



Public Sector Legal News Update

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Cases

Real Property

Manolete Partners Plc v Hastings BC. 2013 WL 618115. Queen's Bench Division (Technology & Construction Court) (QBD (TCC)).

Ramsey, J. 12 April 2013

A local authority was liable to pay compensation to the tenant of a bingo hall and amusement arcade on a pier under the Building Act 1984 s.106 in respect of the exercise of its powers under s.78, by preventing all public access to the pier due to disrepair over a three-month period. The tenant was not "in default" within the meaning of s.106 as default required breach of an obligation to do something imposed by the 1984 Act and not breach of any other statutes.

Judgment for claimant.

Legislation

Planning

The Localism Act 2011 (Commencement No. 9) Order 2013 (SI 2013/797) (C.38)

The Stationery Office

This Order brings into force: in relation to England and Wales, sections 116 and 121 and Schedules 9 to 12 of the Localism Act 2011 (the Act) ss 116 and 121 and Schs 116 to 121 for all remaining purposes on the day after this Order is made. Article 3 brings s.167 and Sch.15 of the Act (abolition of the Housing Revenue Account Subsidy system in England) into force on October 1, 2013. This Order also makes a consequential revocation of a previous transitional, saving and transitory provision relating to neighbourhood planning in a previous commencement order.

[Read the full text here](#)

In Force: Bringing into operation various provisions of the 2011 Act on April 6, 2013 and October 1, 2013.

Made under: Localism Act 2011 s.240(2)(7)

Legislation amended: Localism Act 2011 (Commencement No. 7 and Transitional, Saving and Transitory Provisions) Order 2012 (SI 2012/2029)

Legislation referred: Localism Act 2011 s.116, s.121, Sch.9, Sch.10, Sch.11, Sch.12

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Education

The Education (Penalty Notices) (England) (Amendment) Regulations 2013 (SI 2013/757)

The Stationery Office

These Regulations amend the Education (Penalty Notices) (England) Regulations 2007 (SI 2007/1867) to shorten the period in which the penalty notice must be paid to the local education authority.

[Read the full text here](#)

In Force: September 1, 2013

Made under: Education Act 1996 s.444B(1)(2)(4), s.569; Education and Inspections Act 2006 s.106(1)(2)(4), s.181

Legislation amended: Education (Penalty Notices) (England) Regulations 2007 (SI 2007/1867)

News and Press

Local Government

Business-friendly regulation scheme extended. By Department for Business, Innovation and Skills. April 16, 2013

The Government has announced that it will legislate to extend the Primary Authority scheme, under which firms forge partnerships with a single local council to ensure that regulation is consistently applied across local authority boundaries. The extension means that the scheme will now cover: the age-restricted sale of gambling; the Housing Health and Safety Rating System; and sunbed tanning.

[Read the article here](#)

Further Reading

Administrative Law

Lawyers slam plans for shorter judicial reviews

ENDS 2013, 457, 8-10

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Summarises legal opinion on Government plans to shorten the time limit for bringing judicial review of planning decisions to six weeks. Argues that the proposals will not have the desired effect of reducing the number of actions.

Charities

Adjudicating on charitable status - a reconsideration of the elements

Conv. 2013, 2, 96-112

By Joseph Jaconelli

Analyses the determination of an entity's charitable status, including: (1) the elements of the charitable purpose test; (2) the qualitative aspects of the charitable objects, with particular reference to the relief of poverty and the advancement of religion; (3) their quantitative aspect, including the challenge of showing that a benefit is conferred on a sufficient proportion of the public or class of the community; (4) a comparison of charitable and non-charitable purpose trusts; and (5) a law and economics perspective on the tax reliefs and subsidies provided to charities.

Cases referred: R. (on the application of Independent Schools Council) v Charity Commission for England and Wales~ [2011] UKUT 421 (TCC) (UT (Tax))

Legislation referred: Charities Act 2011 s.3; Charities Act 2006