



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 8 December 2015

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

PUBLIC BILL COMMITTEE

HOUSING AND PLANNING BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [10 November 2015, as amended on 19 November 2015.]

NEW CLAUSES

Brandon Lewis

NC2

To move the following Clause—

“Revocation or variation of banning orders

- (1) A person against whom a banning order is made may apply to the First-tier Tribunal for an order under this section revoking or varying the order.
- (2) If the banning order was made on the basis of one or more convictions all of which are overturned on appeal, the First-tier Tribunal must revoke the banning order.
- (3) If the banning order was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the First-tier Tribunal may—
 - (a) vary the banning order, or
 - (b) revoke the banning order.

Housing and Planning Bill, *continued*

- (4) If the banning order was made on the basis of one or more convictions that have become spent, the First-tier Tribunal may—
 - (a) vary the banning order, or
 - (b) revoke the banning order.
- (5) The power to vary a banning order under (3)(a) or (4)(a) may be used to add new exceptions to a ban or to vary—
 - (a) the banned activities,
 - (b) the length of a ban, or
 - (c) existing exceptions to a ban.
- (6) In this section “spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.”

Member’s explanatory statement

This amendment allows a banning order to be revoked or varied in certain circumstances.

Brandon Lewis

NC3

To move the following Clause—

“Offence of breach of banning order

- (1) A person who breaches a banning order commits an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both.
- (3) If a financial penalty under section 17 has been imposed in respect of the breach, the person may not be convicted of an offence under this section.
- (4) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2) to 51 weeks is to be read as a reference to 6 months.”

Member’s explanatory statement

This amendment makes it an offence to breach a banning order.

Brandon Lewis

NC4

To move the following Clause—

“Offences by bodies corporate

- (1) Where an offence under section (*Offence of breach of banning order*) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were an officer of the body corporate.”

Member’s explanatory statement

This amendment ensures that officers of a body corporate can be prosecuted for offences

Housing and Planning Bill, continued

committed by it under NC3. "Officer" is given a broad definition by clause 48 of the Bill.

Brandon Lewis

NC5

To move the following Clause—

“Power to require information

- (1) A local housing authority may require a person to provide specified information for the purpose of enabling the authority to decide whether to apply for a banning order against the person.
- (2) It is an offence for the person to fail to comply with a requirement, unless the person has a reasonable excuse for the failure.
- (3) It is an offence for the person to provide information that is false or misleading if the person knows that the information is false or misleading or is reckless as to whether it is false or misleading.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine.”

Member’s explanatory statement

This amendment allows a local housing authority to require a person to provide information for the purpose of deciding whether to apply for a banning order. For example, the number of properties that a landlord has may be relevant to whether an authority applies for a banning order. The power would allow the authority to require the landlord to provide that information.

Brandon Lewis

NC6

To move the following Clause—

“Removal or variation of entries made under section 24

- (1) An entry made in the database under section 24 may be removed or varied in accordance with this section.
- (2) If the entry was made on the basis of one or more convictions all of which are overturned on appeal, the responsible local housing authority must remove the entry.
- (3) If the entry was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the responsible local housing authority may—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.
- (4) If the entry was made on the basis of one or more convictions that have become spent, the responsible local housing authority may—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.
- (5) If a local housing authority removes an entry in the database, or reduces the period for which it must be maintained, it must notify the person to whom the entry relates.

Housing and Planning Bill, *continued*

- (6) In this section—
- “responsible local housing authority” means the local housing authority by which the entry was made;
- “spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.”

Member’s explanatory statement

This amendment allows a local housing authority to remove an entry in the database of rogue landlords and property agents or reduce the time for which the entry must be maintained in certain circumstances. See also NC7. There is no mention of clause 23 as an entry under that clause is maintained for as long as the banning order has effect.

Brandon Lewis

NC7

To move the following Clause—

“Requests for exercise of powers under section (*Removal or variation of entries made under section 24*) and appeals

- (1) A person in respect of whom an entry is made in the database under section 24 may request the responsible local housing authority to use its powers under section (*Removal or variation of entries made under section 24*) to—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.
- (2) The request must be in writing.
- (3) Where a request is made, the local housing authority must—
 - (a) decide whether to comply with the request, and
 - (b) give the person notice of its decision.
- (4) If the local housing authority decides not to comply with the request the notice must include—
 - (a) reasons for that decision, and
 - (b) a summary of the appeal rights conferred by this section.
- (5) Where a person is given notice that the responsible local housing authority has decided not to comply with the request the person may appeal to the First-tier Tribunal against that decision.
- (6) An appeal to the First-tier Tribunal under subsection (5) must be made before the end of the period of 21 days beginning with the day on which the notice was given.
- (7) The First-tier Tribunal may allow an appeal to be made to it after the end of that period if satisfied that there is a good reason for the person’s failure to appeal within the period (and for any subsequent delay).
- (8) On an appeal under this section the tribunal may order the local housing authority to—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.”

Member’s explanatory statement

This amendment allows a person to request a local housing authority to use its powers to remove

Housing and Planning Bill, continued

or vary an entry in the database of rogue landlords and property agents (see NC6). If the local housing authority refuses, the person may appeal to the First-tier Tribunal.

Brandon Lewis

NC8

To move the following Clause—

“Meaning of “property manager” and related expressions

- (1) In this Part “property manager” means a person who engages in English property management work.
- (2) In this Part “English property management work” means things done by a person in the course of a business in response to instructions received from another person (“the client”) where—
 - (a) the client wishes the person to arrange services, repairs, maintenance, improvements or insurance in respect of, or to deal with any other aspect of the management of, premises on the client’s behalf, and
 - (b) the premises consist of housing in England let under a tenancy.”

Member’s explanatory statement

This and related amendments are intended to ensure that a banning order can be made against any person who engages in property management work, not just letting agents who engage in such work.

Brandon Lewis

NC17

To move the following Clause—

“Default powers exercisable by Mayor of London or combined authority

- (1) After section 27 of the Planning and Compulsory Purchase Act 2004 insert—

“27A Default powers exercisable by Mayor of London or combined authority

Schedule A1 (default powers exercisable by Mayor of London or combined authority) has effect.”
- (2) Before Schedule 1 to that Act insert, as Schedule A1, the Schedule set out in Schedule (*Default powers exercisable by Mayor of London or combined authority: Schedule to be inserted in the Planning and Compulsory Purchase Act 2004*) to this Act.
- (3) In section 17 of that Act (local development documents), at the end of subsection (8) insert—
 - “(c) is approved by the Mayor of London under paragraph 2 of Schedule A1;
 - (d) is approved by a combined authority under paragraph 6 of that Schedule.””

Member’s explanatory statement

This new Clause and NS2 make provision for the Secretary of State to invite the Mayor of London

Housing and Planning Bill, *continued*

or a combined authority to prepare or revise a development plan document for a local planning authority in their area that is failing to progress the document.

Brandon Lewis

NC18

To move the following Clause—

“Amendments to do with section 111 to 117

Schedule (*Right to enter and survey land: consequential amendments*) amends legislation conferring rights of entry relating to the acquisition of an interest in or a right over land in England and Wales.”

Member’s explanatory statement

This amendment, together with amendment 257 and new Schedule (Right to enter and survey land: consequential amendments), clarifies how the new right of entry in clause 111 will interact with a number of existing rights of entry.

Brandon Lewis

NC23

To move the following Clause—

“Procedure for redeeming English rentcharges

- (1) The Rentcharges Act 1977 is amended in accordance with subsections (2) to (5).
- (2) Before section 8 (but after the italic heading before section 8) insert—

“7A Power to make procedure for redeeming English rentcharges

- (1) The Secretary of State may by regulations make provision allowing the owner of land in England affected by a rentcharge to redeem it.
- (2) Regulations under subsection (1) may not make provision in relation to—
 - (a) a rentcharge that could be redeemed by making an application under section 8(1A),
 - (b) a rentcharge of a kind mentioned in section 2(3) or section 3(3)(a),
 - (c) a rentcharge in respect of which the period for which it is payable cannot be ascertained, or
 - (d) a variable rentcharge.
- (3) For the purposes of subsection (2)(d) a rentcharge is variable if the amount of the rentcharge will, or may, vary in the future in accordance with the provisions of the instrument under which it is payable.
- (4) Regulations under subsection (1) may, in particular—
 - (a) provide for the owner of land affected by a rentcharge to be able to redeem a rentcharge by taking specified steps, including making payments determined in accordance with the regulations;

Housing and Planning Bill, *continued*

- (b) require a rent owner or other person to take specified steps to facilitate the redemption of a rentcharge, such as providing information or executing a deed of release;
 - (c) where the documents of title of the owner of land affected by a rentcharge are in the custody of a mortgagee, require the mortgagee to make those documents or copies of those documents available in accordance with the regulations;
 - (d) permit or require a person specified in the regulations to design the form of any document to be used in connection with the redemption of rentcharges under the regulations;
 - (e) provide for a court or tribunal to—
 - (i) determine disputes about or in relation to the redemption of a rentcharge;
 - (ii) make orders about the redemption of a rentcharge;
 - (iii) issue a redemption certificate;
 - (f) make provision corresponding to any of the provisions of section 10(2) to (4).
- (5) Nothing in this section prevents the redemption of a rentcharge otherwise than in accordance with regulations under subsection (1).”
- (3) In section 8—
- (a) in subsection (1)—
 - (i) after “land” insert “in Wales”;
 - (ii) for the words from “a certificate” to the end substitute “a redemption certificate”;
 - (b) after subsection (1) insert—

“(1A) The owner of any land in England affected by a rentcharge which has been apportioned to that land by an apportionment order with a condition under—

 - (a) section 7(2) above, or
 - (b) section 20(1) of the Landlord and Tenant Act 1927,

may apply to the Secretary of State, in accordance with this section, for a redemption certificate.”
- (4) In section 12—
- (a) in subsection (1), after “this Act” insert “, apart from regulations under section 7A,”;
 - (b) after subsection (1) insert—

“(1A) Regulations under section 7A are to be made by statutory instrument.

(1B) A statutory instrument containing regulations under section 7A may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (5) In section 13(1), in the definition of “redemption certificate”, for the words from “has” to the end substitute “means a certificate certifying that a rentcharge has been redeemed”.
- (6) The Leasehold Reform Act 1967 is amended in accordance with subsections (7) and (8).
- (7) In section 8(4)(b), for “8” substitute “7A”.
- (8) In section 11—

Housing and Planning Bill, *continued*

- (a) in subsection (6), after “1977” insert “or the amount that would have to be paid to secure the redemption of that rentcharge in accordance with regulations made under section 7A of that Act”;
- (b) in subsection (7)(a), after “specified” insert “or required”;
- (c) in subsection (8), for “8” substitute “7A”.

Member’s explanatory statement

This amendment will permit the Secretary of State to make regulations allowing the owner of land in England that is affected by a rentcharge to redeem that rentcharge without making an application to the Secretary of State as the procedure in section 8 of the Rentcharges Act 1977 would involve.

Brandon Lewis

NC32

- ☆ To move the following Clause—

“Secure tenancies etc: phasing out of tenancies for life

Schedule (*Secure tenancies etc: phasing out of tenancies for life*) changes the law about secure tenancies, introductory tenancies and demoted tenancies to phase out tenancies for life.”

Member’s explanatory statement

A secure tenant can currently live in a property for life. This amendment and NS4 phase out lifetime tenancies. In future secure tenancies will generally have to be for a fixed term of 2 to 5 years and will not automatically be renewed. Towards the end of the term, the landlord will have to do a review to decide whether to grant a new tenancy or recover possession.

Brandon Lewis

NC33

- ☆ To move the following Clause—

“Succession to secure tenancies and related tenancies

Schedule (*Succession to secure tenancies and related tenancies*) changes the law about succession to secure tenancies, introductory tenancies and demoted tenancies.”

Member’s explanatory statement

Certain people have the right to inherit a secure tenancy when the tenant dies. At the moment the successor could live in the property for life. This amendment and NS5 change the succession rules. Where a person other than a spouse or partner inherits a periodic tenancy, it will be converted into a 5 year fixed term. Where a person other than a spouse or partner inherits a fixed term tenancy, it will not automatically be renewed when it comes to an end.

Housing and Planning Bill, *continued*

Zac Goldsmith
 Boris Johnson
 Mr Nick Hurd
 Stephen Hammond
 Mr David Burrowes
 Dr Tania Mathias

James Berry
 Mark Field
 Robert Neill
 Mark Prisk

Bob Stewart
 Andrew Rosindell
 Dame Angela Watkinson

Paul Scully
 Victoria Borwick
 Bob Blackman

NC1

To move the following Clause—

“Target for new affordable housing provision in Greater London

The Secretary of State, the Mayor of London and local housing authorities in Greater London as defined by section 2 of the London Government Act 1963 shall jointly have a duty to achieve the provision of at least two new units of affordable housing to be provided within Greater London in return for the disposal of each unit of high value housing in Greater London as defined under section 62.”

Member’s explanatory statement

This New Clause would impose a duty on the Secretary of State, the Mayor of London and London housing authorities to achieve the provision of at least two new units of affordable housing for the disposal of each unit of high value housing within the Greater London area.

Gareth Thomas

NC9

To move the following Clause—

“Duty to promote lending to small and medium sized house builders

- (1) The Secretary of State shall have a duty to promote lending by banks to small and medium sized house builders.
- (2) A small or medium sized builder in subsection (1) is a builder that has fewer than 250 employees.”

Gareth Thomas

NC10

To move the following Clause—

“Planning obligations in respect of apprenticeships

In section 106 of the Town and Country Planning Act 1990 (planning obligations), after subsection (12) insert—

Housing and Planning Bill, *continued*

“(12A) The Secretary of State may by regulations require planning obligations to include a requirement to offer apprenticeships to local people on sites where 50 or more dwellings are to be constructed.””

Gareth Thomas

NC11

To move the following Clause—

“Tenant Management Organisations

All industrial and provident societies and housing associations registered with the Homes and Communities Agency as tenant management organisations shall—

- (a) be exempt from implementing, or facilitating the implementation of, the right to buy; and
 - (b) not accept grants made by the Secretary of State in respect of right to buy discounts.”
-

Jim Fitzpatrick
Dr Roberta Blackman-Woods

NC12

To move the following Clause—

“Tenants’ rights to new management in property sold under LSVT

- (1) This section applies to housing which—
 - (a) was previously owned by a local authority;
 - (b) was part of a large scale voluntary transfer falling within the definition of section 32(4AB) of the Housing Act 1985; and
 - (c) the disposal of which was subject to the consent of the Secretary of State under section 32 of the 1985 Act.
 - (2) Where the transfer took place more than five years before this section comes into operation the current owner of the transferred housing shall consult the current tenants on their satisfaction with the management of that property.
 - (3) Where the transfer took place less than five years after this section comes into operation the current owner of the transferred housing shall not more than every five years consult the current tenants on their satisfaction with the management of that property.
 - (4) If more than 50% of tenants responding to the consultation under subsections (2) or (3) are dissatisfied with the management of the property, the owner of the housing must carry out a competitive tender for the management of the property and report the outcome to the tenants.”
-

Housing and Planning Bill, *continued*

Jim Fitzpatrick
Dr Roberta Blackman-Woods

NC13

To move the following Clause—

“Conversion of leasehold to commonhold for interdependent properties

- (1) On 1 January 2020 long leases of residential property in interdependent properties shall cease to be land tenure capable of conveyance.
- (2) On 1 January 2020 long leases as set out in subsection (1) shall become commonholds to which Part 1 of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”) shall apply, subject to the modifications set out in this section.
- (3) Leaseholders, freeholders and those with an interest in an interdependent property are required to facilitate the transfer to commonhold, in particular they shall:
 - (a) by 1 January 2018 draw-up an agreed plan for the transfer;
 - (b) by 1 October 2018 value any interests to be extinguished by the transfer where the interest is held by a person who after transfer will not be a unit-holder; and
 - (c) by 1 January 2019 draw up a commonhold community statement for the purposes of—
 - (i) defining the extent of each commonhold unit;
 - (ii) defining the extent of the common parts and their respective uses;
 - (iii) defining the percentage contributions that each unit will contribute to the running costs of the building;
 - (iv) defining the voting rights of the members of the commonhold association; and
 - (v) specifying the rights and duties of the commonhold association, the unit-holders and their tenants.
- (4) In any case where the parties at subsection (3) cannot or refuse to agree arrangements to facilitate the transfer any of the parties can make an application to the First-tier Tribunal (Property Chamber) for a determination of the matter.
- (5) Section 3 [*Consent*] of the 2002 Act shall cease to have effect on 1 January 2017.
- (6) In subsection (1) “long lease” means—
 - (a) a lease granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture; or
 - (b) a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease.”

Member’s explanatory statement

This New Clause would end the tenure of residential leasehold by 1 January 2020 by converting residential leases into commonhold.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook
Helen Hayes

NC14

To move the following Clause—

“Development plan documents: accessible design

In section 19 of the Planning and Compulsory Purchase Act 2004 [*preparation of local documents*] after subsection (1) insert—

“(1B) Development Plan documents must (taken as a whole) include policies designed to secure inclusive design and accessibility for the maximum number of people including disabled people””

Member’s explanatory statement

This new Clause would ensure all planning decisions fully consider the need to create places and buildings which meet the needs of all sections of society across their lifetimes. It would provide support for plans and planning decisions which seek to meet locally assessed needs for accessible homes.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook
Helen Hayes

NC15

To move the following Clause—

“Strengthening the Plan Led system

(1) In section 38 [*Development plan*] of the Planning and Compulsory Act 2004 subsection (6) after “considerations” insert “of exceptional importance””

Member’s explanatory statement

This new Clause would give more certainty to all parts of the community that the content of neighbourhood and local plans will be the prime factor in all decision making.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook
Helen Hayes

NC16

To move the following Clause—

“The Purpose of Planning

- (1) In Part 2 (Local development) of the Planning and Compulsory Act 2004 insert—

“12A The Purpose of Planning

- (1) The Purpose of Planning is the achievement of long-term sustainable development and place making.
- (2) Under this Act sustainable development and place making means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs and in achieving sustainable development, development the local planning authority should—
- (a) positively identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, wellbeing and health of people and the community;
 - (b) contribute to the sustainable economic development of the community;
 - (c) contribute to the vibrant cultural and artistic development of the community;
 - (d) protect and enhance the natural and historic environment;
 - (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
 - (f) positively promote high quality and inclusive design;
 - (g) ensure that decision-making is open, transparent, participative and accountable; and
 - (h) ensure that assets are managed for long-term interest of the community.

Member’s explanatory statement

This new Clause would make clear in statute that the planning system should be focused above all on the public interest and in achieving quality outcomes including place-making.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
Michael Dugher
John Healey
Teresa Pearce
Matthew Pennycook
Helen Hayes

Greg Mulholland

NC19

To move the following Clause—

“Granting of planning permission: change of use to residential use

After section 58 of the Town and Country Planning Act 1990, insert—

“58A Granting of planning permission: change of use to residential use

- (1) Before planning permission is granted under section 58(1) for change of use of a building to residential use as dwellinghouses, the body considering granting planning permission must consider the impact of noise and other factors from buildings which have been in continuous and unchanged use for at least a year in the vicinity which would affect the amenity and enjoyment of the residents of the dwellinghouses.
- (2) Where planning permission is granted under section 58(1) for change of use of a building to residential use as dwellinghouses, the permission must include conditions imposed on the persons granted planning permission in respect of the building changing use to—
 - (a) eliminate noise between the hours of 10pm and 6am from neighbouring buildings which have been in continuous and unchanged use for at least a year before the permission is given; and
 - (b) counteract any other impact seriously impairing the amenity and enjoyment of the residents and prospective residents of the dwellinghouses arising from neighbouring buildings which have been in continuous and unchanged use for at least a year before the permission is given.””

Member’s explanatory statement

This new Clause would ensure that residents of buildings converted to residential use are protected from factors, particularly noise, affecting their amenity and enjoyment. Such measures shall be the responsibility of the agent of the change of the permission.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
Michael Dugher
John Healey
Teresa Pearce
Matthew Pennycook
Helen Hayes

Greg Mulholland

NC20

To move the following Clause—

“Permitted development: change of use to residential use

Where the Secretary of State, in exercise of the powers conferred by sections 59, 60, 61, 74 or 333(7) of the Town and Country Planning Act 1990, makes a General Permitted Development in respect of change of use to residential use as dwellinghouses, the change must first be subject to prior approval in respect of the impact of the amenity and enjoyment of the prospective residents of the dwellinghouses arising from neighbouring buildings which have been in continuous and unchanged use for at least a year before.”

Member’s explanatory statement

This new Clause would ensure that residents of buildings converted to residential use are protected from factors, particularly noise, affecting their amenity and enjoyment when buildings are converted to residential by virtue of a General Permitted Development order. Such measures shall be the responsibility of the agent of the change of the permission.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook
Sadiq Khan

NC21

To move the following Clause—

“Planning obligations: local first-time buyers

After section 106 of the Town and Country Planning Act 1990 (planning obligations) insert—

“106Z Planning obligations in respect of local first-time buyers

- (1) When granting planning permission under 70(1)(a), or permission in principle under 70(1A)(a), for the construction of new dwellings for sale, the local planning authority may require that a proportion of the dwellings are marketed exclusively to local first-time buyers for a specified period.
- (2) The “specified period” in subsection (1) must start no earlier than six months before the new dwellings have achieved, or are likely to, practical completion.
- (3) “First-time buyer” in subsection (1) has the meaning given by section 57AA(2) of the Finance Act 2003.

Housing and Planning Bill, *continued*

- (4) The Secretary of State may by regulations—
- (a) define the “specified period” in subsection (1);
 - (b) define “local” in subsection (1), and
 - (c) the definition “local” may vary according to specified circumstances.
- (5) The regulations in subsection (4) so far as they apply to local planning authorities in Greater London will not apply to these authorities unless the Secretary of State has consulted and received the consent of the Greater London Authority.””

Member’s explanatory statement

This amendment would empower local planning authorities to impose a planning obligation when giving planning permission for the construction of new housing for sale requiring that a proportion of the housing is marketed exclusively to local first-time buyers.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

NC22

To move the following Clause—

“Security of tenure

After section 19A of the Housing Act 1988 insert—

“Section 19B: minimum length of certain assured shorthold tenancy

- (1) Any assured shorthold tenancy (other than one where the landlord is a private registered provider of social housing) granted on or after April 1, 2018 must be for a fixed term of at least thirty six months. It is an implied term of such a tenancy that the tenant may terminate the tenancy by giving two months’ written notice to the landlord.”
- (2) In section 21 Housing Act 1988 insert—

“(4ZA) In the case of a dwelling-house in England no notice under subsection (4) may be given for thirty six months after the beginning of the tenancy.””

Member’s explanatory statement

This amendment would prevent private sector landlords from using the ‘notice only’ grounds for possession for the first three years of a tenancy, without affecting the rights of tenants to give notice and leave the tenancy early.

Housing and Planning Bill, *continued*

Helen Hayes

NC24

To move the following Clause—

“Local Authorities and Development Control Services

- (1) A local planning authority may set a charging regime in relation to their development control services to allow for the cost of providing the development control service to be recouped.
- (2) Such a charging regime will be subject to statutory consultation.”

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

NC25

☆ To move the following Clause—

“Implied term of fitness for human habitation in residential lettings

- (1) Section 8 of the Landlord and Tenant Act 1985 (c.70) is amended as follows.
- (2) Leave out subsection (3) and insert—
 - “(3) Subject to subsection (7), this section applies to any tenancy or licence under which a dwelling house is let wholly or mainly for human habitation.”
- (3) Leave out subsections (4) to (6).
- (4) After subsection (3), insert—
 - “(3ZA) Subsection 1 does not apply where the condition of the dwelling-house or common parts is due to—
 - (a) a breach by the tenant of the duty to use the dwelling-house in a tenant-like manner, or often express term of the tenancy to the same effect; or
 - (b) damage by fire, flood, tempest or other natural cause or inevitable accident.
 - (3ZB) Subsection 1 shall not require the landlord or licensor of the dwelling house to carry out works—
 - (a) which would contravene any statutory obligation or restriction; or
 - (b) which require the consent of a superior landlord, provided that such consent has been refused and the landlord or licensor has no right of action on the basis that such refusal of consent is unreasonable.
 - (3ZC) Any provision of or relating to a tenancy or licence is void insofar as it purports—
 - (a) to exclude or limit the obligations of the landlord or licensor under this section; or
 - (b) to permit any forfeiture or impose on the tenant or licensee any penalty or disadvantage in the event of his seeking to enforce the obligation under subsection (1).

Housing and Planning Bill, *continued*

- (3ZD) Regulations may make provision for the exclusion of certain classes of letting from subsection (1).
- (3ZE) In this section “house” has the same meaning as “dwelling house” and includes—
- (a) a part of a house, and
 - (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.”
- (5) In section 10 of the Landlord and Tenant Act 1985, after “waste water”, insert—
“any other matter or thing that may amount, singly or cumulatively, to a Category 1 hazard within the meaning of section 2 of the Housing Act 2004.”
- (6) Regulations may make provision for guidance as to the operation of the matters set out in section 10 which are relevant to the assessment of fitness for human habitation.
- (7) This section shall come into force—
- (a) In England at the end of the period of three months from the date on which this Act receives Royal Assent and shall apply to all tenancies licences and agreements for letting made on or after that date; and
 - (b) In Wales on a date to be appointed by the Welsh Ministers.”

Member’s explanatory statement

This new Clause would place a duty on landlords to ensure that their properties are fit for habitation when let and remain fit during the course of the tenancy.

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

NC26

☆ To move the following Clause—

“Requirement to carry out electrical safety checks

- (1) A landlord of a rental property shall ensure that there is maintained in a safe condition—
- (a) any electrical installation; and
 - (b) any electrical appliances supplied by the landlord so as to prevent the risk of injury to any person in lawful occupation or relevant premises.
- (2) Without prejudice to the generality of subsection (1), a landlord shall—
- (a) ensure that the electrical installation and any electrical appliances supplied by the landlord are checked for safety within 12 months of initial leasing and thereafter at intervals of not more than 5 years since they were last checked for safety (whether such check was made pursuant to this Act or not);
 - (b) in the case of a lease commencing after the coming into force of this Act, ensure that the electrical installation and each electrical appliance to which the duty extends has been checked for safety within a period of 12 months before the lease commences or has been or is so checked within 12 months after the electrical installation or electrical appliance has been installed, whichever is later; and
 - (c) ensure that a record in respect of any electrical installation or electrical appliance so checked is made and retained for a period of 6 years from

Housing and Planning Bill, *continued*

the date of that check and which shall include the following information—

- (i) the date on which the electrical installation or electrical appliance was checked;
 - (ii) the address of the premises at which the electrical installation or electrical appliance is installed;
 - (iii) the name and address of the landlord of the premises (or, where appropriate, his agent) at which the electrical installation or electrical appliance is installed;
 - (iv) a description of and the location of the electrical installation or electrical appliance checked;
 - (v) any defect identified;
 - (vi) any remedial action taken;
 - (vii) the name and signature of the individual carrying out the check; and
 - (viii) the registration number with which that individual's firm is registered with a Part P competent persons scheme approved by the Department for Communities and Local Government and certified as being competent in periodic inspection and testing.
- (3) Every landlord shall ensure that any work in relation to a relevant electrical installation or electrical appliance carried out pursuant to subsection (1) or (2) above is carried out by a firm registered with a Part P competent persons scheme approved for the time being by the Department for Communities and Local Government.
- (4) The record referred to in (2)(c), or a copy thereof, shall be made available upon request and upon reasonable notice for the inspection of any person in lawful occupation of relevant premises who may be affected by the use or operation of any electrical installation or electrical appliance to which the record relates.
- (5) Notwithstanding subsection (4), every landlord shall ensure that—
- (a) a copy of the record made pursuant to the requirements of (3)(c) is given to each existing tenant of premises to which the record relates within 28 days of the date of the check; and
 - (b) a copy of the last record made in respect of each electrical installation or electrical appliance is given to any new tenant of premises to which the record relates before that tenant occupies those premises save that, in respect of a tenant whose right to occupy those premises is for a period not exceeding 28 days, a copy of the record may instead be prominently displayed within those premises.
- (6) A landlord who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale”.

Member's explanatory statement

This new clause would introduce a requirement for landlords to undertake electrical safety checks.

Housing and Planning Bill, *continued*

Teresa Pearce
 John Healey
 Dr Roberta Blackman-Woods
 Matthew Pennycook

NC27

☆ To move the following Clause—

“Description of HMOs

- (1) The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) England Order 2006 is amended as follows.
- (2) Clause 3, subsection (2), leave out paragraph (a).
- (3) Clause 3, leave out subsection (3)”.

Member’s explanatory statement

This new clause would remove the three storeys condition from the conditions HMOs must satisfy in order to be a description prescribed by article 3(1) of the Housing Act 2004.

Teresa Pearce
 John Healey
 Dr Roberta Blackman-Woods
 Matthew Pennycook

NC28

☆ To move the following Clause—

“Reporting of Housing Benefit Paid

- (1) Each local housing authority must disclose information quarterly to HMRC regarding any monies paid to landlords through Housing Benefit in accordance with the Social Security Contributions and Benefits Act 1992.
- (2) In this section—
 - “HMRC” means the Commissioners for Her Majesty’s Revenue and Customs;
 - “local housing authority” has the meaning given by section 1 of the Housing Act 1985”.

Member’s explanatory statement

This new clause would require local housing authorities to disclose the amount of Housing Benefit paid to landlords to HMRC quarterly.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods

NC29

☆ To move the following Clause—

“Accreditation and licensing for private landlords

Local authorities shall be required to operate an accreditation and licensing scheme for private landlords.”

Member’s explanatory statement

This amendment would require local authorities in England and Wales to put in place a scheme to license and provide for the accreditation of private sector landlords in their area.

Dr Roberta Blackman-Woods

NC30

☆ To move the following Clause—

“Restrictions to granting permission in principle

Permission in principle shall apply—

- (a) to brownfield sites only for the provision of housing, and
- (b) to sites that have already been approved in an adopted local plan for the provision of housing”.

Member’s explanatory statement

This amendment would restrict the circumstances in which permission in principle can be applied to brownfield sites for housing and to sites that have already been approved in an adopted local plan for the provision of housing.

Dr Roberta Blackman-Woods

NC31

☆ To move the following Clause—

“Local authority planning fees cost recovery schemes

Local authorities shall be given powers to operate full cost recovery schemes with regard to fee levels relating to planning applications”.

Member’s explanatory statement

This amendment would allow local authorities to develop a planning fees schedule that would enable the full costs of processing planning applications to be recovered.

Housing and Planning Bill, *continued*

Teresa Pearce
 John Healey
 Dr Roberta Blackman-Woods
 Matthew Pennycook
 Helen Hayes

NC34

☆ To move the following Clause—

“Extension of the Housing Ombudsman to cover the Private Rented Sector

- (1) The Secretary of State shall by regulations introduce a scheme to extend the Housing Ombudsman Scheme, as set out in section 51 and Schedule 2 of the Housing Act 1996, to cover disputes between tenants and private landlords in the Greater London Authority.
- (2) The scheme under subsection (1) shall—
 - (a) last at least one year and no longer than two years; and
 - (b) come into effect within 6 months of this Act receiving Royal Assent.
- (3) The Secretary of State shall lay before each House of Parliament a report of the scheme under subsection (1) alongside any statement he thinks appropriate, within 3 months of the closing date of the scheme.
- (4) The Secretary of State may by regulations extend the powers of the Housing Ombudsman Scheme as set out in section 51 and Schedule 2 of the Housing Act 1996, to cover disputes between tenants and private landlords nationwide.”

Member’s explanatory statement

This new clause would give the Secretary of State the power to introduce a pilot scheme which would see the Housing Ombudsman extend its cover in London to private sector housing and disputes between tenants and private landlords, to require that the Secretary of State reports on the pilot scheme, and to give the Secretary of State power through regulations to extend the Housing Ombudsman to cover private sector housing and disputes between tenants and private landlords nationwide.

Teresa Pearce
 John Healey
 Dr Roberta Blackman-Woods
 Matthew Pennycook
 Helen Hayes

NC35

☆ To move the following Clause—

“Cover for money received or held by lettings agents in the course of business

- (1) Subject to the provisions of this section, a person may not accept money from any person who seeks residential accommodation which is to let or who has a tenancy of a residential premises, or other right or permission to occupy, in the course of lettings agency work unless there are in force authorised arrangements under which, in the event of his failing to account for such money to the person entitled to it, his liability will be made good by another.
- (2) In this section “lettings agency work” has the same meaning as in section 83 of the Enterprise and Regulatory Reform Act 2013 and a “lettings agent” is a person who engages in lettings agency work.

Housing and Planning Bill, *continued*

- (3) The Secretary of State may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) specify any persons or classes of persons to whom subsection (1) does not apply;
 - (b) specify arrangements which are authorised for the purposes of this section including arrangements to which a enforcement authority nominated for the purpose by the Secretary of State or any other person so nominated is a party;
 - (c) specify the terms and conditions upon which any payment is to be made under such arrangements and any circumstances in which the right to any such payment may be excluded or modified;
 - (d) provide that any limit on the amount of any such payment is to be not less than a specified amount; and
 - (e) require a person providing authorised arrangements covering any person carrying on lettings agency work to issue a certificate in a form specified in the regulations certifying that arrangements complying with the regulations have been made with respect to that person.
- (4) Every guarantee entered into by a person who provides authorised arrangements covering a lettings agent shall tenure for the benefit of every person from whom the lettings agent has received a relevant payment as if the guarantee were contained in a contract made by the insurer with every such person.
- (5) A “relevant payment” means any sum of money which is received in the circumstances described in subsection (1).”

Member’s explanatory statement

This new clause would require lettings agents to have Client Money Protection to cover all money received in the course of business.

Gareth Thomas

NC36

☆ To move the following Clause—

“Restriction on permitted changes of use

Where the Secretary of State has exercised or exercises his powers conferred by sections 59, 60, 61, 74 or 333(7) of the Town and Country Planning 1990 Act to make an Order in respect of change of use from office buildings (currently Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)) to use as dwelling-houses, the Order shall have no effect in respect of any building situated within Greater London as provided in the London Government Act 1963.”

Member’s explanatory statement

This new Clause would exclude from the permitted changes of use provided in a Permitted Development Order made, or to be made, by the Secretary of State changes of use from offices to housing in London. Such changes would require planning permission from the local authority.

Housing and Planning Bill, *continued*

Gareth Thomas

NC37

☆ To move the following Clause—

“Removal of limit on debt where an authority has a housing revenue account

The Localism Act 2011 is amended as follows.

Leave out section 171 (Limits on indebtedness).”

Member’s explanatory statement*This new Clause would remove the Secretary of State’s power to make determinations about the housing debt that may be held by a local housing authority that keeps a Housing Revenue Account.*

Gareth Thomas

NC38

☆ To move the following Clause—

“Extension of Help to Buy schemes to tenants receiving support for the voluntary right to buy

- (1) This section applies to a tenant purchasing a dwelling-house in respect of which the Secretary of State makes a grant to a private registered provider in respect of a right to buy discount provided at section 56.
- (2) The tenant shall be entitled to the same support provided under a help to buy scheme supported or underwritten by the Government as a tenant exercising right to buy of a dwelling-house from a local authority.”

Member’s explanatory statement*This new clause would extend the Government’s Help to Buy schemes to those exercising the right to buy under the voluntary scheme supported by Government grants, to put housing association purchasers in the same position as those buying their homes under right to buy from local authorities..*

Housing and Planning Bill, *continued*
NEW SCHEDULES

Brandon Lewis

NS2

To move the following Schedule—

“SCHEDULE

DEFAULT POWERS EXERCISABLE BY MAYOR OF LONDON OR COMBINED AUTHORITY:
SCHEDULE TO BE INSERTED IN THE PLANNING AND COMPULSORY PURCHASE ACT 2004

“SCHEDULE A1

Section 27A

DEFAULT POWERS EXERCISABLE BY MAYOR OF LONDON
OR COMBINED AUTHORITY

Default powers exercisable by Mayor of London

- 1 If the Secretary of State—
 - (a) thinks that a London borough council, in their capacity as local planning authority, are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and
 - (b) invites the Mayor of London to prepare or revise the document,

the Mayor of London may prepare or revise (as the case may be) the development plan document.
- 2
 - (1) This paragraph applies where a development plan document is prepared or revised by the Mayor of London under paragraph 1.
 - (2) The Mayor of London must hold an independent examination.
 - (3) The Mayor of London—
 - (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
 - (b) may also give directions to the council in relation to publication of those recommendations and reasons.
 - (4) The Mayor of London may—
 - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
 - (b) direct the council to consider adopting the document by resolution of the council as a local development document.
- 3
 - (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 2(2)—
 - (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the Mayor of London, and
 - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).

Housing and Planning Bill, *continued*

- (2) The Mayor of London must give reasons for anything he does in pursuance of paragraph 1 or 2(4).
- (3) The council must reimburse the Mayor of London—
 - (a) for any expenditure that the Mayor incurs in connection with anything which is done by him under paragraph 1 and which the council failed or omitted to do as mentioned in that paragraph;
 - (b) for any expenditure that the Mayor incurs in connection with anything which is done by him under paragraph 2(2).

Default powers exercisable by combined authority

- 4 In this Schedule—

“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

“constituent planning authority”, in relation to a combined authority, means—

 - (a) a county council, metropolitan district council or non-metropolitan district council which is the local planning authority for an area within the area of the combined authority, or
 - (b) a joint committee established under section 29 whose area is within, or the same as, the area of the combined authority.
- 5 If the Secretary of State—
 - (a) thinks that a constituent planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and
 - (b) invites the combined authority to prepare or revise the document,

the combined authority may prepare or revise (as the case may be) the development plan document.
- 6
 - (1) This paragraph applies where a development plan document is prepared or revised by a combined authority under paragraph 5.
 - (2) The combined authority must hold an independent examination.
 - (3) The combined authority—
 - (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
 - (b) may also give directions to the constituent planning authority in relation to publication of those recommendations and reasons.
 - (4) The combined authority may—
 - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
 - (b) direct the constituent planning authority to consider adopting the document by resolution of the authority as a local development document.

Housing and Planning Bill, *continued*

- 7 (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 6(2)—
- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the combined authority, and
 - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- (2) The combined authority must give reasons for anything they do in pursuance of paragraph 5 or 6(4).
- (3) The constituent planning authority must reimburse the combined authority—
- (a) for any expenditure that the combined authority incur in connection with anything which is done by them under paragraph 5 and which the constituent planning authority failed or omitted to do as mentioned in that paragraph;
 - (b) for any expenditure that the combined authority incur in connection with anything which is done by them under paragraph 6(2).

Intervention by Secretary of State

- 8 (1) This paragraph applies to a development plan document that has been prepared or revised—
- (a) under paragraph 1 by the Mayor of London, or
 - (b) under paragraph 5 by a combined authority.
- (2) If the Secretary of State thinks that a development plan document to which this paragraph applies is unsatisfactory—
- (a) he may at any time before the document is adopted under section 23, or approved under paragraph 2(4)(a) or 6(4)(a), direct the Mayor of London or the combined authority to modify the document in accordance with the direction;
 - (b) if he gives such a direction he must state his reasons for doing so.
- (3) Where a direction is given under sub-paragraph (2)—
- (a) the Mayor of London or the combined authority must comply with the direction;
 - (b) the document must not be adopted or approved unless the Secretary of State gives notice that the direction has been complied with.
- (4) Sub-paragraph (3) does not apply if or to the extent that the direction under sub-paragraph (2) is withdrawn by the Secretary of State.
- (5) At any time before a development plan document to which this paragraph applies is adopted under section 23, or approved under paragraph 2(4)(a) or 6(4)(a), the Secretary of State may direct that the document (or any part of it) is submitted to him for his approval.
- (6) In relation to a document or part of a document submitted to him under sub-paragraph (5) the Secretary of State—
- (a) may approve the document or part;

Housing and Planning Bill, *continued*

- (b) may approve it subject to specified modifications;
- (c) may reject it.

The Secretary of State must give reasons for his decision under this sub-paragraph.

- (7) The Secretary of State may at any time—
- (a) after a development plan document to which this paragraph applies has been submitted for independent examination, but
 - (b) before it is adopted under section 23 or approved under paragraph 2(4)(a) or 6(4)(a),
- direct the Mayor of London or the combined authority to withdraw the document.
- 9 (1) This paragraph applies if the Secretary of State gives a direction under paragraph 8(5).
- (2) No steps are to be taken in connection with the adoption or approval of the document until the Secretary of State gives his decision, or withdraws the direction.
- (3) If the direction is given, and not withdrawn, before the document has been submitted for independent examination, the Secretary of State must hold an independent examination.
- (4) If the direction—
- (a) is given after the document has been submitted for independent examination but before the person appointed to carry out the examination has made his recommendations, and
 - (b) is not withdrawn before those recommendations are made, the person must make his recommendations to the Secretary of State.
- (5) The document has no effect unless the document or (as the case may be) the relevant part of it has been approved by the Secretary of State, or the direction is withdrawn.
- The “relevant part” is the part of the document that—
- (a) is covered by a direction under paragraph 8(5) which refers to only part of the document, or
 - (b) continues to be covered by a direction under paragraph 8(5) following the partial withdrawal of the direction.
- (6) The Secretary of State must publish the recommendations made to him by virtue of sub-paragraph (3) or (4) and the reasons of the person making the recommendations.
- (7) In considering a document or part of a document submitted under paragraph 8(5) the Secretary of State may take account of any matter which he thinks is relevant.
- (8) It is immaterial whether any such matter was taken account of by the Mayor of London or the combined authority.
- 10 Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 9(3)—

Housing and Planning Bill, *continued*

- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the Secretary of State, and
 - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- 11 In the exercise of any function under paragraph 8 or 9 the Secretary of State must have regard to the local development scheme.
- 12 The Mayor of London or the combined authority must reimburse the Secretary of State for any expenditure incurred by the Secretary of State under paragraph 8 or 9 that is specified in a notice given by him to the Mayor or the authority.

Temporary direction pending possible use of intervention powers

- 13 (1) If the Secretary of State is considering whether to give a direction to the Mayor of London or a combined authority under paragraph 8 in relation to a development plan document, he may direct the Mayor or the authority not to take any step in connection with the adoption or approval of the document—
- (a) until the time (if any) specified in the direction, or
 - (b) until the direction is withdrawn.
- (2) A document to which a direction under this paragraph relates has no effect while the direction is in force.
- (3) A direction given under this paragraph in relation to a document ceases to have effect if a direction is given under paragraph 8 in relation to that document.””

Member’s explanatory statement

This new Schedule inserts a new Schedule A1 to the Planning and Compulsory Purchase Act 2004 which makes detailed provision for the intervention in local plan-making by the Mayor of London or a combined authority described in NC17.

Brandon Lewis

NS3

To move the following Schedule—

“RIGHT TO ENTER AND SURVEY LAND: CONSEQUENTIAL AMENDMENTS

Defence Act 1842 (5 & 6 Vict c. 94)

- 1 In section 16 of the Defence Act 1842, at the end insert—
- “(3) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Housing and Planning Bill, *continued*
Coast Protection Act 1949 (12 & 13 Geo 6 c. 74)

- 2 In section 25 of the Coast Protection Act 1949, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

National Parks and Access to the Countryside Act 1949 (12, 13 & 14 Geo 6 c. 97)

- 3 (1) Section 108 of the National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In subsection (1)(a), after “therein” insert “in relation to land in Scotland”.
- (3) After subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Land Powers (Defence) Act 1958 (6 & 7 Eliz 2 c. 30)

- 4 In section 21 of the Land Powers (Defence) Act 1958, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Caravan Sites and Control of Development Act 1960 (8 & 9 Eliz 2 c. 62)

- 5 In section 26 of the Caravan Sites and Control of Development Act 1960, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Compulsory Purchase Act 1965 (c. 56)

- 6 In section 11(3) of the Compulsory Purchase Act 1965 for “surveying and taking levels” substitute “surveying, valuing or taking levels”.

Criminal Justice Act 1972 (c. 71)

- 7 In the Criminal Justice Act 1972 omit section 60.

Welsh Development Agency Act 1975 (c. 70)

- 8 In Schedule 4 to the Welsh Development Agency Act 1975 omit paragraph 14(1).

Housing and Planning Bill, *continued**Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 9 In the Local Government (Miscellaneous Provisions) Act 1976 omit section 15.

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 10 In section 43 of the Ancient Monuments and Archaeological Areas Act 1979, for subsection (1) substitute—
- “(1) Any person authorised under this section may at any reasonable time enter any land in Scotland for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that or any other land under this Act or in connection with any claim for compensation under this Act in respect of any such acquisition.
- (1A) Any person authorised under this section may at any reasonable time enter any land in England and Wales or Scotland for the purpose of surveying it, or estimating its value, in connection with any claim for compensation under this Act for any damage to that or any other land.
- (1B) See section 111 of the Housing and Planning Act 2015 for a power to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land.”

Local Government, Planning and Land Act 1980 (c. 65)

- 11 (1) Section 167 of the Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In the heading, after “land” insert “in Scotland”.
- (3) In subsection (1)—
- (a) in paragraph (a) after “any land” insert “in Scotland”;
- (b) in paragraph (b) after “other land” insert “in Scotland”.
- (4) In subsection (7)—
- (a) for the words before paragraph (a) substitute “Where it is proposed to search or bore in pursuance of this section in a road within the meaning of Part 4 of the New Roads and Street Works Act 1991—”;
- (b) in paragraph (a) omit “55 or”;
- (c) in paragraph (b) omit “69 or”;
- (d) in paragraph (c) omit “82 or”;
- (e) for the words after paragraph (c) substitute “have effect in relation to the searching or boring as if they were road works within the meaning of Part 4 of that Act.”
- (5) In subsection (9)—
- (a) for “Upper Tribunal” substitute “Lands Tribunal for Scotland”;
- (b) for the words from “section 4” to “costs” substitute “sections 9(2) to (5) and 11 of the Land Compensation (Scotland) Act 1963 (procedure and expenses)”.
- (6) Omit subsection (13).

Housing and Planning Bill, *continued*
Highways Act 1980 (c. 66)

- 12 In section 289 of the Highways Act 1980, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

New Towns Act 1981 (c. 64)

- 13 In section 73(1) of the New Towns Act 1981 omit paragraph (b) (and the “or” before it).

Civil Aviation Act 1982 (c. 16)

- 14 (1) Section 50 of the Civil Aviation Act 1982 is amended as follows.
- (2) In subsection (1), for paragraph (e) substitute—
- “(e) in any case not falling within paragraphs (a) to (d) above where the Secretary of State has made an order under or in pursuance of this Part of this Act—
- (i) authorising the compulsory purchase of land,
 - (ii) providing for the creation in favour of a particular person of a right in or in relation to land, or
 - (iii) declaring that an area of land shall be subject to control by directions.
- (f) in any case not falling within paragraphs (a) to (d) above where the Secretary of State is considering making an order under or in pursuance of this Part of this Act—
- (i) authorising the compulsory purchase of land in Scotland or Northern Ireland,
 - (ii) providing for the creation in favour of a particular person of a right in or in relation to land in Scotland or Northern Ireland, or
 - (iii) declaring that an area of land in England and Wales, Scotland or Northern Ireland shall be subject to control by directions.”

(3) In subsection (3)(e), after “(1)(e)” insert “or (f)”.

(4) In subsection (4)(b), after “(1)(e)” insert “or (f)”.

(5) In subsection (7)(c), after “(1)(e)” insert “or (f)”.

Industrial Development Act 1982 (c. 52)

- 15 In section 14 of the Industrial Development Act 1982 omit subsection (6).

Housing Act 1985 (c. 68)

- 16 In section 54 of the Housing Act 1985, after subsection (2) insert—
- “(3) A person may not be authorised by a local housing authority under subsection (1)(a) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Housing and Planning Bill, continued*Local Government and Housing Act 1989 (c. 42)*

- 17 In section 97 of the Local Government and Housing Act 1989, after subsection (1) insert—
- “(1A) A person may not be authorised by a local housing authority under subsection (1)(a) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Electricity Act 1989 (c. 29)

- 18 In Schedule 4 to the Electricity Act 1989, in paragraph 10, after sub-paragraph (1) insert—
- “(1A) A person may not be authorised under sub-paragraph (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Town and Country Planning Act 1990 (c. 8)

- 19 In section 324 of the Town and Country Planning Act 1990 omit subsection (6).

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 20 In section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 omit subsection (5).

Land Drainage Act 1991 (c. 59)

- 21 In section 64 of the Land Drainage Act 1991, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1)(a) or (b) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Water Industry Act 1991 (c. 56)

- 22 (1) Section 169 of the Water Industry Act 1991 is amended as follows.
- (2) In subsection (2) omit paragraph (a) (and the “or” at the end of it).
- (3) In subsection (4), for the words before paragraph (a) substitute “The powers conferred by this section or section 111 of the Housing and Planning Act 2015 shall not be exercised on behalf of a water undertaker in any case for purposes connected with the determination of—”.

Water Resources Act 1991 (c. 57)

- 23 (1) Section 171 of the Water Resources Act 1991 is amended as follows.
- (2) In subsection (2) omit paragraph (a) (and the “or” at the end of it).
- (3) In subsection (4), for the words before paragraph (a) substitute “The powers conferred by this section or section 111 of the Housing and Planning Act 2015 shall not be exercised on behalf of the Agency or the NRBW in any case for purposes connected with the determination of—”.

Housing and Planning Bill, *continued*
Environment Act 1995 (c. 25)

- 24 (1) Schedule 8 to the Environment Act 1995 is amended as follows.
- (2) In paragraph 1(2) omit paragraph (b).
- (3) In paragraph 2(3)—
- (a) at the end of paragraph (a) insert “and”;
 - (b) omit paragraph (c) (and the “and” before it).

Greater London Authority Act 1999 (c. 29)

- 25 In the Greater London Authority Act 1999 omit section 333ZD.

Postal Services Act 2000 (c. 26)

- 26 In Schedule 6 to the Postal Services Act 2000, in paragraph 2, after sub-paragraph (2) insert—
- “(2A) A person may not be authorised under sub-paragraph (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

Housing and Regeneration Act 2008 (c. 17)

- 27 In the Housing and Regeneration Act 2008 omit sections 17 and 18.

Localism Act 2011 (c. 20)

- 28 In the Localism Act 2011 omit section 210.

Member’s explanatory statement

See Member’s explanatory statement for NC18.

Brandon Lewis

NS4

- ☆ To move the following Schedule—

“SECURE TENANCIES ETC: PHASING OUT OF TENANCIES FOR LIFE

Law of Property Act 1925 (c. 20)

- 1 (1) Section 52 of the Law of Property Act 1925 (conveyances to be by deed, unless excepted by subsection (2) of that section) is amended as follows.
- (2) In subsection (2), after paragraph (db) insert—
- “(dc) secure tenancies of dwellings in England granted on or after the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 comes fully into force, other than old-style secure tenancies;”
- (3) In subsection (3)—
- (a) in the definition of “flexible tenancy”, for “107A” substitute “115B”;

Housing and Planning Bill, *continued*

- (b) at the appropriate place insert—
 ““secure tenancy” has the meaning given by section 79 of the Housing Act 1985 and “old style-secure tenancy” has the meaning given by section 115C of that Act;”.

Housing Act 1985 (c. 68)

- 2 The Housing Act 1985 is amended as follows.
 3 For the italic heading before section 79 substitute—

“Secure tenancies”

- 4 After section 81 insert—

*“Grant of new secure tenancies in England***81A New English secure tenancies to be between 2 and 5 years in general**

- (1) A person may grant a secure tenancy of a dwelling-house in England only if it is a tenancy for a fixed term that is—
 (a) at least 2 years, and
 (b) no more than 5 years.
- (2) If a person purports to grant a secure tenancy in breach of subsection (1), it takes effect as a tenancy for a fixed term of 5 years.
- (3) This section does not apply to the grant of an old-style secure tenancy (as to which, see section 81B).

81B Cases where old-style English secure tenancies may be granted

- (1) A person may grant an old style-secure tenancy of a dwelling-house in England only—
 (a) in circumstances specified in regulations made by the Secretary of State, or
 (b) in accordance with subsection (2).
- (2) A local housing authority that grants a secure tenancy of a dwelling-house in England must grant an old-style secure tenancy if—
 (a) the tenancy is offered as a replacement for an old-style secure tenancy of some other dwelling-house, and
 (b) the tenant has not made an application to move.
- (3) Other provisions of this Part set out the consequences of a tenancy being an old-style secure tenancy.
- (4) Regulations under subsection (1) may include transitional or saving provision.
- (5) Regulations under subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Housing and Planning Bill, *continued*

81C Duty to offer new secure tenancy in limited circumstances

- (1) This section applies where a change in circumstances means that a tenancy that is not a secure tenancy would become a secure tenancy but for the exception in paragraph 1ZA of Schedule 1.
- (2) The landlord must, within the period of 28 days, make the tenant a written offer of a secure tenancy in return for the tenant surrendering the original tenancy.
- (3) If the tenant accepts in writing within the period of 28 days beginning with the day on which the tenant receives the offer, the landlord must grant the secure tenancy on the tenant surrendering the original tenancy.

81D Review of decisions about length of secure tenancies in England

- (1) A person who is offered a secure tenancy of a dwelling-house in England (under section 81C or otherwise) may request a review under this section, unless the tenancy on offer is an old-style secure tenancy.
- (2) The sole purpose of a review under this section is to consider whether the length of the tenancy is in accordance with any policy that the prospective landlord has about the length of secure tenancies it grants.
- (3) The request must be made before the end of—
 - (a) the period of 21 days beginning with the day on which the person making the request first receives the offer, or
 - (b) such longer period as the prospective landlord may allow in writing.
- (4) On receiving the request the prospective landlord must carry out the review.
- (5) On completing the review the prospective landlord must —
 - (a) notify the tenant in writing of the outcome,
 - (b) revise its offer or confirm its original decision about the length of the tenancy, and
 - (c) if it decides to confirm its original decision, give reasons.
- (6) The Secretary of State may by regulations make provision about the procedure to be followed in connection with a review under this section.
- (7) The regulations may, in particular—
 - (a) require the review to be carried out by a person of appropriate seniority who was not involved in the original decision;
 - (b) make provision as to the circumstances in which the person who requested the review is entitled to an oral hearing, and whether and by whom that person may be represented.
- (8) Regulations under this section may include transitional or saving provision.
- (9) Regulations under this section are to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.”

5 In section 82 (security of tenure), in subsection (3), for the words from “section 86” to the end substitute “section 86 or 86D shall apply”.

Housing and Planning Bill, *continued*

- 6 (1) Section 82A (demoted tenancy) is amended as follows.
- (2) After subsection (4) insert—
- “(4A) The court may not make a demotion order in relation to a secure tenancy of a dwelling-house in England if—
- (a) the landlord is a local housing authority or housing action trust, and
- (b) the term has less than 1 year and 9 months left to run
- (4B) But subsection (4A) does not apply to a tenancy to which an exception in section 86A(2) or (3) applies.”
- (3) In subsection (5), for paragraph (b) substitute—
- “(b) the period or term of the tenancy (but see subsection (6));”.
- (4) For subsection (6) substitute—
- “(6) Subsection (5)(b) does not apply if—
- (a) the secure tenancy was for a fixed term and was an old-style secure tenancy or a flexible tenancy, or
- (b) the secure tenancy was for a fixed term and was a tenancy of a dwelling-house in Wales,
- and in such a case the demoted tenancy is a weekly periodic tenancy.”
- 7 After section 82 insert—
- “Orders for possession and expiry of term etc”*
- 8 In section 83 (proceedings for possession or termination: general notice requirements), in subsection (A1), for paragraph (b) substitute—
- “(b) proceedings for possession of a dwelling-house under section 86E (recovery of possession on expiry of certain English secure tenancies).”
- 9 In section 84 (grounds and orders for possession), in subsection (1), for “section 107D (recovery of possession on expiry of flexible tenancy)” substitute “section 86E (recovery of possession on expiry of certain English secure tenancies)”.
- 10 (1) Section 86 (periodic tenancy arising on termination of fixed term) is amended as follows.
- (2) In subsection (1), after “secure tenancy” insert “to which this section applies”.
- (3) After subsection (1) insert—
- “(1A) This section applies to a secure tenancy of a dwelling-house in Wales.
- (1B) This section also applies to a secure tenancy of a dwelling-house in England that is—
- (a) an old-style secure tenancy, or
- (b) a flexible tenancy the term of which ends within the period of 9 months beginning with the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 comes fully into force,
- unless it is a tenancy excluded by subsection (1C).”
- (4) In subsection (2), for “this section” substitute “subsection (1)”.

Housing and Planning Bill, *continued*

11 After section 86 insert—

“English secure tenancies: review, renewal and possession

86A English tenancies: review to determine what to do at end of fixed term

- (1) The landlord under a fixed term secure tenancy of a dwelling-house in England must carry out a review to decide what to do at the end of the term, unless one of the following exceptions applies.
- (2) Exception 1 is where the tenancy is an old-style secure tenancy.
- (3) Exception 2 is where the tenancy is a flexible tenancy the term of which ends within the period of 9 months beginning with the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 comes fully into force.
- (4) A review under this section must be carried out while the term has 6 to 9 months left to run.
- (5) On a review under this section the landlord must decide which of the following options to take.

Option 1: offer to grant a new secure tenancy of the dwelling-house at the end of the current tenancy.

Option 2: seek possession of the dwelling house at the end of the current tenancy but offer to grant a secure tenancy of another dwelling-house instead.

Option 3: seek possession of the dwelling-house at the end of the current tenancy without offering to grant a secure tenancy of another dwelling-house.

- (6) The landlord must also—
 - (a) offer the tenant advice on buying a home if the landlord considers that to be a realistic option for the tenant, and
 - (b) in appropriate cases, offer the tenant advice on other housing options.

86B Notification of outcome of review under section 86A

- (1) On completing a review under section 86A the landlord must notify the tenant in writing of the outcome of the review.
- (2) The notice must be given by no later than 6 months before the end of the term of the current tenancy.
- (3) The notice must state which of the options mentioned in section 86A the landlord has decided to take.
- (4) If the landlord has decided to seek possession of the dwelling-house at the end of the secure tenancy the notice must also—
 - (a) inform the tenant of the right under section 86C to request the landlord to reconsider, and
 - (b) specify the time limit for making a request under that section.

Housing and Planning Bill, *continued*

- (5) If the notice states that the landlord has decided to offer a new tenancy and the tenant accepts in writing before the end of the current tenancy, the landlord must grant the new tenancy in accordance with the offer.

86C Reconsideration of decision not to grant a tenancy

- (1) Where a tenant is notified that the outcome of a review under section 86A is that the landlord has decided to seek possession of the dwelling-house at the end of the current tenancy, the tenant may request the landlord to reconsider its decision.
- (2) The request must be made before the end of the period of 21 days beginning with the day on which tenant was notified of the decision.
- (3) On receiving the request, the landlord must reconsider its decision.
- (4) The landlord must, in particular, consider whether the original decision is in accordance with any policy that the landlord has about the circumstances in which it will grant a further tenancy on the coming to an end of an existing fixed term tenancy.
- (5) Once the landlord has reconsidered the decision the landlord must—
 - (a) notify the tenant in writing of the outcome,
 - (b) revise or confirm its original decision, and
 - (c) if it decides to confirm its original decision, give reasons.
- (6) The Secretary of State may by regulations make provision about the procedure to be followed in connection with reconsidering a decision for the purposes of this section.
- (7) The regulations may, in particular—
 - (a) require the original decision to be reconsidered by a person of appropriate seniority who was not involved in the original decision, and
 - (b) make provision as to the circumstances in which the person who requested the landlord to reconsider the original decision is entitled to an oral hearing, and whether and by whom that person may be represented.
- (8) Regulations under this section may include transitional or saving provision.
- (9) Regulations under this section are to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.

86D Fixed term tenancy arising on termination of previous fixed term

- (1) This section applies to a secure tenancy of a dwelling-house in England other than—
 - (a) an old-style secure tenancy, or
 - (b) a flexible tenancy the term of which ends within the period of 9 months beginning with the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 comes fully into force.

Housing and Planning Bill, *continued*

- (2) If the tenancy comes to an end by virtue of the term expiring, or by virtue of an order under section 82(3), a new tenancy of the same dwelling-house arises by virtue of this subsection.
- (3) Where the landlord has offered the tenant a new tenancy of the same dwelling-house following a review under section 86A but the tenant has failed to accept, the new tenancy that arises by virtue of subsection (2) is a fixed term tenancy of whatever length the landlord offered.
- (4) In any other case, the new tenancy that arises by virtue of subsection (2) is a 5 year fixed term tenancy.
- (5) The parties and other terms of a new tenancy that arises by virtue of subsection (2) are the same as those of the tenancy that it replaces, except that the terms—
 - (a) are confined to those which are compatible with a tenancy of the length determined in accordance with subsection (3) or (4), and
 - (b) do not include any provision for re-entry or forfeiture.
- (6) A new tenancy does not arise by virtue of subsection (2) if the tenant has been granted another secure tenancy of the same dwelling-house to begin at the same time as the earlier tenancy ends.

86E Recovery of possession of secure tenancies in England

- (1) The landlord under a secure tenancy of a dwelling-house in England may bring proceedings for possession under this section if—
 - (a) the landlord has decided on a review under section 86A to seek possession at the end of the tenancy, and
 - (b) the landlord has not subsequently revised the decision under section 86C.
- (2) If the landlord brings proceedings under this section the court must make an order for possession if satisfied that—
 - (a) the landlord has complied with all of the requirements of sections 86A to 86C,
 - (b) the tenancy that was the subject of the review section 86A has ended,
 - (c) the proceedings were commenced before the end of the period of 3 months beginning with the day on which the tenancy ended, and
 - (d) the only fixed term tenancy still in existence is a new secure tenancy arising by virtue of section 86D.
- (3) But the court may refuse to grant an order for possession under this section if the court considers that a decision of the landlord under section 86A or 86C was wrong in law.
- (4) Where a court makes an order for possession of a dwelling-house under this section, any fixed term tenancy arising by virtue of section 86D on the coming to an end of the tenancy that was the subject of the review under section 86A comes to an end (without further notice) in accordance with section 82(2).
- (5) This section does not limit any right of the landlord under a secure tenancy to recover possession of the dwelling-house let on the tenancy in accordance with other provisions of this Part.

Housing and Planning Bill, *continued*
*Termination of English secure tenancies by tenant***86F Termination of English secure tenancies by tenant**

- (1) It is a term of every secure tenancy of a dwelling-house in England, other than an old-style secure tenancy, that the tenant may terminate the tenancy in accordance with the following provisions of this section.
 - (2) The tenant must serve a notice in writing on the landlord stating that the tenancy will be terminated on the date specified in the notice.
 - (3) That date must be after the end of the period of four weeks beginning with the date on which the notice is served.
 - (4) The landlord may agree with the tenant to dispense with the requirement in subsection (2) or (3).
 - (5) The tenancy is terminated on the date specified in the notice or (as the case may be) determined in accordance with arrangements made under subsection (4) only if on that date—
 - (a) no arrears of rent are payable under the tenancy, and
 - (b) the tenant is not otherwise materially in breach of a term of the tenancy.”
- 12 (1) Section 97 (tenant’s improvements require consent) is amended as follows.
- (2) In subsection (1), after “secure tenancy” insert “to which this section applies”.
- (3) After subsection (1) insert—
- “(1A) This section applies to—
- (a) a secure tenancy of a dwelling-house in Wales, or
 - (b) an old-style secure tenancy of a dwelling-house in England.”
- (4) Omit subsection (5).
- 13 (1) Section 99A (right to compensation for improvements) is amended as follows.
- (2) In subsection (1)(c), after “secure tenancy” insert “to which this section applies”.
- (3) After subsection (1) insert—
- “(1A) This section applies to—
- (a) a secure tenancy of a dwelling-house in Wales, or
 - (b) an old-style secure tenancy of a dwelling-house in England.”
- (4) Omit subsection (9).
- 14 Omit sections 107A to 107E (flexible tenancies).
- 15 After section 115A insert—

“115B Meaning of “flexible tenancy”

- (1) For the purposes of this Act, a flexible tenancy is a secure tenancy to which any of the following subsections applies.
- (2) This subsection applies to a secure tenancy if—
 - (a) it was granted by a landlord in England for a fixed term of not less than two years,
 - (b) it was granted before the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 came fully into force, and

Housing and Planning Bill, *continued*

- (c) before it was granted the person who became the landlord under the tenancy served a written notice on the person who became the tenant under the tenancy stating that the tenancy would be a flexible tenancy.
- (3) This subsection applies to a secure tenancy if—
- (a) it became a secure tenancy by virtue of a notice under paragraph 4ZA(2) of Schedule 1 (family intervention tenancies becoming secure tenancies),
 - (b) the notice was given before the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 came fully into force,
 - (c) the landlord under the family intervention tenancy in question was a local housing authority in England,
 - (d) the family intervention tenancy was granted to a person on the coming to an end of a flexible tenancy under which the person was a tenant,
 - (e) the notice states that the tenancy is to become a secure tenancy that is a flexible tenancy for a fixed term of the length specified in the notice, and sets out the other express terms of the tenancy, and
 - (f) the length of the term specified in the notice is at least two years.
- (4) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of subsection (3) is that specified in the notice under paragraph 4ZA(2) of Schedule 1.
- (5) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection “statutory provision” means any provision made by or under an Act.
- (6) This subsection applies to a secure tenancy if—
- (a) it is created by virtue of section 137A of the Housing Act 1996 (introductory tenancies becoming flexible tenancies), or
 - (b) it arises by virtue of section 143MA or 143MB of that Act (demoted tenancies becoming flexible tenancies).”

115C Meaning of “old-style secure tenancy” in England

In this Part “old-style secure tenancy” means a secure tenancy of a dwelling-house in England that—

- (a) is a secure tenancy, other than a flexible tenancy, granted before the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 came fully into force,
 - (b) is a secure tenancy granted on or after that date that contains an express term stating that it is an old-style secure tenancy, or
 - (c) is a tenancy that arose by virtue of section 86 on the coming to an end of a secure tenancy within paragraph (a) or (b).”
- 16 (1) Section 117 (index of defined expressions) is amended as follows.
- (2) In the entry relating to flexible tenancies, for “section 107A” substitute “section 115B”.

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- (b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.”
- (3) In subsection (2), in the words before paragraph (a), after “dwelling-house” insert “in Wales”.
- (4) In subsection (2A), for “subsection (2)(b)” substitute “subsections (1A)(b) and (2)(b)”.
- (5) In subsection (3), for “subsection (2)” substitute “subsections (1A) and (2)”.
- (6) After subsection (5) insert—

“(6) In relation to a tenancy entered into or adopted by a local housing authority or a housing action trust before the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 comes fully into force, this section has effect—

- (a) as if subsection (1A) were omitted, and
- (b) as if, in subsection (2), the words “in Wales” were omitted.

20 After section 124 insert—

“124A New introductory tenancies in England: overall length

- (1) A local housing authority or a housing action trust may enter into an introductory tenancy of a dwelling-house in England only if it is a tenancy for a fixed term that is—
 - (a) at least 2 years, and
 - (b) no more than 5 years.
- (2) If a local housing authority or a housing action trust purports to enter into an introductory tenancy in breach of subsection (1), it takes effect as a tenancy for a fixed term of 5 years.
- (3) Subsections (1) and (2) apply only to tenancies entered into on or after the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 comes fully into force.
- (4) A tenancy of a dwelling-house in England that is adopted by a local housing authority or a housing action trust does not become an introductory tenancy if—
 - (a) it is adopted on or after the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 came fully into force, and
 - (b) the tenancy is a periodic tenancy or it is a tenancy for a fixed term of less than 2 years or more than 5 years.
- (5) Subsections (6) and (7) apply where a tenancy that has been adopted by a local housing authority or a housing action trust is not an introductory tenancy but would (on adoption or at any later time) become a secure tenancy but for subsection (4).
- (6) The local housing authority or housing action trust must, within the period of 28 days, make the tenant a written offer of an introductory tenancy in return for the tenant surrendering the original tenancy.
- (7) If the tenant accepts in writing within the period of 28 days beginning with the day on which the tenant receives the offer, the local housing

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authority or housing action trust must grant an introductory tenancy on the tenant surrendering the original tenancy.

124B Review of decisions about length of introductory tenancies in England

- (1) A person who is offered an introductory tenancy of a dwelling-house in England may request a review under this section.
 - (2) The sole purpose of a review under this section is to consider whether the length of the tenancy is in accordance with any policy that the prospective landlord has about the length of introductory tenancies it grants.
 - (3) The request must be made before the end of—
 - (a) the period of 21 days beginning with the day on which the person making the request first receives the offer, or
 - (b) such longer period as the prospective landlord may allow in writing.
 - (4) On receiving the request the prospective landlord must carry out the review.
 - (5) On completing the review the prospective landlord must —
 - (a) notify the tenant in writing of the outcome,
 - (b) revise its offer or confirm its original decision about the length of the tenancy, and
 - (c) if it decides to confirm its original decision, give reasons.
 - (6) The Secretary of State may by regulations make provision about the procedure to be followed in connection with a review under this section.
 - (7) The regulations may, in particular—
 - (a) require the review to be carried out by a person of appropriate seniority who was not involved in the original decision;
 - (b) make provision as to the circumstances in which the person who requested the review is entitled to an oral hearing, and whether and by whom that person may be represented.”
- 21 (1) Section 125A (extension of trial period by 6 months) is amended as follows.
- (2) In subsection (1), for “both” substitute “each”.
 - (3) After subsection (3) insert—
 - “(3A) The third condition must be met only if the introductory tenancy —
 - (a) is one to which section 124A(1) or (2) applies, or
 - (b) is adopted by a local housing authority or housing action trust on or after the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) came fully into force.
 - (3B) The third condition is that the new expiry date would be before the period mentioned in section 86A(3) of the Housing Act 1985 (review to determine what to do at end of fixed term secure tenancy); and for this purpose “the new expiry date” means the last day of the 6 month extension period mentioned in subsection (1).”

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- 22 In section 128 (notice of proceedings for possession), in subsection (4), for the second sentence substitute—
- “The date so specified—
- (a) in a case where the introductory tenancy is a periodic tenancy, must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the proceedings, and
- (b) in a case where the introductory tenancy is a fixed term tenancy, must not be earlier than the end of the period of 6 weeks beginning with the date on which the notice of proceedings is served.”
- 23 In section 137A (introductory tenancies that are to become flexible tenancies), in subsection (2), for “, before entering into or adopting the introductory tenancy” substitute “the introductory tenancy was entered into or adopted before the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 came fully into force and, before entering into or adopting it,”.
- 24 In section 143A (demoted tenancies), in subsection (1), omit “periodic”.
- 25 In section 143E (notice of proceedings for possession), for subsection (3) substitute—
- “(3) The date specified under subsection (2)(c)—
- (a) in a case where the demoted tenancy is a periodic tenancy, must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the proceedings, and
- (b) in a case where the demoted tenancy is a fixed term tenancy, must not be earlier than the end of the period of 6 weeks beginning with the date on which the notice of proceedings is served.”
- 26 (1) Section 143MA (demoted tenancies that are to become flexible tenancies) is amended as follows.
- (2) In subsection (1), for “section 107A of the Housing Act 1985” substitute “section 115B of the Housing Act 1985 (certain tenancies granted etc before the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 came fully into force)”.
- (3) After subsection (3) insert—
- “(3A) If the notice is given on or after the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of tenancies for life*) to the Housing and Planning Act 2015 comes fully into force, the period specified under subsection (3)(b) must be no more than five years.”
- 27 After section 143MA insert—
- “143MB Default flexible tenancies when no notice given under section 143MA**
- (1) This section applies where—
- (a) a landlord has the power to serve a notice under section 143MA on the tenant under a demoted tenancy but fails to do so, and
- (b) the tenancy comes to an end on or after the day on which paragraph 4 of Schedule (*Secure tenancies etc: phasing out of*

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tenancies for life) to the Housing and Planning Act 2015 comes fully into force.

- (2) On ceasing to be a demoted tenancy, the tenancy becomes a secure tenancy for a fixed term of 5 years that is a flexible tenancy.
- (3) The terms of the new tenancy are the same as those of the tenancy that it replaces, so far as those terms are compatible with—
 - (a) a tenancy for a fixed term of 5 years, and
 - (b) the statutory provisions relating to flexible tenancies (within the meaning given by section 143MA(5).”

Land Registration Act 2002 (c. 9)

- 28 In section 132 of the Land Registration Act 2002 (interpretation), in the definition of “flexible tenancy” in subsection (1), for “107A” substitute “115B”.

Localism Act 2011 (c. 20)

- 29 The Localism Act 2011 (flexible tenancies: other amendments) is amended as follows.
- 30 In section 155, omit subsections (3) and (4).
- 31 In section 159 (further provisions about transfer of tenancy under section 158), in subsection (6)(b), for “107A” substitute “115B”.

Savings for flexible tenancies with only 9 months left to run

- 32 (1) Despite the repeal of sections 107D and 107E of the Housing Act 1985 (flexible tenancies: recovery of possession) by paragraph 14 above, those sections continue to apply in relation to a flexible tenancy the term of which ends within the period of 9 months beginning with the day on which paragraph 4 of this Schedule comes fully into force.
- (2) The amendments made by paragraphs 8 and 9 (which replace references to proceedings for possession under section 107D of the Housing Act 1985) do not apply in relation to such a tenancy.”

Member’s explanatory statement

See Member’s explanatory statement for NC32.

Brandon Lewis

NS5

- ☆ To move the following Schedule—

“SUCCESSION TO SECURE TENANCIES AND RELATED TENANCIES

Housing Act 1985 (c. 68)

- 1 The Housing Act 1985 is amended as follows.

Housing and Planning Bill, *continued*

- 2 In section 86 (periodic tenancy arising on termination of fixed term), after subsection (1B) (inserted by Schedule (*Secure tenancies etc: phasing out of tenancies for life*)) insert—
- “(1C) This section does not apply to a secure tenancy of a dwelling-house in England if—
- (a) the original secure tenant has died,
- (b) the tenancy has been vested in, or otherwise disposed of to, the current tenant in the course of the administration of the original tenant’s estate, and
- (c) the current tenant qualified to succeed the original tenant under section 86G(2) or (4).”
- 3 (1) Section 86A (persons qualified to succeed: England) as inserted by the Localism Act 2011—
- (a) is renumbered section 86G (so that it follows on from section 86F as inserted by Schedule (*Secure tenancies etc: phasing out of tenancies for life*)) without making the numbering more complex than it has to be), and
- (b) is amended as follows.
- (2) After subsection (7) insert—
- “(8) This section applies to a tenancy that was granted before 1 April 2012, or that arose by virtue of section 86 on the coming to the end of a secure tenancy granted before 1 April 2012, as it applies to a secure tenancy granted on or after that day.”
- 4 In section 88 (cases where the tenant is a successor), in subsection (1), after paragraph (b) insert—
- “(ba) the tenancy arose by virtue of section 89(2A) (fixed term tenancy arising in certain cases following succession to periodic tenancy), or”.
- 5 (1) Section 89 (succession to period tenancy) is amended as follows.
- (2) In subsection (1A), for “section 86A” substitute “section 86G”.
- (3) After subsection (2) insert—
- “(2A) Where the tenancy vests in a person qualified to succeed the tenant under section 86G(2) or (4) and continues to be a secure tenancy—
- (a) the periodic tenancy comes to an end immediately after vesting, and
- (b) a new tenancy of the same dwelling-house arises by virtue of this subsection for a fixed term of 5 years.
- (2B) The parties and terms of a tenancy arising by virtue of subsection (2A) are the same as those of the tenancy that it replaces, except that the terms—
- (a) are confined to those which are compatible with a tenancy for a fixed term of 5 years, and
- (b) do not include any provision for re-entry or forfeiture.”
- 6 In section 117 (index of defined expressions), in the entry relating to persons qualified to succeed, for “section 87” substitute “sections 86G and 87”.

Housing and Planning Bill, *continued*

Housing Act 1996 (c. 52)

7 Before section 131 (but after the italic heading) insert—

“130A Persons qualified to succeed to introductory tenancy: England

- (1) A person is qualified to succeed the tenant under an introductory tenancy of a dwelling-house in England if—
 - (a) the person occupies the dwelling-house as his or her only or principal home at the time of the tenant’s death, and
 - (b) the person is the tenant’s spouse or civil partner.
- (2) A person is qualified to succeed the tenant under an introductory tenancy of a dwelling-house in England if—
 - (a) at the time of the tenant’s death the dwelling-house is not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
 - (b) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
 - (c) the person’s succession is in accordance with that term.
- (3) Subsection (1) or (2) does not apply if the tenant was a successor as defined in section 132.
- (4) In such a case, a person is qualified to succeed the tenant if—
 - (a) an express term of the tenancy makes provision for a person to succeed a successor to the tenancy, and
 - (b) the person’s succession is in accordance with that term.
- (5) For the purposes of this section a person who was living with the tenant as the tenant’s wife or husband is to be treated as the tenant’s spouse.
- (6) Subsection (7) applies if, on the death of the tenant, there is by virtue of subsection (5) more than one person who fulfils the condition in subsection (1)(b).
- (7) Such one of those persons as may be agreed between them or as may, where there is no such agreement, be selected by the landlord is for the purpose of this section to be treated as the fulfilling that condition.”

8 (1) Section 131 (persons qualified to succeed tenant) is amended as follows.

(2) At the end of the heading for “tenant” substitute “to introductory tenancy: Wales”.

(3) After “introductory tenancy” insert “of a dwelling-house in Wales”.

9 (1) Section 133 (succession to introductory tenancy) is amended as follows.

(2) After subsection (1) insert—

“(1A) Where there is a person qualified to succeed the tenant under section 130A, the tenancy vests by virtue of this section—

- (a) in that person, or
- (b) if there is more than one such person, in such one of them as may be agreed between them or as may, where there is no agreement, be selected by the landlord.”

(3) In subsection (2), after ““tenant”” insert “under section 131”.

Housing and Planning Bill, *continued*

10 Before section 143H (but after the italic heading) insert—

“143GA Persons qualified to succeed to demoted tenancy: England

- (1) A person is qualified to succeed the tenant under a demoted tenancy of a dwelling-house in England if—
 - (a) the person occupies the dwelling-house as his or her only or principal home at the time of the tenant’s death, and
 - (b) the person is the tenant’s spouse or civil partner.
- (2) A person is qualified to succeed the tenant under a demoted tenancy of a dwelling-house in England if—
 - (a) at the time of the tenant’s death the dwelling-house is not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
 - (b) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
 - (c) the person’s succession is in accordance with that term.
- (3) Subsection (1) or (2) does not apply if the tenant was a successor as defined in section 132.
- (4) In such a case, a person is qualified to succeed the tenant if—
 - (a) an express term of the tenancy makes provision for a person to succeed a successor to the tenancy, and
 - (b) the person’s succession is in accordance with that term.
- (5) For the purposes of this section a person who was living with the tenant as the tenant’s wife or husband is to be treated as the tenant’s spouse.
- (6) Subsection (7) applies if, on the death of the tenant, there is by virtue of subsection (5) more than one person who fulfils the condition in subsection (1)(b).
- (7) Such one of those persons as may be agreed between them or as may, where there is no such agreement, be selected by the landlord is for the purpose of this section to be treated as fulfilling that condition.
- (8) This section applies to a tenancy that became a demoted tenancy before or after Schedule (*Succession to secure tenancies and related tenancies*) of the Housing Act 2015 comes into force.

143GB Succession to demoted tenancy: England

- (1) This section applies if the tenant under a demoted tenancy of a dwelling-house in England dies.
- (2) Where there is a person qualified to succeed the tenant under section 143GA, the tenancy vests by virtue of this section—
 - (a) in that person, or
 - (b) if there is more than one such person, in such one of them as may be agreed between them or as may, where there is no agreement, be selected by the landlord.
- (3) Where a periodic demoted tenancy vests in a person qualified to succeed the tenant under section 143GA(2) or (4) and continues to be a demoted tenancy—

Housing and Planning Bill, *continued*

- (a) the tenancy comes to an end immediately after vesting, and
 - (b) a new tenancy of the same dwelling-house arises by virtue of this subsection for a fixed term of 5 years.
- (4) The parties and terms of a tenancy arising by virtue of subsection (3) are the same as those of the tenancy that it replaces, except that the terms—
- (a) are confined to those which are compatible with a tenancy for a fixed term of 5 years[, and
 - (b) do not include any provision for re-entry or forfeiture.]
- (5) Where a demoted tenancy comes to an end and a new tenancy arises by virtue of subsection (3), as from that time the demotion order is to be treated for all purposes as it had been made in relation to the new tenancy (and the demotion period remains the same).”
- 11 (1) Section 143H (succession to demoted tenancy) is amended as follows.
- (2) At the heading insert “: Wales”.
- (3) In subsection (1), after “tenancy” insert “of a dwelling-house in Wales”.
- 12 In section 143I (no successor tenant: termination), after “section” insert “143GA or”.
- 13 (1) Section 143J of the Housing Act 1996 (demoted tenancies: successor tenants) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) The tenancy arose by virtue of section 89(2A) of the Housing Act 1985.”
- (3) For subsection (7) substitute—
- “(7) A person is the successor to a demoted tenancy if—
- (a) the tenancy vests in the person by virtue of section 143GB(2) or 143H(4) or (5), or
 - (b) the tenancy arose by virtue of section 143GB(3).”

Localism Act 2011 (c. 20)

- 14 In section 160 of the Localism Act 2011 (succession to secure tenancies), omit subsection (6).

Savings

- 15 The amendments made by this Schedule do not apply in relation to cases where the tenant under a secure tenancy dies before it comes into force.
- 16 The amendments made by paragraphs 7 and 8 do not apply in relation to an introductory tenancy granted before the day on which this Schedule comes into force.
- 17 The amendments made by paragraphs 10 to 13 do not apply in relation to cases where the tenant under a demoted tenancy dies before this Schedule comes into force.”

Member’s explanatory statement

See Member’s explanatory statement for NC33.

Housing and Planning Bill, *continued*

Gareth Thomas

NS1

To move the following Schedule—

“SCHEDULE

COMMUNITY-LED HOUSING SCHEMES

- 1 A community-led housing scheme is a scheme provided by a community led housing provider meeting the requirements of this Schedule.
 - 2 A community led housing provider is a body corporate (“a body”) which makes available, or intends to make available, dwellings in England and satisfies all the conditions in paragraph 4 and at least one of the conditions in paragraph 5.
 - 3 In the conditions at paragraph 4 the following definitions apply—
 - (a) “dwellings” means flats and houses for occupation by individuals as their only home;
 - (b) “local community” means the individuals who live or work, or want to live or work in a specified area or are part of a specified community;
 - (c) “own” and “owned” means ownership of a freehold interest or a leasehold interest;
 - (d) in paragraph 3(b) “specified area” means the locality or region referred to in a body’s constitution;
 - (e) in paragraph 3(b) “specified community” means the individuals to whom the body seeks to provide a benefit as set out in its constitution.
 - 4 The conditions that must be satisfied are that—
 - (a) the body includes within its constitution the purpose of providing accommodation to the local community or for the members of the body;
 - (b) the local community have the opportunity to become members of the body (whether or not others can also become members);
 - (c) the local community must provide the majority vote on resolutions at general meetings and decisions at management board meetings;
 - (d) any profits or surplus from its activities will be used to benefit the local community or other activities of the body as set out in its constitution (otherwise than being paid directly to members);
 - (e) the accommodation let to individuals is owned by the body; and
 - (f) the number of properties owned by the body does not exceed 1000.
 - 5 One of the conditions set out in this paragraph must be satisfied—
 - (a) the body’s objects include furthering the social, economic or environmental interests of a local community; or
 - (b) the body is owned in the majority by its members who are also the tenants of the body.”
-

Housing and Planning Bill, *continued*

ORDER OF THE HOUSE [2 NOVEMBER 2015]

That the following provisions shall apply to the Housing and Planning Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 10 December 2015.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [10 NOVEMBER 2015, AS AMENDED ON 19 NOVEMBER 2015]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 10 November) meet—
 - (a) at 2.00 pm on Tuesday 10 November;
 - (b) at 9.25 am on Tuesday 17 November;
 - (c) at 11.30 am and 2.00 pm on Thursday 19 November;
 - (d) at 9.25 am and 2.00 pm on Tuesday 24 November;
 - (e) at 11.30 am and 2.00 pm on Thursday 26 November;
 - (f) at 9.25 am and 2.00 pm on Tuesday 1 December;
 - (g) at 11.30 am and 2.00 pm on Thursday 3 December;
 - (h) at 9.25 am and 2.00 pm on Tuesday 8 December;
 - (i) at 11.30 am and 2.00 pm on Thursday 10 December;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

| <i>Date</i> | <i>Time</i> | <i>Witness</i> |
|---------------------|------------------------------|--------------------------|
| Tuesday 10 November | Until no later than 10.00 am | Greater London Authority |

Housing and Planning Bill, *continued*

| <i>Date</i> | <i>Time</i> | <i>Witness</i> |
|---------------------|------------------------------|---|
| Tuesday 10 November | Until no later than 10.45 am | Local Government Association; London Councils |
| Tuesday 10 November | Until no later than 11.25 am | National Housing Federation; PlaceShapers |
| Tuesday 10 November | Until no later than 2.45 pm | British Property Federation; Federation of Master Builders; Home Builders Federation |
| Tuesday 10 November | Until no later than 3.15 pm | Shelter; Crisis |
| Tuesday 10 November | Until no later than 4.15 pm | Peaks and Plains Housing Trust; Hastoe Group; Riverside; L&Q |
| Tuesday 10 November | Until no later than 5.00 pm | National Landlords Association; Residential Landlords Association; Association of Residential Letting Agents |
| Tuesday 17 November | Until no later than 10.15 am | Chartered Institute of Housing; Planning Officers Society; Royal Town Planning Institute; Town and Country Planning Association |
| Tuesday 17 November | Until no later than 10.45 am | Campaign to Protect Rural England |
| Tuesday 17 November | Until no later than 11.25 am | Department for Communities and Local Government |

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 17; Schedule 1; Clauses 18 and 19; Schedule 2; Clause 20; Schedule 3; Clauses 21 to 55; Clauses 84 to 86; Schedule 4; Clauses 87 to 90; Schedule 5; Clause 91; Clauses 56 to 83; Clauses 92 to 102; Schedule 6; Clauses 103 to 121; Schedule 7; Clauses 122 to 127; Schedule 8; Clauses 128 to 134; Schedules 9 and 10; Clauses 135 to 139; Schedule 11; Clauses 140 to 145; new Clauses; new Schedules; remaining proceedings on the Bill.
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 10 December.

NOTICES WITHDRAWN

The following Notices were withdrawn on 27 November 2015:

Amendment 156
