



House of Commons

NOTICES OF AMENDMENTS

given on

Monday 16 June 2014

*For other Amendment(s) see the following page(s) of Supplement to Votes:
31-52 and 53-55*

CONSIDERATION OF BILL

DEREGULATION BILL, AS AMENDED

Tom Brake
Oliver Heald

76

Clause 79, page 53, line 26, after “(10)” insert “, (*Short-term use of London accommodation: power to relax restrictions*)”
Member’s explanatory statement
This amendment provides for the new clause inserted by amendment NC21 to extend to England and Wales.

Tom Brake
Oliver Heald

77

Clause 80, page 53, line 30, after “Sections” insert “, (*Short-term use of London accommodation: power to relax restrictions*)”
Member’s explanatory statement
This amendment provides for the new clause inserted by amendment NC21 (which confers a power to make regulations) to come into force on the day on which the Bill is passed.

Tom Brake
Oliver Heald

NC20

To move the following Clause—

“Tenancy deposits

In Chapter 4 of Part 6 of the Housing Act 2004 (Tenancy Deposit Schemes), after section 215 insert—

“215A Statutory periodic tenancies: deposit received before 6 April 2007

- (1) This section applies where—
- (a) before 6 April 2007, a tenancy deposit has been received by a landlord in connection with a fixed term shorthold tenancy, and

Deregulation Bill, continued

- (b) on or after that date, a periodic shorthold tenancy is deemed to arise under section 5 of the Housing Act 1988 on the coming to an end of the fixed term tenancy.
- (2) If, on the commencement date—
- (a) the periodic tenancy is in existence, and
 - (b) all or part of the deposit paid in connection with the fixed term tenancy continues to be held in connection with the periodic tenancy,
- section 213 applies in respect of the deposit that continues to be held in connection with the periodic tenancy, and any additional deposit held in connection with that tenancy, with the modifications set out in subsection (3).
- (3) The modifications are that, instead of the things referred to in section 213(3) and (5) being required to be done within the time periods set out in section 213(3) and (6)(b), those things are required to be done—
- (a) before the end of the period of 90 days beginning with the commencement date, or
 - (b) (if earlier) before the first day after the commencement date on which a court does any of the following in respect of the periodic tenancy—
 - (i) determines an application under section 214 or decides an appeal against a determination under that section;
 - (ii) makes a determination as to whether to make an order for possession in proceedings under section 21 of the Housing Act 1988 or decides an appeal against such a determination.
- (4) If, on the commencement date—
- (a) the periodic tenancy is no longer in existence, or
 - (b) no deposit continues to be held in connection with the periodic tenancy,
- the requirements of section 213(3), (5) and (6) are treated as if they had been complied with by the landlord in respect of any deposit that was held in connection with the periodic tenancy.
- (5) In this section and sections 215B to 215D “the commencement date” means the date on which section *(Tenancy deposits)* of the Deregulation Act 2014 is fully in force in England and Wales.

215B Statutory periodic tenancies: deposit received on or after 6 April 2007

- (1) This section applies where—
- (a) on or after 6 April 2007, a tenancy deposit has been received by a landlord in connection with a fixed term shorthold tenancy,
 - (b) the requirements of section 213(3), (5) and (6) have been complied with by the landlord in respect of the deposit held in connection with the fixed term tenancy,
 - (c) a periodic shorthold tenancy is deemed to arise under section 5 of the Housing Act 1988 on the coming to an end of the fixed term tenancy, and
 - (d) when the periodic tenancy arises, the deposit paid in connection with the fixed term tenancy continues to be held—
 - (i) in connection with the periodic tenancy, and

Deregulation Bill, *continued*

- (ii) in accordance with the same authorised scheme as when the requirements of section 213(3), (5) and (6) were last complied with in respect of it.
- (2) The requirements of section 213(3), (5) and (6) are treated as if they had been complied with by the landlord in respect of the deposit held in connection with the periodic tenancy.

215C Renewed fixed term or contractual periodic tenancies: deposit received on or after 6 April 2007

- (1) This section applies where—
 - (a) on or after 6 April 2007, a tenancy deposit has been received by a landlord in connection with a shorthold tenancy (“the original tenancy”),
 - (b) the requirements of section 213(5) and (6) have been complied with by the landlord in respect of the deposit held in connection with the original tenancy,
 - (c) a new fixed term or periodic shorthold tenancy (“the new tenancy”) comes into being on the coming to an end of the original tenancy or a tenancy that replaces the original tenancy,
 - (d) the new tenancy is not one that is deemed to arise under section 5 of the Housing Act 1988,
 - (e) the new tenancy replaces the original tenancy, and
 - (f) when the new tenancy comes into being, the deposit paid in connection with the original tenancy continues to be held—
 - (i) in connection with the new tenancy, and
 - (ii) in accordance with the same authorised scheme as when the requirements of section 213(5) and (6) were last complied with in respect of it.
- (2) The requirements of section 213(5) and (6) are treated as if they had been complied with by the landlord in respect of the deposit held in connection with the new tenancy.
- (3) The condition in subsection (1)(a) may be met in respect of a tenancy even if—
 - (a) it replaces an earlier tenancy, and
 - (b) the tenancy deposit was first received in connection with the earlier tenancy (either before or after 6 April 2007).
- (4) For the purposes of this section, a tenancy replaces another tenancy if—
 - (a) the landlord and tenant under the later tenancy are the same as under the earlier tenancy, and
 - (b) the premises let under the later tenancy are the same or substantially the same as those let under the earlier tenancy.

215D Sections 215A to 215C: transitional provisions

- (1) Sections 215A to 215C are treated as having had effect since 6 April 2007, subject to the following provisions of this section.
- (2) Sections 215A to 215C do not have effect in relation to—
 - (a) a claim under section 214 of this Act or section 21 of the Housing Act 1988 in respect of a tenancy which is settled before the commencement date (whether or not proceedings in relation to the claim have been instituted), or

Deregulation Bill, *continued*

- (b) proceedings under either of those sections in respect of a tenancy which have been finally determined before the commencement date.
- (3) Subsection (5) applies in respect of a tenancy if—
 - (a) proceedings under section 214 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
 - (b) because of section 215A(4), 215B(2) or section 215C(2), the court decides—
 - (i) not to make an order under section 214(4) in respect of the tenancy, or
 - (ii) to allow an appeal by the landlord against such an order.
- (4) Subsection (5) also applies in respect of a tenancy if—
 - (a) proceedings for possession under section 21 of the Housing Act 1988 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
 - (b) because of section 215A(4), 215B(2) or 215C(2), the court decides—
 - (i) to make an order for possession under that section in respect of the tenancy, or
 - (ii) to allow an appeal by the landlord against a refusal to make such an order.
- (5) Where this subsection applies, the court must not order the tenant or any relevant person (as defined by section 213(10)) to pay the landlord's costs, to the extent that the court reasonably considers those costs are attributable to the proceedings under section 214 or (as the case may be) section 21 of the Housing Act 1988.
- (6) Proceedings have been “finally determined” for the purposes of this section if—
 - (a) they have been determined by a court, and
 - (b) there is no further right to appeal against the determination.
- (7) There is no further right to appeal against a court determination if there is no right to appeal against the determination, or there is such a right but—
 - (a) the time limit for making an appeal has expired without an appeal being brought, or
 - (b) an appeal brought within that time limit has been withdrawn.”

Member's explanatory statement

Where the tenancy deposit protection requirements have been complied with by a landlord for a tenancy, this amendment means they do not need to be complied with again for a replacement tenancy. Where those requirements did not apply to the first tenancy, and a replacement statutory periodic tenancy is still in place, the amendment provides extra time for compliance.

Deregulation Bill, *continued*

Tom Brake
Oliver Heald

NC21

To move the following Clause—

“Short-term use of London accommodation: power to relax restrictions

- (1) The Secretary of State may by regulations made by statutory instrument make provision for circumstances in which the use as temporary sleeping accommodation of any residential premises in Greater London does not involve a material change of use by virtue of section 25(1) of the Greater London Council (General Powers) Act 1973.
- (2) Regulations under this section may also make provision for and in connection with enabling the Secretary of State or a local planning authority to direct that provision included in the regulations by virtue of subsection (1) does not apply to particular residential premises or to residential premises situated in a particular area.
- (3) Regulations under this section may amend the Greater London Council (General Powers) Act 1973.
- (4) Regulations under this section may—
 - (a) make different provision for different purposes;
 - (b) include incidental, supplementary, consequential, transitional, transitory or saving provision.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section, “local planning authority” has the same meaning as in the Town and Country Planning Act 1990 (see section 336(1) of that Act).”

Member’s explanatory statement

Section 25 of the Greater London Council (General Powers) Act 1973 provides that the use as temporary sleeping accommodation of residential premises in Greater London involves a material change of use of the premises (with the result that planning permission is required). This amendment allows the Secretary of State to make secondary legislation specifying circumstances when this does not apply (so that planning permission is not required).

Tom Brake
Oliver Heald

NC22

To move the following Clause—

“Electoral Commission: changes to facilitate efficient administration

- (1) Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (the Electoral Commission) is amended as follows.
- (2) Paragraph 15 (five-year plan) is amended as set out in subsections (3) and (4).
- (3) In sub-paragraph (1), after “paragraph 14” insert “in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election.”
- (4) After that sub-paragraph insert—
 - “(1A) The Speaker’s Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submit such an estimate as is mentioned in paragraph 14 in respect of a financial year other than one mentioned in that sub-paragraph.”

Deregulation Bill, continued

- (5) In paragraph 16 (annual examination of Commission by Comptroller and Auditor General), in sub-paragraph (1)—
- (a) after “paragraphs 14 and 15” insert “in respect of any year when both an estimate under paragraph 14 and a five-year plan under paragraph 15 are submitted to them,”;
 - (b) for “in each year” substitute “before the Committee consider the estimate and plan”.
- (6) In the cross-heading preceding paragraph 16, for “Annual examination” substitute “Examination”.

Member’s explanatory statement

Currently, there is an annual requirement for the Electoral Commission to produce a five-year plan and for the Comptroller and Auditor General to provide an audit report on the Commission. The new clause alters this so that the requirements to produce a five-year plan and an audit report apply in respect of the first year of a new Parliament and subsequently as required by the Speaker’s Committee.

Tom Brake
Oliver Heald

NC23

To move the following Clause—

“LGBC for England: changes to facilitate efficient administration

- (1) Schedule 1 to the Local Democracy, Economic Development and Construction Act 2009 (Local Government Boundary Commission for England) is amended as follows.
- (2) In paragraph 5 (committees), for sub-paragraph (3) substitute—
 - “(3) A committee established under this paragraph to review the economy, efficiency or effectiveness with which the Commission has used its resources, or any sub-committee of such a committee, may include up to two people who are not also members of the Commission (“independent members”).
 - (4) The Commission may not appoint as an independent member anyone who would be ineligible for appointment as a member of the Commission because of paragraph 1(3).
 - (5) An independent member must be appointed on such terms and conditions, including terms and conditions as to remuneration, as the Commission may determine.
 - (6) Except as provided by sub-paragraph (3), only a member of the Commission may be a member of one of its committees or sub-committees.”
- (3) Paragraph 12 (five-year plan) is amended as set out in subsections (4) and (5).
- (4) In sub-paragraph (1), after “paragraph 11” insert “in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election”.
- (5) After that sub-paragraph insert—
 - “(1A) The Speaker’s Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submits such an estimate as is mentioned in paragraph 11 in respect of a financial year other than one mentioned in that sub-paragraph.”

Deregulation Bill, *continued*

- (6) In paragraph 13 (annual examination by Comptroller and Auditor General), in sub-paragraph (1)—
- (a) for “For the purposes of paragraphs 11 and 12” substitute “For the purpose of assisting the Speaker’s Committee to discharge their functions under paragraphs 11 and 12 in respect of any year when both an estimate under paragraph 11 and a five-year plan under paragraph 12 are submitted to them,”;
 - (b) for “in each year” substitute “before the Committee consider the estimate and plan”.
- (7) In the cross-heading preceding paragraph 13, for “Annual examination” substitute “Examination”.

Member’s explanatory statement

This new clause enables the Local Government Boundary Commission for England to appoint independent members to its audit committee. It also changes the current annual requirement for the production of a five-year plan and an audit report to a requirement in respect of the first year of a new Parliament and subsequently as required by the Speaker’s Committee.
