



House of Commons

Tuesday 5 January 2016

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus ★

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

HOUSING AND PLANNING BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Housing and Planning Bill (Programme (No. 2)) Motion to be proposed by Secretary Greg Clark.

NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO PART 1

Mrs Maria Miller
John Mann

NC1

To move the following Clause—

“Building Control Standards for Starter Homes

- (1) The Secretary of State shall by regulations require all starter homes meeting the definition at section 2 to meet the requirements of this section.
- (2) The requirements are that—
 - (a) the starter home complies with all the requirements of Building Regulations currently applicable to the dwelling at the time of its construction or adaptation;
 - (b) the starter home has been inspected by a Building Control Body in compliance with the Building Control Performance Standards currently applicable at the time of its construction or adaptation; and
 - (c) all records relating to all site inspections and assessments by the Building Control Body regarding the home’s compliance with the Building Regulations are made available to prospective buyers of the starter home.”

Member’s explanatory statement

This new Clause would require all Starter Homes not only to be subject to the statutory regime of building inspection controls, carried out in compliance with the Building Control Performance

Housing and Planning Bill, continued

Standards, but also to comply with a requirement for site inspection records and the assessment of compliance to be made available to home buyers.

Alex Cunningham
John Mann

NC2

To move the following Clause—

“Duty to meet the resilience objective

- (1) The Secretary of State and planning authorities in exercising and performing the powers and functions conferred or imposed by the provisions in Part 1 (New homes in England) and Part 6 (Planning in England) of this Act shall exercise or perform them in the manner which he or they consider is best calculated to further the resilience objective at subsection (2).
- (2) The resilience objective is—
 - (a) to secure the long-term resilience of housing developments as regards environmental pressures, population growth and changes in consumer behaviour, with particular regard to water supply management, sewerage management, flood risk mitigation and waste disposal, and
 - (b) to secure steps for the purpose of meeting, in the long term, the need for sustainable homes and communities, including by promoting—
 - (i) appropriate long-term planning and investment by relevant parties, and
 - (ii) the taking of measures by the relevant parties to manage resource use in sustainable ways, to achieve sustainable management of water, and to increase resource efficiency so as to reduce pressure on the natural environment.
- (3) In this section, “relevant parties” includes—
 - (a) relevant undertakers, including licence holders and authorised suppliers, as provided in the Gas Act 1986, the Electricity Act 1989 and the Water Industries Act 1991; and
 - (b) individuals and bodies corporate who are seeking planning permission in order to build houses.”

Member’s explanatory statement

This new Clause would provide a statutory duty on the Secretary of State and local authorities to secure and promote the resilience of housing and other development.

Housing and Planning Bill, *continued*

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

31

Clause 1, page 1, line 6, after “promote”, insert “new homes across all tenures, including”

Member’s explanatory statement

The amendment would change the purpose of the Bill to one that would enable the supply of more housing across all tenures rather than just starter homes.

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

32

Clause 1, page 1, line 7, at end insert “and the infrastructure needed to support such developments”

Member’s explanatory statement

The amendment would ensure that additional housing is supported with adequate infrastructure.

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

33

Clause 2, page 1, line 12, leave out “at a discount of at least 20% of the market value” and insert “at a price no higher than is affordable to a household receiving the median local household income, with affordability to be determined by the local authority.”

Member’s explanatory statement

The amendment would ensure that starter homes are affordable at locally-determined rates of income.

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

34

Clause 2, page 1, line 15, at end insert—

“() is not to be sold to buy-to-let investors”

Member’s explanatory statement

The amendment would exclude “Buy to Let Property ” from the definition of starter home.

Housing and Planning Bill, *continued*

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

35

Clause 2, page 1, line 15, at end insert—

“() is built on under-used or unviable brownfield sites not currently identified for housing on public and private land, as determined by the local authority.”

Member’s explanatory statement

The amendment would limit starter homes to ‘exception sites’, as previously announced by the Government.

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

37

Clause 2, page 2, line 10, at end insert—

“(d) lives or works locally, with the definition of local to be defined by the local authority or the Greater London Authority in London.”

Member’s explanatory statement

The amendment would ensure that a proportion of starter homes are available to local people.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

38

Clause 2, page 2, line 22, after “State”, insert “after consultation with the relevant local authority or local authorities and the Mayor of London.”

Member’s explanatory statement

The amendment would provide that the price cap can only be amended after consultation with the relevant local authorities and the Mayor of London.

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

39

Clause 2, page 2, line 25, at end insert—

“(8A) The restrictions on resales and letting at open market value relating to first time buyer starter homes must be in perpetuity.”

Member’s explanatory statement

The amendment would require the discount to remain in perpetuity.

Housing and Planning Bill, *continued*

Mr Gary Streeter

1

Clause 3, page 2, line 28, after “starter homes” insert “or alternative affordable home ownership products, such as rent to buy”

Member’s explanatory statement

This amendment would ensure that new developments provide a mix of affordable home ownership products for first time buyers, to further widen opportunities for home ownership.

Tim Farron

110

☆ Clause 3, page 2, line 28, after “starter homes” insert “and other types of affordable housing”

Member’s explanatory statement

This amendment would ensure that new developments include a range of affordable housing options, to rent and buy.

John Healey

Dr Roberta Blackman-Woods

Teresa Pearce

Helen Hayes

Matthew Pennycook

40

Clause 3, page 2, line 28, at end insert “except where the local authority considers that providing starter homes would prevent other types of affordable housing being built.”

Member’s explanatory statement

The amendment would enable local authorities to be able to ask for planning gain measures that provide for a range of affordable homes other than starter homes.

John Healey

Dr Roberta Blackman-Woods

Teresa Pearce

Helen Hayes

Matthew Pennycook

41

Clause 4, page 3, line 13, at end insert “and which has been subject to a full assessment of the need for starter homes in the relevant local authority area.”

Member’s explanatory statement

The amendment would ensure that priority is not given to the provision of starter homes in a given area before a full assessment of the number of such homes needed has taken place.

John Healey

Dr Roberta Blackman-Woods

Teresa Pearce

Helen Hayes

Matthew Pennycook

42

Clause 4, page 3, line 18, at end insert—

“The regulations may provide that sites can be exempted from the requirement to promote starter homes where a site has a scheme that—

- (a) is a “build to rent” scheme;

Housing and Planning Bill, *continued*

- (b) contains supported housing for younger people, older people, people with special needs and people with disabilities;
- (c) contains a homeless hostel;
- (d) contains refuge accommodation; or
- (e) contains specialist housing.”

Member’s explanatory statement

The amendment would remove sites from the starter homes requirement where other types of affordable housing has already been planned for.

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

43

Clause 5, page 3, line 31, at end insert “which must be displayed on the authority’s website and updated annually, contain information on all types of affordable housing, and include information that starter homes remain to be sold at 20% below market value.”

Member’s explanatory statement

The amendment would require local planning authorities to report on their functions in respect of starter homes, affordable housing more generally, and that starter homes remain to be sold below market value annually and to publish the report.

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

44

Clause 5, page 3, line 40, at end insert “and to demonstrate that the land in question is not needed for employment, retail, leisure, industrial or distribution use.”

Member’s explanatory statement

The amendment would empower the Secretary of State to require data on the extent to which land used for starter homes was not needed for employment, retail, leisure, industrial or distribution use.

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

45

Page 4, line 1, leave out Clause 6

Member’s explanatory statement

The amendment would remove Clause 6 from the Bill.

Housing and Planning Bill, *continued*

Mr Gary Streeter

2

Clause 6, page 4, line 4, after “starter homes” insert “or alternative affordable home ownership products such as rent to buy”

Member’s explanatory statement

This amendment would ensure that new developments provide a mix of affordable home ownership products for first time buyers, to further widen opportunities for home ownership.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

46

Clause 8, page 5, line 36, at end insert “and without unreasonable cost.”

Member’s explanatory statement

The amendment would prevent local authorities having to bring forward sites that are deemed to be at an unreasonable cost.

*NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO THE FOLLOWING:
(A) CHAPTER 3 OF PART 4; (B) THE RECOVERY OF SOCIAL HOUSING ASSISTANCE; (C)
THE INSOLVENCY OF SOCIAL HOUSING PROVIDERS; (D) PART 2; (E) PART 3*

Secretary Greg Clark

NC6

To move the following Clause—

“Reducing social housing regulation

Schedule (*Reducing social housing regulation*) contains amendments to reduce the regulation of social housing.”

Member’s explanatory statement

This new Clause and NS1 make various amendments to reduce the regulation of social housing.

Housing and Planning Bill, *continued*

Secretary Greg Clark

NS1

To move the following Schedule—

“REDUCING SOCIAL HOUSING REGULATION

PART 1

REMOVAL OF DISPOSAL CONSENT REQUIREMENTS

Housing Act 1985 (c. 68)

- 1 (1) Section 171D of the Housing Act 1985 (consent to certain disposals of housing obtained subject to the preserved right to buy) is amended as follows.
- (2) After subsection (2) insert—
 - “(2ZA) Subsection (2) does not apply to a disposal of land by a private registered provider of social housing.”
- (3) In subsection (2A)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “any other” substitute “a”.

Housing Act 1988 (c. 50)

- 2 The Housing Act 1988 is amended as follows.
- 3 (1) Section 81 (consent to certain disposals of housing obtained from housing action trusts) is amended as follows.
 - (2) In subsection (1), for “section 79(2)(za) or (a)” substitute “section 79(2)(a)”.
 - (3) In subsection (3A)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “any other” substitute “a”.
 - (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.
- 4 (1) Section 133 (consent to certain disposals of housing obtained from local authorities) is amended as follows.
 - (2) In subsection (1ZA)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “any other” substitute “a”.
 - (3) For subsection (1B) substitute—
 - “(1B) This section does not apply if the original disposal was made to a private registered provider of social housing.”
 - (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.

Local Government and Housing Act 1989 (c. 42)

- 5 (1) Section 173 of the Local Government and Housing Act 1989 (consent to certain disposals of housing obtained from new town corporations) is amended as follows.
 - (2) After subsection (1) insert—
 - “(1ZA) Subsection (1) does not apply to a disposal of land by a private registered provider of social housing.”

Housing and Planning Bill, *continued*

- (3) In subsection (1A)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “any other” substitute “a”.
- (4) In subsection (7), omit “section 148 or 172 of the Housing and Regeneration Act 2008,”.

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 6 In Schedule 10 to the Leasehold Reform, Housing and Urban Development Act 1993 (acquisition of Interests from Local Authorities etc), in paragraph 1(2)(b), for “sections 148 and 172” substitute “section 148”.

Housing and Regeneration Act 2008

- 7 The Housing and Regeneration Act 2008 is amended as follows.
- 8 In section 60 (structural overview), in subsection (4), in the final column of the entry relating to Chapter 5 of Part 2 of the Act—
 - (a) for paragraph (b) (Regulator’s consent) substitute—
“(b) Notification of regulator”;
 - (b) omit paragraphs (c), (d) and (g).
- 9 After section 74 insert—

“74A Leaving the social housing stock: transfer by private providers

- (1) A dwelling ceases to be social housing if a private registered provider of social housing owns the freehold or a leasehold interest and transfers it to a person who is not a registered provider of social housing.
- (2) Subsection (1) does not apply if and for so long as the private registered provider has a right to have the interest transferred back to it.
- (3) Subsection (1) does not apply where low cost home ownership accommodation is transferred to—
 - (a) the “buyer” under equity percentage arrangements (see section 70(5)), or
 - (b) the trustees under a shared ownership trust (see section 70(6)).
- (4) See section 73 for circumstances when low cost home ownership accommodation ceases to be social housing.”
- 10 (1) Section 75 (leaving the social housing stock) is amended as follows.
 - (2) Omit subsection (1).
 - (3) In subsections (2) and (3), for ““Subsections 1 and (1A) do” substitute “Subsection (1A) does”.
 - (4) In the heading, after “stock:” insert “local authority”.
- 11 In section 119 (de-registration: voluntary), in subsection (5), omit paragraph (a) and the “and” at the end of that paragraph.
- 12 In section 149 (moratorium: exempted disposals)—
 - (a) omit subsection (6);
 - (b) in subsection (7), for “6” substitute “5”;
 - (c) in subsection (8), for “7” substitute “6”.
- 13 In section 171 (power to dispose), in subsection (3), omit “(which include provisions requiring the regulator’s consent for certain disposals)”.

Housing and Planning Bill, *continued*

14 For the italic heading above section 172 substitute—

“Notification of regulator”.

15 Omit sections 172 to 175 (disposal consents).

16 For section 176 substitute—

“176 Notification of disposal

(1) If a private registered provider disposes of a dwelling that is social housing it must notify the regulator.

(2) If a non-profit registered provider disposes of land other than a dwelling it must notify the regulator.

(3) Subsection (1) continues to apply to any land of a private registered provider even if it has ceased to be a dwelling.

(4) The regulator may give directions about—

- (a) the period within which notifications under subsection (1) or (2) must be given;
- (b) the content of those notifications.

(5) The regulator may give directions dispensing with the notification requirement in subsection (1) or (2).

(6) A direction under this section may be—

- (a) general, or
- (b) specific (whether as to particular registered providers, as to particular property, as to particular forms of disposal or in any other way).

(7) A direction dispensing with a notification requirement—

- (a) may be expressed by reference to a policy for disposals submitted by a registered provider;
- (b) may include conditions.

(8) The regulator must make arrangements for bringing a direction under this section to the attention of every registered provider to which it applies.”

17 Omit section 179 and the italic heading before it (application of provisions of the Housing Act 1996 that have a connection with disposal consents.)

18 In section 186 (former registered providers), for “to 175” substitute “and 176 (apart from section 176(2))”.

19 Omit section 187 (change of use, etc).

20 Omit section 190 (consent to disposals under other legislation).

21 In section 278A (power to nominate for consultation purposes), for paragraph (b) substitute—

“(b) section 176;”.

PART 2

RESTRUCTURING AND DISSOLUTION: REMOVAL OF CONSENT REQUIREMENTS ETC

22 The Housing and Regeneration Act 2008 is amended as follows.

23 In section 115 (profit-making and non-profit organisations), in subsection (9), after “non-profit organisation” insert “or vice versa”.

Housing and Planning Bill, *continued*

24 For section 160 substitute—

“160 Company: arrangements and reconstructions

- (1) This section applies to a non-profit registered provider which is a registered company.
- (2) The registered provider must notify the regulator of any voluntary arrangement under Part 1 of the Insolvency Act 1986.
- (3) The registered provider must notify the regulator of any order under section 899 of the Companies Act 2006 (court sanction for compromise or arrangement).
- (4) An order under section 899 of Companies Act 2006 does not take effect until the registered provider has confirmed to the registrar of companies that the regulator has been notified.
- (5) The registered provider must notify the regulator of any order under section 900 of the Companies Act 2006 (powers of court to facilitate reconstruction or amalgamation).
- (6) The requirement in section 900(6) of the Companies Act 2006 (sending copy of order to registrar) is satisfied only if the copy is accompanied by confirmation that the regulator has been notified.”

25 For section 161 substitute—

“161 Company: conversion into registered society

- (1) This section applies to a non-profit registered provider which is a registered company.
- (2) The registered provider must notify the regulator of any resolution under section 115 of the Co-operative and Community Benefit Societies Act 2014 for converting the registered provider into a registered society.
- (3) The registrar of companies may register a resolution under that section only if the registered provider has confirmed to the registrar that the regulator has been notified.
- (4) The regulator must decide whether the new body is eligible for registration under section 112.
- (5) If the new body is eligible for registration, the regulator must register it and designate it as a non-profit organisation.
- (6) If the new body is not eligible for registration, the regulator must notify it of that fact.
- (7) Pending registration, or notification that it is not eligible for registration, the new body is to be treated as if it were registered and designated as a non-profit organisation.

26 For section 163 substitute—

“163 Registered society: restructuring

- (1) This section applies to a non-profit registered provider which is a registered society.

Housing and Planning Bill, *continued*

- (2) The registered provider must notify the regulator of any resolution passed by the society for the purposes of the restructuring provisions listed in subsection (4).
 - (3) The Financial Conduct Authority may register the resolution only if the registered provider has confirmed to the Financial Conduct Authority that the regulator has been notified.
 - (4) The following provisions of the Co-operative and Community Benefit Societies Act 2014 are the restructuring provisions—
 - (a) section 109 (amalgamation of societies);
 - (b) section 110 (transfer of engagements between societies);
 - (c) section 112 (conversion of society into a company etc).
 - (5) The regulator must decide whether the body created or to whom engagements are transferred (“the new body”) is eligible for registration under section 112.
 - (6) If the new body is eligible for registration, the regulator must register it and designate it as a non-profit organisation.
 - (7) If the new body is not eligible for registration, the regulator must notify it of that fact.
 - (8) Pending registration, or notification that it is not eligible for registration, the new body is to be treated as if it were registered and designated as a non-profit organisation.”
- 27 In section 165 (registered society: dissolution), for subsection (2) substitute—
- “(2) The registered provider must notify the regulator.
- (3) The Financial Conduct Authority may register the instrument under section 121 of that Act, or cause notice of the dissolution to be advertised under section 122 of that Act, only if the registered provider has confirmed to the Financial Conduct Authority that the regulator has been notified.”
- 28 Omit section 166 (winding up petition by regulator).
- 29 After section 169 insert—

*“Notification of constitutional changes***169A Registered societies: change of rules**

A non-profit registered provider that is a registered society must notify the regulator of any change to the society’s rules.

169B Charity: change of objects

The trustees of a registered charity that is a non-profit registered provider must notify the regulator of any amendment to the charity’s objects.

169C Companies: change of articles etc

A non-profit registered provider that is a registered company must notify the regulator of—

- (a) any amendment of the company’s articles of association,
- (b) any change to its name or registered office.”

Housing and Planning Bill, *continued*

Directions about notifications

169D Directions about notifications

- (1) The regulator may give directions about—
 - (a) the period within which notifications under sections 160 to 165 or 169A to 169C must be given by private registered providers;
 - (b) the content of those notifications.
- (2) The regulator may give directions dispensing with notification requirements imposed by sections 160 to 165 or 169A to 169C.
- (3) A direction under this section may be—
 - (a) general, or
 - (b) specific (whether as to particular registered providers, particular kinds of notification requirement or in any other way).
- (4) A direction dispensing with a notification requirement may include conditions.
- (5) The regulator must make arrangements for bringing a direction under this section to the attention of every registered provider to which it applies.”

30 In section 192 (overview), omit paragraph (c).

31 Omit sections 211 to 214 and the italic heading before section 211 (constitutional changes to non-profit providers).

PART 3

ABOLITION OF DISPOSAL PROCEEDS FUND

32 In the Housing and Regeneration Act 2008 omit—

- (a) sections 177 and 178;
- (b) the italic heading before section 177.

33 Regulations under section 152 in connection with the coming into force of paragraph 32 may, in particular, include provision to preserve the effect of sections 177 and 178 of the Housing and Regeneration Act 2008 for a period in relation to sums in a private registered provider’s disposal proceeds fund immediately before that paragraph comes into force (including later interest added under section 177(7) of that Act).

PART 4

ENFORCEMENT POWERS

34 The Housing and Regeneration Act 2008 is amended as follows.

35 In section 269 (appointment of new officers of non-profit registered providers) in subsection (1)(c), for “proper management of the body’s affairs” substitute “to ensure that the registered provider’s affairs are managed in accordance with legal requirements (imposed by or under an Act or otherwise)”.

Housing and Planning Bill, *continued*

36 In section 275 (interpretation), for the definition of “mismanagement” substitute—

““mismanagement”, in relation to the affairs of a registered provider, means managed in breach of any legal requirements (imposed by or under an Act or otherwise);”.

Member’s explanatory statement

See Member’s explanatory statement for NC6.

Secretary Greg Clark

4

Page 33, line 6, leave out Clause 78

Member’s explanatory statement

Clause 78 amends legislation that requires private registered providers to obtain consent before disposing of property. The purpose of the clause was to allow a disposal to refer to the right to buy deal. This clause is no longer needed because NS1 removes the general requirements for private registered providers to obtain consent before disposing of property.

Secretary Greg Clark

6

Clause 153, page 76, line 22, leave out paragraph (b)

Member’s explanatory statement

This is consequential on amendment 4.

Secretary Greg Clark

5

Clause 153, page 76, line 23, at end insert—

“() regulations under section (*Conduct of housing administration etc*) or paragraph 44 of Schedule (*Conduct of housing administration: companies*),”

Member’s explanatory statement

This ensures that the regulations mentioned in the amendment are subject to affirmative procedure.

Secretary Greg Clark

NC7

To move the following Clause—

“Recovery of social housing assistance: successors in title

- (1) Section 33 of the Housing and Regeneration Act 2008 (recovery of social housing assistance: interest and successors in title) is amended as follows.
- (2) In subsection (6)(b), after “another person” insert “(“the successor”)”.
- (3) After subsection (6) insert—
 - “(6A) But subsection (7) does not apply if—

Housing and Planning Bill, *continued*

- (a) the successor is a person other than a registered provider of social housing, and
- (b) at any time since the social housing assistance was given—
 - (i) a person has enforced a security over the social housing, or
 - (ii) the social housing has been disposed of by a body while it is being wound up or is in administration.””

(4) In subsection (7) for “that other person” substitute “the successor”.”

Member’s explanatory statement

Where the Homes and Community Agency gives financial assistance on condition that the recipient provides social housing, there are currently circumstances in which the financial assistance can be recovered from a successor in title to the recipient. The amendment limits the ability to recover from a successor in title in certain circumstances, for example where a mortgagee has taken steps to recover possession.

Secretary Greg Clark

NC8

To move the following Clause—

“Housing administration order: providers of social housing in England

- (1) In this Chapter “housing administration order” means an order which—
 - (a) is made by the court in relation to a private registered provider of social housing that is—
 - (i) a company,
 - (ii) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
 - (iii) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011, and
 - (b) directs that, while the order is in force, the provider’s affairs, business and property are to be managed by a person appointed by the court.
- (2) The person appointed for the purposes of the housing administration order is referred to in this Chapter as the “housing administrator”.
- (3) The housing administrator must—
 - (a) manage the provider’s affairs, business and property so as to achieve the objective set out in section (*Objective of housing administration*), and
 - (b) carry out all other functions so as to achieve that objective.
- (4) In relation to a housing administration order applying to a registered provider that is a foreign company, references in this section to the provider’s affairs, business and property are references to its UK affairs, business and property.”

Member’s explanatory statement

This is the first of a number new clauses designed to introduce a special administration regime for private registered providers of social housing that have become insolvent. There are also restrictions on other insolvency procedures. The intention is for these new clauses to form a new Chapter in Part 4 of the Bill. References in the amendments to “this Chapter” or to “Chapter 3A” are to the new Chapter.

Housing and Planning Bill, *continued*

Secretary Greg Clark

NC9

To move the following Clause—

“Objective of housing administration

- (1) The objective of a housing administration is to ensure that—
 - (a) that the registered provider’s social housing remains in the regulated housing sector, and
 - (b) that it becomes unnecessary, by one or more of the following means, for the housing administration order to remain in force for that purpose.
- (2) Those means are—
 - (a) the rescue as a going concern of the registered provider, and
 - (b) relevant transfers of some or all of the registered provider’s undertaking.
- (3) A transfer is a “relevant” transfer if it is a transfer as a going concern to another private registered provider, or to two or more different providers, of so much of the undertaking as it is appropriate to transfer for the purpose of achieving the objective of the housing administration.
- (4) The means by which relevant transfers may be effected in the case where the registered provider subject to the order is a company include, in particular—
 - (a) a transfer of the undertaking of the registered provider subject to the order, or of a part of its undertaking, to a wholly-owned subsidiary of that provider, and
 - (b) a transfer to a registered provider of securities of a wholly-owned subsidiary to which there has been a transfer within paragraph (a).
- (5) In subsection (4) “wholly-owned subsidiary” has the meaning given by section 1159 of the Companies Act 2006.
- (6) The objective of a housing administration may be achieved by relevant transfers to the extent only that—
 - (a) the rescue as a going concern of the registered provider is not reasonably practicable or is not reasonably practicable without the transfers,
 - (b) the rescue of the registered provider as a going concern would not achieve the objective of the housing administration or would not do so without the transfers,
 - (c) the transfers would produce a result for the registered provider’s creditors as a whole that is better than the result that would be produced without them, or
 - (d) the transfers would, without prejudicing the interests of the registered provider’s creditors as a whole, produce a result for the registered provider’s members as a whole that is better than the result that would be produced without them.
- (7) In the case of a charitable incorporated organisation, the reference in subsection (6)(d) to the registered provider’s members is to be read as a reference to the charitable incorporated organisation.
- (8) For the purposes of subsection (1)(a) social housing remains in the regulated housing sector for so long as it is owned by a private registered provider.”

Member’s explanatory statement*See Member’s explanatory statement for NC8.*

Housing and Planning Bill, *continued*

Secretary Greg Clark

NC10

To move the following Clause—

“Applications for housing administration orders

- (1) An application for a housing administration order may be made only—
 - (a) by the Secretary of State, or
 - (b) with the consent of the Secretary of State, by the Regulator of Social Housing.
- (2) The applicant for a housing administration order in relation to a registered provider must give notice of the application to—
 - (a) every person who has appointed an administrative receiver of the provider,
 - (b) every person who is or may be entitled to appoint an administrative receiver of the registered provider,
 - (c) every person who is or may be entitled to make an appointment in relation to the registered provider under paragraph 14 of Schedule B1 to the Insolvency Act 1986 (appointment of administrators by holders of floating charges), and
 - (d) any other persons specified by housing administration rules.
- (3) The notice must be given as soon as possible after the making of the application.
- (4) In this section “administrative receiver” means—
 - (a) an administrative receiver within the meaning given by section 251 of the Insolvency Act 1986 for the purposes of Parts 1 to 7 of that Act, or
 - (b) in relation to a foreign company, a person whose functions are equivalent to those of an administrative receiver and relate only to its UK affairs, business and property.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC11

To move the following Clause—

“Powers of court

- (1) On hearing an application for a housing administration order, the court has the following powers—
 - (a) it may make the order,
 - (b) it may dismiss the application,
 - (c) it may adjourn the hearing conditionally or unconditionally,
 - (d) it may make an interim order,
 - (e) it may treat the application as a winding-up petition and make any order the court could make under section 125 of the Insolvency Act 1986 (power of court on hearing winding-up petition), and
 - (f) it may make any other order which it thinks appropriate.
- (2) The court may make a housing administration order in relation to a registered provider only if it is satisfied—

Housing and Planning Bill, *continued*

- (a) that the registered provider is unable, or is likely to be unable, to pay its debts, or
 - (b) that, on a petition by the Secretary of State under section 124A of the Insolvency Act 1986, it would be just and equitable (disregarding the objective of the housing administration) to wind up the registered provider in the public interest.
- (3) The court may not make a housing administration order on the ground set out in subsection (2)(b) unless the Secretary of State has certified to the court that the case is one in which the Secretary of State considers (disregarding the objective of the housing administration) that it would be appropriate to petition under section 124A of the Insolvency Act 1986.
- (4) The court has no power to make a housing administration order in relation to a registered provider which—
- (a) is in administration under Schedule B1 to the Insolvency Act 1986, or
 - (b) has gone into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).
- (5) A housing administration order comes into force—
- (a) at the time appointed by the court, or
 - (b) if no time is appointed by the court, when the order is made.
- (6) An interim order under subsection (1)(d) may, in particular—
- (a) restrict the exercise of a power of the registered provider or of its relevant officers, or
 - (b) make provision conferring a discretion on a person qualified to act as an insolvency practitioner in relation to the registered provider.
- (7) In subsection (6)(a) “relevant officer”—
- (a) in relation to a company, means a director,
 - (b) in relation to a registered society, means a member of the management committee or other directing body of the society, and
 - (c) in relation to a charitable incorporated organisation, means a charity trustee (as defined by section 177 of the Charities Act 2011).
- (8) In the case of a foreign company, subsection (6)(a) is to be read as a reference to restricting the exercise of a power of the registered provider or of its directors—
- (a) within the United Kingdom, or
 - (b) in relation to the company’s UK affairs, business or property.
- (9) For the purposes of this section a registered provider is unable to pay its debts if—
- (a) it is deemed to be unable to pay its debts under section 123 of the Insolvency Act 1986, or
 - (b) it is an unregistered company which is deemed, as a result of any of sections 222 to 224 of the Insolvency Act 1986, to be so unable for the purposes of section 221 of that Act, or which would be so deemed if it were an unregistered company for the purposes of those sections.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Housing and Planning Bill, *continued*

Secretary Greg Clark

NC12

To move the following Clause—

“Housing administrators

- (1) The housing administrator of a registered provider—
 - (a) is an officer of the court, and
 - (b) in carrying out functions in relation to the registered provider, is the registered provider’s agent.
- (2) The management by the housing administrator of a registered provider of any of its affairs, business or property must be carried out for the purpose of achieving the objective of the housing administration as quickly and as efficiently as is reasonably practicable.
- (3) The housing administrator of a registered provider must carry out functions in the way which, so far as it is consistent with the objective of the housing administration to do so, best protects—
 - (a) the interests of the registered provider’s creditors as a whole, and
 - (b) subject to those interests, the interests of the registered provider’s members as a whole.
- (4) In the case of a charitable incorporated organisation, the reference in subsection (3)(b) to the interests of members is to the interests of the charitable incorporated organisation.
- (5) A person is not to be the housing administrator of a registered provider unless qualified to act as an insolvency practitioner in relation to the registered provider.
- (6) If the court appoints two or more persons as the housing administrator of a registered provider, the appointment must set out—
 - (a) which (if any) of the functions of a housing administrator are to be carried out only by the appointees acting jointly,
 - (b) the circumstances (if any) in which functions of a housing administrator are functions of one of the appointees, or by particular appointees, acting alone, and
 - (c) the circumstances (if any) in which things done in relation to one of the appointees, or in relation to particular appointees, are to be treated as done in relation to all of them.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC13

To move the following Clause—

“Conduct of administration etc

- (1) Schedule (*Conduct of housing administration: companies*) contains provision applying the provisions of Schedule B1 to the Insolvency Act 1986, and certain other legislation, to housing administration orders in relation to companies.
- (2) The Secretary of State may by regulations provide for any provision of Schedule B1 to the Insolvency Act 1986 or any other insolvency legislation to apply, with or without modifications, to cases where a housing administration order is made in relation to a registered society or a charitable incorporated organisation.

Housing and Planning Bill, *continued*

- (3) The Secretary of State may by regulations modify any insolvency legislation as it applies in relation to a registered society or a charitable incorporated organisation if the Secretary State considers the modifications are appropriate in connection with any provision made by or under this Chapter.
- (4) In subsection (3) “insolvency legislation” means—
 - (a) the Insolvency Act 1986, or
 - (b) any other legislation (whenever passed or made) that relates to insolvency or makes provision by reference to anything that is or may be done under the Insolvency Act 1986.
- (5) The power to make rules under section 411 of the Insolvency Act 1986 is to apply for the purpose of giving effect to this Chapter as it applies for the purpose of giving effect to Parts 1 to 7 of that Act (and, accordingly, as if references in that section to those Parts included references to this Chapter).
- (6) Section 413(2) of the Insolvency Act 1986 (duty to consult Insolvency Rules Committee about rules) does not apply to rules made under section 411 of that Act as a result of this section.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC14

To move the following Clause—

“Winding-up orders

- (1) This section applies if a person other than the Secretary of State petitions for the winding-up of a registered provider that is—
 - (a) a company,
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
 - (c) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011.
- (2) The court may not exercise its powers on a winding-up petition unless—
 - (a) notice of the petition has been given to the Regulator of Social Housing, and
 - (b) a period of at least 28 days has elapsed since that notice was given.
- (3) If an application for a housing administration order in relation to the registered provider is made to the court in accordance with section (*Applications for housing administration orders*) before a winding-up order is made on the petition, the court may exercise its powers under section (*Powers of court*) (instead of exercising its powers on the petition).
- (4) The Regulator of Social Housing must give the Secretary of State a copy of any notice given under subsection (2)(a).
- (5) References in this section to the court’s powers on a winding-up petition are to—
 - (a) its powers under section 125 of the Insolvency Act 1986 (other than its power of adjournment), and

Housing and Planning Bill, *continued*

(b) its powers under section 135 of the Insolvency Act 1986.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC15

To move the following Clause—

“Voluntary winding up

- (1) This section applies to a private registered provider that is—
 - (a) a company,
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
 - (c) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011.
- (2) The registered provider has no power to pass a resolution for voluntary winding up without the permission of the court.
- (3) Permission may be granted by the court only on an application made by the registered provider.
- (4) The court may not grant permission unless—
 - (a) notice of the application has been given to the Regulator of Social Housing, and
 - (b) a period of at least 28 days has elapsed since that notice was given.
- (5) If an application for a housing administration order in relation to the registered provider is made to the court in accordance with section (*Applications for housing administration orders*) after an application for permission under this section has been made and before it is granted, the court may exercise its powers under section (*Powers of court*).
- (6) The Regulator of Social Housing must give the Secretary of State a copy of any notice given under subsection (4)(a).
- (7) In this section “a resolution for voluntary winding up” has the same meaning as in the Insolvency Act 1986.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC16

To move the following Clause—

“Making of ordinary administration orders

- (1) This section applies if a person other than the Secretary of State makes an ordinary administration application in relation to a private registered provider that is—
 - (a) a company,

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- (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
 - (c) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011.
- (2) The court must dismiss the application if—
- (a) a housing administration order is in force in relation to the registered provider, or
 - (b) a housing administration order has been made in relation to the registered provider but is not yet in force.
- (3) If subsection (2) does not apply, the court, on hearing the application, must not exercise its powers under paragraph 13 of Schedule B1 to the Insolvency Act 1986 (other than its power of adjournment) unless—
- (a) notice of the application has been given to the Regulator of Social Housing,
 - (b) a period of at least 28 days has elapsed since that notice was given, and
 - (c) there is no application for a housing administration order which is outstanding.
- (4) The Regulator of Social Housing must give the Secretary of State a copy of any notice given under subsection (3)(a).
- (5) Paragraph 44 of Schedule B1 to the Insolvency Act 1986 (interim moratorium) does not prevent, or require the permission of the court for, the making of an application for a housing administration order.
- (6) On the making of a housing administration order in relation to a registered provider, the court must dismiss any ordinary administration application made in relation to the registered provider which is outstanding.
- (7) In this section “ordinary administration application” means an application in accordance with paragraph 12 of Schedule B1 to the Insolvency Act 1986.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC17

To move the following Clause—

“Administrator appointments by creditors

- (1) Subsections (2) to (4) make provision about appointments under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (powers to appoint administrators) in relation to a private registered provider that is—
- (a) a company,
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
 - (c) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011.
- (2) If in any case—
- (a) a housing administration order is in force in relation to the registered provider,
 - (b) a housing administration order has been made in relation to the registered provider but is not yet in force, or

Housing and Planning Bill, *continued*

- (c) an application for a housing administration order in relation to the registered provider is outstanding,
a person may not take any step to make an appointment.
- (3) In any other case, an appointment takes effect only if each of the following conditions are met.
- (4) The conditions are—
- (a) that notice of the appointment has been given to the Regulator of Social Housing, accompanied by a copy of every document in relation to the appointment that is filed or lodged with the court in accordance with paragraph 18 or 29 of Schedule B1 to the Insolvency Act 1986,
 - (b) that a period of 28 days has elapsed since that notice was given,
 - (c) that there is no outstanding application to the court for a housing administration order in relation to the registered provider, and
 - (d) that the making of an application for a housing administration order in relation to the registered provider has not resulted in the making of a housing administration order which is in force or is still to come into force.
- (5) The Regulator of Social Housing must give the Secretary of State a copy of any notice given under subsection (4)(a) (and a copy of the accompanying documents).
- (6) Paragraph 44 of Schedule B1 to the Insolvency Act 1986 (interim moratorium) does not prevent, or require the permission of the court for, the making of an application for a housing administration order at any time before the appointment takes effect.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC18

To move the following Clause—

“Enforcement of security

- (1) This section applies in relation to a private registered provider that is—
- (a) a company,
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
 - (c) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011
- (2) A person may not take any step to enforce a security over property of the registered provider unless—
- (a) notice of the intention to do so as been given to the Regulator of Social Housing, and
 - (b) a period of at least 28 days has elapsed since the notice was given.
- (3) In the case of a company which is a foreign company, the reference to the property of the company is to its property in the United Kingdom.

Housing and Planning Bill, *continued*

- (4) The Regulator of Social Housing must give the Secretary of State a copy of any notice given under subsection (2)(a).”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC19

To move the following Clause—

“Grants and loans where housing administration order is made

- (1) If a housing administration order has been made in relation to a registered provider, the Secretary of State may make grants or loans to the registered provider of such amounts as appear to the Secretary of State appropriate for achieving the objective of the housing administration.
- (2) A grant under this section may be made on any terms and conditions the Secretary of State considers appropriate (including provision for repayment, with or without interest).”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC20

To move the following Clause—

“Indemnities where housing administration order is made

- (1) If a housing administration order has been made in relation to a registered provider, the Secretary of State may agree to indemnify persons in respect of one or both of the following—
 - (a) liabilities incurred in connection with the carrying out of functions by the housing administrator, and
 - (b) loss or damage sustained in that connection.
- (2) The agreement may be made in whatever manner, and on whatever terms, the Secretary of State considers appropriate.
- (3) As soon as practicable after agreeing to indemnify persons under this section, the Secretary of State must lay a statement of the agreement before Parliament.
- (4) For repayment of sums paid by the Secretary of State in consequence of an indemnity agreed to under this section, see section (*Indemnities: repayment by registered provider etc*).
- (5) The power of the Secretary of State to agree to indemnify persons—
 - (a) is confined to a power to agree to indemnify persons in respect of liabilities, loss and damage incurred or sustained by them as relevant persons, but
 - (b) includes power to agree to indemnify persons (whether or not they are identified or identifiable at the time of the agreement) who subsequently become relevant persons.
- (6) The following are relevant persons for the purposes of this section—

Housing and Planning Bill, *continued*

- (a) the housing administrator,
 - (b) an employee of the housing administrator,
 - (c) a partner or employee of a firm of which the housing administrator is a partner,
 - (d) a partner or employee of a firm of which the housing administrator is an employee,
 - (e) a partner of a firm of which the housing administrator was an employee or partner at a time when the order was in force,
 - (f) a body corporate which is the employer of the housing administrator,
 - (g) an officer, employee or member of such a body corporate, and
 - (h) a Scottish firm which is the employer of the housing administrator or of which the housing administrator is a partner.
- (7) For the purposes of subsection (6)—
- (a) references to the housing administrator are to be read, where two or more persons are appointed as the housing administrator, as references to any one or more of them, and
 - (b) references to a firm of which a person was a partner or employee at a particular time include a firm which holds itself out to be the successor of a firm of which the person was a partner or employee at that time.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC21

To move the following Clause—

“Indemnities: repayment by registered provider etc

- (1) This section applies where a sum is paid out by the Secretary of State in consequence of an indemnity agreed to under section (*Indemnities where housing administration order is made*) in relation to the housing administrator of a registered provider.
- (2) The registered provider must pay the Secretary of State—
 - (a) such amounts in or towards the repayment to the Secretary of State of that sum as the Secretary of State may direct, and
 - (b) interest on amounts outstanding under this subsection at such rates as the Secretary of State may direct.
- (3) The payments must be made by the registered provider at such times and in such manner as the Secretary of State may determine.
- (4) Subsection (2) does not apply in the case of a sum paid by the Secretary of State for indemnifying a person in respect of a liability to the registered provider.
- (5) The Secretary of State must lay before Parliament a statement, relating to the sum paid out in consequence of the indemnity—
 - (a) as soon as practicable after the end of the financial year in which the sum is paid out, and
 - (b) if subsection (2) applies to the sum, as soon as practicable after the end of each subsequent financial year in relation to which the repayment condition has not been met.
- (6) The repayment condition is met in relation to a financial year if—

Housing and Planning Bill, *continued*

- (a) the whole of the sum has been repaid to the Secretary of State before the beginning of the year, and
- (b) the registered provider was not at any time during the year liable to pay interest on amounts that became due in respect of the sum.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC22

To move the following Clause—

“Guarantees where housing administration order is made

- (1) If a housing administration order has been made in relation to a registered provider the Secretary of State may guarantee—
 - (a) the repayment of any sum borrowed by the registered provider while that order is in force,
 - (b) the payment of interest on any sum borrowed by the registered provider while that order is in force, and
 - (c) the discharge of any other financial obligation of the registered provider in connection with the borrowing of any sum while that order is in force.
- (2) The Secretary of State may give the guarantees in whatever manner, and on whatever terms, the Secretary of State considers appropriate.
- (3) As soon as practicable after giving a guarantee under this section, the Secretary of State must lay a statement of the guarantee before Parliament.
- (4) For repayment of sums paid by the Secretary of State under a guarantee given under this section, see section (*Guarantees: repayment by registered provider etc.*)”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC23

To move the following Clause—

“Guarantees: repayment by registered provider etc

- (1) This section applies where a sum is paid out by the Secretary of State under a guarantee given by the Secretary of State under section (*Guarantees where housing administration order is made*) in relation to a registered provider.
- (2) The registered provider must pay the Secretary of State—
 - (a) such amounts in or towards the repayment to the Secretary of State of that sum as the Secretary of State may direct, and
 - (b) interest on amounts outstanding under this subsection at such rates as the Secretary of State may direct.
- (3) The payments must be made by the registered provider at such times, and in such manner, as the Secretary of State may from time to time direct.

Housing and Planning Bill, *continued*

- (4) The Secretary of State must lay before Parliament a statement, relating to the sum paid out under the guarantee—
 - (a) as soon as practicable after the end of the financial year in which the sum is paid out, and
 - (b) as soon as practicable after the end of each subsequent financial year in relation to which the repayment condition has not been met.
- (5) The repayment condition is met in relation to a financial year if—
 - (a) the whole of the sum has been repaid to the Secretary of State before the beginning of the year, and
 - (b) the registered provider was not at any time during the year liable to pay interest on amounts that became due in respect of the sum.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC24

To move the following Clause—

“Modification of this Chapter under the Enterprise Act 2002

- (1) The power to modify or apply enactments conferred on the Secretary of State by each of the sections of the Enterprise Act 2002 mentioned in subsection (2) includes power to make such consequential modifications of this Chapter as the Secretary of State considers appropriate in connection with any other provision made under that section.
- (2) Those sections are—
 - (a) sections 248 and 277 of the Enterprise Act 2002 (amendments consequential on that Act), and
 - (b) section 254 of the Enterprise Act 2002 (power to apply insolvency law to foreign companies).”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC25

To move the following Clause—

“Registered societies: ordinary administration procedure etc

In section 118 of the Co-operative and Community Benefit Societies Act 2014 (power to apply provisions about company arrangements and administration to registered societies, subject to exception in subsection (3)(a) for registered providers), in subsection (3), omit paragraph (a).”

Member’s explanatory statement

Section 118 of the Co-operative and Community Benefit Societies Act 2014 confers an order-making power to apply legislation about company arrangements and administration in relation to

Housing and Planning Bill, *continued*

registered societies other than registered providers of social housing. This new Clause removes the exclusion in relation to registered providers of social housing.

Secretary Greg Clark

NC26

To move the following Clause—

“Amendments to housing moratorium and consequential amendments

Schedule (*Amendments to housing moratorium and consequential amendments*) contains amendments to do with this Chapter.”

Secretary Greg Clark

NC27

To move the following Clause—

“Interpretation of Chapter

(1) In this Chapter—

“business”, “member”, “property” and “security” have the same meaning as in the Insolvency Act 1986;

“charitable incorporated organisation” means a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011;

“company” means—

- (a) a company registered under the Companies Act 2006, or
- (b) an unregistered company;

“the court”, in relation to a company or registered society, means the court having jurisdiction to wind up the company or registered society;

“foreign company” means a company incorporated outside the United Kingdom;

“housing administration order” has the meaning given by section (*Housing administration order*);

“housing administration rules” means rules made under section 411 of the Insolvency Act 1986 as a result of section (*Conduct of housing administration*) above;

“housing administrator” has the meaning given by section (*Housing administration order*) and is to be read in accordance with subsection (3) below;

“financial year” means a period of 12 months ending with 31 March;

“legislation” includes provision made by or under—

- (a) an Act,
- (b) an Act of the Scottish Parliament,
- (c) Northern Ireland legislation, or
- (d) a Measure or Act of the National assembly for Wales

“objective of the housing administration” is to be read in accordance with section (*Objective of a housing administration*);

Housing and Planning Bill, *continued*

“private registered provider” means a private registered provider of social housing (see section 80 of the Housing and Regeneration Act 2008);

“registered provider” means a registered provider of social housing (see section 80 of the Housing and Regeneration Act 2008);

“registered society” has the same meaning as in the Co-operative and Community Benefit Societies Act 2014;

“Regulator of Social Housing” has the meaning given by section 92A of the Housing and Regeneration Act 2008;

“Scottish firm” means a firm constituted under the law of Scotland;

“UK affairs, business and property”, in relation to a company, means—

- (a) its affairs and business so far as carried on in the United Kingdom, and
- (b) its property in the United Kingdom;

“unregistered company” means a company that is not registered under the Companies Act 2006.

- (2) In this Chapter references to the housing administrator of a registered provider—
 - (a) include a person appointed under paragraph 91 or 103 of Schedule B1 to the Insolvency Act 1986, as applied by Part 1 of Schedule (*Conduct of housing administration*) to this Act or regulations under section (*Conduct of housing administration etc*), to be the housing administrator of the registered provider, and
 - (b) if two or more persons are appointed as the housing administrator of the registered provider, are to be read in accordance with the provision made under section (*Housing administrators*).
- (3) References in this Chapter to a person qualified to act as an insolvency practitioner in relation to a registered provider are to be read in accordance with Part 13 of the Insolvency Act 1986, but as if references in that Part to a company included a company registered under the Companies Act 2006 in Northern Ireland.
- (4) For the purposes of this Chapter an application made to the court is outstanding if it—
 - (a) has not yet been granted or dismissed, and
 - (b) has not been withdrawn.
- (5) An application is not to be taken as having been dismissed if an appeal against the dismissal of the application, or a subsequent appeal, is pending.
- (6) An appeal is to be treated as pending for this purpose if—
 - (a) an appeal has been brought and has not been determined or withdrawn,
 - (b) an application for permission to appeal has been made but has not been determined or withdrawn, or
 - (c) no appeal has been brought and the period for bringing one is still running.
- (7) References in this Chapter to a provision of the Insolvency Act 1986 (except the references in subsection (2) above)—
 - (a) in relation to a company, are to that provision without the modifications made by Part 1 of Schedule (*Conduct of housing administration etc*) to this Act,
 - (b) in relation to a registered society, are to that provision as it applies to registered societies otherwise than by virtue of regulations under section (*Conduct of housing administration etc*) (if at all), and
 - (c) in relation to a charitable incorporated organisation, are to that provision as it applies to charitable incorporated organisations otherwise than by

Housing and Planning Bill, *continued*

virtue of regulations under section (*Conduct of housing administration etc*) (if at all).”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NC28

To move the following Clause—

“Application of Part to Northern Ireland

- (1) This section makes provision about the application of this Chapter to Northern Ireland.
- (2) Any reference to any provision of the Insolvency Act 1986 is to have effect as a reference to the corresponding provision of the Insolvency (Northern Ireland) Order 1989.
- (3) Section (*Interpretation of Part*)(3) is to have effect as if the reference to Northern Ireland were to England and Wales or Scotland.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NS2

To move the following Schedule—

“CONDUCT OF HOUSING ADMINISTRATION: COMPANIES

PART 1

MODIFICATIONS OF SCHEDULE B1 TO THE INSOLVENCY ACT 1981

Introductory

- 1 (1) The applicable provisions of Schedule B1 to the Insolvency Act 1986 are to have effect in relation to a housing administration order that applies to a company as they have effect in relation to an administration order under that Schedule applies to a company, but with the modifications set out in this Part of this Schedule.
- (2) The applicable provisions of Schedule B1 to the Insolvency Act 1986 are—
 - (a) paragraphs 1, 40 to 49, 54, 59 to 68, 70 to 75, 79, 83 to 91, 98 to 107, 109 to 111 and 112 to 116, and
 - (b) paragraph 50 (until the repeal of that paragraph by Schedule 10 to the Small Business, Enterprise and Employment Act 2015 comes into force).

Housing and Planning Bill, *continued*

General modifications of the applicable provisions

- 2 Those paragraphs are to have effect as if—
- (a) for “administration application”, in each place, there were substituted “housing administration application”,
 - (b) for “administration order”, in each place, there were substituted “housing administration order”,
 - (c) for “administrator”, in each place, there were substituted “housing administrator”,
 - (d) for “enters administration”, in each place, there were substituted “enters housing administration”,
 - (e) for “in administration”, in each place, there were substituted “in housing administration”, and
 - (f) for “purpose of administration”, in each place (other than in paragraph 111(1)), there were substituted “objective of the housing administration”.

Specific modifications

- 3 Paragraph 1 (administration) is to have effect as if—
- (a) for sub-paragraph (1) there were substituted—
 - “(1) In this Schedule “housing administrator”, in relation to a company, means a person appointed by the court for the purposes of a housing administration order to manage its affairs, business and property.”, and
 - (b) in sub-paragraph (2), for “Act” there were substituted “Schedule”.
- 4 Paragraph 40 (dismissal of pending winding-up petition) is to have effect as if sub-paragraphs (1)(b), (2) and (3) were omitted.
- 5 Paragraph 42 (moratorium on insolvency proceedings) is to have effect as if sub-paragraphs (4) and (5) were omitted.
- 6 Paragraph 44 (interim moratorium) is to have effect as if sub-paragraphs (2) to (4), (6) and (7)(a) to (c) were omitted.
- 7 Paragraph 46(6) (date for notifying administrator’s appointment) is to have effect as if for paragraphs (a) to (c) there were substituted “the date on which the housing administration order comes into force”.
- 8 Paragraph 49 (administrator’s proposals) is to have effect as if—
- (a) in sub-paragraph (2)(b) for “objective mentioned in paragraph 3(1)(a) or (b) cannot be achieved” there were substituted “objective of the housing administration should be achieved by means other than just a rescue of the company as a going concern”, and
 - (b) in sub-paragraph (4), after paragraph (a) there were inserted—
 - “(aa) to the Secretary of State and the Regulator of Social Housing.”.
- 9 Paragraph 54 is to have effect as if the following were substituted for it—
- “54 (1) The housing administrator of a company may on one or more occasions revise the proposals included in the statement made under paragraph 49 in relation to the company.
 - (2) If the housing administrator thinks that a revision is substantial, the housing administrator must send a copy of the revised proposals—
 - (a) to the registrar of companies,

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- (b) to the Secretary of State and the Regulator of Social Housing,
 - (c) to every creditor of the company, other than an opted-out creditor, of whose claim and address the housing administrator is aware, and
 - (d) to every member of the company of whose address the housing administrator is aware.
- (3) A copy sent in accordance with sub-paragraph (2) must be sent within the prescribed period.
- (4) The housing administrator is to be taken to have complied with sub-paragraph (2)(d) if the housing administrator publishes, in the prescribed manner, a notice undertaking to provide a copy of the revised proposals free of charge to any member of the company who applies in writing to a specified address.
- (5) A housing administrator who fails without reasonable excuse to comply with this paragraph commits an offence.”
- 10 Paragraph 60 (powers of an administrator) has effect as if after that sub-paragraph (2) there were inserted—
- “(3) The housing administrator of a company has the power to act on behalf of the company for the purposes of provision contained in any legislation which confers a power on the company or imposes a duty on it.
- (4) In sub-paragraph (2) “legislation” has the same meaning as in the Chapter 3A of Part 4 of the Housing and Planning Act 2015.”
- 11 Paragraph 68 (management duties of an administrator) is to have effect as if—
- (a) in sub-paragraph (1), for paragraphs (a) to (c) there were substituted “the proposals as—
 - (a) set out in the statement made under paragraph 49 in relation to the company, and
 - (b) from time to time revised under paragraph 54, for achieving the objective of the housing administration.”, and
 - (b) in sub-paragraph (3), for paragraphs (a) to (d) there were substituted “the directions are consistent with the achievement of the objective of the housing administration”.
- 12 Paragraph 73(3) (protection for secured or preferential creditor) is to have effect as if for “or modified” there were substituted “under paragraph 54”.
- 13 Paragraph 74 (challenge to administrator’s conduct) is to have effect as if—
- (a) for sub-paragraph (2) there were substituted—

“(2) If a company is in housing administration, a person mentioned in sub-paragraph (2A) may apply to the court claiming that the housing administrator is acting in a manner preventing the achievement of the objective of the housing administration as quickly and efficiently as is reasonably practicable.

(2A) The persons who may apply to the court are—

 - (a) the Secretary of State;
 - (b) with the consent of the Secretary of State, the Regulator of Social Housing;

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- (c) a creditor or member of the company.”,
- (b) in sub-paragraph (6)—
 - (i) at the end of paragraph (b) there were inserted “or”, and
 - (ii) paragraph (c) (and the “or” before it) were omitted, and
- (c) after that sub-paragraph there were inserted—
 - “(7) In the case of a claim made otherwise than by the Secretary of State or the Regulator of Social Housing, the court may grant a remedy or relief or make an order under this paragraph only if it has given the Secretary of State or the Regulator a reasonable opportunity of making representations about the claim and the proposed remedy, relief or order.
 - (8) The court may grant a remedy or relief or make an order on an application under this paragraph only if it is satisfied, in relation to the matters that are the subject of the application, that the housing administrator—
 - (a) is acting,
 - (b) has acted, or
 - (c) is proposing to act,
 in a way that is inconsistent with the achievement of the objective of the housing administration as quickly and as efficiently as is reasonably practicable.
 - (9) Before the making of an order of the kind mentioned in sub-paragraph (4)(d)—
 - (a) the court must notify the housing administrator of the proposed order and of a period during which the housing administrator is to have the opportunity of taking steps falling within sub-paragraphs (10) to (12), and
 - (b) the period notified must have expired without the taking of such of those steps as the court thinks should have been taken,
 and that period must be a reasonable period.
 - (10) In the case of a claim under sub-paragraph (1)(a), the steps referred to in sub-paragraph (9) are—
 - (a) ceasing to act in a manner that unfairly harms the interests to which the claim relates,
 - (b) remedying any harm unfairly caused to those interests, and
 - (c) steps for ensuring that there is no repetition of conduct unfairly causing harm to those interests.
 - (11) In the case of a claim under sub-paragraph (1)(b), the steps referred to in sub-paragraph (9) are steps for ensuring that the interests to which the claim relates are not unfairly harmed.
 - (12) In the case of a claim under sub-paragraph (2), the steps referred to in sub-paragraph (9) are—
 - (a) ceasing to act in a manner preventing the achievement of the objective of the housing

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- administration as quickly and as efficiently as is reasonably practicable,
- (b) remedying the consequences of the housing administrator having acted in such a manner, and
- (c) steps for ensuring that there is no repetition of conduct preventing the achievement of the objective of the housing administration as quickly and as efficiently as is reasonably practicable.”
- 14 Paragraph 75(2) (misfeasance) is to have effect as if after paragraph (b) there were inserted—
- “(ba) a person appointed as an administrator of the company under the provisions of this Act, as they have effect in relation to administrators other than housing administrators.”.
- 15 Paragraph 79 (end of administration) is to have effect as if—
- (a) for sub-paragraphs (1) and (2) there were substituted—
- “(1) On an application made by a person mentioned in sub-paragraph (2), the court may provide for the appointment of a housing administrator of a company to cease to have effect from a specified time.
- (2) An application may be made to the court under this paragraph—
- (a) by the Secretary of State,
- (b) with the consent of the Secretary of State, by the Regulator of Social Housing, or
- (c) with the consent of the Secretary of State, by the housing administrator.”, and
- (b) sub-paragraph (3) were omitted.
- 16 Paragraph 83(3) (notice to registrar when moving to voluntary liquidation) is to have effect as if after “may” there were inserted “, with the consent of the Secretary of State or of the Regulator of Social Housing.”.
- 17 Paragraph 84 (notice to registrar when moving to dissolution) is to have effect as if—
- (a) in sub-paragraph (1), for “to the registrar of companies” there were substituted—
- “(a) to the Secretary of State and the Regulator of Social Housing, and
- (b) if directed to do so by either the Secretary of State or the Regulator of Social Housing, to the registrar of companies.”,
- (b) sub-paragraph (2) were omitted, and
- (c) in sub-paragraphs (3) to (6), for “(1)”, in each place, there were substituted “(1)(b)”.
- 18 Paragraph 87(2) (resignation of administrator) is to have effect as if for paragraphs (a) to (d) there were substituted “by notice in writing to the court”.
- 19 Paragraph 89(2) (administrator ceasing to be qualified) is to have effect as if for paragraphs (a) to (d) there were substituted “to the court”.
- 20 Paragraph 90 (filling vacancy in office of administrator) is to have effect as if for “Paragraphs 91 to 95 apply” there were substituted “Paragraph 91 applies”.
- 21 Paragraph 91 (vacancies in court appointments) is to have effect as if—

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- (a) for sub-paragraph (1) there were substituted—
- “(1) The court may replace the housing administrator on an application made—
- (a) by the Secretary of State,
- (b) with the consent of the Secretary of State, by the Regulator of Social Housing, or
- (c) where more than one person was appointed to act jointly as the housing administrator, by any of those persons who remains in office.”
- (b) sub-paragraph (2) were omitted.
- 22 Paragraph 98 (discharge from liability on vacation of office) is to have effect as if sub-paragraphs (2)(b) and (ba), (3) and (3A) were omitted.
- 23 Paragraph 99 (charges and liabilities upon vacation of office by administrator) is to have effect as if—
- (a) in sub-paragraph (4), for the words from the beginning to “cessation”, in the first place, there were substituted “A sum falling within sub-paragraph (4A)”,
- (b) after that sub-paragraph there were inserted—
- “(4A) A sum falls within this sub-paragraph if it is—
- (a) a sum payable in respect of a debt or other liability arising out of a contract that was entered into before cessation by the former housing administrator or a predecessor,
- (b) a sum that must be repaid by the company in respect of a grant that was made under section (*Grants and loans where housing administration order is made*) of the Housing and Planning Act 2015 before cessation,
- (c) a sum that must be repaid by the company in respect of a loan made under that section before cessation or that must be paid by the company in respect of interest payable on such a loan,
- (d) a sum payable by the company under section (*Indemnities: repayment by registered provider etc*) of that Act in respect of an agreement to indemnify made before cessation, or
- (e) a sum payable by the company under section (*Guarantees: repayment by registered provider etc*) of that Act in respect of a guarantee given before cessation.”, and
- (c) in sub-paragraph (5), for “(4)” there were substituted “(4A)(a)”.
- 24 Paragraph 100 (joint and concurrent administrators) is to have effect as if sub-paragraph (2) were omitted.
- 25 Paragraph 101(3) (joint administrators) is to have effect as if after “87 to” there were inserted “91, 98 and”.
- 26 Paragraph 103 (appointment of additional administrators) is to have effect as if—
- (a) in sub-paragraph (2) the words from the beginning to “order” were omitted and for paragraph (a) there were substituted—
- “(a) the Secretary of State,
- (aa) the Regulator of Social Housing, or”,

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- (b) after that sub-paragraph there were inserted—
- “(2A) The consent of the Secretary of State is required for an application by the Regulator of Social Housing for the purposes of sub-paragraph (2).”, and
- (c) sub-paragraphs (3) to (5) were omitted.
- 27 Paragraph 106(2) (penalties) is to have effect as if paragraphs (a), (b), (f), (g), (i) and (l) to (n) were omitted.
- 28 Paragraph 109 (references to extended periods) is to have effect as if “or 108” were omitted.
- 29 Paragraph 111 (interpretation) is to have effect as if—
- (a) in sub-paragraph (1), the definitions of “correspondence”, “holder of a qualifying floating charge”, “the purpose of administration” and “unable to pay its debts” were omitted,
- (b) in that sub-paragraph, at the appropriate places were inserted—
- ““company” and “court” have the same meaning as in Chapter 3A of Part 4 of the Housing and Planning Act 2015,”,
- ““housing administration application” means an application to the court for a housing administration order under Chapter 3A of Part 4 of the Housing and Planning Act 2015,”,
- ““housing administration order” has the same meaning as in Chapter 3A of Part 4 of the Housing and Planning Act 2015,”,
- ““objective”, in relation to a housing administration, is to be read in accordance with section (*Objective of housing administration*) of the Housing and Planning Act 2015,”, and
- ““prescribed” means prescribed by housing administration rules within the meaning of Chapter 3A of Part 4 of the Housing and Planning Act 2015.”,
- (c) sub-paragraphs (1A) and (1B) were omitted, and
- (d) after sub-paragraph (3) there were inserted—
- “(4) For the purposes of this Schedule a reference to a housing administration order includes a reference to an appointment under paragraph 91 or 103.”

PART 2

FURTHER MODIFICATIONS OF SCHEDULE B1 TO INSOLVENCY ACT 1986: FOREIGN COMPANIES

Introductory

- 30 (1) This Part of this Schedule applies in the case of a housing administration order applying to a foreign company.
- (2) The provisions of Schedule B1 to the Insolvency Act 1986 mentioned in paragraph 1 above (as modified by Part 1 of this Schedule) have effect in relation to the company with the further modifications set out in this Part of this Schedule.
- (3) The Secretary of State may by regulations amend this Part of this Schedule so as to add more modifications.

Housing and Planning Bill, *continued*

- 31 In paragraphs 32 to 37—
- (a) the provisions of Schedule B1 to the Insolvency Act 1986 that are mentioned in paragraph 1 above are referred to as the applicable provisions, and
 - (b) references to those provisions, or to provisions comprised in them, are references to those provisions as modified by Part 1 of this Schedule.

Modifications

- 32 In the case of a foreign company—
- (a) paragraphs 42(2), 83 and 84 of Schedule B1 to the Insolvency Act 1986 do not apply,
 - (b) paragraphs 46(4), 49(4)(a), 54(2)(a), 71(5) and (6), 72(4) and (5) and 86 of that Schedule apply only if the company is subject to a requirement imposed by regulations under section 1043 or 1046 of the Companies Act 2006 (unregistered UK companies or overseas companies), and
 - (c) paragraph 61 of that Schedule does not apply.
- 33 (1) The applicable provisions and Schedule 1 to the Insolvency Act 1986 (as applied by paragraph 60(1) of Schedule B1 to that Act) are to be read by reference to the limitation imposed on the scope of the housing administration order in question as a result of section (*Housing administration order*)(4) above.
- (2) Sub-paragraph (1) has effect, in particular, so that—
- (a) a power conferred, or duty imposed, on the housing administrator by or under the applicable provisions or Schedule 1 to the Insolvency Act 1986 is to be read as being conferred or imposed in relation to the company’s UK affairs, business and property,
 - (b) references to the company’s affairs, business or property are to be read as references to its UK affairs, business and property,
 - (c) references to goods in the company’s possession are to be read as references to goods in its possession in the United Kingdom,
 - (d) references to premises let to the company are to be read as references to premises let to it in the United Kingdom, and
 - (e) references to legal process instituted or continued against the company or its property are to be read as references to such legal process relating to its UK affairs, business and property.
- 34 Paragraph 41 of Schedule B1 to the Insolvency Act 1986 (dismissal of receivers) is to have effect as if—
- (a) for sub-paragraph (1) there were substituted—
 - “(1) Where a housing administration order takes effect in respect of a company—
 - (a) a person appointed to perform functions equivalent to those of an administrative receiver, and
 - (b) if the housing administrator so requires, a person appointed to perform functions equivalent to those of a receiver,

must refrain, during the period specified in sub-paragraph (1A), from performing those functions in the United Kingdom or in relation to any of the company’s property in the United Kingdom.

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- (1A) That period is—
- (a) in the case of a person mentioned in sub-paragraph (1)(a), the period while the company is in housing administration, and
 - (b) in the case of a person mentioned in sub-paragraph (1)(b), during so much of that period as is after the date on which the person is required by the housing administrator to refrain from performing functions.”, and
- (b) sub-paragraphs (2) to (4) were omitted.
- 35 Paragraph 43(6A) of Schedule B1 to the Insolvency Act 1986 (moratorium on appointment to receiverships) is to have effect as if for “An administrative receiver” there were substituted “A person with functions equivalent to those of an administrative receiver”.
- 36 Paragraph 44(7) of Schedule B1 to the Insolvency Act 1986 (proceedings to which interim moratorium does not apply) is to have effect as if for paragraph (d) there were substituted—
- “(d) the carrying out of functions by a person who (whenever appointed) has functions equivalent to those of an administrative receiver of the company.”
- 37 Paragraph 64 of Schedule B1 to the Insolvency Act 1986 (general powers of administrator) is to have effect as if—
- (a) in sub-paragraph (1), after “power” there were inserted “in relation to the affairs or business of the company so far as carried on in the United Kingdom or to its property in the United Kingdom”, and
 - (b) in sub-paragraph (2)(b), after “instrument” there were inserted “or by the law of the place where the company is incorporated”.

PART 3

OTHER MODIFICATIONS

General modifications

- 38 (1) References within sub-paragraph (2) which are contained—
- (a) in the Insolvency Act 1986 (other than Schedule B1 to that Act), or
 - (b) in other legislation passed or made before this Act,
- include references to whatever corresponds to them for the purposes of this paragraph.
- (2) The references are those (however expressed) which are or include references to—
- (a) an administrator appointed by an administration order,
 - (b) an administration order,
 - (c) an application for an administration order,
 - (d) a company in administration,
 - (e) entering into administration, and
 - (f) Schedule B1 to the Insolvency Act 1986 or a provision of that Schedule.
- (3) For the purposes of this paragraph—
- (a) a housing administrator of a company corresponds to an administrator appointed by an administration order,

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- (b) a housing administration order in relation to a company corresponds to an administration order,
 - (c) an application for a housing administration order in relation to a company corresponds to an application for an administration order,
 - (d) a company in housing administration corresponds to a company in administration,
 - (e) entering into housing administration in relation to a company corresponds to entering into administration, and
 - (f) what corresponds to Schedule B1 to the Insolvency Act 1986 or a provision of that Schedule is that Schedule or that provision as applied by Part 1 of this Schedule.
- 39 (1) Paragraph 38, in its application to section 1(3) of the Insolvency Act 1986, does not entitle the housing administrator of an unregistered company to make a proposal under Part 1 of the Insolvency Act 1986 (company voluntary arrangements).
- (2) Paragraph 38 does not confer any right under section 7(4) of the Insolvency Act 1986 (implementation of voluntary arrangements) for a supervisor of voluntary arrangements to apply for a housing administration order in relation to a company that is a private registered provider.
- (3) Paragraph 38 does not apply to section 359 of the Financial Services and Markets Act 2000 (administration order).

Modifications of the Insolvency Act 1986

- 40 The following provisions of the Insolvency Act 1986 are to have effect in the case of any housing administration with the following modifications.
- 41 Section 5 (effect of approval of voluntary arrangements) is to have effect as if after subsection (4) there were inserted—
- “(4A) Where the company is in housing administration, the court must not make an order or give a direction under subsection (3) unless—
- (a) the court has given the Secretary of State or the Regulator of Social Housing a reasonable opportunity of making representations to it about the proposed order or direction, and
 - (b) the order or direction is consistent with the objective of the housing administration.
- (4B) In subsection (4A) “in housing administration” and “objective of the housing administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule (*Conduct of housing administration: companies*) to the Housing and Planning Act 2015.”
- 42 Section 6 (challenge of decisions in relation to voluntary arrangements) is to have effect as if—
- (a) in subsection (2), for “this section” there were substituted “subsection (1)”,
 - (b) after that subsection there were inserted—
- “(2AA) Subject to this section, where a voluntary arrangement in relation to a company in housing administration is approved at the meetings summoned under section 3, an application to the court may be made—
- (a) by the Secretary of State, or
 - (b) with the consent of the Secretary of State, by the Regulator of Social Housing,

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on the ground that the voluntary arrangement is not consistent with the achievement of the objective of the housing administration.”,

- (c) in subsection (4), after “subsection (1)” there were inserted “or, in the case of an application under subsection (2AA), as to the ground mentioned in that subsection”, and
- (d) after subsection (7) there were inserted—

“(7A) In this section “in housing administration” and “objective of the housing administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule (*Conduct of housing administration: companies*) to the Housing and Planning Act 2015.”

- 43 In section 129(1A) (commencement of winding up), the reference to paragraph 13(1)(e) of Schedule B1 is to include section (*Powers of court*)(1)(e) of this Act.

Power to make further modifications

- 44 (1) The Secretary of State may by regulations amend this Part of this Schedule so as to add further modifications.
- (2) The further modifications that may be made are confined to such modifications of—
 - (a) the Insolvency Act 1986, or
 - (b) other legislation passed or made before this Act that relate to insolvency or make provision by reference to anything that is or may be done under the Insolvency Act 1986,
 as the Secretary of State considers appropriate in relation to any provision made by or under this Chapter.

Interpretation of Part 3 of Schedule

- 45 In this Part of this Schedule—
 - “administration order”, “administrator”, “enters administration” and “in administration” are to be read in accordance with Schedule B1 to the Insolvency Act 1986 (disregarding Part 1 of this Schedule), and
 - “enters housing administration” and “in housing administration” are to be read in accordance with Schedule B1 to the Insolvency Act 1986 (as applied by Part 1 of this Schedule).”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

NS3

To move the following Schedule—

“AMENDMENTS TO HOUSING MORATORIUM AND CONSEQUENTIAL AMENDMENTS

- 1 The Housing and Regeneration Act 2008 is amended as follows.
- 2 Omit section 144 (insolvency: preparatory steps notice).

Housing and Planning Bill, *continued*

- 3 For section 145 substitute—
- “145 Moratorium**
- A moratorium on the disposal of land by a private registered provider begins if a notice is given to the regulator under any of the following provisions of the Housing and Planning Act 2015—
- (a) section (*Winding-up orders*)(2)(a) (notice of winding up petition);
 - (b) section (*Voluntary winding up*)(4)(a) (notice of application for permission to pass a resolution for voluntary winding up);
 - (c) section (*Making of ordinary administration orders*)(3)(a) (notice of ordinary administration application);
 - (d) section (*Administrator appointments by creditors*)(4)(a) (notice of appointment of ordinary administrator);
 - (e) section (*Enforcement of security*)(2)(a) (notice of intention to enforce security).”
- 4 (1) Section 146 (duration of moratorium) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The moratorium begins when the notice mentioned in section 145 is given.
 - (2) The moratorium ends when one of the following occurs—
 - (a) the expiry of the relevant period,
 - (b) the making of a housing administration order under Chapter 3A of Part 4 of the Housing and Planning Act 2015 in relation to the registered provider, or
 - (c) the cancellation of the moratorium (see subsection (5)).
 - (2A) The “relevant period” is—
 - (a) the period of 28 days beginning with the day on which the notice mentioned in section 145 is given, plus
 - (b) any period by which that period is extended under subsection (3).”
- (3) Omit subsection (6).
- (4) For subsection (9) substitute—
- “(9) If a notice mentioned in section 145 is given during a moratorium, that does not—
 - (a) start a new moratorium, or
 - (b) alter the existing moratorium’s duration.”
- 5 (1) Section 147 (further moratorium) is amended as follows.
- (2) In subsection (1)(b), for “step specified in section 145 is taken” substitute “notice mentioned in section 145 is given”.
- (3) In subsection (2), for “step” substitute “notice”.
- 6 In section 154 (proposals: effect), in subsection (2), after paragraph (a) insert—
- “(aa) in the case of a charitable incorporated organisation, its charity trustees (as defined by section 177 of the Charities Act 2011),”.
- 7 Omit section 162 (consent to company winding up).
- 8 Omit section 164 (consent to registered society winding up).
- 9 In section 275 (general interpretation), omit the definition of “working day”.

Housing and Planning Bill, *continued*

- 10 In section 276 (index of defined terms), omit the entry relating to “working day”.”

Member’s explanatory statement

See Member’s explanatory statement for NC8.

Secretary Greg Clark

- Clause 154, page 77, line 4, leave out “This Part extends” and insert “Chapter 3A of Part 4 and this Part extend”

Member’s explanatory statement

This ensures that the new clauses about special administration for private registered providers etc (see Member’s explanatory statement for NC8 extend throughout the United Kingdom.

Secretary Greg Clark

NC37

To move the following Clause—

“Content of banning order: company involvement

- (1) A banning order may include provision banning the person against whom it is made from being involved in any company that carries out an activity that the person is banned by the order from carrying out.
- (2) For this purpose a person is “involved” in a company if the person acts as a officer of the company or directly or indirectly takes part in or is concerned in the management of the company.”

Member’s explanatory statement

This new Clause allows the Tribunal when making a banning order under Part 2 of the Bill to ban a person from being involved in certain companies. It is intended, in part, as an anti-avoidance measure.

Dame Angela Watkinson

NC5

To move the following Clause—

“Provision of tenure information when collecting council tax information.

- (1) The Local Government Finance Act 1992 (LGFA 1992) is amended as follows—
- (2) After Section 27 [*Information about properties*] of the LGFA 1992 insert—

“27A Information about tenure

- (1) Whenever a billing authority requests council tax information from the resident, owner or managing agent of any dwelling, the authority must request the provision by that person of tenure information in respect of the dwelling unless—
 - (a) that person has already given that information to the authority, or

Housing and Planning Bill, *continued*

- (b) the authority already holds that information.
- (2) “Tenure information” means current information regarding—
 - (a) the category into which the dwelling falls; and
 - (b) if the dwelling is privately rented (but not otherwise), the name and address of the owner of the dwelling or, if this is not known, the name and address of—
 - (i) the managing agent, if any, or
 - (ii) recipient of the rent payable.
- (3) A person who is subject to a request under subsection (1) must provide the information to the billing authority in such manner as the authority may request as soon as is practicable and in any event within 21 days of the making of the request, but only insofar as the information is in his possession or under his control.
- (4) A request to a person to provide tenure information may be made by the billing authority by such means as the authority considers appropriate including a verbal request made by or on behalf of the authority.
- (5) The billing authority must retain any tenure information which they hold in relation to any dwelling, however it was obtained, but the authority may destroy or delete that information after the expiry of 12 months from the date when that information is known to have ceased to be current.
- (6) A request under subsection (1) must be accompanied by a warning that failure to comply may result in the imposition of a financial penalty.
- (7) A request for the provision of tenure information may be made, and must be complied with, even though the authority requests the provision of that information for other purposes, including but not limited to housing purposes.
- (8) A local authority may use tenure information supplied under this Act for any reasonable and lawful purpose within its duties and responsibilities.
- (9) A person may be requested by a billing authority to supply information under any provision included in regulations under paragraphs 2, 3, 9 or 10(2) of Schedule 2 even though such a request is made for housing purposes.
- (10) The LGFA 1992 is further amended as follows—
 - (a) in paragraph 1(1) of Schedule 3 [*penalties*], after the words “any provisions”, insert the words “in section 27A or”;
 - (b) in paragraph 1(2) of Schedule 3 [*penalties*], after the words “any provisions”, insert the words “in section 27A or”; and
 - (c) in paragraph 1(1) of Schedule 4 [*enforcement*], after the words “any provision”, insert the words “in section 27A or”.
- (11) The Housing Act 2004 is amended as follows, in paragraph (a) of section 237(1), after the word “premises”, insert the words “or for any other function which is exercisable by a housing authority”.
- (12) No duty of confidentiality, contractual obligation, nor any provision of the Data Protection Act 1998 shall prevent the supply of tenure information under this section.””

Member’s explanatory statement

This new Clause would require existing powers to collect information to be deployed consistently

Housing and Planning Bill, *continued*

thus enabling local authorities to enforce regulations relating to the private rented sector more effectively to tackle a rogue minority of private landlords. It would also enable the size and shape of the private rented sector and property ownership to be assessed accurately for the first time for housing policy-making purposes.

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

NC55

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 new Clause 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.

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

NC56

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 5 of and Schedule 2 to the Housing Act 1996, to cover disputes between tenants and to 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 5 of and Schedule 2 to the Housing Act 1996, to cover disputes between tenants and private landlords nationwide.”

Member’s explanatory statement

The 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

Housing and Planning Bill, *continued*

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.

Secretary Greg Clark

12

Clause 13, page 9, line 12, at end insert—

“() See also section (*Content of banning order: company involvement*) (which enables a banning order to include a ban on involvement in certain companies).”

Member’s explanatory statement

See Member’s explanatory statement for NC37.

Secretary Greg Clark

13

Clause 16, page 10, line 24, leave out “the ban for each banned activity” and insert “each ban imposed by the order”

Member’s explanatory statement

This amendment and amendment 15 ensure that the provisions of clause 16 apply to a ban on involvement in a company as envisaged by NC37.

Secretary Greg Clark

14

Clause 16, page 10, line 25, leave out “6” and insert “12”

Member’s explanatory statement

This amendment increases the minimum length of a ban imposed by a banning order to 12 months.

Secretary Greg Clark

15

Clause 16, page 10, line 26, leave out first “the” and insert “a”

Member’s explanatory statement

See Member’s explanatory statement for amendment 13.

Secretary Greg Clarke

16

Clause 21, page 12, line 15, leave out “£5,000” and insert “£30,000”

Member’s explanatory statement

This increases the maximum financial penalty that may be imposed where a person has breached a banning order.

Housing and Planning Bill, *continued*

Secretary Greg Clark

17

Clause 28, page 14, line 16, at end insert—

“(1A) A local housing authority in England may make an entry in the database in respect of a person who has, at least twice within a period of 12 months, received a financial penalty in respect of a banning order offence committed at a time when the person was a residential landlord or a property agent.

(1B) A financial penalty is to be taken into account for the purposes of subsection (1A) only if the period for appealing the penalty has expired and any appeal has been finally determined or withdrawn.”

Member’s explanatory statement

This extends the power to include people in the database of rogue landlords and property agents.

Secretary Greg Clark

18

Clause 29, page 15, line 10, at end insert “, or

(b) received the second of the financial penalties to which the notice relates.”

Member’s explanatory statement

This is consequential on amendment 17.

Secretary Greg Clark

19

Clause 31, page 15, line 35, at end insert—

“(f) details of financial penalties that the person has received.”

Member’s explanatory statement

This relates to the power to make regulations about the information that must be included in a person’s entry in the database of rogue landlords and property agents. It provides that regulations may require details of financial penalties to be included.

Secretary Greg Clark

20

Clause 34, page 16, line 31, at end insert—

“(4A) If the entry was made on the basis that the person has received two or more financial penalties and at least one year has elapsed since the entry was made, the responsible local housing authority may—

(a) remove the entry, or

(b) reduce the period for which the entry must be maintained.”

Member’s explanatory statement

This is consequential on amendment 17.

Housing and Planning Bill, *continued*

Secretary Greg Clark

21

Clause 34, page 16, line 31, at end insert—

“() The power in subsection (3), (4) or (4A) may even be used—

- (a) to remove an entry before the end of the two-year period mentioned in section 29(2)(b), or
- (b) to reduce the period for which an entry must be maintained to less than the two-year period mentioned in section 29(2)(b).”

Member’s explanatory statement

Where an entry in the database of rogue landlords and letting agents is made under clause 28 it must be made for a minimum period of 2 years - see clause 29(2)(b). This amendment makes it clear that the 2-year period does not constrain the power to remove or vary an entry.

Secretary Greg Clark

22

Clause 37, page 17, line 34, at end insert—

- “() The Secretary of State may disclose information in the database to any person if the information is disclosed in an anonymised form.
- () Information is disclosed in an anonymised form if no individual or other person to whom the information relates can be identified from the information.”

Member’s explanatory statement

This allows the Secretary of State to disclose information in the database of rogue landlords and property agents to any person if the information is disclosed in an anonymised form. This will allow it to be used for statistical or research purposes.

Secretary Greg Clark

23

Clause 38, page 18, line 9, leave out “in certain cases” and insert “where a landlord has committed an offence to which this Chapter applies”

Member’s explanatory statement

During Public Bill Committee the Bill was amended to make it a criminal offence to breach a banning order. Changes were also made to ensure that Chapter 4 of Part 2 applies to breach of a banning order in the same way as it applies to other offences to which the Chapter applies. This amendment and amendments 24 and 25 are consequential on those changes.

Secretary Greg Clark

24

Clause 38, page 18, line 16, leave out subsection (3)

Member’s explanatory statement

See Member’s explanatory statement for amendment 23.

 Housing and Planning Bill, *continued*

Secretary Greg Clark

25

Clause 40, page 19, line 35, leave out “breached the banning order or”
Member’s explanatory statement
See Member’s explanatory statement for amendment 23.

Secretary Greg Clark

26

Clause 53, page 24, line 21, at end insert—
 ““financial penalty” means a penalty that—
 (c) is imposed in respect of conduct that amounts to an offence, but
 (d) is imposed otherwise than following the person’s conviction for
 the offence;”
Member’s explanatory statement
See Member’s explanatory statement for amendment 17.

 John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

49

Clause 54, page 25, 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.”
Member’s explanatory statement
*The amendment would require the local housing authority to confirm that they also suspect that
 the property is abandoned before a landlord can recover the abandoned premises.*

 John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

47

Clause 56, page 25, line 37, at end insert—
 “() the date specified under subsection (4)(b) must be after the end of the period of
 12 weeks beginning with the day on which the first warning notice is given to the
 tenant.”
Member’s explanatory statement
*The amendment would extend the time periods between the two letters needed to evict a tenant
 suspected of abandoning the premises and to extend the minimum amount of time before the
 eviction.*

Housing and Planning Bill, *continued*

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

48

Clause 56, page 26, line 1, leave out subsection (6) and insert—

“(6) The second warning notice must be given at least 4 weeks, and no more than 8 weeks, after the first warning notice.”

Member’s explanatory statement

The amendment would extend the time periods between the two letters needed to evict a tenant suspected of abandoning the premises and to extend the minimum amount of time before the eviction.

*NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO THE FOLLOWING:
(A) PART 6; (B) SURPLUS LAND HELD BY PUBLIC BODIES OR THE DISPOSAL OF LAND BY
PUBLIC BODIES*

Secretary Greg Clark

NC29

To move the following Clause—

“Planning applications etc: setting of fees

In section 303 of the Town and Country Planning Act 1990 (fees for planning applications etc), after subsection (8) insert—

“(8A) If a draft of regulations of the Secretary of State under this section would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.””

Member’s explanatory statement

This new Clause provides that any planning fees regulations in England made under section 303 of the Town and Country Planning Act 1990 that would otherwise be subject to the hybrid procedure in Parliament will be subject to the usual affirmative procedure instead.

Secretary Greg Clark

NC30

To move the following Clause—

“Resolution of disputes about planning obligations

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

“106ZA Resolution of disputes about planning obligations

Schedule 9A (resolution of disputes about planning obligations) has effect.”

(2) After Schedule 9 to that Act insert, as Schedule 9A, the Schedule set out in Schedule (*Resolution of disputes about planning obligations: Schedule to be inserted in the Town and Country Planning Act 1990*) to this Act.

Housing and Planning Bill, *continued*

- (3) In section 106 of that Act, in subsection (1), for “and sections 106A to 106C” substitute “, sections 106A to 106C and Schedule 9A”.

Member’s explanatory statement

This new clause inserts a new section 106ZA in the Town and Country Planning Act 1990, which gives effect to new Schedule 9A to that Act. Schedule 9A is set out in new Schedule NS4. The new Clause also makes a consequential amendment.

Secretary Greg Clark

NC31

To move the following Clause—

“Planning obligations and affordable housing

- (1) After section 106ZA of the Town and Country Planning Act 1990 (inserted by section *(Resolution of disputes about planning obligations)* above) insert—

“106ZB Enforceability of planning obligations regarding affordable housing

- (1) Regulations made by the Secretary of State may impose restrictions or conditions on the enforceability of planning obligations entered into with regard to the provision of—
- (a) affordable housing, or
 - (b) prescribed descriptions of affordable housing.
- (2) Regulations under this section—
- (a) may make consequential, supplementary, incidental, transitional or saving provision;
 - (b) may impose different restrictions or conditions (or none) depending on the size, scale or nature of the site or the proposed development to which any planning obligations would relate.
- Paragraph (b) is without prejudice to the generality of section 333(2A).
- (3) In this section “affordable housing” means new dwellings in England that—
- (a) are to be made available for people whose needs are not adequately served by the commercial housing market, or
 - (b) are starter homes within the meaning of Chapter 1 of Part 1 of the Housing and Planning Act 2016 (see section 2 of that Act).
- (4) “New dwelling” here means a building or part of a building that—
- (a) has been constructed for use as a dwelling and has not previously been occupied, or
 - (b) has been adapted for use as a dwelling and has not been occupied since its adaptation.
- (5) The Secretary of State may by regulations amend this section so as to modify the definition of “affordable housing”.

Housing and Planning Bill, *continued*

- (2) In section 333 of that Act (regulations and orders), after subsection (3) insert—
- “(3ZA) No regulations may be made under section 106ZB unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.””

Member’s explanatory statement

The section inserted in the Town and Country Planning Act 1990 by this new clause confers power to make affirmative-resolution regulations about obligations entered into under section 106 of that Act with regard to affordable housing, and defines “affordable housing” so as to include starter homes (see Chapter 1 of Part 1 of the Bill).

Secretary Greg Clark

NC43

To move the following Clause—

“Processing of planning applications by alternative providers

- (1) The Secretary of State may by regulations make provision for a planning application that falls to be determined by a specified local planning authority in England to be processed, if the applicant so chooses, not by that authority but by a designated person.
- (2) The regulations must provide that the option to have a planning application processed by a designated person—
 - (a) does not affect a local planning authority’s responsibility for determining planning applications, and
 - (b) applies only until a specified date.
- (3) The regulations may provide that—
 - (a) they apply only to planning applications for development of a specified description;
 - (b) designations of persons by the Secretary of State (see subsection (7)) may be made so as to apply only in relation to planning applications for development of a specified description.
- (4) The regulations may—
 - (a) apply or disapply, in relation to England, any enactment about planning;
 - (b) modify the effect of any such enactment in relation to England.
- (5) Sections (*Regulations under section (Processing of planning applications by alternative providers): general*) to (*Regulations under section (Processing of planning applications by alternative providers): information*), which set out matters that may be included in regulations under this section, do not limit the power in section 142(5) (to make supplementary provision etc).
- (6) For the purposes of this group of sections (that is, this section and sections (*Regulations under section (Processing of planning applications by alternative providers): general*) to (*Regulations under section (Processing of planning applications by alternative providers): information*)), processing a planning application means taking any action in relation to the application (other than determining it) of a kind that—
 - (a) might otherwise be taken by or for the responsible planning authority, and
 - (b) is specified in the regulations.

Housing and Planning Bill, *continued*

- (7) In this group of sections “designated person” means a person—
- (a) who is designated by the Secretary of State in accordance with the regulations, and
 - (b) whose designation has not been withdrawn in accordance with the regulations.

The Secretary of State may designate a local planning authority.

- (8) In this group of sections—
- “local planning authority” has the same meaning as in the Town and Country Planning Act 1990;
- “planning application” means an application for planning permission under Part 3 of that Act;
- “responsible planning authority”, in relation to a planning application, means the local planning authority responsible for determining the application;
- “specified” means specified in regulations under this section.”

Member’s explanatory statement

This new clause would give the Secretary of State the power, by regulations, to introduce pilot schemes for competition in the processing (but not the determining) of applications for planning permission.

Secretary Greg Clark

NC44

To move the following Clause—

“Regulations under section (*Processing of planning applications by alternative providers*): general

- (1) Regulations under section (*Processing of planning applications by alternative providers*) may make provision—
 - (a) requiring a designated person to process a planning application, except in specified circumstances, if chosen to do so by an applicant;
 - (b) allowing a responsible planning authority to take over the processing of a planning application from a designated person in specified circumstances.
- (2) The regulations may make provision about—
 - (a) eligibility to act as a designated person;
 - (b) the capacity of a local planning authority to act as a designated person;
 - (c) actions to be taken or procedures to be followed—
 - (i) by persons making planning applications,
 - (ii) by designated persons, or
 - (iii) by responsible planning authorities,
 and periods within which the actions or procedures are to be taken or followed;
 - (d) matters to be considered by designated persons or responsible planning authorities;
 - (e) performance standards for designated persons;
 - (f) the investigation of complaints or concerns about designated persons;

Housing and Planning Bill, *continued*

- (g) the circumstances in which, and the extent to which, any advice provided by a designated person to a person making a planning application is binding—
 - (i) on the responsible planning authority, or
 - (ii) on designated persons other than the one providing the advice;
 - (h) cases where a person ceases to be a designated person or where a designated person is unable to continue processing a planning application.
- (3) The provision that may be made under subsection (2)(c) includes provision requiring a designated person to provide assistance to the responsible planning authority in connection with—
- (a) any appeal against the authority’s determination of the application;
 - (b) any application to the court made in relation to that determination.
- (4) The provision that may be made under subsection (2)(f) includes—
- (a) provision about the payment of compensation;
 - (b) provision for a designated person to be required to indemnify the responsible authority for any compensation that the authority is required to pay;
 - (c) provision applying anything in Part 3 of the Local Government Act 1974 (local government administration) with or without modifications.
- (5) The regulations may confer powers on the Mayor of London or the Secretary of State in cases where a direction is given under section 2A or 77 of the Town and Country Planning Act 1990 (“call-in” directions).”

Member’s explanatory statement

This new clause provides that regulations under NC43 may provide for various matters including the actions and procedures to be followed during the pilot schemes, the eligibility of persons to act as designated persons, the setting of performance standards, and how conflicts of interest and the investigation of complaints are dealt with.

Secretary Greg Clark

NC45

To move the following Clause—

“Regulations under section (*Processing of planning applications by alternative providers*): fees and payments

- (1) Regulations under section (*Processing of planning applications by alternative providers*) may make provision about—
 - (a) the setting, publication and charging of fees by designated persons or responsible planning authorities;
 - (b) the refunding of fees, by designated persons or responsible planning authorities, in specified circumstances.
- (2) The provision that may be made under subsection (1)(a) includes provision giving power to the Secretary of State to prevent the charging of fees that he or she considers excessive.
- (3) The provision that may be made under subsection (1)(b) includes provision requiring a designated person or a responsible planning authority to refund to an applicant some or all of a fee paid by the applicant to a designated person where the person or the authority fails to do a particular thing within a specified period.

Housing and Planning Bill, *continued*

- (4) The regulations may authorise the making of payments by the Secretary of State to local planning authorities or designated persons.”

Member's explanatory statement

This new clause provides that regulations under NC43 may include provision for the setting, publishing and charging of fees by designated persons and planning authorities in pilot areas, and for the refunding of fees; it also includes power for the Secretary of State to intervene in relation to excessive fees.

Secretary Greg Clark

NC46

To move the following Clause—

“Regulations under section (*Processing of planning applications by alternative providers*): information

- (1) Regulations under section (*Processing of planning applications by alternative providers*) may make provision—
- (a) requiring responsible planning authorities to disclose information to designated persons;
 - (b) requiring designated persons to disclose information to responsible planning authorities or to other designated persons;
 - (c) restricting the uses to which information disclosed by virtue of paragraph (a) or (b) may be put;
 - (d) restricting further disclosure of such information.
- (2) The regulations may make provision for designated persons or responsible planning authorities to be required to provide information to the Secretary of State.”

Member's explanatory statement

This new clause provides that regulations under NC43 may provide for information-sharing (about, for example, the planning history for land to which an application relates), may restrict uses to which shared information may be put, and may require information to be provided to the Secretary of State.

Martin Vickers
John Stevenson
Sir Edward Leigh
Mims Davies

NC40

To move the following Clause—

“Right of appeal: local interested parties

- (1) Where a local planning authority does not have an up-to-date and approved local development plan meeting the requirements of Part 3 of the Planning and Compulsory Purchase Act 2004 and—
- (a) grant planning permission, whether or not subject to conditions, or
 - (b) refuse an application for planning permission,

Housing and Planning Bill, *continued*

a local interested party may by notice appeal to the Secretary of State as if the interested party was an applicant for the purposes of section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”).

- (2) In determining the appeal the provisions at Part III of the 1990 Act shall apply but with the interested party or parties treated as the appellant and the applicant for planning permission treated as a party to the appeal with the same rights as an applicant appealing under section 78.
- (3) Before determining an appeal under section 78 the Secretary of State shall, if the appellant, the applicant for planning permission or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) For the purposes of this section “local interested party” means any person who is not the applicant for permission in question and whose land, property or other interests in the locality of the development would be directly and significantly affected by the development.”

Member’s explanatory statement

This new clause would give local interested parties a right of appeal in development control affecting their land, property or interests..

Martin Vickers
John Stevenson
Sir Edward Leigh

NC41

To move the following Clause—

“Right of appeal: local parish councils

- (1) Where a local planning authority—
 - (a) do not have an up-to-date and approved local development plan meeting the requirements of Part 3 of the Planning and Compulsory Purchase Act 2004, and
 - (b) grant permission for the development of more than 100 dwellings,
 a local Parish Council may by notice appeal to the Secretary of State as if the Council were an applicant for the purposes of section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”).
- (2) In determining the appeal the provisions at Part III of the 1990 Act shall apply but with local Parish Council or Councils treated as the appellant and the applicant for planning permission treated as a party to the appeal with the same rights as an applicant appealing under section 78.
- (3) Before determining an appeal under section 78 the Secretary of State shall, if the appellant, the applicant for planning permission or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) For the purposes of this section “local parish council” means a parish council—
 - (a) within whose boundaries all or part of the development at subsection (1) would take place,
 - (b) whose boundary is adjacent to the development, or

Housing and Planning Bill, *continued*

- (c) would otherwise be directly and significantly affected by the development.”

Member’s explanatory statement

This new clause would give local parish councils a right of appeal in respect of developments consisting of 100 or more dwellings.

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Tom Pursglove
 Crispin Blunt

Nigel Mills
 Martin Vickers
 Philip Davies

Victoria Prentis
 William Wragg
 Sir Henry Bellingham

NC48

To move the following Clause—

“Neighbourhood right of appeal

- (1) After section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”) insert—

“78ZA A neighbourhood right of appeal

- (1) Where—
- (a) a planning authority grants an application for planning permission, and
 - (b) the application does not accord with policies in an emerging or made neighbourhood plan in which the land to which the application relates is situated, and
 - (c) the neighbourhood plan in subsection (1)(a) contains proposals for the provision of housing development, certain persons as specified in subsection (2) below may by notice appeal to the Secretary of State.
- (2) Persons who may by notice appeal to the Secretary of State against the approval of planning permission in the circumstances specified in subsection (1) above are any parish council or neighbourhood forum by two thirds majority voting, as defined in Section 61F of the 1990 Act, whose made or emerging neighbourhood plan includes all or part of the area of land to which the application relates.
- (3) In this section “emerging” means a neighbourhood plan that—
- (a) has been examined,
 - (b) is being examined, or
 - (c) is due to be examined, having met the public consultation requirements necessary to proceed to this stage.”

Housing and Planning Bill, *continued*

- (2) Section 79 of the 1990 Act is amended as follows—
- “(a) in subsection (2), leave out “either” and after “planning authority”, insert “or the applicant (where different from the appellant)”;
 - (b) in subsection (6), after “the determination”, insert “(except for appeals as defined in section 78ZA and where the appellant is as defined in sub-section 78ZA(2).””

Member’s explanatory statement

This new clause would give parish councils and neighbourhood forums rights of appeal in respect of planning permission for development that did not accord with policies in an emerging or finalised neighbourhood.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

NC50

To move the following Clause—

“Minimum space standards for new dwellings

In Schedule 1 Part M to the Buildings Regulations 2010, after subsection M4 insert—

“Internal Space Standards

(M5) New dwellings should meet the minimum standards for internal space set out in the National Described Space Standard, 2015.””

Member’s explanatory statement

The new clause would incorporate the National Described Space Standard into building regulations to ensure all new dwellings are built to meet those requirements.

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

NC51

To move the following Clause—

“Local Authorities and Development Control Services

- (1) A local planning authority may set a charging regime in relation to its development control services to allow for the cost of providing the development control service to be recouped.

Housing and Planning Bill, *continued*

(2) Such a charging regime will be subject to statutory consultation.”

Member’s explanatory statement

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

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce
Sadiq Khan

NC57

To move the following Clause—

“Planning obligations: local first-time buyers

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

“106ZA 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.
- (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 new clause 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.

Housing and Planning Bill, *continued*

Bill Wiggin

NC58

To move the following Clause—

“Planning (Listed Buildings and Conservation Areas) Act 1990: amendment

- (1) The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows—
- (2) In Section 1, for subsection (3) substitute—
 - “(3) In considering whether to include a building, or part of a building, in a list compiled or approved under this section, the Secretary of State shall take into account—
 - (a) whether its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part;
 - (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building; and
 - (c) the desirability of excluding specific features or structures (whether part of the building or otherwise within its curtilage) for the purposes of facilitating improvements in matters including, but not limited to, environmental performance, health and safety and cost-effective maintenance.”

Member’s explanatory statement

This new clause would make explicit the duties and powers of conservation and planning authorities to take account of the specific heritage priorities within a listed building’s curtilage against other considerations.

Secretary Greg Clark

NS4

To move the following Schedule—

“SCHEDULE

RESOLUTION OF DISPUTES ABOUT PLANNING OBLIGATIONS:
SCHEDULE TO BE INSERTED IN THE TOWN AND COUNTRY PLANNING ACT 1990

“SCHEDULE 9A

Section 106ZA

RESOLUTION OF DISPUTES ABOUT PLANNING OBLIGATIONS

Appointment of person to help resolve disputes

- 1 (1) This paragraph applies where—
 - (a) a person (“the applicant”) has made an application for planning permission or an application of a prescribed description (“the application”) to a local planning authority in England,

Housing and Planning Bill, *continued*

- (b) there are unresolved issues regarding what should be the terms of any section 106 instrument, and
 - (c) any prescribed conditions are met.
- (2) The Secretary of State must (subject to sub-paragraphs (6) to (8)) appoint a person to help with the resolution of the unresolved issues if—
- (a) the Secretary of State thinks that the local planning authority would be likely to grant the application if satisfactory planning obligations were entered into, but not otherwise, and
 - (b) sub-paragraph (3), (4) or (5) applies.
- (3) This sub-paragraph applies where the applicant or the authority requests the Secretary of State to make an appointment.
- (4) This sub-paragraph applies where—
- (a) a person of a prescribed description requests the Secretary of State to make an appointment, and
 - (b) any prescribed requirements as to the consent of the applicant or the authority are satisfied.
- (5) This sub-paragraph applies where—
- (a) regulations require an appointment to be made, in prescribed circumstances, if the unresolved issues have not been resolved by the end of a prescribed period,
 - (b) the circumstances are as prescribed, and
 - (c) the unresolved issues have not been resolved by the end of that period.
- (6) The Secretary of State may decline to make an appointment in prescribed circumstances.
- (7) Regulations must provide that—
- (a) no appointment is to be made under this paragraph before the end of a prescribed period;
 - (b) no appointment is to be made in response to a request under sub-paragraph (3) or (4) if the request is withdrawn before the end of that period.
- (8) No request may be made under sub-paragraph (3) or (4), and sub-paragraph (5) does not apply—
- (a) if the application has been referred to the Secretary of State under section 77;
 - (b) if the applicant has appealed to the Secretary of State under section 78(2) in respect of the application;
 - (c) if the applicant has made an application to the court, which has not been disposed of, in respect of it;
 - (d) in such other circumstances as may be prescribed.

Co-operation etc with person appointed under paragraph 1

- 2 Where a person is appointed under paragraph 1 the parties must—
- (a) co-operate with the person;

Housing and Planning Bill, *continued*

- (b) comply with any reasonable requests by the person to provide information or documents or to take part in meetings.

Report by appointed person

- 3 (1) A person appointed under paragraph 1 must prepare a report and send it to the parties.
- (2) The report must—
 - (a) identify the unresolved issues;
 - (b) indicate the steps taken since the person’s appointment to try to resolve those issues.
- (3) If—
 - (a) agreement is reached between the local planning authority and those who are proposing to enter into planning obligations, before the report is sent to the parties, on what are to be the terms of the section 106 instrument, and
 - (b) the appointed person is aware of the agreement, the report must set out the terms agreed.
- (4) Where sub-paragraph (3) does not apply, the report must set out the appointed person’s recommendations as to what terms would be appropriate.
- (5) In deciding what recommendations to make under sub-paragraph (4), the appointed person must have regard to any template or model for section 106 instruments that is published by the Secretary of State.
- (6) The local planning authority must publish the report in accordance with any provision made by regulations about the manner and time of publication.

Temporary prohibition on refusal or appeal

- 4 (1) Where paragraph 1(3), (4) or (5) applies, the applicant may not appeal to the Secretary of State under section 78(2) in relation to the application before—
 - (a) the resolution process has come to an end, and
 - (b) the applicant has paid any fees or costs that the applicant is required to pay by virtue of paragraph 10(3) or (4)(c).
- (2) Where paragraph 1(3), (4) or (5) applies and the local planning authority are minded to refuse the application, they may not do so before—
 - (a) the resolution process has come to an end, and
 - (b) the authority have paid any fees or costs that they are required to pay by virtue of paragraph 10(3) or (4)(c).
- (3) For the purposes of this paragraph, the resolution process comes to an end—
 - (a) on the expiry of the period prescribed under paragraph 1(7), if paragraph 1(5) does not apply and the request under paragraph 1(3) or (4) is withdrawn (or, where more than

Housing and Planning Bill, *continued*

- one such request has been made, they are all withdrawn) before the end of that period;
- (b) when the Secretary of State declines to appoint a person under paragraph 1, if the Secretary of State declines make an appointment;
 - (c) when the parties agree that the process has come to an end, if they agree that it has;
 - (d) when the local planning authority publish the appointed person's report, if paragraph (a), (b) or (c) does not apply.

Effect of appointed person's report: planning obligations entered into

- 5 (1) This paragraph applies where—
- (a) a local planning authority are determining an application in connection with which—
 - (i) a report has been prepared under paragraph 3, and
 - (ii) planning obligations have been entered into, and
 - (b) the section 106 instrument satisfies the requirements of sub-paragraph (2).
- (2) A section 106 instrument satisfies the requirements of this sub-paragraph if—
- (a) the instrument is in accordance with the terms or recommendations reported under paragraph 3(3) or (4), or
 - (b) the instrument is executed before the end of a prescribed period and the local planning authority—
 - (i) are a party to it, or
 - (ii) notify the applicant, before the end of that period, that they are content with the terms of it.
- (3) The local planning authority must not refuse the application on a ground that relates to the appropriateness of the terms of the section 106 instrument.
- (4) If the local authority grant the application, the authority's power to make the grant conditional on a person undertaking—
- (a) a planning obligation other than one entered into by the section 106 instrument, or
 - (b) an obligation of some other kind,
- is subject to any limitations specified in regulations.

Effect of appointed person's report: no planning obligations entered into

- 6 Where—
- (a) a local planning authority are determining an application in connection with which a report has been prepared under paragraph 3,
 - (b) the report records (under paragraph 3(3)) an agreement that planning obligations are to be entered into, or recommends (under paragraph 3(4)) that planning obligations are entered into, and
 - (c) no section 106 instrument is executed before the end of a prescribed period,
- the local planning authority must refuse the application.

Housing and Planning Bill, *continued*

Effect of appointed person's report: further provision

- 7 (1) Where a report is prepared under paragraph 3 in connection with an application—
- (a) the local planning authority determining the application must have regard to the report, to the extent that this requirement is consistent with the restrictions in paragraphs 5 and 6;
 - (b) a person determining an appeal against the authority's decision on the application, or an appeal under section 78(2) in respect of the application, must have regard to the report but is not subject to those restrictions.
- (2) Regulations may prescribe cases or circumstances in which a restriction in paragraph 5 or 6 does not apply.

Appointment in connection with two or more applications

- 8 (1) A person may be appointed under paragraph 1 in connection with two or more applications if the same or similar issues arise on both or all of them.
- (2) In such cases—
- (a) the provisions of this Schedule apply separately in relation to each application, but
 - (b) a single report may be made under paragraph 3 in relation to both or all of the applications.

Exercise of functions on behalf of the Secretary of State

- 9 (1) The Secretary of State may arrange for a function of the Secretary of State under paragraph 1 (other than a function of making regulations) to be exercised by any body or person on behalf of the Secretary of State.
- (2) A reference in this Schedule to the Secretary of State is to be read, where appropriate, as including a reference to a body or person exercising functions under any such arrangements.
- (3) Arrangements under this paragraph—
- (a) do not affect the responsibility of the Secretary of State for the exercise of the function;
 - (b) may include provision for payments to be made to the body or person exercising the function under the arrangements.

Housing and Planning Bill, *continued**Regulations*

- 10 (1) Regulations may make provision about requests under paragraph 1(3) or (4), including in particular—
- (a) provision about when requests may be made;
 - (b) provision about the form of requests;
 - (c) provision requiring requests to be served on prescribed persons;
 - (d) provision requiring prescribed information or documents to be provided;
 - (e) provision about withdrawal of requests.
- (2) Regulations may make provision requiring the applicant or the local planning authority to notify the Secretary of State where paragraph 1(5) applies.
- (3) Regulations may make provision for the payment by the parties of fees in cases where a person is appointed under paragraph 1, including in particular provision about—
- (a) calculating the amount of the fees;
 - (b) the proportion of the fees that each party is to bear;
 - (c) when fees are to be payable.
- (4) Regulations may make further provision supplementing that made by paragraphs 1 to 9, and may in particular—
- (a) make provision about the qualifications or experience that an appointed person must have;
 - (b) require an appointed person—
 - (i) to consider or take into account prescribed matters;
 - (ii) not to consider or take into account prescribed matters;
 - (iii) to make prescribed assumptions;
 - (c) provide for a party that is in breach of paragraph 2, or otherwise behaves unreasonably, to be required by an appointed person to pay some or all of the costs incurred by another party in connection with that breach or behaviour;
 - (d) make provision for corrections or other revisions to be made to a report under paragraph 3;
 - (e) require particular steps to be taken by an appointed person or the parties for the purposes of, or otherwise in connection with, a report under paragraph 3;
 - (f) requiring the application to be determined no earlier than a specified period following the time when a report under paragraph 3 is sent to the parties, or no later than a specified period following that time.

Interpretation

- 11 In this Schedule—
- “the applicant” and “the application” have the meaning given by paragraph 1(1);
 - “appointed person” means a person appointed under paragraph 1;
 - “parties” means the applicant and the local planning authority;

Housing and Planning Bill, *continued*

“prescribed period” means a period prescribed by, or determined in accordance with, regulations;

“section 106 instrument” means an instrument by which planning obligations are entered into.””

Member’s explanatory statement

Section 106 of the Town and Country Planning Act 1990 enables someone with an interest in land to enter into planning obligations enforceable by the local planning authority. The negotiation of such obligations can become protracted. New Schedule 9A introduces new procedures aimed at resolving issues connected with the negotiation of such obligations.

Caroline Lucas

74

Page 51, line 21, leave out Clause 111

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

100

Clause 111, page 51, line 25, leave out “land” and insert “brownfield land for housing”

Member’s explanatory statement

The amendment makes clear that “permission in principle” is limited to housing on brownfield land in England.

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

101

Clause 111, page 51, line 33, at end insert —

“() Criteria for permission in principle and technical details consent will be subject to consultation with local authorities.”

Member’s explanatory statement

The amendment would ensure that communities continue to have a say on decisions that affect them through their local planning committees and through the local plan process.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

70

Clause 111, page 52, line 25, leave out “not”.

Member’s explanatory statement

The amendment would ensure that permission in principle expires when the plan is no longer relevant or has been replaced.

Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

102

Clause 111, page 52, line 38, at end insert “, where prescribed information will be subject to consultation with local planning authorities.”

Member’s explanatory statement

The amendment would ensure that burdens on local authorities are minimised and existing systems for collection of information are used effectively.

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

71

Clause 111, page 53, line 1, at end insert “unless any material considerations indicate otherwise.”

Member’s explanatory statement

The amendment would allow local planning authorities to overturn the ‘permission in principle’ decision where important material considerations which the plan making stage did not reveal have come to light.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

72

Clause 111, page 53, line 18, after “period”, insert “and in any event no longer than five years”

Member’s explanatory statement

The amendment would create certainty for communities and developers and contributes to reducing ‘permission in principle’ by using for land speculation and land banking.

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

103

Clause 112, page 54, line 27, at end insert “and in particular the achievement of sustainable development and good design;”

Member’s explanatory statement

The amendment would place a high level obligation on the face of the Bill to ensure brownfield land contributes to sustainable places.

Housing and Planning Bill, *continued*

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

80

Clause 115, page 56, line 7, after “financial”, insert “costs and”

Member’s explanatory statement

This amendment would require information about costs as well as benefits to be included in certain planning reports.

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

81

Clause 115, page 56, line 15, after “financial”, insert “costs and”

Member’s explanatory statement

See amendment 80.

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

82

Clause 115, page 56, line 23, after “financial”, insert “cost and”

Member’s explanatory statement

See amendment 80.

Housing and Planning Bill, *continued*

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

83

Clause 115, page 56, line 24, at end insert “cost or”
Member’s explanatory statement
See amendment 80.

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

84

Clause 115, page 56, line 26, at end insert “cost or”

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

85

Clause 115, page 56, line 35, after “financial”, insert “costs and”
Member’s explanatory statement
See amendment 80.

Housing and Planning Bill, *continued*

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

86

Clause 115, page 56, line 36, after “the”, insert “cost or”
Member’s explanatory statement
See amendment 80.

Nick Herbert
 Sir Nicholas Soames
 Dr Liam Fox
 Sir Oliver Heald
 Dr Julian Lewis
 Mr Nigel Evans

Mr Philip Hollobone
 Antoinette Sandbach
 Mr Clive Betts
 Sir Henry Bellingham

Nigel Mills
 Martin Vickers
 Tom Pursglove
 Crispin Blunt

Victoria Prentis
 William Wragg
 Philip Davies

87

Clause 115, page 56, line 38, at end insert—
 “(c) provide a description of financial costs by reference to the infrastructure requirements and environmental impacts associated with an application for planning permission, and require consideration of whether these have been addressed in the development plan for the area.”
Member’s explanatory statement
See amendment 80.

Robert Neill
 Mrs Caroline Spelman

78

Clause 116, page 57, line 25, at end insert—
 “(7A) Guidance referred to in subsection (7) must include a requirement for the developer to pay development value for land that is compulsorily purchased for housing as part of any Nationally Significant Infrastructure Project.”
Member’s explanatory statement
This amendment would ensure that developers who acquire land for housing developments via compulsory purchase as part of a Nationally Significant Infrastructure Project must pay the development value as if it had been acquired on the open market.

Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

104

Clause 118, page 58, line 40, after subsection (3) insert—

- “(4) Section 136 of the Local Government, Planning and Land Act 1980 (Objects and General Powers) is amended as follows.
- (5) After subsection (2) insert—
- “(2A) Corporations under this Act must contribute to the long-term sustainable development and place making of the new community.
- (2B) Under this Act sustainable development and placemaking 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. In achieving sustainable development and placemaking, development corporations 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.”

(6) Section 4 of the New Towns Act 1981 (The Objects and General Powers of Development Corporations) is amended as follows.

(7) For subsection (1) substitute—

“(1) The objects of a development corporation established for the purpose of a new town or garden city shall be to secure the physical laying out of infrastructure and the long-term sustainable development and place making of the new community.

(1A) 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. In achieving sustainable development, development corporations 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;

Housing and Planning Bill, *continued*

- (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

The amendment would insert placemaking objectives for both UDC’s in Local Government Act 1980 and for New Town Development Corporations in the New Towns Act 1981 and sets out an ambitious high quality purpose for making the development of scale growth.

Secretary Greg Clark

10

Clause **155**, page **77**, line **13**, leave out “and 113(1)” and insert “, 113(1) and (*Planning applications etc: setting of fees*)”

Member’s explanatory statement

This amendment provides for new clause NC29 to come into force on Royal Assent.

Secretary Greg Clark

75

Clause **155**, page **77**, line **13**, at end insert—

“() sections (*Processing of planning applications by alternative providers*) to (*Regulations under section (Processing of planning applications by alternative providers): information*);”

Member’s explanatory statement

This amendment provides for the new clauses NC43 to NC46 to come into force on Royal Assent.

Secretary Greg Clark

NC32

To move the following Clause—

“Engagement with public authorities in relation to proposals to dispose of land

- (1) A Minister of the Crown must, in developing proposals for the disposal of the Minister’s interest in any land, engage on an ongoing basis with—
 - (a) each local authority in whose area the land is situated, and
 - (b) each public authority that is specified, or of a description specified, in regulations.

Housing and Planning Bill, *continued*

- (2) A relevant public authority must, in developing proposals for the disposal of the authority's interest in any land, engage on an ongoing basis with other relevant public authorities.
- (3) In subsection (2), "relevant public authority" means a public authority that is specified, or of a description specified, in regulations.
- (4) A person who is subject to a duty under subsection (1) or (2) must have regard to any guidance given by the Minister for the Cabinet Office about how the duty is to be complied with.
- (5) Subsections (1) and (2) do not apply in relation to proposals in respect of land that is specified, or of a description specified, in regulations.
- (6) Regulations under subsection (3) may not be made so as to require a public authority to carry out engagement under subsection (2)—
- (a) in relation to proposals for the disposal of an interest in land in Scotland, unless the authority is—
 - (i) a body to which paragraph 3 of Part 3 of Schedule 5 to the Scotland Act 1998 applies, or
 - (ii) Her Majesty's Revenue and Customs, or
 - (b) if the authority has functions that are exercisable only in or as regards Wales and are wholly or mainly functions relating to—
 - (i) a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
 - (ii) a matter within the legislative competence of the National Assembly for Wales.
- (7) In this section—
- "interest" means a freehold or leasehold interest;
- "local authority" means—
- (a) a county council,
 - (b) a county borough council,
 - (c) a district council,
 - (d) a London borough council,
 - (e) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,
 - (f) the Common Council of the City of London (in its capacity as a local authority),
 - (g) the Council of the Isles of Scilly, or
 - (h) the council for a local government area in Scotland;
- "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act);
- "public authority" means a person with functions of a public nature;
- "regulations" means regulations made by the Minister for the Cabinet Office."

Member's explanatory statement

This new Clause requires Ministers of the Crown, when developing proposals for the disposal of land, to engage on an ongoing basis with local and other authorities. The new Clause also confers a power to require specified public authorities to engage with other such authorities when developing proposals for the disposal of land.

Housing and Planning Bill, *continued*

Secretary Greg Clark

NC33

To move the following Clause—

“Duty of public authorities to prepare report of surplus land holdings

- (1) A relevant public authority must, in respect of each reporting period, prepare and publish a report containing details of surplus land in England and Wales.
- (2) A relevant public authority must, in respect of each reporting period, prepare and publish a report containing details of surplus land in Scotland.
- (3) For the purposes of this section, land is “surplus land” in relation to a relevant public authority if—
 - (a) the authority owns an interest in the land,
 - (b) the authority has determined that the land is surplus to its requirements, and
 - (c) the authority first determined that the land was surplus to its requirements—
 - (i) in the case of land used wholly or mainly for residential purposes, at any time before the beginning of the period of 6 months ending with the last day of the reporting period, and
 - (ii) in the case of other land, at any time before the beginning of the period of two years ending with that day.
- (4) In this section, “relevant public authority” means a public authority that is specified, or of a description specified, in regulations.
- (5) In determining whether land is surplus to its requirements, and in carrying out its other functions under this section, a relevant public authority must have regard to guidance given by the Secretary of State.
- (6) A report prepared by a relevant public authority must explain why the authority has not disposed of surplus land.
- (7) Regulations may provide that the definition of “surplus land” in subsection (3) applies in relation to public authorities that are specified, or of a description specified, in the regulations as if subsection (3)(c) were omitted.
- (8) Regulations may provide that the duty under subsection (1) or (2) does not apply in respect of specified land or descriptions of land.
- (9) Regulations may make further provision about reports under this section, including—
 - (a) provision about their form and timing,
 - (b) provision specifying information to be included in reports, and
 - (c) provision about their publication.
- (10) Regulations may not specify a public authority for the purposes of subsection (1) if the authority has functions—
 - (a) that are exercisable only in or as regards Wales, and
 - (b) that are wholly or mainly functions relating to—
 - (i) a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
 - (ii) a matter within the legislative competence of the National Assembly for Wales.
- (11) Regulations may not specify a public authority for the purposes of subsection (2) unless it is—
 - (a) a body to which paragraph 3 of Part 3 of Schedule 5 to the Scotland Act 1998 applies, or

Housing and Planning Bill, *continued*

- (b) Her Majesty's Revenue and Customs.
- (12) In this section—
- “interest” means a freehold or leasehold interest;
 - “public authority” means a person with functions of a public nature;
 - “regulations” means regulations made by the Secretary of State;
 - “reporting period” means the period (not exceeding 12 months) specified by or determined in accordance with regulations.”

Member's explanatory statement

This new Clause requires public authorities to prepare and publish reports containing details of surplus land.

Secretary Greg Clark

NC34

To move the following Clause—

“Power to direct bodies to dispose of land

- (1) Section 98 of the Local Government, Planning and Land Act 1980 (disposal of land at direction of Secretary of State) is amended as follows.
- (2) Before subsection (1) insert—
 - “(A1) Where a body to which this Part applies is a relevant public authority, the Secretary of State may in specified circumstances direct the body to take steps for the disposal of the body's freehold or leasehold interest in any land or any lesser interest in the land.
 - (B1) In subsection (A1)—
 - (a) “relevant public authority” has the same meaning as in section (*Duty of public authorities to prepare report of surplus land holdings*) of the Housing and Planning Act 2015;
 - (b) “specified” means specified by the Secretary of State in regulations made by statutory instrument;
 - (c) the reference to steps for the disposal of an interest in land is a reference to steps which it is necessary to take to dispose of the interest and which it is in the body's power to take.”
- (3) After subsection (9) insert—
 - “(10) A statutory instrument containing regulations made by virtue of subsection (A1) is subject to annulment in pursuance of a resolution of either House of Parliament.””

Member's explanatory statement

This new Clause extends the circumstances in which the Secretary of State may, under section 98 of the Local Government, Planning and Land Act 1980, direct certain public bodies to dispose of land held by them.

Housing and Planning Bill, *continued*

Secretary Greg Clark

NC35

To move the following Clause—

“Reports on improving efficiency and sustainability of buildings owned by local authorities

- (1) Each authority listed in Schedule (*Authorities specified for purposes of section (Reports on improving efficiency and sustainability of buildings owned by local authorities)*) must prepare, in respect of each year (beginning with 2017), a report containing a buildings efficiency and sustainability assessment.
- (2) A “buildings efficiency and sustainability assessment” is an assessment of the progress made by the authority, in the year to which the report relates, towards improving the efficiency and contribution to sustainability of buildings that are part of the authority’s estate.
- (3) A report must, in particular, include an assessment of the progress made by the authority, in the year to which the report relates, towards—
 - (a) reducing the size of the authority’s estate, and
 - (b) ensuring that buildings that become part of the authority’s estate fall within the top quartile of energy performance.
- (4) If a building that does not fall within the top quartile of energy performance becomes part of the authority’s estate in the year to which the report relates, the report must explain why the building has nevertheless become part of the authority’s estate.
- (5) A report under this section must be published not later than 1 June in the year following the year to which it relates.
- (6) In carrying out its functions under this section, an authority must have regard to guidance given by the Minister for the Cabinet Office.
- (7) For the purposes of this section, a building is part of an authority’s estate if—
 - (a) the building is situated in the authority’s area, and
 - (b) the authority has a freehold or leasehold interest in the building.
- (8) The Minister for the Cabinet Office may by regulations provide for buildings of a specified description to be treated as being, or as not being, part of an authority’s estate for the purposes of this section.
- (9) In this section, “building” means a building that uses energy for heating or cooling the whole or any part of its interior.”

Member’s explanatory statement

This new Clause requires each authority listed in NS5 to prepare an annual report on, amongst other things, the efficiency and contribution to sustainability of buildings in which the authority has an interest and the progress made in each year towards reducing the size of the authority’s overall buildings estate.

Housing and Planning Bill, *continued*

Secretary Greg Clark

NC36

To move the following Clause—

“Reports on improving efficiency and sustainability of buildings in military estate

- (1) Section 86 of the Climate Change Act 2008 (report on the civil estate) is amended as follows.
- (2) In subsection (1)—
 - (a) the text from “buildings” to the end becomes paragraph (a), and
 - (b) after that paragraph insert “, and
(b) buildings that are part of the military estate.”
- (3) In subsection (2)—
 - (a) in paragraph (a), after “estate” insert “and the military estate”, and
 - (b) in paragraph (b), after “estate” insert “or the military estate”.
- (4) In subsection (3)—
 - (a) after “estate”, in the first place it occurs, insert “or the military estate”, and
 - (b) for “civil estate”, in the second place it occurs, insert “the estate in question”.
- (5) After subsection (7) insert—
 - “(7A) For the purposes of this section, a building is part of the military estate if—
 - (a) it is not part of the civil estate,
 - (b) the Secretary of State has a freehold or leasehold interest in the building, and
 - (c) it is used by or for the purposes of Her Majesty’s armed forces.
 - (7B) The Minister for the Cabinet Office may by order provide for buildings of a specified description to be treated as being, or as not being, part of the military estate for the purposes of this section.”
- (6) In subsection (8), for “Any such order” substitute “An order under subsection (7) or (7B)”.
- (7) In the heading, after “estate” insert “and the military estate”.

Member’s explanatory statement

This new Clause requires the annual report prepared by the Minister for the Cabinet Office under section 86 of the Climate Change Act 2008 to cover buildings used for military purposes (as well as buildings that are part of the civil estate). One effect is to require the report to assess the progress made in each year towards reducing the size of the military estate.

Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

NC49

To move the following Clause—

“Power to direct

The Secretary of State shall define in regulation powers for local planning authorities to direct the use of underused, un-used or otherwise available publicly-owned land in a local area to support redevelopment or regeneration as outlined in a local development plan.”

Member’s explanatory statement

The clause would give councils the power of direction on publicly-owned land to enable it to be brought forward more quickly to support redevelopment or regeneration opportunities.

Secretary Greg Clark

NS5

To move the following Schedule—

“AUTHORITIES SPECIFIED FOR PURPOSES OF SECTION (*REPORTS ON BUILDINGS OWNED BY LOCAL AUTHORITIES AND OTHERS*)

- 1 A county council in England.
- 2 A district council.
- 3 A London borough council.
- 4 The Greater London Authority.
- 5 An economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009.
- 6 A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- 7 The London Fire and Emergency Planning Authority.
- 8 Transport for London.
- 9 A sub-national transport body established under section 102E of the Local Transport Act 2008.
- 10 A fire and rescue authority in England constituted by—
 - (a) a scheme under section 2 of the Fire and Rescue Services Act 2004, or
 - (b) a scheme to which section 4 of that Act applies.
- 11 An authority established under section 10 of the Local Government Act 1985 (joint authority for waste disposal functions).
- 12 A joint authority established under Part 4 of the Local Government Act 1985 for an area in England.
- 13 The Common Council of the City of London (in its capacity as a local authority).
- 14 A National Park authority for a National Park in England.
- 15 The Broads Authority.
- 16 The Council of the Isles of Scilly.”

Housing and Planning Bill, *continued*
Member's explanatory statement

This new Schedule lists the authorities subject to the duty to prepare a report under NC35.

Secretary Greg Clark

8

Clause 154, page 77, line 7, at end insert—

- “() Sections (*Engagement with public authorities in relation to proposals to dispose of land*) and (*Duty of public authorities to prepare report of surplus land holdings*) extend to—
- (a) England and Wales, and
 - (b) Scotland.”

Member's explanatory statement

This amendment provides that NC32 and NC33 form part of the law of England and Wales and Scotland.

*NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO THE FOLLOWING:
(A) CHAPTER 2 OF PART 4; (B) CHAPTER 4 OF PART 4; (C) CHAPTER 5 OF PART 4; (D)
CHAPTER 1 OF PART 4*

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

56

Page 29, line 11, leave out Chapter 2

Member's explanatory statement

The amendment would leave out this chapter so as to prevent vacant high value housing from being compulsory sold.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

92

Clause 67, page 29, line 21, at end insert “that shall include—

- (i) the repayment of capital debt on any high value properties sold
- (ii) the cost of replacing any high value properties sold on a one for one basis within the same local authority.”

Member's explanatory statement

The amendment would ensure the replacement of property locally and it would also ensure appropriate deductions are included in legislation.

Housing and Planning Bill, *continued*

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

51

Clause 67, page 29, line 21, at end insert—

“(2A) The total payment required from all affected local authorities in any financial year shall not exceed the total grant paid in that year to private registered providers in respect of right to buy discounts.”

Member’s explanatory statement

The amendment would avoid powers being used a general means of taxing councils and tenants for the benefit of the Exchequer.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

93

Clause 67, page 29, line 32, leave out from “regulations” to “for” and insert “require a local housing authority in England to define “high value” in its area”

Member’s explanatory statement

The amendment would enable local housing authorities to define high value property in line with local housing market conditions.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

94

Clause 67, page 29, line 33, at end insert “that will not apply to more than 10% of the total authority properties in the local housing authority area”

Member’s explanatory statement

The amendment would safeguard a proportion of local authority housing stock in high value areas.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

53

Clause 67, page 29, line 35, at end insert—

“(10) Regulations under subsection (8) may not define a dwelling as “high value” if its sale value is less than the cost of rebuilding it and providing a replacement dwelling with the same number of bedrooms in the same local authority area.”

Member’s explanatory statement

The amendment would ensure that the cost of replacement dwellings is not specified as one of the costs and deductions to be made as required by sub-section 67(2) and would allow for one-for-one local replacement.

Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

55

Clause 68, page 30, line 11, at end insert—

“(5) Regulations under subsection (2)(b) shall specify that housing shall be excluded where it forms part of a housing regeneration scheme or consists of specialist housing or recently improved housing.

(6) In this section—

“housing regeneration scheme” means a programme of regeneration or development of an area which includes the provision or improvement of housing and for which finance may be available under section 126 of the Housing Grants, Construction and Regeneration Act 1996;

“specialist housing” means any housing designed for or intended for occupation by older persons or persons needing care or support or persons with mental health problems or learning disabilities, or which has features which are designed to make it suitable for occupation by a physically disabled person, or which it is the practice of the landlord to let for occupation by persons with special needs;

“recently improved housing” means housing where there has been substantial works of repair or improvement carried out on the relevant dwelling or group of dwellings within the previous two years.”

Member’s explanatory statement

The amendment would exclude certain types of property from inclusion in the high value homes determination.

Secretary Greg Clark

9

Clause 155, page 77, line 11, at end insert—

“() Chapter 2 of Part 4;”

Member’s explanatory statement

This amendment provides for Chapter 2 of Part 4 (vacant high value social housing) to come into force on Royal Assent.

Secretary Greg Clark

11

Clause 155, page 77, line 17, leave out paragraph (a)

Member’s explanatory statement

This is consequential on amendment 9.

Caroline Lucas

NC39

To move the following Clause—

“Living Rent Commission

(1) The Secretary of State shall appoint a body, to be known as “the Living Rent Commission”, to discharge the functions conferred under this section.

Housing and Planning Bill, *continued*

- (2) The Secretary of State shall refer to the Living Rent Commission to determine a definition of “affordability”, based on which it shall make recommendations on rent levels for all housing provided by local authorities and private registered providers in England, at a level of locality considered appropriate and practicable by the Commission.
- (3) Before arriving at the recommendations to be included in the report produced under subsection (4), the Living Rent Commission shall consult—
 - (a) such organisations representative of providers of affordable housing as they think fit;
 - (b) such organisations representative of affordable housing occupants as they think fit; and
 - (c) if they think fit, any other body or person.
- (4) The Living Rent Commission shall, after considering the matter referred to it under subsection (2), make a report to the Prime Minister and the Secretary of State which shall contain the Commission’s recommendations regarding affordable rents.
- (5) The Secretary of State may by regulations implement the Commission’s recommendations on affordable rents for private registered providers and local authority provided housing.
- (6) If, following the report of the Living Rent Commission under subsection (4) above, the Secretary of State decides—
 - (a) not to make any regulations implementing the Commission’s recommendation, or
 - (b) to make regulations which do not relate to a recommendation of the Commission,

the Secretary of State shall lay a report before each House of Parliament containing a statement of the reasons for the decision.
- (7) The definitions determined and recommendations made under subsection (2) shall be reviewed annually by the Living Rent Commission.”

Member’s explanatory statement

This new clause would set up a Living Rent Commission to define and determine affordable rents.

Mr Gary Streeter

3

Clause 79, page 33, line 15, at end insert—

“(1A) The Secretary of State must not make regulations under subsection (1) which apply to tenants in affordable rent to buy properties.”

Member’s explanatory statement

This amendment would exclude tenants in affordable rent to buy properties from the application of mandatory rent requirements for high income social tenants.

Housing and Planning Bill, *continued*

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

95

Clause 79, page 33, line 15, at end insert—

“(1A) Any regulations made by the Secretary of State under this section will not apply—

- (a) to people aged over 65;
- (b) to people who have a registered disability;
- (c) to people on zero hours contracts;
- (d) to people with seasonal contracts of employment;
- (e) to households where one or more members is in receipt of ESA;
- (f) where a household member is in receipt of care
- (g) where a member of the household is a carer for another household member;
- (h) to those living in supported housing; and
- (i) to households in receipt of housing benefit.”

Member’s explanatory statement

The amendment would establish exemptions from the application of high income rents system.

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

57

Clause 79, page 33, line 19, at end insert—

“(d) to be increased on a tapered system relating to income and level of rent charged.”

Member’s explanatory statement

The amendment would introduce a taper scheme into the application of high income rents to prevent huge jumps in the rent level being charged with only modest increases in income.

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

58

Clause 79, page 33, line 19, at end insert—

“(d) to take into account the need to promote socially cohesive and mixed communities.”

Member’s explanatory statement

The amendment would enable local authorities and social housing providers to take into account the need to promote and encourage a degree of diversity in their communities.

Housing and Planning Bill, *continued*

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

59

Clause 79, page 33, line 19, at end insert—

“(d) take into account local affordability.”

Member’s explanatory statement

The amendment would establish that rent levels should reflect local affordability.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

60

Clause 79, page 33, line 22, at end insert—

“(3A) The Secretary of State must make regulations to provide for the external valuation of high income rents.”

Member’s explanatory statement

The amendment would establish that the application of a higher income rent should be subject to external valuation.

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

96

Clause 79, page 33, line 22, at end insert—

“(3A) Any regulations made by the Secretary of State under this section must include provisions for—

- (a) a notice period of one year before the new rent becomes payable; and
- (b) transitional protection and arrangements as the tenant moves to the higher rent.”

Member’s explanatory statement

The amendment would make it appropriate for tenants deemed to have a high income to be given time and a degree of transitional protection to enable them to relocate to another property or increase their income further

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

61

Clause 79, page 33, line 27, at end insert—

“(6) All provisions in this section shall only apply—

- (a) for new tenancies commenced after 30 April 2017; and
- (b) where the tenant has been provided with a new tenancy agreement.”

Member’s explanatory statement

The amendment would establish that the high income rent regime would only apply to new tenants from April 2017 and where they have been given a new tenancy agreement.

 Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

97

Clause 80, page 33, line 30, at beginning insert “Subject to subsection (1A)”
Member’s explanatory statement
See amendment 98.

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

98

Clause 80, page 33, line 32, at end insert—
 “(1A) High income” must be set with reference to average incomes in the area with high incomes being defined by income falling in the top quartile of incomes in the area.”
Member’s explanatory statement
The amendment would establish that high incomes will reflect the top quartile of income levels.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

62

Clause 80, page 33, line 32, at end insert—
 “(1A) For the purposes of this Chapter high income cannot be set at a level lower than median income.”
Member’s explanatory statement
The amendment would establish that the high income level cannot be set a level lower than average/median salaries.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

63

Clause 82, page 34, line 27, leave out subsection (c)
Member’s explanatory statement
The amendment would establish that the creation of a public body to transfer information from the HMRC to a local authority or registered provider of social housing is not necessary.

Housing and Planning Bill, *continued*

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

64

Clause 84, page 35, line 30, leave out “estimated”

Member’s explanatory statement

The amendment would establish that payments to the Secretary of State would not be made on an estimation of income receipts.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

65

Clause 84, page 35, line 38, leave out subsection (5)

Member’s explanatory statement

The amendment would establish that it will not be possible for payments to be made to the Secretary of State based on assumptions that are not borne out by reality.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

105

Page 86, line 1, leave out Schedule 4

Member’s explanatory statement

To remove this schedule from the Bill.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

66

Page 37, line 18, leave out Chapter 5

Member’s explanatory statement

The amendment would enable councils to be free to manage flexibly tenancies in a way that drives best value from stock whilst supporting strong local communities.

Tim Farron

107

☆ Page 27, line 21, leave out Clause 61

Member’s explanatory statement

This amendment would remove the ability of the Secretary of State to make grants with respect to Right to Buy discounts to private registered providers including housing associations.

Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

88

- Clause 61, page 27, line 23, at end insert “with the exclusion of—
- (a) supported housing for older people;
 - (b) supported housing units (including self-contained homes where floating support is provided for vulnerable people);
 - (c) key worker housing (which includes self-contained flats subject to nomination agreements with third parties);
 - (d) units that form part of major regeneration schemes planned or already under way;
 - (e) rural settlements;
 - (f) homes built for charitable purposes without Government grant and homes provided through S.106 agreements requiring stock to be kept as social housing in perpetuity;
 - (g) cooperative housing;
 - (h) ALMOS (arm’s length management organisations); and
 - (i) Alms houses.”

Member’s explanatory statement

The amendment would exclude the listed categories of specialised housing from being subject to the Right to Buy provisions of the Bill.

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

89

- Clause 61, page 27, line 25, at end insert—
- “(2A) The conditions at subsection (2) must include a condition that money equivalent to the market value (disregarding any discount) of a dwelling sold under right to buy and to which the grant applies is spent by the private registered provider on the provision of affordable housing in the same local authority area or London, including at least one new home replacing that sold which is—
- (a) of the same tenure,
 - (b) located in the same local authority area or London borough, and
 - (c) in accordance with assessed local housing need.”

Member’s explanatory statement

The amendment would require housing associations offering the Right to Buy to their tenants in London and elsewhere to re-invest all the money received as a result of the sale in replacement affordable housing, including a guaranteed like-for-like home in the same local authority area or London borough.

Housing and Planning Bill, *continued*

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

50

Clause 61, page 27, line 28, at end insert—

“(4) Grants must not be payable on properties bought and turned into buy-to-let dwellings within ten years.”

Member’s explanatory statement

The amendment would prevent property sold under Right to Buy from being converted into buy to let dwellings for a period of ten years.

Tim Farron

108

☆ Page 27, line 29, leave out Clause 62

Member’s explanatory statement

This amendment would remove the ability of the Greater London Authority to make grants with respect to Right to Buy discounts to private registered providers including housing associations in London.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

90

Clause 64, page 28, line 24, at end insert—

“() The discount should remain in perpetuity”

Member’s explanatory statement

The amendment would ensure that homes sold under the Right to Buy remain as discounted housing in perpetuity.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

91

Clause 64, page 28, line 24, at end insert—

“() A dwelling must not be sold under the Right to Buy without the Housing Association having the ability to—

- (a) verify the source of funding for purchase,
- (b) establish who is occupying the property,
- (c) check that the person/s seeking to purchase the property under Right to Buy has no interest in another property,
- (d) has sufficient time to carry out checks for fraudulent activity, and

Housing and Planning Bill, *continued*

- (e) be able to prepare reports on (a)-(d) for the Housing Association Board of Trustees to consider.”

Member’s explanatory statement

The amendment would ensure that housing associations are able to carry out proper checks before proceeding with the Right to Buy offer.

Tim Farron

109

☆ Clause 64, page 28, line 24, at end insert—

“() A dwelling must not be sold under the Right to Buy without the Housing Association having first—

(a) identified the dwelling that will become the replacement for the dwelling sold, where—

(i) the replacement dwelling may be an existing dwelling or a planned new-build,

(ii) the tenure of the replacement property is presumed to be the same as that of the dwelling sold under Right to Buy, unless a different tenure can be justified on the basis of local needs, and

(iii) the replacement dwelling is located in the same local authority area as the dwelling sold; and

(b) communicated the replacement plan to the Regulator.”

Member’s explanatory statement

This amendment would ensure that a home cannot be sold under Right to Buy until a suitable replacement home has first been found or planned.

***NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO THE FOLLOWING:
(A) PART 5; (B) PART 7; REMAINING PROCEEDINGS ON CONSIDERATION***

Secretary Greg Clark

NC38

To move the following Clause—

“Offence of contravening an overcrowding notice: level of fine

In section 139 of the Housing Act 2004 (overcrowding notices), in subsection (7), for “to a fine not exceeding level 4 on the standard scale” substitute “to a fine”.”

Member’s explanatory statement

The maximum fine for contravening an overcrowding notice under section 139 of the Housing Act 2004 is currently a level 4 fine. This new Clause would remove the restriction on the level of fine that may be imposed.

Housing and Planning Bill, *continued*

Jim Fitzpatrick

NC3

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*

Jim Fitzpatrick

NC4

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 per cent 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.”

 John Stevenson
 Martin Vickers
 Sir Edward Leigh

NC42

To move the following Clause—

“Mobile Homes Act 1983: limit of commission

- (1) For sub-paragraph (5) of paragraph 7A of Schedule 1 to the Mobile Homes Act 1983, as inserted by section 10 of the Mobile Homes Act 2013, substitute—
 - “(5) The new occupier is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding five per cent of the purchase price of the mobile home as may be prescribed by regulations made by the Secretary of State.”
- (2) For sub-paragraph (8) of paragraph 7B of Schedule 1 to the Mobile Homes Act 1983, as inserted by section 10 of the Mobile Homes Act 2013, substitute—
 - “(8) The person to whom the mobile home is sold (“the new occupier”) is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding five per cent of the purchase price of the mobile

Housing and Planning Bill, *continued*

home as may be prescribed by regulations made by the Secretary of State.””

Member’s explanatory statement

This new clause would limit the amount of commission that a site owner could receive when a park home is sold to no more than 5% of the purchase price.

John Healey
Dr Roberta Blackman-Woods
Teresa Pearce

NC52

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).
 - (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—

Housing and Planning Bill, *continued*

- (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.

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

NC53

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

Housing and Planning Bill, *continued*

- (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

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

Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

NC54

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

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

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

99

Clause 92, page 38, line 24, at end insert—

“(c) 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”

Member’s explanatory statement

The amendment would deny those with an entry on the Database of Rogue Landlords and Letting Agents from being granted a licence for a HMO.

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

67

Clause 93, page 39, line 25, leave out “as an alternative” and insert “in addition”

Member’s explanatory statement

The amendment would allow for a financial penalty as an addition rather than as an alternative to prosecution.

Housing and Planning Bill, *continued*

John Healey
 Dr Roberta Blackman-Woods
 Teresa Pearce

106

Page 99, line 20, leave out Schedule 5

Member's explanatory statement

To remove this schedule from the Bill.

Secretary Greg Clark

27

Schedule 6, page 103, line 30, leave out paragraphs 2 to 5 and insert—

“2 In section 30 (offence of failing to comply with improvement notice), after subsection (6) insert—

“(7) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).

(8) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.”

3 In section 72 (offences in relation to licensing of HMOs), after subsection (7) insert—

“(7A) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).

(7B) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.”

4 In section 95 (offences in relation to licensing of houses under Part 3), after subsection (6) insert—

“(6A) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).

(6B) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.”

5 In section 139 (overcrowding notices), after subsection (9) insert—

“(10) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).

(11) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.”

5A In section 234 (management regulations in respect of HMOs), after subsection (5) insert—

“(6) See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England).

Housing and Planning Bill, *continued*

- (7) If a local housing authority has imposed a financial penalty on a person under section 249A in respect of conduct amounting to an offence under this section the person may not be convicted of an offence under this section in respect of the conduct.”

5B After section 249 insert—

*“Financial penalties as alternative to prosecution***249A Financial penalties for certain housing offences in England**

- (1) The local housing authority may impose a financial penalty on a person if satisfied that the person’s conduct amounts to a relevant housing offence in respect of premises in England.
- (2) In this section “relevant housing offence” means an offence under—
- (a) section 30 (failure to comply with improvement notice),
 - (b) section 72 (licensing of HMOs),
 - (c) section 95 (licensing of houses under Part 3),
 - (d) section 139(7) (failure to comply with overcrowding notice), or
 - (e) section 234 (management regulations in respect of HMOs).
- (3) Only one financial penalty under this section may be imposed on a person in respect of the same conduct.
- (4) The amount of a financial penalty imposed under this section is to be determined by the local housing authority, but must not be more than £30,000.
- (5) The local housing authority may not impose a financial penalty in respect of any conduct amounting to a relevant housing offence if—
- (a) the person has been convicted of the offence in respect of that conduct, or
 - (b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.
- (6) Schedule 13A deals with—
- (a) the procedure for imposing financial penalties,
 - (b) appeals against financial penalties,
 - (c) enforcement of financial penalties, and
 - (d) guidance in respect of financial penalties.
- (7) The Secretary of State may by regulations make provision about how local housing authorities are to deal with financial penalties recovered.
- (8) The Secretary of State may by regulations amend the amount specified in subsection (4) to reflect changes in the value of money.
- (9) For the purposes of this section a person’s conduct includes a failure to act.””

Member’s explanatory statement

This amendment has two substantive effects as well as making certain drafting changes. The substantive effects are that: (1) an offence under section 234 of the Housing Act 2004 is added to the list of offences in respect of which a financial penalty may be imposed; (2) the maximum financial penalties available are increased.

Housing and Planning Bill, *continued*

Secretary Greg Clark

28

Schedule 6, page 107, line 2, leave out “2A” and insert “13A”

Member’s explanatory statement

See Member’s explanatory statement for amendment 27.

Secretary Greg Clark

29

Schedule 6, page 107, line 6, leave out “30A, 72A, 95A or 144A” and insert “249A”

Member’s explanatory statement

See Member’s explanatory statement for amendment 27.

Secretary Greg Clark

30

Schedule 6, page 109, line 13, leave out “30A, 72A, 95A or 144A” and insert “249A”

Member’s explanatory statement

See Member’s explanatory statement for amendment 27.

Robert Neill
Mrs Caroline Spelman

NC47

To move the following Clause—

“Duty of Care

- (1) The Secretary of State shall by 31 December 2016 introduce via regulation a statutory Duty of Care to be placed upon acquiring authorities.
- (2) The Duty of Care established under subsection (1) must include, but need not be confined to specifications regarding the treatment by acquiring authorities towards those losing land or property to compulsory purchase.”

Member’s explanatory statement

This new clause would place a Duty of Care upon acquiring authorities to ensure that those losing land or property to compulsory purchase are treated fairly, as well as introducing a clear set of guidelines by which authorities would have to adhere to and could be judged against.

Robert Neill
Mrs Caroline Spelman

79

Clause 141, page 70, line 44, at end insert—

- “(6) If an acquiring authority fails to make an advance payment of compensation and the landowner has fulfilled all of the requirements to facilitate a payment, the acquiring authority will not be able to take possession of the relevant land without the written permission of the landowner or until an advance payment has been made.”

Member’s explanatory statement

This amendment would require compensation to be paid in advance of entry to allow for the

Housing and Planning Bill, *continued*

purchase of replacement land or another business asset. The failure to provide compensation in advance would prohibit the acquiring authority to take possession of the land in question without the written permission of the landowner.

Robert Neill
Mrs Caroline Spelman

76

Clause 142, page 71, line 15, at end insert—

- “(1A) The rate of interest on compensation due to be paid in advance of entry, but paid late, shall be set at 8% above the Bank of England base rate.
- (1B) Interest on compensation that is paid after entry, but was not due in advance of entry, shall be paid at 4% above the Bank of England base rate.”

Member’s explanatory statement

This amendment would set the interest rate on compensation that was due before entry, but not paid on time, at 8% above the base rate, in line with the interest rate on late commercial payments. Any compensation which is paid after entry but was not quantifiable at the time of entry would attract an interest rate of 4% above the base rate, in line with commercial lending rates.

Robert Neill
Mrs Caroline Spelman

77

Clause 142, page 71, leave out lines 24 to 32.

Member’s explanatory statement

This amendment is consequential to amendment 76.

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.

Housing and Planning Bill, *continued*

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.

HOUSING AND PLANNING BILL (PROGRAMME (NO. 2))

Secretary Greg Clark

That the Order of 2 November 2015 (Housing and Planning Bill (Programme)) be varied as follows:

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration and up to and including Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.
4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
First day	
New clauses, new Schedules and amendments relating to Part 1	Two hours after the commencement of proceedings on the motion for this order.
New clauses, new Schedules and amendments relating to the following: (a) Chapter 3 of Part 4; (b) the recovery of social housing assistance; (c) the insolvency of social housing providers; (d) Part 2; (e) Part 3	Four hours after the commencement of proceedings on the motion for this order.
New clauses, new Schedules and amendments relating to the following: (a) Part 6; (b) surplus land held by public bodies or the disposal of land by public bodies	Six hours after the commencement of proceedings on the motion for this order.
Second day	
New clauses, new Schedules and amendments relating to the following (a) Chapter 2 of Part 4; (b) Chapter 4 of Part 4; (c) Chapter 5 of Part 4; (d) Chapter 1 of Part 4.	Two hours after the commencement of proceedings on Consideration on the second day.

Housing and Planning Bill, *continued**Proceedings**Time for conclusion of proceedings*

New clauses, new Schedules and amendments relating to the following: (a) Part 5; (b) Part 7; remaining proceedings on Consideration

Four hours after the commencement of proceedings on Consideration on the second day.

5. Proceedings in Legislative Grand Committee shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement on the second day.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement on the second day.

NOTICES WITHDRAWN

The following Notices were withdrawn on 17 December 2015 and 4 January 2016

Amendments 36, 52, 54, 68, 69 and 73
