alarms and other noise related nuisance.	Environmental Health		See table 5
Control of Pollution (Amendment) Act 1989 (c. 14)	Makes it an offence to transport waste without a license	Environmental Health	Licensing Trading Standards	
Control of Pollution Act 1974 (c.39)	Makes provision with respect to waste disposal, water pollution, noise, atmospheric pollution and public health.	Environmental Health		
Countryside Act 1968 (c. 41)	Power for LA to make byelaws for the preservation of order, for the prevention of damage to the land or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.	Environmental Health		See table 6
Energy Act 1976 (c.76)	Makes provision regarding the fuel consumption of passenger vehicles.	Trading Standards		
Environment Act 1995 (c. 25)	Makes provision regarding contaminated land and abandoned mines, national parks, air quality and powers of entry.	Environmental Health		
Environment and Safety Information Act 1988 (c.30)	Establishes public registers of certain notices served concerning health, safety and environmental protection.	Environmental Health?		
Environmental Protection Act 1990 (c.43)	Makes provision regarding the control of pollution from industrial and other processes.	Environmental Health		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Litter Act 1983 (c 35)	Makes provisions regarding littering, that local authorities use in relation to fly-tipping.	Environmental Health		
Motor Cycle Noise Act 1987 (c.34)	Makes provisions regarding motor cycle exhausts.	Trading Standards		
Noise Act 1996 (c.37)	Makes provision regarding noise emitting from premises at night, including grants powers of investigation.	Environmental Health		
Noise and Statutory Nuisance Act 1993 (c.40)	Makes provision regarding noise in the street to be deemed a statutory nuisance; audible intruder alarms; and the operation of loudspeakers	Environmental Health		
Pollution Prevention and Control Act 1999 (c.24)	Makes provision for the regulation of polluting activities, and regarding time-limited disposal or waste management licences.	Environmental Health		
Refuse Disposal (Amenity) Act 1978 (c 3)	Makes provisions regarding unauthorised dumping of refuse.	Environmental Health		
Water Industry Act 1991 (c 56) sections 77 to 85	Bestows a number of functions on local authorities in relation to water quality, undertakers supplies, piped water supplies, private supplies etc.	Environmental Health		See table 5
Water Resources Act 1991 (c 57)	Makes provisions regarding water resources and water quality amongst other things.	Environmental Health		
Weeds Act 1959 (c.54)	Creates powers to require occupiers of land to prevent the spread of injurious weeds.			

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Table 2d. Category: Fire Prevention

(local fire and rescue services make sure fire safety regulations are met and provide advice on fire prevention, both in commercial and residential premises)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Fire and Rescue Services Act 2004 (c.21)	Makes provision regarding fire safety and the promotion of fire safety.	Fire Service		See table 3
Fire Precautions Act 1971 (c.40)	Gives power to the fire authority to make fire certificate compulsory for use of certain premises as a dwelling	Fire Service	Environmental Health	Repealed by the Regulatory Reform (Fire Safety) Order 2005 See table 3
Regulatory Reform (Fire Safety) Order 2005 S.I. 2005/1541	Makes provision relating to the duties of Fire Authorities and Fire Safety.	Fire Service		

Table 2e. Category: Food Safety, Standards & Hygiene

(regulating the whole of the food chain from farm to fork. It covers, marketing, labelling, regional and local food, organic, wine, milk, eggs poultry and beef labelling. Hygiene governs the conditions under which food is manufactured, prepared, stored and sold)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Agricultural Produce (Grading and Marking) Act 1928 (c.19)	Makes provision regarding food labelling, particularly in relation to agricultural produce	Trading Standards	Environmental Health?	See table 6

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Agriculture Act 1967 (c.22)	Establishes the Meat & Livestock Commission and makes provision regarding food labelling and the sale of meat.	Trading Standards?	Environmental Health?	
Agriculture and Horticulture Act 1964 (c. 28), Part 3	Makes provision regarding food labelling and the sale of agriculture produce.	Trading Standards		See table 5
Food Act 1984 (c.30)	Makes provisions regarding markets (prohibited sales in market hours, weighing machines and scales etc) amongst other things.	Trading Standards		
Food Safety Act 1990 (c 16), Parts 2 & 3	Makes provisions and associated offences relating to food safety, the selling of unfit food, inspection and enforcement etc	Trading Standards Environmental Health		See table 5
Food Standards Act 1999 (c.28)	Makes provision relating to food safety and animal feeding stuffs amongst other things.	Trading Standards	Environmental Health	
Slaughter of Poultry Act 1967 (c 24)	Makes provision regarding the humane slaughter of poultry. LAs allowed to inspect under section 4 for the purposes of ascertaining whether or not a slaughter house is in compliance with regulations and codes of practice.	Environmental Health		

Table 2f. Category: Health & Safety

(local authorities are responsible for health and safety enforcement in offices, shops and other parts of the service sector. Enforcement is mainly through environmental health specialists)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Caravan Sites and Control of Development Act 1960 (c.62)	Makes provision regarding licensing and control of caravan sites	Environmental Health	Licensing	See table 6
Celluloid and Cinematograph Film Act 1922	Makes provision regarding the safe storage of raw celluloid	Trading Standards		
Christmas Day (Trading) Act 2004	Makes provision regarding the opening of shops on Christmas Day and the loading and unloading of goods on Christmas Day	Environmental Health		
Dangerous Dogs Act 1991 (c.65)	Includes provision allowing local authorities to seize dogs.	Environmental Health	RSPCA	
Explosives (Age of Purchase etc) Act 1976 (c. 26)	Restricts the sale of explosive substances to young persons and increases relevant penalties.	Trading Standards		
Explosives Act 1875 (c.17)	Makes provisions regarding the manufacturing and sale of gunpowder, nitro-glycerine and other explosive substances.	Trading Standards		
Explosives Act 1923 (c.17)	Makes provision regarding the precautions to be taken in factories where explosives are produced.	Trading Standards	Environmental Health	
Factories Act 1961 (c.34)	Makes provision regarding health and safety of those employed in factories.	Environmental Health		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Fire Safety and Safety at Places of Sport Act 1987 (c.27)	Extends the provisions of the Safety at Sports Grounds Act 1975. Makes provisions relating to health and safety at sports grounds and regulating entertainment licences.	Licensing	Environmental Health or Trading Standards or FRA where not the LA	See table 6
Firearms Act 1968 (c27)	Makes provisions regarding business and other transactions with firearms and ammunition, amongst other things.	Police	Possibly Trading Standards	See table 6
Firearms Act 1982 (c.31)	Extends the provisions of the Firearms Act 1968 to imitation firearms.	There are no duties or powers within the Act.		See table 6
Fireworks Act 2003	Makes provision relating to the supply of fireworks and the licensing of suppliers of fireworks.	Trading Standards		
Food and Environment Protection Act 1985 (c. 48), Parts 1 & 2	Makes provision regarding the contamination of food, licences for the deposit of substances and articles in the sea, and the control of pesticides.	Environmental Health	Trading Standards?	See table 5
Health Act 2006 (c.28), Part 1	Makes provision regarding smoke free premises and no smoking signs	Environmental Health	Trading Standards	
Health and Safety at Work, etc Act 1974 (c.37)	Makes provisions for the purpose of securing the health, safety and welfare of people at work.	Environmental Health	Health and Safety Executive	
Local Government Act 1972 (c.70), Parts 9 & 11	Makes provision regarding public health and general provisions relating to local authorities.			See table 5
Local Government Act 1988 (c.9), Part 4	Makes general and miscellaneous provisions including provisions regarding the registration of dogs	Licensing	Environmental Health	
Local Government Act 2000 (c. 22), Part 1	Makes provision regarding the promotion of economic, social or environmental well being by local authorities.			
London Government Act 1963 (c.33)	Makes provision for local authority officers to enter premises.			

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
London Olympic Game and Paralympics Games Act 2006 (c. 12)	Makes provision regarding street trading amongst other things.	Licensing	Environmental Health	
Mines and Quarries (Tips) Act 1969 (c.10)	Makes health and safety provisions relating to disused mines and quarries.	Environmental Health		
Mines and Quarries Act 1954 (c 70)	Makes health and safety provisions relating to mines and quarries.	Environmental Health		
Office, Shops and Railway Premises Act 1963 (c. 41)	Makes provision regarding the health and safety of those employed in offices or in railway premises.	Environmental Health		
Offshore Safety Act 1992 (c.15)	Makes provision regarding the health and safety of those persons on offshore installations or engaged on pipe-line works amongst other things.	Environmental Health		
Prevention of Damage by Pests Act 1949 (c.55)	Requires local authorities to ensure that district is free of rats and mice, and provides them with a power to inspect for this purpose, amongst other things.	Environmental Health		
Public Health Act 1936 (c 49)	Makes provision relating to filthy and verminous premises.	Environmental Health		
Public Health Act 1961 (c 64)	Makes provisions regarding the examination of drains.	Environmental Health		
Safety at Sports Grounds Act 1975 (c 52)	Makes provision regarding public safety at sports grounds, including requiring ground with a capacity of over 10,000 to have a safety certificate.	Environmental Health	Trading Standards	
Scrap Metal Dealers Act 1964 (c 69)	Makes provision for the registration of scrap metal dealers	Environmental Health	Trading Standards	

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Tobacco Advertising and Promotion Act 2002 (c 36)	Prohibits tobacco advertising	Trading Standards		

Table 2g. Category: Housing

(regulation of the landlord and tenant sector in terms of minimum safety standards. This area also covers empty homes, homes in multiple occupation, tenancy deposit scheme and health and safety)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Defective Premises Act 1972	Makes provision regarding the construction, maintenance and repair of dwelling and places duties on landlords to ensure that all persons who might reasonably be affected by the defective state of their property are safe from personal injury.	No apparent enforcement role		See table 6
Housing Act 1985 (c.68), Parts 8,9 & 10	Makes provision regarding area improvements and overcrowding of premises.	Environmental Health		See table 6
Housing Act 1996 (c.52), Part 8	The Act makes provision regarding social housing and the responsibilities of landlords in relation to anti-social behaviour and charging. Part VIII contains miscellaneous and general provisions	There is no clear enforcement role in Part VIII.		See table 6
Housing Act 2004 (c.34), Parts 2 & 5	The Parts in scope make provisions regarding the licensing of houses in multiple occupation and home information packs.	Environmental Health (HMOs) Trading Standards (Home Information Packs)		See table 6

Table 2h. Category: Licensing

(the issue of licenses and subsequent regulation of people, places and vehicles. This includes alcohol and public entertainment, door supervisors and gambling)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Charities Act 1993 (c.10) , sections 76 to 78	Makes provision regulating fund raising activity and public charitable collections, registration of charities and corporation between charities and local authorities	Licensing		See table 5
Charities Act 2006 (c.50) section 50	Makes provision regarding public charitable collections	Licensing		See table 5
Cinemas Act 1985 (c.13)	Makes provision regarding licensing of exhibitions	Licensing		No longer has effect in England & Wales by virtue of Sch. 6 Licensing Act 2003
Gambling Act 2005 (C.19)	Makes provisions relating to gambling, and gambling licenses	Licensing	Environmental Health	
Ground Game Act 1880 (c.47)	Makes provision for an occupier of land to protect crops from damage by hares and rabbits. It creates exemptions from game licenses but prohibits night shooting, and in greater London the use of poison.	Police? Licensing?		See table 6
Highways Act 1980 (c.66)	A consolidating Act that gives broad powers to a highway authority to manage all aspects of a highway.			See table 6
House to House Collections Act 1939 (c.44)	Makes provision regarding the licensing of house to house collections carried out by charities.	Licensing	None	
Hypnotism Act 1952	Makes provision regarding the licensing of hypnotists.	Licensing		
Licensing Act 2003 (c.17)	Makes provision regarding the sale and supply of alcohol.	Licensing		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Local Government (Miscellaneous Provisions) Act 1976 (c.57)	Makes provision regarding the licensing of hackney carriages.	Licensing	Environmental Health	
Local Government (Miscellaneous Provisions) Act 1982 (c.30)	Makes provision regarding the licensing of sex establishments, control of street trading, and the registration of acupuncture, tattooing, ear-piercing and electrolysis premises.	Licensing	Environmental Health	See table 6
Local Government Act 1985 (c.51), Part 2	Transfers a number of functions (including those relating to waste regulation and land drainage) to London Borough Councils, Metropolitan District Councils and other existing authorities.			
London Local Authorities Act 1990 (c.vii)	Makes provisions regarding the licensing of night cafes and street trading.	Licensing		
London Local Authorities Act 1991 (c.xiii)	Creates powers for local authorities in relation to audible alarms.	Licensing	Environmental Health	
London Local Authorities Act 1994 (c.xii)	Makes provision relating to street trading and night cafes.	Licensing	Environmental Health	
London Local Authorities Act 1995 (c.x)	Makes provision regarding advertisement hordings, defacement of buildings, and licensing of near beer (a vehicle, vessel or stall selling alcohol) licensing.	Licensing	Environmental Health	
London Local Authorities Act 1996 (c.ix)	Makes provision relating to occasional sales and entertainment premises, as well as provision relating to fire safety.	Licensing	Environmental Health	
London Local Authorities Act 2000 (c.i)	Makes provision regarding licensing of theatres, cinemas, night cafes etc.	Licensing	Environmental Health	
London Local Authorities Act 2004 (c.1)	Makes provisions relating to street trading and night cafes, amongst other things.	Licensing	Environmental Health	

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
London Local Authorities Act 2007 (c.ii)	Makes provision regarding advertising, industrial and commercial waste and licensing of bars and street trading amongst other things.	Licensing	Environmental Health	
Opticians Act 1989	Makes provision regarding the registration of opticians.			
Pedlars Act 1871	Requires those acting as a pedlar to have a certificate, granted by the police.	Police No apparent LA enforcement role.		
Petroleum (Transfer of Licences) Act 1936	Allows for the transfer of petroleum spirit licensing.	Trading Standards or Fire Authority		
Poisons Act 1972 (c.66)	Creates restrictions on the use of poisons and requires sellers of certain poisons to be licensed.	Trading Standards		
Police, Factories, etc (Miscellaneous Provisions) Act 1916 (c.31), section 5	Makes provision regarding the collection of money and sale of goods for the purposes of charities	Licensing		See table 6
Private Hire Vehicles (London) Act 1998	Makes provisions regarding licensing of private hire vehicles.	Licensing		
Private Security Industry Act 2001 (c.12)	Establishes the Security Industry Authority and makes provisions regarding licensing of private security firms.	Security Industry Authority No apparent LA enforcement role.		See table 6
Public Passenger Vehicles Act 1981 (c 14)	Makes provision regarding taxi licenses	Licensing		
Riding Establishments Act 1964 (c 70)	Makes provision for the licensing of riding establishments	Licensing	Environmental Health	

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Riding Establishments Act 1970 (c 32)	Makes provision regarding the licensing of riding establishments	Licensing	Environmental Health	
Theatres Act 1968 (c 54)	Makes provisions regarding the licensing of premises for the public performance of play amongst other things.	Environmental Health		
Town Police Clauses Act 1847 (c 89)	Makes provision regarding hackney carriages amongst other things.	Licensing		
Transport Act 1981	Makes provisions relating to the sums to be paid for a license to be purchased under the Town and Police Clauses Act 1847. (Section 35)	Licensing		
Vehicles (Crime) Act 2001	Makes it an offence to carry on a business as a motor salvage operator in the area of a local authority without being registered by the authority in question.	Licensing Police (have powers of entry and inspection)		See table 6
Zoo Licensing Act 1981 (c 37)	Makes provision regarding the licensing of zoos.	Environmental Health	Licensing	

Table 2i. Category: Trading Standards

(regulation of businesses and protection of consumers, including areas such as consumer credit, fair trading, product safety, scams, rogue traders, metrology and under age sales)

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Accommodation Agencies Act 1953 (c.23), section 1	Makes provision regarding illegal advertisements for the letting of houses and flats	Trading Standards		See table 5

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Administration of Justice Act 1970 (c.31), section 40	Includes offences relating to the harassment of debtors. Trading standards will use this offence when prosecuting rogue traders.	Trading Standards		
Antisocial Behaviour Act 2003 (c.38)	Makes offences regarding the provision and sale of air weapons to children, noisy premises, the sale of aerosol paint to children etc	Trading Standards		
Business Names Act 1985 (c.7)	Prohibits the use of certain business names	Trading Standards		
Cancer Act 1939 (c.13) , section 4	Makes provision regarding advertising cures for cancer	Trading Standards		See table 5
Children & Young Persons (Protection From Tobacco) Act 1991 (c.23)	Makes provision for the placing of warning statements in retail premises and on vending machines relating to tobacco. Makes provision with respect to enforcement action by local authorities.	Trading Standards		
Children and Young Persons Act 1933 (c.12), Part 1	Makes provision regarding the sale of tobacco to children under the age of eighteen.	Trading Standards		The age limit was amended to 18 by the Children and Young Persons (Sale of Tobacco etc) Order 2007
Children and Young Persons Act 1963 (c.50), Part 2	Makes provision relating to the employment of children and young persons	Trading Standards		
Companies Act 1985 Chapter 1 of Part 2 and section 693	Makes provision regarding the registration of companies and places a requirement on companies to exhibit their name in every place where it carries on its business.	Trading Standards		See table 5
Consumer Credit Act 1974 (c.39)	Makes provision regarding the provision of credit and the supply of goods on hire or hire purchase.	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Consumer Protection Act 1987 (c.43)	Makes provision with respect to the liability of persons for damage caused by defective products etc.	Trading Standards		Part 3 (misleading prices) is likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008
Copyright, Designs and Patents Act 1988 M (c.48) sections 107A, 198A	Makes provision regarding the ownership of copyright	Trading Standards		See table 5
Courts and Legal Services Act 1990 (c.41) Part 4 and Part 6	Makes provision regarding the certification of solicitors, and property loans to be enforced by weights and measures officers.	Trading Standards		
Criminal Justice and Police Act 2001 (c.16), Part 1	Includes provisions allowing local authorities to close unlicensed premises.	Trading Standards		
Criminal Justice and Public Order Act 1994 (c.33), Part V, Part VII and Part XII	Grants local authorities the power to direct unauthorised campers to leave land. Creates an offence for causing intentional harassment, harm or distress, as well as offences relating to the unauthorised sale of tickets to football matches and the soliciting of hire car vehicles.	Trading Standards		
Crossbows Act 1987 (c.32)	Creates offences regarding the sale and letting on hire of crossbows to, and the purchase, hiring and possession of crossbows by, persons under the age of seventeen.	Trading Standards		
Development of Tourism Act 1969 (c.51)	Makes provision regarding the registration of hotels and other establishments where sleeping accommodation is provided.	Trading Standards		See table 3
Education Reform Act 1988 (c.40), Section 215	Makes provision regarding the use of unrecognised degrees. Section 214 creates offences relating to issuing 'fake' degrees. Section 215 makes provision regarding enforcement of the offences in section 214.	Trading Standards		See table 5

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Employment Agencies Act 1973 (c.35)	Makes provision regarding the regulation of employment agencies, restricting charging people seeking employment and allowing local authorities to inspect employment agencies.	Trading Standards		
Enterprise Act 2002 (c.17), Part 8	Makes provision regarding the enforcement of consumer legislation	Trading Standards		See table 5
Estate Agents Act 1979 (c. 38)	Makes provision regarding those who can act as estate agents, general regulations regarding estate agents and powers of entry and inspection.	Trading Standards		
Fair Trading Act 1973 (c. 41)	Makes provision regarding pyramid schemes and other related trading practices.	Trading Standards		
Farm and Garden Chemicals Act 1967 (c.50)	Makes provision regarding the labelling and making of farm and garden chemicals	Trading Standards		
Forgery and Counterfeiting Act 1981 (c.45)	Creates a number of offences relating to forgery and counterfeiting.	Trading Standards		
Fraud Act 2006 (c.35)	Includes provisions regarding common informers that are used by trading standards officers.	Trading Standards		
Hallmarking Act 1973 (c. 43)	Makes provision regarding the composition, assaying, marking and description of articles of or containing precious metals.	Trading Standards		
Intoxicating Substances (Supply) Act 1985 (c.26)	Makes it an offence to supply persons under the age of eighteen with intoxicating substances such as solvents.	Trading Standards		
Knives Act 1997 (c.21)	Makes provision relating to the marketing of knives in a way that encourages violent behaviour, using the knife as a weapon.	Trading Standards		
Legal Services Act 2007, section 198	Makes provision regarding local weights and measures authorities.	Trading Standards		See table 3

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Malicious Communications Act 1988 (c.27)	Makes it an offence to send letters with the intent of causing distress or anxiety. Offence used by trading standards officers.	Trading Standards		
Medicines Act 1968 (c.67)	Makes provision regarding the labelling of medical products, and licenses and certificates relating to medical products.	Trading Standards?		
Mock Auctions Act 1961	Creates penalties for promoting or conducting mock auctions	Trading Standards		See table 3 Likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008
National Lottery etc Act 1993 (c.39), sections 12 & 13	Makes provision for the Secretary of State to make regulations regarding the promotion of lotteries, including the age at which lottery tickets may be purchased.	Trading Standards		See table 5
Olympic Symbol etc (Protection) Act 1995 (c. 32)	Makes provision about the commercial use of the Olympic symbol and certain words associated with the Olympic games.	Trading Standards		
Osteopaths Act 1993	Makes it an offence to claim to be an osteopath when they are not registered as such.	Trading Standards		
Petroleum (Consolidation) Act 1928 (c.32)	Makes it a requirement to have a license when storing petroleum spirit.	Trading Standards or Fire Authority		
Prices Act 1974 (c.24)	Makes provision requiring prices to be displayed on goods for sale.	Trading Standards		
Property Misdescriptions Act 1991 (c.29)	Prohibits the making of false or misleading statements about property matters in the course of estate agency business and property development business	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Protection from Harassment Act 1997 (c. 40)	Makes an offence of harassment. Used by Trading Standards when dealing with door step sales.	Trading Standards		
Road Traffic (Foreign Vehicles) Act 1972 (c 27)	Prohibits the driving of foreign vehicles, including goods vehicles in certain circumstances	Trading Standards		
Road Traffic Act 1988 (c 52) , sections 15A, 17,18, 41, 71, 81, 82, and 196	Makes provision regarding the sale of safety equipment for children and motorcycle helmets, amongst other things.	Trading Standards		See table 5
Road Traffic (Consequential Provisions) Act 1988 (c 54)	Makings provision relating to vehicles that could cause a public or private nuisance.	Trading Standards		
Sale of Goods Act 1979 (c 54)	An Act outlining the contractual relationship between parties in the sale of goods. The Act defines what a contract is, the rights and obligations between contracting parties (specifically the obligation to sell goods that are as described and of satisfactory quality), when and how a contract is void and remedies for a breach.	No apparent LA enforcement role		
Scotch Whisky Act 1988 (c 22)	Prohibits the production in Scotland of whisky other than Scotch whisky. Restricts the sale of spirits as Scotch whisky.	Trading Standards		
Sunday Trading Act 1994 (c 20)	Makes provision regarding trading on a Sunday and loading and unloading at large shops on a Sunday, amongst other things.	Trading Standards Environmental Health		
Supply of Goods (Implied Terms) Act 1973	Makes provision with respect to the terms to be implied in contracts of sale of goods and hire-purchase agreements and on the exchange of goods for trading stamps, and with respect to the terms of conditional sale agreements: and for connected purposes.	No apparent LA enforcement role.		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Supply of Goods and Services Act 1982 (c 29)	Makes provision regarding the terms to be implied in certain contracts for the transfer of the property in goods, in certain contracts for the hire of goods and in certain contracts for the supply of services; and for connected purposes.	No apparent LA enforcement role.		
Theft Act 1968 (c 60)	Makes provision regarding the meaning of theft	Trading Standards		
Theft Act 1978 (c 31)	Makes it an offence to make off without payment.	Trading Standards		
Timeshare Act 1992 (c 35)	Makes provision regarding timeshare accommodation agreements.	Trading Standards		
Trade Descriptions Act 1968 (c 29)	Makes provision regarding the description of goods and services.	Trading Standards		Offence provisions are likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008
Trade Marks Act 1994 (c 26) section 93	Section 93 creates a duty for local weights and measures authorities to enforce the provisions of section 92 (offences relating to the unauthorised use of trade marks)	Trading Standards		See table 5
Trading Representations (Disabled Persons) Act 1958 (c 49)	Makes provision for the registration of goods advertised as made by, or sold for the benefit of, blind or otherwise disabled persons.	Trading Standards		Likely to be repealed by the Consumer Protection from Unfair Trading Regulations 2008
Unfair Contract Terms Act 1977	Makes provision limiting the extent to which civil liability for breach of contract, or for negligence or other breach of duty, can be avoided by means of contract terms.	Trading Standards		
Unsolicited Goods and Services Act 1971 (c 30)	Makes provision relating the provision of unsolicited goods.	Trading Standards		

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Veterinary Surgeons Act 1966 (c 36)	Makes provision for the registration of veterinary surgeons and creates offences for use of practitioners' titles by unqualified persons	Trading Standards		
Video Recordings Act 1984 (c 39)	Makes provision regarding the supply of classified and unclassified videos.	Trading Standards		
Violent Crime Reductions Act 2006 (c 38)	Includes offences used by trading standards officers relating to the persistent sale of alcohol to those underage.	Trading Standards		
Weights and Measures Act 1985 (c 72)	Makes numerous provisions relating to weights and measures, including details and standards of measurement.	Trading Standards		
Weights and Measures Act etc 1976 (c 77)	Makes provisions regarding food shortages.	Trading Standards		

Table 2j. Legislation Not Categorised

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Disability Discrimination Act 1995	Makes it unlawful to discriminate against disabled persons in connection with the provision of goods, facilities and services.	No apparent enforcement role		
Sea Fisheries Regulation Act 1966	Provides a power to enter property where it is suspected that there has been a breach of a byelaw of a local fishery committee.			

Legislation (RES Bill, Sch 3)	Summary	Likely enforcement service	Alternative enforcement service	Notes
Serious Organised Crime and Police Act 2005 (c 15), Part 4	Part 4 of the Act is concerned with public order and conduct in public, including the use of loud speakers in public.	Police No apparent LA enforcement role.		See table 6
Traffic Management Act 2004 (c 18)	Makes provision regarding the false use of badges for display on motor vehicles used by disabled persons, amongst other things.			