

Report – City Remembrancer

Measures introduced into Parliament which may have an effect on the work and services provided by the City Corporation

To be presented on Thursday 14th January 2021

To the Right Honourable The Lord Mayor, Aldermen and Commons of the City of London in Common Council assembled.

Bills

Date in force

European Union (Future Relationship) Act

30th December
2020

The Bill was introduced and received Royal Assent prior to the meeting of this Court. It implements and makes provision in connection with the Trade and Cooperation Agreement (TCA) and other Agreements with the EU. It received Royal Assent on 30th December after Parliamentary proceedings were completed within one day, in order to pass the Act before the end of the post-Brexit transition period on 31st December. The Act makes provision in connection with the UK's future relationship with the EU and its member States, enabling the implementation of arrangements and agreements that are either foreseen in the current Agreements, or which are agreed by the UK and EU to be 'supplementary' to the TCA. The Bill also creates powers to make secondary legislation, where appropriate, to enable the Agreements to be implemented domestically or for domestic law to be interpreted in light of the Agreements.

Statutory Instruments

The Criminal Procedure and Investigations Act 1996 (Code of Practice) Order 2020 No. 1330

31st December
2020

This Order brings the revised code of practice ("the Code") into operation, replacing the one which was brought into operation by a previous Order of 2015, in accordance with the Criminal Procedure and Investigations Act 1996. The Code sets out the manner in which police officers are to record, retain and reveal to the prosecutor material obtained in the course of a criminal investigation and which may be relevant to the investigation. The revisions introduced by the Code implement recommendations of the Attorney General's Review of the efficiency and effectiveness of disclosure in the criminal justice system, published in November 2018. Copies of the Code and the Explanatory Memorandum may be obtained from the Remembrancer's Office.

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 No. 1374 2nd December 2020

These Regulations impose restrictions on gatherings and on businesses in England, including restricted hours for certain businesses and closure of certain businesses, according to a three-Tier system. The Regulations listed “the area” of “The Common Council, in respect of the City of London” as a Tier 2 area, but this designation has been varied by the subsequent amending regulations made on 16th and 20th December as noted below. The need for the restrictions in these Regulations must be reviewed by the Secretary of State every 28 days.

The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 No. 1375 2nd December 2020

These Regulations enable local authority officers designated for the purposes of the Regulations, to issue notices to people who are contravening or have contravened various statutory provisions in place to minimise exposure to Coronavirus. They provide that it is an offence, punishable on summary conviction by a fine, to contravene a notice under these Regulations without reasonable excuse, and that prosecutions of such an offence may be brought by a local authority, the Crown Prosecution Service and any person designated by the Secretary of State. Further, a local authority designated officer may issue a fixed penalty notice to a person the officer reasonably believes has committed such an offence. The Regulations define “designated” as designated by name or description, and provide that a person designated by a local authority or the Secretary of State for the purposes of certain provisions in other Coronavirus Regulations is to be treated as if they were so designated for the purposes of various provisions within these Regulations.

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) (Amendment) Regulations 2020 No. 1533 16th December 2020

These Regulations remove from the list of Tier 2 areas and insert into the list of Tier 3 areas, “the area” of “The Common Council, in respect of the City of London”. They have been further amended by the following Regulations, by which the City of London is designated as a Tier 4 area.

The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020 No. 1611 20th December 2020

These Regulations create a further Tier of restrictions, Tier 4. They remove from the list of Tier 3 areas and insert into the list of Tier 4 areas, “the area” of “The Common Council, in respect of the City of London”.

The Clean Air Zones Central Services (Fees) (England) Regulations 2020 No. 1444 31st December 2020

“Charging authorities” with responsibility for traffic have the power to make charging schemes under the Transport Act 2000. Charging schemes allow, for example, motorists to be charged for travelling in the area for which the charging authority is responsible. The Secretary of State has the power to direct charging authorities to introduce charging schemes under the Environment Act 1995. These Regulations apply to charging authorities which have made charging schemes under an extant direction of the Secretary of State given for the purpose of reducing nitrogen dioxide levels. Under the 2000 Act, a charging scheme may be made jointly by one or more non-metropolitan local traffic authorities and one or more London traffic authorities. Under these Regulations, the Secretary of State will provide services known as the “clean air zones central services” which charging authorities may choose to use. These include a website which will allow motorists to check whether they need to pay a charge under a charging scheme and, if so, make the payments. Where charging authorities use the “clean air zones central services”, these Regulations impose a fee of £2 per charge paid for by a payment processed through the services and makes provision for its collection.

The Business Tenancies (Protection from Forfeiture: Relevant Period) (Coronavirus) (England) (No. 3) Regulations 2020 No. 1472

30th December
2020

Section 82 of the Coronavirus Act 2020 provides that a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period. The Act defined “relevant period” as expiring on 30th of June 2020. This was extended by Regulations to 30th September and subsequently further extended to 31st December 2020. These Regulations extend the relevant period to 31st March 2021.

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Extension of the Relevant Period) (No. 2) Regulations 2020 No. 1483

31st December
2020

The Corporate Insolvency and Governance Act 2020 introduced temporary provisions restricting the filing of petitions to wind up companies. The period within which the temporary provisions have effect was extended by Regulations to the 31st December 2020. These Regulations extend the period until 31st March 2021.

The text of the measures and the explanatory notes may be obtained from the Remembrancer’s Office.