



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 5 January 2016

New Amendments handed in are marked thus ★

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

CONSIDERATION OF BILL (REPORT STAGE)

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 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.

Housing and Planning Bill, *continued*

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.

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

Housing and Planning Bill, *continued*

costs and deductions to be made as required by sub-section 67(2) and would allow for one-for-one local replacement.

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.

Housing and Planning Bill, *continued*

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.
- (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.

Housing and Planning Bill, *continued*

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.

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.

Housing and Planning Bill, *continued*

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.

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

Housing and Planning Bill, *continued*

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.

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.

Housing and Planning Bill, *continued*

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.

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.

Housing and Planning Bill, *continued*

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.

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

Housing and Planning Bill, *continued*

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.

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.

Housing and Planning Bill, *continued*

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
 - (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.

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

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.

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—

Housing and Planning Bill, *continued*

- (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.

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.”

Housing and Planning Bill, *continued*

- (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.””

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).

Housing and Planning Bill, *continued*

- (3ZD) Regulations may make provision for the exclusion of certain classes of letting from subsection (1).
- (3ZE) In this section “house” has the same meaning as “dwelling house” and includes—
 - (a) a part of a house, and
 - (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.”
- (5) In section 10 of the Landlord and Tenant Act 1985, after “waste water”, insert—

“any other matter or thing that may amount, singly or cumulatively, to a Category 1 hazard within the meaning of section 2 of the Housing Act 2004.”
- (6) Regulations may make provision for guidance as to the operation of the matters set out in section 10 which are relevant to the assessment of fitness for human habitation.
- (7) This section shall come into force—
 - (a) in England at the end of the period of three months from the date on which this Act receives Royal Assent and shall apply to all tenancies licences and agreements for letting made on or after that date; and
 - (b) in Wales on a date to be appointed by the Welsh Ministers.””

Member’s explanatory statement

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

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

Housing and Planning Bill, *continued*

- (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.”

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
 Mrs Cheryl Gillan

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

Housing and Planning Bill, *continued*

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 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
Mrs Cheryl Gillan

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
Mrs Cheryl Gillan

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.

Housing and Planning Bill, *continued*

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

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

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
