



**SUPPLEMENT TO THE VOTES AND PROCEEDINGS**

**Tuesday 12 January 2016**

**REPORT STAGE PROCEEDINGS**

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**HOUSING AND PLANNING BILL, AS AMENDED**

*[SECOND DAY]*

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*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*

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 29, line 14, leave out Clause 67

*Withdrawn 131*

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

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.”

*Not called 92*

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

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.”

*Not called 51*

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**Housing and Planning Bill, *continued***

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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”

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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”

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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.”

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **132**

Page **29**, line **36**, leave out Clause 68

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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;

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**Housing and Planning Bill, *continued***

“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.”

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 30, line 12, leave out Clause 69

*Not called* 133

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 30, line 28, leave out Clause 70

*Not called* 134

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 31, line 2, leave out Clause 71

*Not called* 135

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 31, line 12, leave out Clause 72

*Not called* 136

Secretary Greg Clark

Clause 72, page 31, line 19, at end insert—

*Agreed to* 112

- “(4) Where the agreement is with a local housing authority in Greater London, it must require the authority to ensure that at least two new affordable homes are provided for each old dwelling.
- (5) But if the Greater London Authority has agreed to ensure that a number of the new affordable homes are provided, that number is to be deducted from the number for which the local housing authority must be made responsible under subsection (4).
- (6) The Secretary of State may by regulations create other exceptions to subsection (4) in relation to one or more local housing authorities.

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**Housing and Planning Bill, *continued***

- (7) In this section—
- “new affordable home” means a new dwelling in England that—
- “(a) is to be made available for people whose needs are not adequately served by the commercial housing market, or
- (b) is a starter home as defined by section 2;
- “new dwelling” means a building or part of a building that—
- “(a) has been constructed for use as a single dwelling and has not previously been occupied, or
- (b) has been adapted for use as a single dwelling and has not been occupied since its adaptation;
- “old dwelling” means a single dwelling taken into account under section 67(2) for the purposes of the determination.
- (8) If a determination under this Chapter relates to more than one financial year—
- (a) an agreement under this section may be made in relation to the determination so far as it relates to a particular financial year, and
- (b) if such an agreement is made with a local housing authority in Greater London, the reference in subsection (7) to the determination is to the determination so far as it relates to the financial year to which the agreement relates.
- (9) The Secretary of State may by regulations amend this section so as to change the meaning of “new affordable home”.”

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 31, line 20, leave out Clause 73

*Not called* 137

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 31, line 28, leave out Clause 74

*Not called* 138

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 32, line 2, leave out Clause 75

*Not called* 139

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Housing and Planning Bill, *continued*

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* 140

Page 32, line 16, leave out Clause 76

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* 141

Page 32, line 28, leave out Clause 77

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Secretary Greg Clark

*Agreed to* 130

Clause 153, page 76, line 21, at end insert—  
“() regulations under section 72(9);”

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Secretary Greg Clark

*Agreed to* 9

Clause 155, page 77, line 11, at end insert—  
“() Chapter 2 of Part 4;”

Secretary Greg Clark

*Agreed to* 11

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

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Secretary Greg Clark

*Added* NC59

To move the following Clause—

**“Reverting to original rent levels**

- (1) Rent regulations may include provision for the purpose of ensuring that where a requirement imposed under section 79(1) ceases to apply, the rent is changed to what it would have been if the requirement had never applied.
- (2) Rent regulations may include provision for the purpose of ensuring that where—
  - (a) a local housing authority is required by section 81(2) to charge the maximum rent because of a tenant’s failure to provide information or evidence, and
  - (b) the tenant subsequently provides the necessary information or evidence,

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**Housing and Planning Bill, *continued***

the rent is changed to what it would have been if section 81(2) had never applied.”

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Secretary Greg Clark

*Added* NC60

To move the following Clause—

**“Private providers: policies for high income social tenants**

- (1) A private registered provider of social housing that has a policy about levels of rent for high income social tenants in England must publish that policy.
  - (2) The policy must include provision for requesting reviews of, or appealing, decisions under the policy.”
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Secretary Greg Clark

*Added* NC61

To move the following Clause—

**“HMRC information for private registered providers**

- (1) HMRC may disclose information for the purpose of enabling a private registered provider of social housing to apply any relevant policy about levels of rent for high income social tenants in England.
- (2) The information may only be disclosed to—
  - (a) the private registered provider of social housing,
  - (b) the Secretary of State for the purposes of passing the information to registered providers,
  - (c) a public body that has been given the function of passing information between HMRC and registered providers by regulations under subsection (3), or
  - (d) a body with which the Secretary of State has made arrangements for the passing of information between HMRC and registered providers.
- (3) The Secretary of State may by regulations—
  - (a) give a public body the function mentioned in subsection (2)(c), and
  - (b) make provision about the carrying out of that function.
- (4) The Secretary of State must obtain HMRC’s consent before making—
  - (a) arrangements under subsection (2)(d), or
  - (b) regulations under subsection (3).
- (5) Information disclosed under this section to the Secretary of State or to a body mentioned in subsection (2)(c) or (d) may be passed on to a registered provider for which it is intended.
- (6) Information disclosed under this section may not otherwise be further disclosed without authorisation from HMRC.
- (7) Where a person contravenes subsection (6) by disclosing any revenue and customs information relating to a person whose identity—
  - (a) is specified in the disclosure, or
  - (b) can be deduced from it,

**Housing and Planning Bill, *continued***

section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.

- (8) In this section—
- “HMRC” means the Commissioners for Her Majesty’s Revenue and Customs;
  - “relevant”, in relation to a private registered provider’s policy about levels of rent for high income social tenants in England, means a policy that—
    - “(a) has been published as required by section (*Private providers: policies for high income social tenants*), and
    - (b) complies with any requirements imposed under subsection (2) of that section;
  - “revenue and customs information relating to a person” has the meaning given by section 19(2) of the Commissioners for Revenue and Customs Act 2005;
  - “tenant” includes prospective tenant.”

Caroline Lucas

*Not called* 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.
- (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,

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**Housing and Planning Bill, *continued***

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.”

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* 144

Page 33, line 12, leave out Clause 79

Secretary Greg Clark

*Agreed to* 113

Clause 79, page 33, line 14, leave out “a registered provider of social housing” and insert “an English local housing authority”

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

*Not called* 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.”

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

*Not called* 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.”



**Housing and Planning Bill, *continued***

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

*Not called* **58**

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

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

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

*Not called* **59**

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

“(d) take into account local affordability.”

John Healey  
 Dr Roberta Blackman-Woods  
 Teresa Pearce

*Not called* **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.”

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

*Not called* **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.”

Ann Coffey

*Not selected* **155**

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

“(3A) In making provision about the levels of rent that high income tenants of social housing must be charged, the Secretary of State must take into account, and require registered providers of social housing to take into account:

- (a) the availability of suitable equivalent properties in the local private rented sector, and
- (b) the likely impact of the levels of rent set on incentives to work for high income tenants.”

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**Housing and Planning Bill, *continued***

Secretary Greg Clark

*Agreed to* **114**

Clause 79, page 33, line 23, leave out “registered provider of social housing” and insert “local housing authority”

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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.”

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **145**

Page 33, line 29, leave out Clause 80

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **97**

Clause 80, page 33, line 30, at beginning insert “subject to subsection (1A)”

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

*Not called* **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.”

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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.”

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**Housing and Planning Bill, *continued***

Ann Coffey

*Not selected* 156

- ★ Clause 80, page 33, line 34, at end insert—  
 “(a1) define “high income” in a particular area or in relation to a couple’s joint income in a manner which mitigates any reduction in incentives to work.”

Secretary Greg Clark

*Agreed to* 115

- Clause 80, page 34, line 3, leave out “registered provider of social housing” and insert “local housing authority”
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John Healey

Dr Roberta Blackman-Woods

Teresa Pearce

*Not called* 146

- Page 34, line 6, leave out Clause 81

Secretary Greg Clark

*Agreed to* 116

- Clause 81, page 34, line 7, leave out “registered provider of social housing” and insert “local housing authority”

Secretary Greg Clark

*Agreed to* 117

- Clause 81, page 34, line 9, leave out “registered provider” and insert “local housing authority”

Secretary Greg Clark

*Agreed to* 118

- Clause 81, page 34, line 11, leave out “registered provider of social housing” and insert “English local housing authority”

Secretary Greg Clark

*Agreed to* 119

- Clause 81, page 34, line 12, leave out “rent at the market rate” and insert “the maximum rent”

Secretary Greg Clark

*Agreed to* 120

- Clause 81, page 34, line 18, at end insert—  
 “( ) In subsection (2) “the maximum rent” means the rent that a local housing authority is required to charge a high income tenant of the premises under section 79 (or, if regulations under section 79(3)(a) provide for different rents for people with different incomes, the rent that a person in the highest income bracket would be required to pay).”
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**Housing and Planning Bill, *continued***

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* 147

Page 34, line 19, leave out Clause 82

Secretary Greg Clark

*Agreed to* 121

Clause 82, page 34, line 20, leave out “registered provider of social housing” and insert “local housing authority”

Secretary Greg Clark

*Agreed to* 122

Clause 82, page 34, line 24, leave out “registered provider of social housing” and insert “local housing authority”

***Member’s explanatory statement***

*See Member’s explanatory statement for amendment Agreed to 113.*

Secretary Greg Clark

*Agreed to* 123

Clause 82, page 34, line 26, leave out “registered providers” and insert “local housing authorities”

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* 63

Clause 82, page 34, line 27, leave out subsection (c)

Secretary Greg Clark

*Agreed to* 124

Clause 82, page 34, line 28, leave out “registered providers” and insert “local housing authorities”

Secretary Greg Clark

*Agreed to* 125

Clause 82, page 34, line 31, leave out “registered providers” and insert “local housing authorities”

Secretary Greg Clark

*Agreed to* 126

Clause 82, page 34, line 39, leave out “registered provider” and insert “local housing authority”

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* 148

Page 35, line 15, leave out Clause 83

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Housing and Planning Bill, *continued*

Secretary Greg Clark

Clause 83, page 35, line 16, leave out “registered provider of social housing” and insert “local housing authority” *Agreed to* 127

Secretary Greg Clark

Clause 83, page 35, line 17, leave out “increase” and insert “change” *Agreed to* 128

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 35, line 28, leave out Clause 84 *Not called* 149

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Clause 84, page 35, line 30, leave out “estimated” *Not called* 64

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Clause 84, page 35, line 38, leave out subsection (5) *Not called* 65

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 36, line 1, leave out Clause 85 *Not called* 150

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Secretary Greg Clark  
John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 36, line 4, leave out Clause 86 *Agreed to* 129

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**Housing and Planning Bill, *continued***

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 36, line 31, leave out Clause 87

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*Not called* 152

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 37, line 7, leave out Clause 88

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*Not called* 153

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 37, line 20, leave out Clause 89

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*Negated on division* 142

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 37, line 32, leave out Clause 90

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*Not called* 143

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 86, line 1, leave out Schedule 4

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*Not called* 105

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

Page 99, line 20, leave out Schedule 5

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*Not called* 106

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**Housing and Planning Bill, *continued***

Tim Farron

*Not called* 107

Page 27, line 21, leave out Clause 61

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce*Not called* 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.”

Sadiq Khan  
John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce  
Helen Hayes  
Matthew Pennycook*Negated on division* 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.”

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce  
Helen Hayes  
Matthew Pennycook*Not called* 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.”
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**Housing and Planning Bill, *continued***

Tim Farron

*Not called* 108

Page 27, line 29, leave out Clause 62

Secretary Greg Clark

*Agreed to* 111

Page 28, line 16, leave out Clause 64

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce*Not called* 90Clause 64, page 28, line 24, at end insert—  
“( ) The discount should remain in perpetuity”John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce*Not called* 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
- (e) be able to prepare reports on (a)-(d) for the Housing Association Board of Trustees to consider.”

Tim Farron

*Not called* 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.”

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**Housing and Planning Bill, *continued***

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

Secretary Greg Clark

*Agreed to* NC62

To move the following Clause—

**“Offence of contravening an overcrowding notice: level of fine**

- (1) Section 139 of the Housing Act 2004 (overcrowding notices) is amended as follows.
- (2) In subsection (7), omit “and is liable on summary conviction to a fine not exceeding level 4 on the standard scale”.
- (3) After subsection (7) insert—
  - “(7A) A person who commits an offence under subsection (7) in relation to premises in England is liable on summary conviction to a fine.
  - (7B) A person who commits an offence under subsection (7) in relation to premises in Wales is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

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Jim Fitzpatrick

*Not called* 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.

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**Housing and Planning Bill, *continued***

- (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.”

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Jim Fitzpatrick

*Not called* 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.”

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John Stevenson  
Martin Vickers  
Sir Edward Leigh

*Not called* 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—

**Housing and Planning Bill, *continued***

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

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Negatived on division* **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

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**Housing and Planning Bill, *continued***

- (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—
  - (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.”

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

*Not called* **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

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**Housing and Planning Bill, *continued***

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—
    - (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.”
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**Housing and Planning Bill, *continued***

John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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).”
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Ann Coffey

*Not selected* **NC64**

★ To move the following Clause—

**“Shared accommodation rate for housing benefit: care leavers exemption**

The shared accommodation rate for housing benefit shall not apply to care leavers.”

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **154**

Clause **91**, page **38**, leave out lines 6 and 7

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John Healey  
Dr Roberta Blackman-Woods  
Teresa Pearce

*Not called* **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”

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**Housing and Planning Bill, *continued***

John Healey  
 Dr Roberta Blackman-Woods  
 Teresa Pearce

*Not called* 67

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

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Secretary Greg Clark

*Agreed to* 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.””

Secretary Greg Clark

*Agreed to* 28

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



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**Housing and Planning Bill, *continued***

Secretary Greg Clark

Schedule 6, page 107, line 6, leave out “30A, 72A, 95A or 144A” and insert “249A” *Agreed to* 29

Secretary Greg Clark

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

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Robert Neill  
Mrs Caroline Spelman

*Not called* 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.”

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Robert Neill  
Mrs Caroline Spelman  
Mrs Cheryl Gillan

*Not called* 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.”

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Robert Neill  
Mrs Caroline Spelman  
Mrs Cheryl Gillan

*Not called* 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.”

**Housing and Planning Bill**, *continued*

Robert Neill  
Mrs Caroline Spelman  
Mrs Cheryl Gillan

*Not called* 77

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

*Legislative Grand Committee (England and Wales): Consent Motion agreed to.*

*Legislative Grand Committee (England): Consent Motion agreed to.*

*Bill read the third time on division, and passed.*

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