



House of Commons

Thursday 26 November 2015

PUBLIC BILL COMMITTEE PROCEEDINGS

HOUSING AND PLANNING BILL

[EIGHTH AND NINTH SITTINGS]

Clause 48, as amended, agreed to.

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

Negated on division 110

Clause 49, page 22, line 10, at end insert—

“(e) the local housing authority responds to a request by the landlord confirming that they suspect the property to be abandoned.”

Clause agreed to.

Brandon Lewis

Agreed to 116

Clause 50, page 22, line 20, at end insert—

“() If the unpaid rent condition has been met and a new payment of rent is made before the notice under section 49 is given, the unpaid rent condition ceases to be met (irrespective of the period to which the new payment of rent relates).”

Brandon Lewis

Agreed to 117

Clause 50, page 22, line 20, at end insert—

“() In this section “rent” means rent lawfully due from the tenant.”

Clause, as amended, agreed to.

Brandon Lewis

Agreed to 118

Clause 51, page 22, line 23, leave out “the tenant and any named occupier two” and

Housing and Planning Bill, *continued*

insert “three”

Brandon Lewis

Agreed to **119**

Clause **51**, page **22**, line **24**, at end insert—

- “() The first two warning notices must be given to the tenant and any named occupier using one of the methods in section 53(1) or (2).
- () The third warning notice must be given by fixing it to some conspicuous part of the premises to which the tenancy relates.”

Teresa Pearce

John Healey

Dr Roberta Blackman-Woods

Matthew Pennycook

Withdrawn **108**

Clause **51**, page **22**, line **32**, leave out “8” and insert “12”

Teresa Pearce

John Healey

Dr Roberta Blackman-Woods

Matthew Pennycook

Withdrawn **107**

Clause **51**, page **22**, leave out lines 34 to 37

Teresa Pearce

John Healey

Dr Roberta Blackman-Woods

Matthew Pennycook

Not called **109**

Clause **51**, page **22**, line **38**, leave out “two weeks, and no more than 4 weeks” and insert “4 weeks, and no more than 8 weeks”

Brandon Lewis

Agreed to **120**

Clause **51**, page **22**, line **39**, at end insert—

- “() The third warning notice must be given before the period of 5 days ending with the date specified in the warning notices under subsection (2)(b).”

Brandon Lewis

Agreed to **121**

Clause **51**, page **22**, line **39**, at end insert—

- “() The Secretary of State may make regulations setting out the form that the third warning notice must take.”

Clause, as amended, agreed to.

Clause 52 agreed to.

Housing and Planning Bill, *continued*

Brandon Lewis

Agreed to 122

Clause 53, page 23, line 11, at end insert—

“() This section sets out the methods for giving—

(a) a notice under section 49;

(b) the first or second warning notices under section 51.”

Brandon Lewis

Agreed to 123

Clause 53, page 23, line 12, leave out “A notice under section 49 or 51” and insert “The notice”

Brandon Lewis

Agreed to 124

Clause 53, page 23, line 14, leave out “A notice under section 49 or 51 that” and insert “If the notice”

Brandon Lewis

Agreed to 125

Clause 53, page 23, line 15, after “person” insert “it”

Brandon Lewis

Agreed to 126

Clause 53, page 23, line 21, at end insert “, and

() in the case of a tenant, leaving it at or sending it to every postal address in the United Kingdom of every guarantor, marked for the attention of the tenant.

() In subsection (2) “guarantor”, in relation to a tenant, means a person who has agreed with the landlord to guarantee the performance by the tenant of any of the tenant’s obligations under the tenancy.”

*Clause, as amended, agreed to.**Clauses 54 and 55 agreed to.*

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook
Withdrawn 136

☆ Clause 84, page 34, leave out lines 19 and 20

Clause agreed to.

Brandon Lewis
Agreed to 127

Clause 85, page 34, line 26, leave out subsection (3) and insert—

Housing and Planning Bill, *continued*

- “(3) In section 66 (tests for fitness and satisfactory management arrangements: houses in multiple occupation)—
- (a) after subsection (1) insert—
 - “(1A) A local housing authority in England must also have regard to any evidence within subsection (3A) or (3B).”;
 - (b) in subsection (2), in paragraph (c), after “tenant law” insert “(including Part 3 of the Immigration Act 2014)”;
 - (c) after subsection (3) insert—
 - “(3A) Evidence is within this subsection if it shows that P—
 - (a) requires leave to enter or remain in the United Kingdom but does not have it; or
 - (b) is insolvent or an undischarged bankrupt.
 - (3B) Evidence is within this subsection if—
 - (a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) is a person to whom subsection (3A)(a) or (b) applies; and
 - (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.”
- (4) In section 70 (revocation of licences), in subsection (2), in the words after paragraph (c)—
- (a) for “Section 66(1) applies” substitute “Section 66(1) and (1A) apply”;
 - (b) for “it applies” substitute “they apply”.

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook

Withdrawn 137

☆ Clause 85, page 34, line 37, at end insert—

“(g) has a current entry on the Database of Rogue Landlords and Letting Agents as set out in Part 2 of the Housing and Planning Act 2015.

Brandon Lewis

Agreed to 128

Clause 85, page 35, line 5, leave out subsection (5) and insert—

- “(5) In section 89 (tests for fitness and satisfactory management arrangements: certain other houses)—
- (a) after subsection (1) insert—
 - “(1A) A local housing authority in England must also have regard to any evidence within subsection (3A) or (3B).”;
 - (b) in subsection (2), in paragraph (c), after “tenant law” insert “(including Part 3 of the Immigration Act 2014)”;
 - (c) after subsection (3) insert—
 - “(3A) Evidence is within this subsection if it shows that P—
 - (a) requires leave to enter or remain in the United Kingdom but does not have it; or
 - (b) is insolvent or an undischarged bankrupt.

Housing and Planning Bill, *continued*

- (3B) Evidence is within this subsection if—
- (a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) is a person to whom subsection (3A)(a) or (b) applies; and
 - (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.”
- (6) In section 93, in subsection (2), in the words after paragraph (c)—
- (a) for “Section 89(1) applies” substitute “Section 89(1) and (1A) apply”;
 - (b) for “it applies” substitute “they apply”.

Clause, as amended, agreed to.

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook

Withdrawn 138

☆ Clause 86, page 35, line 24, leave out “as an alternative” and insert “in addition”

Clause agreed to.

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook

Withdrawn 139

☆ Schedule 4, page 78, line 9, leave out “but must not be more than £5,000”

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook

Not called 140

☆ Schedule 4, page 78, line 42, leave out “but must not be more than £5,000”

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook

Not called 141

☆ Schedule 4, page 79, line 32, leave out “but must not be more than £5,000”

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook

Not called 142

☆ Schedule 4, page 80, line 20, leave out “but must not be more than £2,000”

Housing and Planning Bill, *continued*

Schedule agreed to.

Clauses 87 to 90 agreed to.

Brandon Lewis

Schedule 5, page 83, line 21, leave out “Secretary of State” and insert “appropriate national authority” *Agreed to 129*

Brandon Lewis

Schedule 5, page 83, line 24, leave out sub-paragraph (4) and insert— *Agreed to 130*
“(4) At the end insert—

“(7) In sub-paragraph (1) “appropriate national authority” means—

- (a) in relation to a tenancy of land in England, the Secretary of State;
- (b) in relation to a tenancy of land in Wales, the Welsh Ministers.

(8) Regulations under sub-paragraph (1) may include transitional provision.

(9) Regulations under sub-paragraph (1) are to be made by statutory instrument.

(10) A statutory instrument containing regulations under sub-paragraph (1) is subject to annulment—

- (a) in the case of an instrument made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
- (b) in the case of an instrument made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.””

Brandon Lewis

Schedule 5, page 84, line 3, at end insert— *Agreed to 131*
“3 (1) Section 100 (orders and regulations) is amended as follows.
(2) In subsection (1), after “Secretary of State” insert “or the Welsh Ministers”.
(3) After subsection (2) insert—

“(3) Any power of the Welsh Ministers to make regulations under this Part shall be exercisable by statutory instrument which (except in the case of regulations making only such provision as is mentioned in section 99(6)) shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.””

Brandon Lewis

Schedule 5, page 84, line 9, leave out “Secretary of State” and insert “appropriate national authority” *Agreed to 132*

Housing and Planning Bill, *continued*

Brandon Lewis

Agreed to 133

Schedule 5, page 84, line 16, at end insert—

“() After sub-paragraph (10) insert—

“(11) In sub-paragraph (2) “appropriate national authority” means—

- (a) in relation to a leasehold interest of land in England, the Secretary of State;
- (b) in relation to a leasehold interest of land in Wales, the Welsh Ministers.””

Brandon Lewis

Agreed to 134

Schedule 5, page 84, line 29, leave out “Secretary of State” and insert “appropriate national authority”

Brandon Lewis

Agreed to 135

Schedule 5, page 84, line 31, at end insert—

“() After sub-paragraph (9) insert—

“(10) In sub-paragraph (2) “appropriate national authority” means—

- (a) in relation to a leasehold interest of land in England, the Secretary of State;
- (b) in relation to a leasehold interest of land in Wales, the Welsh Ministers.””

Schedule, as amended, agreed to.

Clause 91 agreed to.

[Adjourned until Tuesday 1 December at 9.25am