

LORDS AMENDMENTS TO THE
HOUSING AND PLANNING BILL

[The page and line references are to HL Bill 87, the bill as first printed for the Lords]

Clause 2

- 1 Page 1, line 13, at end insert—
“() is subject to a restriction requiring repayment of the 20% discount, reduced by 1/20th for each year of occupation by the purchaser, for a period of 20 years,”
- 2 Page 2, line 3, leave out “under” and insert “at least 23 years old but has not yet reached”
- 3 Page 2, line 4, leave out “has any other characteristics” and insert “meets any other criteria”
- 4 Page 2, line 5, leave out “or minimum age”
- 5 Page 2, line 16, after “regulations” insert “—
(a) ”
- 6 Page 2, line 17, at end insert—
“(b) disapply the age requirement in subsection (3)(b) in relation to specified categories of people;
(c) specify circumstances in which a dwelling may still be a starter home even if it is available for purchase by joint purchasers not all of whom meet the age requirement.”
- 7 Page 2, line 21, at end insert—
“() Before making regulations under subsection (8) the Secretary of State must consult—
(a) each local planning authority in England,
(b) the Mayor of London, and
(c) any other person the Secretary of State thinks appropriate.”
- 8 Page 2, line 21, at end insert—
“() Regulations under this section may amend this Chapter.”

Clause 4

- 9 Page 3, line 2, leave out subsection (1) and insert—
“() An English planning authority may only grant planning permission for a residential development having had regard to the provision of starter homes based on its own assessment of local housing need and viability.”
- 10 Page 3, line 9, leave out subsection (3)

Clause 13

- 11 Page 8, line 37, leave out “companies” and insert “bodies corporate”

Clause 17

- 12 Page 10, line 21, leave out “company” and insert “body corporate”
- 13 Page 10, line 23, leave out “company” and insert “body corporate”
- 14 Page 10, line 24, leave out “company” and insert “body corporate”
- 15 Page 10, line 25, leave out “company” and insert “body corporate”

Clause 20

- 16 Page 11, line 23, leave out “this section” and insert “subsection (1)”
- 17 Page 11, line 27, at end insert—
“(3A) Where a person is convicted under subsection (1) of breaching a banning order and the breach continues after conviction, the person commits a further offence and is liable on summary conviction to a fine not exceeding one-tenth of level 2 on the standard scale for each day or part of a day on which the breach continues.

(3B) In proceedings for an offence under subsection (3A) it is a defence to show that the person had a reasonable excuse for the continued breach.”

Clause 22

- 18 Page 12, line 3, after “satisfied” insert “, beyond reasonable doubt,”
- 19 Page 12, line 4, leave out “20” and insert “20(1)”
- 20 Page 12, line 9, at end insert “unless subsection (3A) allows another penalty to be imposed.

(3A) If a breach continues for more than 6 months, a financial penalty may be imposed for each additional 6 month period for the whole or part of which the breach continues.”
- 21 Page 12, line 13, leave out “20” and insert “20(1)”

Clause 38

22 Page 18, line 21, at end insert –

- “(5) For the purposes of paragraph 17 of Schedule 23 to the Finance Act 2011 (which relates to HMRC data-gathering powers), the database is to be treated as being maintained by the Secretary of State.”

After Clause 51

23 Insert the following new Clause –

“Appeals from the first-tier tribunal

- (1) A person aggrieved by a decision of the First-tier Tribunal made under this Part may appeal to the Upper Tribunal.
- (2) An appeal may not be brought under subsection (1) in relation to a decision on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).
- (3) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).
- (4) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.
- (5) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.”

Clause 53

24 Page 24, line 22, at end insert –

- “() But a person is not a property manager for the purposes of this Part if the person engages in English property management work in the course of that person’s employment under a contract of employment.”

Clause 54

25 Page 24, line 33, at end insert –

““body corporate” includes a body incorporated outside England and Wales;”

Clause 55

26 Page 25, line 28, leave out “neither the tenant nor a named occupier” and insert “no tenant, named occupier or deposit payer”

Clause 57

27 Page 26, line 4, leave out “the tenant and any named occupier” and insert “the following”

28 Page 26, line 5, at end insert “ –
(a) the tenant,

- (b) any named occupiers, and
- (c) any deposit payers.”

- 29 Page 26, line 10, leave out “or a named occupier” and insert “, a named occupier or a deposit payer”
- 30 Page 26, line 12, leave out “neither the tenant nor a named occupier” and insert “no tenant, named occupier or deposit payer”
- 31 Page 26, line 27, after “Part” insert “ –
“deposit payer” means a person who the landlord knows paid a tenancy deposit in relation to the tenancy on behalf of the tenant;”

Clause 59

- 32 Page 27, line 2, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 33 Page 27, line 4, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 34 Page 27, line 8, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 35 Page 27, line 10, leave out “or named occupier” and insert “, named occupier or deposit payer”

Clause 60

- 36 Page 27, line 24, at end insert –
““tenancy deposit”, in relation to a tenancy, means any money intended to be held (by the landlord or otherwise) as security for –
 - (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
 - (b) the discharge of any liability of the tenant arising under or in connection with the tenancy;”

Clause 67

- 37 Page 29, line 27, after “may” insert “by regulations”
- 38 Page 29, line 31, leave out “high” and insert “higher”
- 39 Page 30, line 8, leave out “high” and insert “higher”
- 40 Page 30, line 8, after “value” insert “, in relation to housing,”
- 41 Page 30, line 10, leave out “high” and insert “higher”
- 42 Page 30, line 10, after “for” insert “different kinds of housing, different local housing authorities or”
- 43 Page 30, line 11, at end insert –
“() In determining how to define “higher value”, in relation to housing, the Secretary of State may –
 - (a) use any category of housing that the Secretary of State considers appropriate as a comparator (for example, housing in which a local housing authority has an interest or housing in a particular area);

- (b) take into account any other factors that the Secretary of State considers appropriate.”

Clause 72

- 44 Page 31, line 32, leave out subsections (2) and (3) and insert—
“(2) The terms and conditions of an agreement must include—
(a) the amount of the reduction mentioned in subsection (1), and
(b) any terms and conditions required by subsection (3) or (4).
(3) Where the agreement is with a local housing authority outside Greater London, it must include terms and conditions requiring the authority to ensure that at least one new affordable home is provided for each old dwelling.”
- 45 Page 31, line 37, leave out “require” and insert “include terms and conditions requiring”
- 46 Page 31, line 41, after “responsible” insert “by terms and conditions”
- 47 Page 31, line 42, at end insert—
“() If a local housing authority so wishes, and that authority can demonstrate, whether by reference to its local housing plan or otherwise, that there is a need in its area for social housing of the kind that it proposes to build, the Secretary of State shall enter into an agreement with that authority whereby it shall retain such part of the payment as may be required to fund the provision of a new dwelling to be let as social housing on terms (as to tenure, rent or otherwise) which are similar to those on which the old dwelling was let.”
- 48 Page 32, line 1, after “subsection” insert “(3) or”
- 49 Page 32, line 18, leave out from beginning to the first “to” in line 19 and insert “in the definition of “old dwelling” in subsection (7) the reference”

Clause 74

- 50 Page 32, line 34, leave out “high” and insert “higher”

Clause 75

- 51 Page 33, line 9, leave out “high” and insert “higher”
- 52 Page 33, line 15, leave out “high” and insert “higher”

Clause 77

- 53 Page 33, line 35, leave out “high value” and insert “higher value”, in relation to housing,”

Clause 78

- 54 Page 34, line 9, leave out “must” and insert “may”

55 Page 34, line 10, at end insert –

“() The regulations must specify that the rent shall not equate to more than 10 pence for each pound of a tenant’s income above the minimum income threshold.”

56 Page 34, line 17, at end insert –

“() The regulations may create exceptions for high income tenants of social housing of a specified description.”

Clause 79

57 Page 34, line 25, at end insert “which will not be below £50,000 a year per household in London, or £40,000 per household outside London,”

58 Page 34, line 37, at end insert –

“() make provision for the level of household income, for the purposes of defining “high income”, to be increased every three years to reflect any increase in the consumer price index.”

After Clause 90

59 Insert the following new Clause –

“Reducing local authority influence over private registered providers

- (1) The Secretary of State may by regulations make provision for the purpose of limiting or removing the ability of local authorities to exert influence over private registered providers through –
 - (a) appointing or removing officers of private registered providers;
 - (b) exercising or controlling voting rights.
- (2) The regulations may in particular –
 - (a) limit the number of officers that a local authority may appoint;
 - (b) prohibit a local authority from appointing officers;
 - (c) confer power on a private registered provider to remove officers appointed by a local authority;
 - (d) prohibit a local authority from doing things that would result in it obtaining voting rights in a private registered provider;
 - (e) require a local authority to take steps to reduce or get rid of any voting rights that it has in a private registered provider.
- (3) Regulations under this section may override or modify any contractual or other rights (whenever created) or anything in a private registered provider’s constitution.
- (4) Regulations under this section may –
 - (a) confer a power to amend the constitution of a private registered provider in consequence of provision made by the regulations;
 - (b) make provision about the procedure for exercising that power.
- (5) In this section –
 - “appointing”, in relation to an officer, includes nominating or otherwise influencing the selection of the officer;
 - “constitution” includes rules;

“local authority” has the meaning given by section 106 of the Housing Associations Act 1985;

“officer”, in relation to a private registered provider, has the meaning given by section 270 of the Housing and Regeneration Act 2008;

“private registered provider” means a private registered provider of social housing.”

Clause 91

- 60 Page 39, line 23, after “administration” insert “(which, for this purpose, includes housing administration under Chapter 5 of Part 4 of the Housing and Planning Act 2016)”

Clause 92

- 61 Page 40, line 5, leave out subsection (3)
- 62 Page 40, line 10, leave out “references in this section” and insert “the reference in subsection (1)(b)”
- 63 Page 40, line 11, leave out “are references” and insert “is a reference”

Clause 93

- 64 Page 40, line 13, leave out subsections (1) to (8) and insert –
- “(1) A housing administrator has two objectives –
- (a) Objective 1: normal administration (see section (*Objective 1: normal administration*)), and
 - (b) Objective 2: keeping social housing in the regulated sector (see section (*Objective 2: keeping social housing in the regulated sector*)).
- (2) Objective 1 takes priority over Objective 2 (but the housing administrator must, so far as possible, work towards both objectives).
- (3) It follows that, in pursuing Objective 2, the housing administrator must not do anything that would result in a worse distribution to creditors than would be the case if the administrator did not need to pursue Objective 2.
- (4) A reference in this Chapter to the objectives of a housing administration is to the objectives to be pursued by the housing administrator.”

After Clause 93

- 65 Insert the following new Clause –
- “Objective 1: normal administration**
- (1) Objective 1 is to –
- (a) rescue the registered provider as a going concern,
 - (b) achieve a better result for the registered provider’s creditors as a whole than would be likely if the registered provider were wound up (without first being in housing administration), or
 - (c) realise property in order to make a distribution to one or more secured or preferential creditors.

- (2) The housing administrator must aim to achieve Objective 1(a) unless the housing administrator thinks—
 - (a) that it is not reasonably practicable to achieve it, or
 - (b) that Objective 1(b) would achieve a better result for the registered provider’s creditors as a whole.
- (3) The housing administrator may aim to achieve Objective 1(c) only if—
 - (a) the housing administrator thinks that it is not reasonably practicable to achieve Objective 1(a) or (b), and
 - (b) the housing administrator does not unnecessarily harm the interests of the registered provider’s creditors as a whole.
- (4) In pursuing Objective 1(a), (b) or (c) the housing administrator must act in the interests of the registered provider’s creditors as a whole so far as consistent with that Objective.”

66 Insert the following new Clause—

“Objective 2: keeping social housing in the regulated sector

- (1) Objective 2 is to ensure that the registered provider’s social housing remains in the regulated housing sector.
- (2) For this purpose, social housing remains in the regulated housing sector for so long as it is owned by a private registered provider.”

Clause 95

67 Page 42, line 7, leave out “objective” and insert “objectives”

68 Page 42, line 12, leave out “objective” and insert “objectives”

Clause 96

69 Page 43, line 6, leave out from beginning to “of” in line 8 and insert “The housing administrator of a registered provider must aim to achieve the objectives”

70 Page 43, line 10, leave out subsections (3) and (4)

71 Page 43, line 27, leave out “functions of” and insert “to be carried out by”

After Clause 97

72 Insert the following new Clause—

“Housing administrator may sell land free from planning obligations

- (1) If the housing administrator of a registered provider disposes of land that is the subject of a planning obligation that contains relevant terms, the relevant terms are not binding on the person to whom the land is disposed of or any successor in title.
- (2) In this section—
 - “disposes of”, in relation to land, means sells a freehold or leasehold interest in the land or grants a lease of the land;
 - “planning obligation” means a planning obligation under section 106 of the Town and Country Planning Act 1990 (whether entered into before or after this section comes into force);

“relevant terms” in relation to a planning obligation, means any restrictions or requirements imposed by the planning obligation that are expressed not to apply in the event that the land is disposed of by a mortgagee.”

Clause 98

- 73 Page 44, line 21, leave out paragraphs (a) and (b) and insert—
- “(a) notice of the petition has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since that notice was given, or
 - (b) the Regulator of Social Housing has waived the notice requirement in paragraph (a).”
- 74 Page 44, line 29, at end insert—
- “() The Regulator of Social Housing may waive the notice requirement under subsection (2)(a) only with the consent of the Secretary of State.”

Clause 99

- 75 Page 45, line 4, leave out paragraphs (a) and (b) and insert—
- “(a) notice of the application has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since that notice was given, or
 - (b) the Regulator of Social Housing has waived the notice requirement in paragraph (a).”
- 76 Page 45, line 12, at end insert—
- “() The Regulator of Social Housing may waive the notice requirement under subsection (4)(a) only with the consent of the Secretary of State.”

Clause 100

- 77 Page 45, line 20, leave out paragraph (b)
- 78 Page 46, line 32, leave out paragraphs (a) and (b) and insert—
- “(a) either—
 - (i) notice of the application has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since that notice was given, or
 - (ii) the Regulator of Social Housing has waived the notice requirement in sub-paragraph (i), and”
- 79 Page 45, line 44, at end insert—
- “() The Regulator of Social Housing may waive the notice requirement under subsection (3)(a)(i) only with the consent of the Secretary of State.”

Clause 101

- 80 Page 46, line 8, leave out paragraph (b)

81 Page 46, line 23, leave out paragraphs (a) and (b) and insert—

“(a) either—

- (i) that notice of the appointment has been given to the Regulator of Social Housing, accompanied by a copy of every document in relation to the appointment that is filed or lodged with the court in accordance with paragraph 18 or 29 of Schedule B1 to the Insolvency Act 1986 and that a period of 28 days has elapsed since that notice was given, or
- (ii) that the Regulator of Social Housing has waived the notice requirement in sub-paragraph (i),”

82 Page 46, line 36, at end insert—

“() The Regulator of Social Housing may waive the notice requirement under subsection (4)(a)(i) only with the consent of the Secretary of State.”

Clause 102

83 Page 47, line 5, leave out paragraphs (a) and (b) and insert—

- “(a) notice of the intention to do so has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since the notice was given, or
- (b) the Regulator of Social Housing has waived the notice requirement in paragraph (a).”

84 Page 47, line 11, at end insert—

“() The Regulator of Social Housing may waive the notice requirement under subsection (2)(a) only with the consent of the Secretary of State.”

Clause 103

85 Page 47, line 17, leave out “objective” and insert “objectives”

Clause 109

86 Leave out Clause 109

Clause 111

87 Page 50, leave out lines 40 and 41 and insert—

““objectives of the housing administration” is to be read in accordance with section 93(4);”

After Clause 113

88 Insert the following new Clause—

“Termination of fixed-term secure tenancies without need to forfeit

- (1) The Housing Act 1985 is amended as follows.

- (2) In section 82 (security of tenure) –
- (a) before subsection (1) insert –
- “(A1) A fixed-term secure tenancy of a dwelling-house in England that is granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force cannot be brought to an end by the landlord except by –
- (a) obtaining –
- (i) an order of the court for the possession of the dwelling-house, and
- (ii) the execution of the order, or
- (b) obtaining a demotion order under section 82A.
- (A2) A secure tenancy can be brought to an end by the landlord as mentioned in subsection (A1)(a) whether or not the tenancy contains terms for it to be brought to an end.”
- (b) in subsection (1)(b), for “but” substitute “, other than one to which subsection (A1) applies, that is”;
- (c) in subsection (2), after “subsection” insert “(A1)(a) or”.
- (3) In section 83 (proceedings for possession), in subsection (A1), for “82(1A)” substitute “82(A1) or (1A)”.

After Clause 114

89 Insert the following new Clause –

“Secure and assured tenancies: transfer of tenancy

- (1) The Localism Act 2011 is amended as follows.
- (2) In section 158 of the Localism Act 2011 (secure and assured tenancies: transfer of tenancy) –
- (a) in subsection (3)(a), for “not a flexible tenancy” substitute “an old-style secure tenancy”;
- (b) in subsection (4)(a), for “is a flexible tenancy” substitute “is not an old-style secure tenancy”;
- (c) omit subsection (6);
- (d) in subsection (7), for “fifth” substitute “fourth”;
- (e) for subsections (8) and (9) substitute –
- “(8) The new tenancy is to be granted on whatever terms the landlord determines.
- (9) A landlord must, on request by a relevant tenant, inform the tenant of the terms on which a new tenancy will be granted to that tenant.
- (9A) Subsection (9B) applies in a case where –
- (a) the request was made before section (*Secure and assured tenancies: transfer of tenancy*) of the Housing and Planning Act 2016 came into force, and
- (b) one or more of the landlords had not yet complied with the request when that section came into force.

- (9B) In that case any new tenancy granted in pursuance of this section to a relevant tenant whose existing tenancy is an old-style secure tenancy, or an assured tenancy that is not an assured shorthold tenancy, must be –
- (a) an old-style secure tenancy, or
 - (b) an assured tenancy that is not an assured shorthold tenancy,
- according to the landlord’s capacity to grant a tenancy of either kind.”
- (3) In section 159 (interpretation of section 158 etc), in subsection (6), omit paragraph (b).”

Before Clause 115

90 Insert the following new Clause –

“Electrical safety standards for properties let by private landlords

- (1) The Secretary of State may by regulations impose duties on a private landlord of residential premises in England for the purposes of ensuring that electrical safety standards are met during any period when the premises are occupied under a tenancy.
- (2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to –
 - (a) the installations in the premises for the supply of electricity, or
 - (b) electrical fixtures, fittings or appliances provided by the landlord.
- (3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.
- (4) The regulations may make provision about –
 - (a) how and when checks are carried out;
 - (b) who is qualified to carry out checks.
- (5) The regulations may require the landlord –
 - (a) to obtain a certificate from the qualified person confirming that electrical safety standards are met, and
 - (b) to give a copy of a certificate to the tenant, or a prospective tenant, or any other person specified in the regulations.
- (6) In this section –
 - “premises” includes land, buildings, moveable structures, vehicles and vessels;
 - “private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);
 - “residential premises” means premises all or part of which comprise a dwelling;
 - “tenancy” includes a licence to occupy (and “landlord” is to be read accordingly).”

91 Insert the following new Clause –

“Electrical safety standards: enforcement

- (1) Regulations under section (*Electrical safety standards for properties let by private landlords*) may provide for covenants to be implied into a tenancy.
- (2) Regulations under that section –
 - (a) may make provision about the enforcement of a duty imposed by the regulations;
 - (b) may confer functions on a local housing authority in England.
- (3) The provision that may be made about enforcement includes provision –
 - (a) requiring a landlord who fails to comply with a duty imposed by the regulations to pay a financial penalty (or more than one penalty in the event of a continuing failure);
 - (b) conferring power on a local housing authority to arrange for a person to enter on the premises, with the consent of the tenant, to remedy any failure by the landlord to comply with a duty imposed by the regulations.
- (4) The provision that may be made in reliance on subsection (3)(a) includes provision –
 - (a) about the procedure to be followed in imposing penalties;
 - (b) about the amount of penalties;
 - (c) conferring rights of appeal against penalties;
 - (d) for the enforcement of penalties;
 - (e) about the application of sums paid by way of penalties (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (5) The provision that may be made in reliance on (3)(b) includes provision –
 - (a) about procedural matters;
 - (b) enabling a local housing authority to recover from the landlord any costs incurred by it in remedying the failure;
 - (c) about the application of costs recovered (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (6) In this section “local housing authority” has the meaning given by section 1 of the Housing Act 1985.”

After Clause 120

92 Insert the following new Clause –

“Tenants’ associations: power to request information about tenants

After section 29 of the Landlord and Tenant Act 1985 insert –

“29A Tenants’ associations: power to request information about tenants

- (1) The Secretary of State may by regulations impose duties on a landlord to provide the secretary of a relevant tenants’ association with information about relevant qualifying tenants.

- (2) The regulations may –
 - (a) make provision about the tenants about whom information must be provided and what information must be provided;
 - (b) require a landlord to seek the consent of a tenant to the provision of information about that tenant;
 - (c) require a landlord to identify how many tenants have not consented.
- (3) The regulations may –
 - (a) authorise a landlord to charge costs specified in or determined in accordance with the regulations;
 - (b) impose time limits on a landlord for the taking of any steps under the regulations;
 - (c) make provision about the form or content of any notices under the regulations (including provision permitting or requiring a person to design the form of a notice);
 - (d) make other provision as to the procedure in connection with anything authorised or required by the regulations.
- (4) The regulations may confer power on a court or tribunal to make an order remedying a failure by a landlord to comply with the regulations.
- (5) The regulations may include supplementary, incidental, transitional or saving provision.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section –
 - “relevant tenants’ association”, in relation to a landlord, means an association of tenants of the landlord at least one of whom is a qualifying tenant of a dwelling in England;
 - “relevant qualifying tenant” means –
 - (a) a person who is a qualifying tenant of a dwelling in England and a member of the relevant tenants’ association, or
 - (b) a person who is a qualifying tenant of a dwelling in England by virtue of being required to contribute to the same costs as a qualifying tenant who is a member of the relevant tenants’ association;
 - “qualifying tenant” means a tenant who, under the terms of the lease, is required to contribute to the same costs as another tenant by the payment of a service charge.”

93 Insert the following new Clause –

“Limitation of administration charges: costs of proceedings

In Schedule 11 to the Commonhold and Leasehold Reform Act 2002 (administration charges), after paragraph 5 insert –

“Limitation of administration charges: costs of proceedings

- 5A (1) A tenant of a dwelling in England may apply to the relevant court or tribunal for an order reducing or extinguishing the tenant’s liability to pay a particular administration charge in respect of litigation costs.
- (2) The relevant court or tribunal may make whatever order on the application it considers to be just and equitable.
- (3) In this paragraph –
- (a) “litigation costs” means costs incurred, or to be incurred, by the landlord in connection with proceedings of a kind mentioned in the table, and
 - (b) “the relevant court or tribunal” means the court or tribunal mentioned in the table in relation to those proceedings.

<i>Proceedings to which costs relate</i>	<i>“The relevant court or tribunal”</i>
Court proceedings	The court before which the proceedings are taking place or, if the application is made after the proceedings are concluded, the county court
First-tier Tribunal proceedings	The First-tier Tribunal
Upper Tribunal proceedings	The Upper Tribunal
Arbitration proceedings	The arbitral tribunal or, if the application is made after the proceedings are concluded, the county court.””

After Clause 121

94 Insert the following new Clause –

“Power to require property agents to join client money protection schemes

- (1) The Secretary of State may by regulations require a property agent to be a member of –
- (a) a client money protection scheme approved by the Secretary of State for the purpose of the regulations, or

- (b) a government administered client money protection scheme that is designated by the Secretary of State for the purpose of the regulations.
- (2) The regulations may impose requirements about the nature of the membership that a property agent must obtain (for example, by requiring a property agent to obtain membership that results in a particular level of compensation being available).
 - (3) The regulations shall –
 - (a) require a property agent to obtain a certificate confirming the property agent’s membership of the scheme;
 - (b) require the property agent to display or publish the certificate in accordance with the regulations;
 - (c) require the property agent to produce a copy of the certificate, on request, in accordance with the regulations.
 - (4) In this section –
 - “client money protection scheme” means a scheme which enables a person on whose behalf a property agent holds money to be compensated if all or part of that money is not repaid in circumstances in which the scheme applies;
 - “government administered client money protection scheme” means a client money protection scheme that is administered by or on behalf of the Secretary of State;
 - “property agent” means –
 - (a) a person who engages in English letting agency work within the meaning of section 52, or
 - (b) a person who engages in English property management work within the meaning of section 53,
 other than a person who engages in that work in the course of the person’s employment under a contract of employment.”

95

Insert the following new Clause –

“Client money protection schemes: approval or designation

- (1) The Secretary of State may by regulations make provision about the approval or designation of client money protection schemes for the purposes of regulations under section (*Power to require property agents to join client money protection schemes*).
- (2) The regulations may, in particular, make provision about –
 - (a) the making of applications for approval,
 - (b) conditions which must be satisfied before approval may be given or a scheme may be designated;
 - (c) conditions which must be complied with by administrators of approved or designated client money protection schemes (including conditions requiring the issue of certificates for the purposes of regulations under section (*Power to require property agents to join client money protection schemes*)(3) and about the form of those certificates);
 - (d) the withdrawal of approval or revocation of a designation.”

96 Insert the following new Clause –

“Enforcement of client money protection scheme regulations

- (1) The Secretary of State may by regulations make provision about the enforcement of a duty imposed by regulations under section (*Power to require property agents to join client money protection schemes*).
- (2) The regulations may –
 - (a) confer functions on a local authority in England;
 - (b) require a property agent who fails to comply with a duty imposed by regulations under (*Power to require property agents to join client money protection schemes*) to pay a financial penalty (or more than one penalty in the event of a continuing failure).
- (3) The provision that may be made under subsection (2)(a) includes provision requiring a local authority in England, when carrying out functions under the regulations, to have regard to guidance given by the Secretary of State.
- (4) The provision that may be made under subsection (2)(b) includes provision –
 - (a) about the procedure to be followed in imposing penalties;
 - (b) about the amount of penalties;
 - (c) conferring rights of appeal against penalties;
 - (d) for the enforcement of penalties;
 - (e) authorising a local authority in England to use sums paid by way of penalties for the purposes of any of its functions.
- (5) In this section “local authority in England” means –
 - (a) a district council,
 - (b) a county council for an area for which there is no district council,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, or
 - (e) the Council of the Isles of Scilly.”

After Clause 128

97 Insert the following new Clause –

“Neighbourhood right of appeal

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

“78ZA Neighbourhood right of appeal

- (1) Where –
 - (a) a planning authority grants an application for planning permission,
 - (b) the application does not accord with policies in an emerging or made neighbourhood plan in which the land to which the application relates is situated, and
 - (c) the neighbourhood plan under paragraph (b) contains proposals for the provision of housing development,
 certain persons as specified in subsection (2) may by notice appeal to the Secretary of State.

- (2) Persons who may by notice appeal to the Secretary of State against the approval of planning permission in the circumstances specified in subsection (1) are any parish council or neighbourhood forum, as defined in section 61F of the 1990 Act (authorisation to act in relation to neighbourhood areas), whose made or emerging neighbourhood plan includes all or part of the area of land to which the application relates, by two-thirds majority voting.
- (3) In this section an “emerging” neighbourhood plan means a neighbourhood plan that –
- (a) has been examined,
 - (b) is being examined, or
 - (c) is due to be examined, having met the public consultation requirements necessary to proceed to this stage.”
- (2) Section 79 of the 1990 Act is amended as follows –
- (a) in subsection (2), omit “either”, and after “planning authority” insert “or the applicant (where different from the appellant)”;
 - (b) in subsection (6), after “the determination” insert “(except for appeals as defined in section 78ZA (as inserted by section *(Neighbourhood right of appeal)* of the Housing and Planning Act 2016) and where the appellant is as defined in subsection (2) of that section)”.

Clause 129

- 98 Page 62, line 24, leave out “in subsection (4)” and insert “before subsection (4) insert –
- “(3A) If a local planning authority have not prepared a local development scheme, the Secretary of State or the Mayor of London may –
- (a) prepare a local development scheme for the authority, and
 - (b) direct the authority to bring that scheme into effect.”
- () In subsections (4) and (8AA) of that section”

- 99 Page 62, line 26, at end insert –
- “() In subsections (4A)(a), (5), (6), (6A) and (6B)(a) of that section, after “under subsection” insert “(3A) or”.”

Clause 136

- 100 Page 66, line 28, after “for” insert “housing-led”
- 101 Page 66, line 29, at end insert –
- “() But permission in principle may not be granted for development consisting of the winning and working of minerals.”
- 102 Page 67, line 9, leave out “plan, register or other”
- 103 Page 67, leave out lines 11 to 13 and insert –
- “() falls within subsection (2A),”

104 Page 67, line 18, at end insert –

- “(2A) The following documents fall within this subsection –
- (a) a register maintained in pursuance of regulations under section 14A of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”);
 - (b) a development plan document within the meaning of Part 2 of the 2004 Act (see section 37 of that Act);
 - (c) a neighbourhood development plan within the meaning given by section 38A of the 2004 Act.”

105 Page 67, leave out lines 19 to 45 and insert –

“(3) Permission in principle granted by a development order takes effect –

- (a) when the qualifying document takes effect, if the land in question is allocated for development in the document at that time;
- (b) otherwise, when the qualifying document is revised so that the land in question is allocated for development.

But a development order may provide that, if the local planning authority so directs, permission in principle does not take effect until the date specified by the local planning authority in the direction.

(4) For the purposes of subsection (3)(a) –

- (a) a register maintained in pursuance of regulations under section 14A of the 2004 Act takes effect when it is first published;
- (b) a development plan document takes effect when it is adopted or approved under Part 2 of the 2004 Act;
- (c) a neighbourhood development plan takes effect when it is made by the local planning authority.

(5) Permission in principle granted by a development order is not brought to an end by the qualifying document ceasing to have effect or being revised.

(6) Permission in principle granted by a development order ceases to have effect on the expiration of –

- (a) five years beginning with the date on which it takes effect; or
- (b) such other period (whether longer or shorter) beginning with that date as the local planning authority may direct.

(7) Permission in principle granted by a local planning authority ceases to have effect on the expiration of –

- (a) three years beginning with the date on which it takes effect; or
- (b) such other period (whether longer or shorter) beginning with that date as the local planning authority may direct.

(8) The Secretary of State may by regulations amend subsection (6)(a) or (7)(a) by substituting a shorter period for the period for the time being specified there.

- (9) A development order –
- (a) may make provision in relation to an application for planning permission for development of land in respect of which permission in principle has been granted;
 - (b) may require the local planning authority to prepare, maintain and publish a register containing prescribed information as to permissions in principle granted by a development order.
- (10) In exercising a power of direction conferred by virtue of subsection (3), or conferred by subsection (6)(b) or (7)(b), a local planning authority must have regard to the provisions of the development plan and any other material considerations.
- (11) In exercising any other function exercisable by virtue of this section, or in exercising any function in relation to an application for planning permission for development of land in respect of which permission in principle has been granted, a local planning authority must have regard to any guidance issued by the Secretary of State.
- (12) In relation to an application for permission in principle which under any provision of this Part is made to, or determined by, the Secretary of State instead of the local planning authority, a reference in subsection (1) or (7) to a local planning authority has effect (as necessary) as a reference to the Secretary of State.”

106 Page 68, line 26, at end insert –

- “() In section 333 of that Act (regulations and orders), after subsection (3) insert –
- “(3ZA) No regulations may be made under section 59A(8) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

After Clause 139

107 Insert the following new Clause –

“Planning freedoms: right for local areas to request alterations to planning system

- (1) If the following conditions are met, the Secretary of State may by regulations make a planning freedoms scheme, having effect for a specified period, in relation to a specified planning area in England.
A “planning freedoms scheme” is a scheme that disapplies or modifies specified planning provisions in order to facilitate an increase in the amount of housing in the planning area concerned.
- (2) The first condition is that the relevant planning authority or authorities have requested the Secretary of State to make a planning freedoms scheme for their area.
- (3) The second condition is that the Secretary of State is satisfied –
 - (a) that there is a need for a significant increase in the amount of housing in the planning area concerned,
 - (b) that the planning freedoms scheme will contribute to such an increase, and

- (c) that adequate consultation has been carried out.
- (4) The third condition is that—
- (a) the relevant planning authority or authorities have prepared a summary of the views expressed in the consultation referred to at subsection (3)(c), and
 - (b) the Secretary of State has considered that summary.
- (5) For the purposes of subsection (3)(c) consultation is “adequate” only if—
- (a) the relevant authority or authorities publish an explanation of what the proposed planning freedoms scheme is expected to involve, and
 - (b) persons in the planning area concerned, and other persons likely to be affected, have a reasonable opportunity to communicate their views about the proposed scheme.
- (6) The Secretary of State may decide to restrict the number of planning freedoms schemes in force at any one time (and accordingly is not required to make a scheme merely because the conditions in this section are met).
- (7) The Secretary of State may by regulations bring a planning freedoms scheme to an end, and must do so if the relevant planning authority or, as the case may be, any of the relevant planning authorities so request.
- (8) In this section—
- “planning area” means the area of a local planning authority, or an area comprising two or more adjoining areas of local planning authorities;
 - “planning provision” means a provision to do with planning that is contained in or made under any Act;
 - “relevant planning authority” means the local planning authority for an area that is or forms part of a planning area;
 - “specified” means specified in regulations under subsection (1).”

After Clause 143

108 Insert the following new Clause—

“Carbon compliance standard for new homes

- (1) The Secretary of State must within one year of the passing of this Act make regulations under section 1(1) of the Building Act 1984 (power to make building regulations) for the purpose of ensuring that all new homes in England built from 1 April 2018 achieve the carbon compliance standard.
- (2) For the purpose of subsection (1), “carbon compliance standard” means an improvement on the target carbon dioxide emission rate, as set out in the Building Regulations 2006, of—
 - (a) 60% in the case of detached houses;
 - (b) 56% in the case of attached houses; and
 - (c) 44% in the case of flats.”

109 Insert the following new Clause—

“Affordable housing contributions in small scale development

- (1) Local planning authorities may require sites falling within subsection (2) to make an affordable housing contribution, in cash or kind, determined by the requirements of the housing market of that area.

- (2) Authorities may require contributions from –
 - (a) developments of 10 units or less, and developments which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area), and
 - (b) developments in a rural area or an area where –
 - (i) planning permission for the site was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites;
 - (ii) the site is in a national park or an area with equal protection to that of a national park; or
 - (iii) the site is in an area designated under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas) as an area of outstanding natural beauty.
- (3) In subsection (2) a rural area is defined as –
 - (a) any settlement with a population of fewer than 3,000 people at the most recent national census, or
 - (b) any settlement with a population of between 3,000 and 10,000 people at the most recent national census, and designated as a rural area by the Secretary of State following representations from the relevant local authority.”

110 Insert the following new Clause –

“Sustainable drainage systems

- (1) The Water Industry Act 1991 is amended as follows.
- (2) After section 106(1B) (right to communicate with public sewers) insert –

“(1C) The right under subsection (1) is subject to section 106AB.”
- (3) After section 106A insert –

“106AB Sustainable drainage systems

- (1) A person may only exercise the right under section 106(1) in respect of surface water if the relevant drainage system is designed and constructed according to –
 - (a) the non-statutory technical standards for sustainable drainage systems or any replacement standards as may be published by the Minister from time to time; and
 - (b) the planning permission or development consent order for the development drained by the drainage system in question.
- (2) In this section “drainage system” has the same meaning as in paragraph 1 of Schedule 3 to the Flood and Water Management Act 2010.””

Clause 145

111 Page 74, line 3, leave out subsections (1) and (2) and insert –

- “(1) The Secretary of State may by regulations provide for temporary arrangements in particular areas to test the practicality and desirability of competition in the processing (but not determining) of applications to do with planning.

- (1A) The regulations may make provision—
- (a) for an application for planning permission that falls to be determined by a specified local planning authority in England to be processed, if the applicant so chooses, not by that authority but by a designated person;
 - (b) for any connected application also to be processed by a designated person and not by that authority.
- (2) The regulations must specify a period after which any such provision ceases to apply.
That period (whether as originally specified or as subsequently extended) must end no later than five years after the first regulations under this section come into force.”

112 Page 74, line 11, at end insert—

- “() The Secretary of State must—
- (a) review the operation and effectiveness of any arrangements made under the regulations;
 - (b) no later than 12 months after the date when the arrangements (or the last of them) cease to have effect—
 - (i) lay a report before each House of Parliament, or
 - (ii) make a statement to the House of Parliament of which that Secretary of State is a member,
 setting out the results and conclusions of the review.”

113 Page 74, line 13, leave out “planning applications for” and insert “applications that relate to”

114 Page 74, line 16, leave out “planning applications for” and insert “applications that relate to”

115 Page 74, line 21, at end insert—

- “() The regulations may not contain anything that allows or requires, or could allow or require, the responsible planning authority’s duty to determine an application to be carried out, to any extent, by a designated person on the authority’s behalf.
- () Nothing said or done by a designated person appointed under the regulations to process an application is binding on the responsible planning authority when determining the application.
- () Before making the first regulations under this section the Secretary of State must consult such representatives of local planning authorities, and such other persons, as the Secretary of State thinks fit.”

116 Page 74, line 26, leave out “a planning” and insert “an”

117 Page 74, line 30, at end insert—

- “(6A) In this group of sections “connected application”, in relation to an application for planning permission that is to be or has been processed by a designated person under the regulations (“the main application”), means—
- (a) an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 of the Town and Country Planning Act 1990 (where the main application resulted in the grant of such permission), or

- (b) an application of a specified description, made under or by virtue of an enactment about planning, that relates to some or all of the land to which the main application relates.”

118 Page 74, line 40, leave out “application” means an application for” and insert “permission” means”

119 Page 74, line 42, leave out “a planning application” and insert “an application for planning permission or a connected application”

Clause 146

120 Page 75, line 2, leave out subsection (1) and insert –

- “() Regulations under section 145 may –
 - (a) require a designated person (subject to any specified exceptions) to process an application for planning permission if chosen to do so by an applicant;
 - (b) provide that, where an application for planning permission is to be or has been processed by a designated person, any connected application must (subject to any specified exceptions) also be processed by that person;
 - (c) allow a responsible planning authority to take over the processing of an application for planning permission, or a connected application, in specified circumstances.”

121 Page 75, line 12, leave out “planning applications” and insert “applications for planning permission or connected applications”

122 Page 75, line 21, leave out paragraph (g)

123 Page 75, line 27, leave out “a planning” and insert “an”

Clause 149

124 Page 77, line 3, leave out from “(1)” to end of line 4 and insert “does not have effect until approved by a resolution of each House of Parliament.

- () If a draft of an instrument containing an order by the Secretary of State under subsection (1) would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”

Clause 150

125 Page 77, line 31, leave out from “section” to end of line 32 and insert “does not have effect until approved by a resolution of each House of Parliament.

- () If a draft of an instrument containing an order by the Secretary of State under this section would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”

After Clause 151

126 Insert the following new Clause—

“Designation of new town areas and establishment of corporations: procedure

- (1) The New Towns Act 1981 is amended as follows.
- (2) In section 1 (designation of areas)—
 - (a) after subsection (3) insert—

“(3A) Before making an order under this section designating an area of land in England as the site of a proposed new town, the Secretary of State must consult the following persons (as well as the local authorities mentioned in subsection (1))—

 - (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the site;
 - (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the site;
 - (c) any other person whom the Secretary of State considers it appropriate to consult.”
 - (b) in subsection (4), after “section” insert “designating areas of land in Wales”.
- (3) In section 3 (establishment of development corporations for new towns), after subsection (2) insert—

“(2A) Before making an order under this section in relation to a site in England, the Secretary of State must consult the following persons—

 - (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the site;
 - (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the site;
 - (c) every county or district council for an area which falls wholly or partly within the site;
 - (d) any other person whom the Secretary of State considers it appropriate to consult.”
- (4) In section 77 (regulations and orders)—
 - (a) after subsection (3) insert—

“(3ZA) The power of the Secretary of State to make orders under section 3 is also exercisable by statutory instrument.”;
 - (b) after subsection (3A) insert—

“(3B) A statutory instrument containing an order made by the Secretary of State under section 1, 2 or 3 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

- (3C) If a draft of an instrument containing an order of the Secretary of State under section 1, 2 or 3 would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”;
- (c) in subsection (4), for the words before paragraph (a) substitute “A statutory instrument that is made by the Welsh Ministers (by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006) under any of the following provisions of this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales –”;
- (d) in subsection 4(a)(ii), omit “a county planning authority or, where the order is one designating an area in Wales, by”.
- (5) In Schedule 1 (procedure for designating area), before paragraph 1 (and before the italic heading before that paragraph) insert –

“Application of Schedule: Wales only

A1 This Schedule applies only in relation to an order under section 1 designating an area of land in Wales as the site of a proposed new town.””

127 Insert the following new Clause –

“New towns: objects of development corporations in England

In section 4 of the New Towns Act 1981 (objects and general powers of development corporations), after subsection (1) insert –

“(1A) In pursuing those objects a development corporation that is established for the purposes of a new town in England must aim to contribute to the achievement of sustainable development.

(1B) For the purposes of subsection (1A) a development corporation must (in particular) have regard to the desirability of good design.””

Clause 161

128 Page 83, line 9, leave out subsection (4)

After Clause 164

129 Insert the following new Clause –

“No general vesting declaration after notice to treat

In section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (execution of declaration), after subsection (1) insert –

“(1A) But an acquiring authority may not execute a declaration in respect of land if they have served a notice to treat in respect of that land and have not withdrawn it.

(1B) In subsection (1A) the reference to an authority having “served” a notice does not include cases in which the authority is deemed to have served a notice.””

Clause 165

130 Page 84, line 10, leave out “11A(3)” and insert “11A(4)”

131 Page 84, leave out lines 13 to 27 and insert –

“11A Powers of entry: further notices of entry

- (1) This section applies where –
 - (a) an acquiring authority have given a notice of entry under section 11(1) but have not yet entered on and taken possession of the land, and
 - (b) the authority become aware of an owner, lessee or occupier (“the newly identified person”) to whom they ought to have given a notice to treat under section 5(1) but have not.
- (2) Any notice of entry already served under section 11(1) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified person –
 - (a) a notice to treat under section 5(1), and
 - (b) a notice of entry under section 11(1).
- (3) Subsection (4) applies for the purpose of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person if –
 - (a) the person is an occupier of the land and the authority were not aware of the person because they were given misleading information when carrying out inquiries under section 5(1), or
 - (b) the person is not an occupier of the land.
- (4) The period specified in the notice must be a period that ends –
 - (a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and
 - (b) no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.”

Clause 166

132 Page 84, line 39, leave out “a person who is in possession of” and insert “an occupier with an interest in”

133 Page 84, line 39, leave out “the person” and insert “the occupier”

134 Page 84, line 42, leave out “the person” and insert “the occupier”

135 Page 85, line 7, at end insert –

- “(3A) A counter-notice under subsection (1) has no effect if the notice to treat relating to the land is withdrawn or ceases to have effect before the date specified in the counter-notice.
- (3B) A counter-notice under subsection (1) has no effect if it would require an acquiring authority to take possession of land at a time when section 11A or paragraph 5 of Schedule 2A prohibit the authority from entering on and taking possession of the land.

(3C) If subsection (3B) applies, the authority must notify the occupier who served the counter-notice –

- (a) that the counter-notice has no effect, and
- (b) if the authority serve a notice of entry as mentioned in section 11A(2)(b), of the date after which the authority could enter on and take possession of the land.

(3D) If a counter-notice served under subsection (1) has no effect because of subsection (3B), the occupier who served it may serve a further counter-notice.”

136 Page 85, line 9, leave out “person who is in possession of” and insert “occupier with the same interest in”

137 Page 85, line 10, leave out “person in possession” and insert “occupier with an interest in land”

Clause 168

138 Page 85, line 24, at beginning insert “in sub-paragraph (1) –

- (i) in the words before paragraph (a), after “every owner of that land” insert “so far as known to the acquiring authority after making diligent inquiry in accordance with section 5(1) of the Compulsory Purchase Act 1965”;
- (ii) in the words after paragraph (b),”

139 Page 86, leave out lines 2 to 14 and insert –

““4A(1) This paragraph applies where –

- (a) an acquiring authority have given a notice under paragraph 4(1) but have not yet entered on and taken possession of the land, and
 - (b) the authority become aware of an owner (“the newly identified owner”) to whom they ought to have given a notice to treat under section 5(1) of the Compulsory Purchase Act 1965 but have not.
- (2) Any notice already served under paragraph 4(1) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified owner –
- (a) a notice to treat under section 5(1) of the Compulsory Purchase Act 1965, and
 - (b) a notice under paragraph 4(1).
- (3) Sub-paragraph (4) applies for the purpose of determining the period to be specified in the notice under paragraph 4(1) served on the newly identified owner if –
- (a) the owner is an occupier of the land and the authority were not aware of the owner because they were given misleading information when carrying out inquiries under section 5(1) of the Compulsory Purchase Act 1965, or
 - (b) the owner is not an occupier of the land.
- (4) The period must be a period that ends –
- (a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and
 - (b) no earlier than the end of the period specified in any previous notice under paragraph 4(1) given by the acquiring authority in respect of the land.”

- 140 Page 86, line 18, leave out “a person who is in possession of” and insert “an occupier with an interest in”
- 141 Page 86, line 18, leave out “the person” and insert “the occupier”
- 142 Page 86, line 21, leave out “the person” and insert “the occupier”
- 143 Page 86, line 29, at end insert—
- “(3A) A counter-notice under sub-paragraph (1) has no effect if the notice to treat relating to the land is withdrawn or ceases to have effect before the date specified in the counter-notice.
- (3B) A counter-notice under sub-paragraph (1) has no effect if it would require an acquiring authority to take possession of land at a time when either paragraph 4A of this Schedule or paragraph 5 of Schedule 2A to the Compulsory Purchase Act 1965 prohibit the authority from entering on and taking possession of the land.
- (3C) If sub-paragraph (3B) applies, the authority must notify the occupier who served the counter-notice—
- (a) that the counter-notice has no effect, and
- (b) if the authority serve a notice under paragraph 4(1) of this Schedule as mentioned in paragraph 4A(2)(b) of this Schedule, of the date after which the authority could enter on and take possession of the land.
- (3D) If a counter-notice served under sub-paragraph (1) has no effect because of sub-paragraph (3B), the occupier who served it may serve a further counter-notice.”
- 144 Page 86, line 31, leave out “person who is in possession of” and insert “occupier with the same interest in”
- 145 Page 86, line 32, leave out “person in possession” and insert “occupier with an interest in land”

Clause 171

- 146 Page 87, line 5, leave out “Secretary of State” and insert “appropriate national authority”
- 147 Page 87, line 6, at end insert—
- “(1A) In subsection (1) “appropriate national authority” means—
- (a) in relation to a claim for compensation for the compulsory acquisition of land in England, the Secretary of State;
- (b) in relation to a claim for compensation for the compulsory acquisition of land in Wales, the Welsh Ministers.”
- 148 Page 87, leave out lines 17 to 19 and insert—
- “(6) A statutory instrument containing regulations under subsection (1) is subject to annulment—
- (a) in the case of an instrument made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
- (b) in the case of an instrument made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.””

After Clause 171

149 Insert the following new Clause –

“Compensation after withdrawal of notice to treat

- (1) Section 31 of the Land Compensation Act 1961 (withdrawal of notices to treat) is amended in accordance with subsections (2) and (3).
- (2) After subsection (3) insert –
 - “(3A) Where the acquiring authority withdraw a notice to treat under this section, the authority shall also be liable to pay a person compensation for any loss or expenses occasioned by the person as a result of the giving and withdrawal of the notice to treat if the person –
 - (a) acquired the interest to which the notice to treat relates before its withdrawal, and
 - (b) has not subsequently been given a notice to treat in relation to that interest.”
- (3) In subsection (4), after “(3)” insert “or (3A)”.
- (4) In Schedule 18 to the Planning and Compensation Act 1991 (provisions under which compensation is payable with interest), in Part 1, in the entry relating to the Land Compensation Act 1961, after “section 31(3)” insert “or (3A)”.

Clause 172

150 Page 87, line 38, at end insert –

- “(2A) In section 52ZC (land subject to mortgage: supplementary), for subsection (2) substitute –
- “(2) Within 28 days of receiving a request for a payment under section 52ZA or 52ZB, the acquiring authority must –
 - (a) determine whether they have enough information to give effect to section 52ZA or, as the case may be, 52ZB, and
 - (b) if they need more information, require the claimant to provide it.”

151 Page 88, line 3, leave out “Secretary of State” and insert “appropriate national authority”

152 Page 88, line 5, at end insert –

- “(1A) In subsection (1) “appropriate national authority” means –
- (a) in relation to a request relating to the compulsory acquisition of land in England, the Secretary of State;
 - (b) in relation to a request relating to the compulsory acquisition of land in Wales, the Welsh Ministers.”

153 Page 88, line 15, leave out from “pursuance” to end of line 16 and insert “ –

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

Clause 173

154 Page 88, leave out lines 26 to 33 and insert –

- “(1A) In a case where the compulsory acquisition is one to which the Lands Clauses Consolidation Act 1845 applies, the acquiring authority may not make an advance payment if they have not taken possession of the land, but must do so if they have.
- (1B) In all other cases, an acquiring authority must make an advance payment under subsection (1) if, before or after the request is made, the authority –
- (a) give a notice of entry under section 11(1) of the Compulsory Purchase Act 1965, or
 - (b) execute a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of that land.”;

155 Page 88, line 35, leave out from beginning to end of line 6 on page 89 and insert –

- “(4) An advance payment required by subsection (1A) must be made –
- (a) before the end of the day on which the authority take possession of the land, or
 - (b) if later, before the end of the period of two months beginning with the day on which the authority –
 - (i) received the request for the advance payment, or
 - (ii) received any further information required under subsection (2A)(b).
- (4ZA) An advance payment required by subsection (1B) must be made –
- (a) before the end of the day on which the notice of entry is given or the general vesting declaration is executed, or
 - (b) if later, before the end of the period of two months beginning with the day on which the authority –
 - (i) received the request for the advance payment, or
 - (ii) received any further information required under subsection (2A)(b).”;

156 Page 89, line 13, after “52(1A)” insert “or (1B)”

157 Page 89, line 23, after “52(1A)” insert “or (1B)”

158 Page 89, leave out lines 32 to 43 and insert –

- “(3A) In a case where the compulsory acquisition to which the request relates is one to which the Lands Clauses Consolidation Act 1845 applies, the acquiring authority must make any payment under section 52ZA or 52ZB –
- (a) before the end of the day on which the authority take possession of the land, or
 - (b) if later, before the end of the period of two months beginning with the day on which the authority –
 - (i) received the request under section 52ZA(3) or 52ZB(3), or
 - (ii) received any further information required under subsection (2).

- (3B) In all other cases, the authority must make any payment under section 52ZA or 52ZB—
- (a) before the end of the day on which the notice of entry is given or the general vesting declaration is executed, or
 - (b) if later, before the end of the period of two months beginning with the day on which the authority—
 - (i) received the request under section 52ZA(3) or 52ZB(3), or
 - (ii) received any further information required under subsection (2).”;

Clause 174

- 159** Page 90, line 12, after “52(1A)” insert “or (1B)”
- 160** Page 90, line 17, leave out “end of the period mentioned in section 52(4)” and insert “last day on which payment could have been made in accordance with section 52(4) or (4ZA)”

Clause 175

- 161** Page 90, line 35, leave out subsection (2) and insert—
- “(2) Section 52 (right to advance payment of compensation) is amended in accordance with subsections (2A) and (2B).
- (2A) Omit subsection (5).
- (2B) In subsection (9), for the words from “he disposes” to the end substitute—
- “(a) the claimant’s interest in some or all of the land is acquired by another person, or
 - (b) the claimant creates an interest in some or all of the land in favour of a person other than the acquiring authority,
- the amount of the advance payment together with any amount paid under section 52A shall be set off against any sum payable by the authority to that other person in respect of the compulsory acquisition of the interest acquired or the compulsory acquisition or release of the interest created.””
- 162** Page 90, line 39, at end insert—
- “(2C) After section 52 insert—
- “52AZA Repayment by claimant etc.**
- (1) Where the amount or aggregate amount of any payments under section 52 made on the basis of the acquiring authority’s estimate of the compensation exceeds the compensation as finally determined or agreed, the excess is to be repaid.
 - (2) If after any payment under section 52 has been made to any person it is discovered that the person was not entitled to it, the person must repay it.

- (3) If the notice to treat relating to an interest in land in relation to which an acquiring authority have made a payment to a claimant under section 52 is withdrawn or has ceased to have effect before the authority take possession of the land, the authority may by notice require the claimant to pay them an amount equal to the amount of the payment, unless another person has acquired the whole of the claimant's interest in the land.
- (4) Subsection (5) applies where—
 - (a) a payment made to a claimant has been registered as a local land charge in accordance with section 52(8A),
 - (b) the whole of the claimant's interest in land has subsequently been acquired by another person (a "successor"),
 - (c) any notice to treat given in relation to the interest is withdrawn or ceases to have effect before the acquiring authority take possession of the land, and
 - (d) the authority notify the successor that they are not going to give the successor a notice to treat (or a further notice to treat) for the interest.
- (5) The authority may by notice require the successor to pay them an amount equal to the amount of any payment made to the claimant under section 52.
- (6) A notice under subsection (3) or (5) must specify the date by which the claimant or successor must pay the amount.
- (7) The date mentioned in subsection (6) must be after the period of two months beginning with the day on which the authority give the notice under subsection (3) or (5).
- (8) Neither subsection (3) nor subsection (5) affects a right to compensation under section 31(3) or (3A) of the Land Compensation Act 1961 or section 5(2C)(b) of the Compulsory Purchase Act 1965.”

163 Page 90, line 40, leave out subsection (3)

After Clause 175

164 Insert the following new Clause—

“Repayment of payment to mortgagee if land not acquired

In the Land Compensation Act 1973, after section 52ZD (inserted by section 172 above) insert—

“52ZE Payment to mortgagee recoverable if notice to treat withdrawn

- (1) Where an acquiring authority have made a payment to a mortgagee under section 52ZA or 52ZB in relation to an interest in land and notify the claimant that the notice to treat relating to the interest is withdrawn or has ceased to have effect before the authority take possession of the land, the authority may by notice require the claimant to pay them an amount equal to the amount of the payment, unless another person has acquired the whole of the claimant's interest in the land.

- (2) Subsection (3) applies where –
 - (a) a payment under section 52ZA or 52ZB has been registered as a local land charge in accordance with section 52(8A),
 - (b) the whole of a claimant’s interest in land has subsequently been acquired by another person (a “successor”),
 - (c) any notice to treat given in relation to the interest is withdrawn or ceases to have effect before the authority take possession of the land, and
 - (d) the acquiring authority notify the successor that they are not going to give the successor a notice to treat (or a further notice to treat) in relation to the interest.
- (3) The authority may by notice require the successor to pay them an amount equal to the amount of the payment.
- (4) A notice under subsection (1) or (3) must specify the date by which the claimant or successor must pay the amount.
- (5) The date mentioned in subsection (4) must be after the period of two months beginning with the day on which the authority give the notice under subsection (1) or (3).
- (6) Neither subsection (1) nor subsection (3) affects a right to compensation under section 31(3) or (3A) of the Land Compensation Act 1961 or section 5(2C)(b) of the Compulsory Purchase Act 1965.”

After Clause 176

165 Insert the following new Clause –

“Objection to division of land: blight notices

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 153 (reference of objection to Upper Tribunal), after subsection (4) insert –
 - “(4A) Where the effect of a blight notice would be a compulsory purchase to which Part 1 of the Compulsory Purchase Act 1965 applies, the Upper Tribunal may uphold an objection on the grounds mentioned in section 151(4)(c) only if it is satisfied that the part of the hereditament or affected area proposed to be acquired in the counter-notice –
 - (a) in the case of a house, building or factory, can be taken without material detriment to the house, building or factory, or
 - (b) in the case of a park or garden belonging to a house, can be taken without seriously affecting the amenity or convenience of the house.”
- (3) In section 166 (saving for claimant’s right to sell whole hereditament etc.) –
 - (a) in subsection (1) omit paragraph (b) (and the “or” before it);
 - (b) omit subsection (2).”

Clause 179

- 166 Page 92, line 32, at end insert “, and
 (d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”
- 167 Page 92, line 36, leave out “a specified authority” and insert “the qualifying authority in relation to the land”
- 168 Page 92, line 37, at end insert “, and
 (d) the building or maintenance work is for purposes related to the purposes for which the land was vested in, or acquired or appropriated by, the qualifying authority in relation to the land.”
- 169 Page 93, line 9, at end insert “, and
 (d) the use is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”
- 170 Page 93, line 13, leave out “a specified authority” and insert “the qualifying authority in relation to the land”
- 171 Page 93, line 15, at end insert “, and
 (d) the use is for purposes related to the purposes for which the land was vested in, or acquired or appropriated by, the qualifying authority in relation to the land.”
- 172 Page 93, line 17, at end insert –
 “(7A) Land currently owned by a qualifying authority is to be treated for the purposes of subsection (3)(c) or (6)(c) as if it were not currently owned by the authority.”
- 173 Page 93, line 21, at end insert –
 “(9) Nothing in this section authorises –
 (a) an interference with a relevant right or interest annexed to land belonging to the National Trust which is held by the National Trust inalienably, or
 (b) a breach of a restriction as to the user of land which does not belong to the National Trust –
 (i) arising by virtue of a contract to which the National Trust is a party, or
 (ii) benefiting land which does belong to the National Trust.
 (10) For the purposes of subsection (9) –
 (a) “National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and
 (b) land is held by the National Trust “inalienably” if it is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.”

Clause 180

- 174 Page 93, line 27, after “specified” insert “or qualifying”

- 175 Page 93, line 29, leave out “specified”
- 176 Page 93, line 30, at end insert –
 “(3A) The specified or qualifying authority against which a liability is enforceable by virtue of subsection (3)(a) is the specified or qualifying authority in which the land to which the compensation relates was vested, or by which the land was acquired or appropriated, as mentioned in section 179.”
- 177 Page 93, line 31, leave out subsection (4) and insert –
 “(4) Any dispute about compensation payable under this section may be referred to and determined by the Upper Tribunal.”

Clause 181

- 178 Page 94, line 34, at end insert –
 ““qualifying authority” in relation to other qualifying land means the authority in which the land was vested, or which acquired or appropriated the land, as mentioned in the definition of “other qualifying land”;
- 179 Page 94, line 43, after “Act,” insert –
 “(ca) a body established by or under an Act or Measure of the National Assembly for Wales,”

Clause 184

- 180 Page 96, line 33, after “means” insert “ –
 () a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975), or”

Clause 185

- 181 Page 97, line 44, leave out from “(A1)” to end of line 45 and insert “may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 190

- 182 Page 99, line 31, leave out “(whether alone or together with other provision)
- 183 Page 99, line 32, at end insert –
 “() regulations under section 13,”
- 184 Page 99, line 32, at end insert –
 “() regulations under section 67(1) that contain more than one determination or a determination that relates to more than one local housing authority,
 () regulations under section 67(8),”
- 185 Page 99, line 33, at end insert –
 “() the first regulations under section 78,”
- 186 Page 99, line 34, at end insert
 “() regulations under section (*Reducing local authority influence over private registered providers*),”

- 187 Page 99, line 35, at end insert –
 “() regulations under section (*Electrical safety standards for properties let by private landlords*);”
- 188 Page 99, line 35, at end insert –
 “() regulations under section (*Power to require property agents to join client money protection schemes*), (*Client money protection schemes: approval or designation*), or (*Enforcement of client money protection scheme regulations*);”
- 189 Page 99, line 35, at end insert –
 “() regulations under section (*Planning freedoms: right for local areas to request alterations to planning system*)(1);”
- 190 Page 99, line 35, at end insert –
 “() regulations under section 145 that make provision of the kind referred to in section 145(2), (3), (4) or (6A)(b), section 147 or section 148;”
- 191 Page 100, line 1, at beginning insert “(whether alone or together with other provision)
- 192 Page 100, line 6, at end insert –
 “() If a draft of regulations under section 67(8), (*Planning freedoms: right for local areas to request alterations to planning system*) or 145 would, apart from this subsection, be treated as a hybrid instrument for the purposes of the Standing Orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.”

Clause 192

- 193 Page 100, line 27, after “135,” insert “137;”
- 194 Page 100, line 32, leave out “, 137”
- 195 Page 100, line 32, at end insert –
 “() section (*Tenants’ associations: power to request information about tenants*);”
- 196 Page 100, line 35, at end insert –
 “(5) In respect of sections 161 and 163, and Schedule 15, different days may be appointed for different areas.”

Schedule 1

- 197 Page 102, line 26, at end insert –
 “() An appeal under this paragraph –
 (a) is to be a re-hearing of the local housing authority’s decision, but
 (b) may be determined having regard to matters of which the authority was unaware.”

Schedule 4

- 198 Page 115, leave out line 3 and insert –
 “31A The Housing and Regeneration Act 2008 is amended as follows.

32 Omit –”

199 Page 115, line 5, at end insert –

“32A(1) Section 181 (meaning of “publicly funded” for purposes of provisions about right to acquire) is amended as follows.

(2) After subsection (2) insert –

“(2A) Condition 2 is that –

- (a) the dwelling was provided wholly or partly by a person using an amount for purposes for which the amount was required to be used by an HCA direction under section 32(4), and
- (b) before giving the direction the HCA notified the person that any dwelling so provided would be regarded as publicly funded.”

(3) In subsection (3), for “2” substitute “3”.

(4) After subsection (3) insert –

“(3A) In relation to a private registered provider, the reference in subsection (3) to its disposal proceeds fund is to its disposal proceeds fund before the abolition of that fund by Part 3 of Schedule 4 to the Housing and Planning Act 2016.”

(5) In subsections (4) and (5), for “3” substitute “4”.

(6) In subsection (6), for “4” substitute “5”.”

Schedule 5

200 Page 115, line 36, leave out “75,”

201 Page 116, line 17, leave out “objective” and insert “objectives”

202 Page 116, line 38, leave out “objective” and insert “objectives”

203 Page 117, line 40, leave out “objective” and insert “objectives”

204 Page 117, line 43, leave out “objective” and insert “objectives”

205 Page 118, line 6, leave out “objective” and insert “objectives”

206 Page 118, line 33, leave out “objective” and insert “objectives”

207 Page 119, line 14, leave out “objective” and insert “objectives”

208 Page 119, line 21, leave out “objective” and insert “objectives”

209 Page 119, line 27, at end insert –

“14A Paragraph 78 (consent to extension of administrator’s term of office) is to have effect as if sub-paragraph (2) were omitted.”

210 Page 121, leave out lines 44 to 46 and insert –

““objectives”, in relation to a housing administration, is to be read in accordance with section 93(4) of the Housing and Planning Act 2016;”

211 Page 125, line 14, leave out “objective” and insert “objectives”

- 212 Page 125, line 16, leave out “objective” and insert “objectives”
- 213 Page 125, line 33, leave out “objective” and insert “objectives”
- 214 Page 125, line 39, leave out “objective” and insert “objectives”

Schedule 7

- 215 Page 128, line 2, after “tenancies;” insert –
“(dd) introductory tenancies of dwellings in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force;”
- 216 Page 128, line 5, leave out “place” and insert “places”
- 217 Page 128, line 5, at end insert –
“““introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;””
- 218 Page 128, line 16, leave out “5” and insert “10”
- 219 Page 128, leave out line 20 and insert –
“(b) no longer than the permitted maximum length.”
- 220 Page 128, line 20, at end insert –
“(1A) The permitted maximum length is 10 years, unless subsection (1B) applies.
(1B) If the person granting the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –
(a) beginning with the day on which the tenancy is granted, and
(b) ending with the day on which the child will reach the age of 19.”
- 221 Page 128, line 22, at end insert –
“() In deciding what length of tenancy to grant in a case to which this section applies a person must have regard to any guidance given by the Secretary of State.”
- 222 Page 128, line 30, at end insert “, or
(c) if required to do so by section 158(9B) of the Localism Act 2011 (which relates to transfer requests made before section (*Secure and assured tenancies: transfer of tenancy*) of the Housing and Planning Act 2016 comes into force).”
- 223 Page 133, line 33, leave out from “(4)” to end of line 34
- 224 Page 137, line 8, leave out “less than 2 or more than 5 years” and insert “–
(a) less than 2 years, or
(b) more than the permitted maximum length.”
- 225 Page 137, line 8, at end insert –
“(2BA) The permitted maximum length is 10 years, unless subparagraph (2BB) applies.

(2BB) If the landlord has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –

- (a) beginning with the day on which the tenancy becomes a secure tenancy, and
- (b) ending with the day on which the child will reach the age of 19.

(2BC) In deciding what length to specify in a notice under subparagraph (2A)(a) the landlord must have regard to any guidance given by the Secretary of State.”

226 Page 137, line 14, at end insert –

“*Landlord and Tenant Act 1985 (c. 70)*

17A (1) Section 13 of the Landlord and Tenant Act 1985 is amended as follows.

(2) After subsection (1A) insert –

“(1AB) Section 11 also applies to a lease of a dwelling-house in England which is an introductory tenancy for a fixed term of seven years or more granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.”

(3) In subsection (1B) –

- (a) for “In subsection (1A)” substitute “In this section”, and
- (b) after the definition of “assured tenancy” insert –

““introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;”.

227 Page 138, leave out line 7 and insert –

“(b) no longer than the permitted maximum length.”

228 Page 138, line 7, at end insert –

“(1A) The permitted maximum length is 10 years, unless subsection (1B) applies.

(1B) If the person entering into the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –

- (a) beginning with the day on which the tenancy is entered into, and
- (b) ending with the day on which the child will reach the age of 19.”

229 Page 138, line 10, at end insert –

“() In deciding what length of tenancy to enter into in a case to which subsection (1) applies, the local housing authority or housing action trust must have regard to any guidance given by the Secretary of State.”

230 Page 140, line 24, leave out “more than five years” and insert “longer than the permitted maximum length”

231 Page 140, line 25, at end insert –

“(3B) The permitted maximum length is 10 years, unless subsection (3C) applies.

- (3C) If the landlord has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –
- (a) beginning with the day on which the tenancy becomes a secure tenancy, and
 - (b) ending with the day on which the child will reach the age of 19.
- (3D) In deciding what length to specify in a notice under paragraph (3)(b) the landlord must have regard to any guidance given by the Secretary of State.”

232 Page 141, line 2, leave out “the definition of “flexible tenancy” in subsection (1),” and insert “subsection (1) –

- (a) in the definition of “flexible tenancy”;

233 Page 141, line 4, at end insert –

- “(b) in the definition of “relevant social housing tenancy”, after paragraph (a) (but before the “or” at the end) insert –

- “(aa) a secure tenancy of a dwelling-house in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force,

- (ab) an introductory tenancy of a dwelling-house in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force;”;

- (c) at the appropriate places insert –

- ““introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;”;

- ““secure tenancy” has the meaning given by section 79 of the Housing Act 1985;”.

Schedule 8

234 Page 142, line 16, after “tenancy” insert “(“the old tenancy”)

235 Page 142, line 24, leave out from “years” to end of line 25

236 Page 142, line 25, at end insert –

- “(2C) Where a possession order was in force in relation to the old tenancy –

- (a) the possession order is to be treated, so far as possible, as if it applied in relation to the new tenancy, and

- (b) any other court orders made in connection with the possession order are also to be treated, so far as possible, as if they applied in relation to the new tenancy.

- (2D) In subsection (2C) “possession order” means an order for possession of the dwelling house.”

237 Page 144, line 38, leave out from “years” to end of line 39

Schedule 9

238 Page 146, line 36, after “satisfied” insert “, beyond reasonable doubt,”

239 Page 149, line 7, at end insert –

- “() An appeal under this paragraph –
 - (a) is to be a re-hearing of the local housing authority’s decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.”

Schedule 12

240 Page 160, line 14, leave out sub-paragraph (3) and insert –

- “() In subsection (1), for the words from “modify” to “the authority” substitute “modify –
 - (a) any permission (including permission in principle) to develop land granted on an application made under this Part, or
 - (b) any permission in principle granted by a development order,the authority”.”

241 Page 160, line 30, leave out “and in subsection (1)”

242 Page 160, line 32, leave out “subsection (4), for” and insert “subsection (1) –

- (a) after “planning permission” insert “or permission in principle”;
- (b) for “section 97” substitute “section 97(1)(a)”.

() In subsections (2) and (3), for “this section” substitute “subsection (1)”.
() In subsection (4) –

- (a) for “this section” substitute “subsection (1)”;
- (b) for”

243 Page 160, line 33, at end insert –

- “() After that subsection insert –
 - “(4A) A development order may make provision for the payment of compensation, in such circumstances and subject to such conditions as may be prescribed in the order, where permission in principle is revoked or modified by an order under section 97(1)(b).”

Schedule 17

244 Page 176, line 24, at end insert –

- “1A This Part does not apply by virtue of a notice to treat that is deemed to have been served in respect of part only of a house, building or factory under section 154(5) of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).”

245 Page 177, line 4, after “served” insert “on the owner”

246 Page 177, line 7, after “entry)” insert “on the owner”

247 Page 177, line 35, after “11(1)” insert “on the owner”

- 248 Page 178, line 16, at end insert –
 “13A This Part does not apply if the acquiring authority are deemed to have served a notice to treat in respect of the land proposed to be acquired under section 154(5) of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).”
- 249 Page 179, line 15, after first “the” insert “owner’s interest in the”
- 250 Page 180, line 11, after “the” insert “owner’s interest in the”
- 251 Page 181, line 20, leave out ““subsection (5)” substitute “subsections (5) and (5A)”” and insert ““Subsection (5) also applies” substitute “Subsections (5), (5A) and (5B) also apply””
- 252 Page 182, line 13, leave out “part only” and insert “the whole or part”
- 253 Page 182, leave out lines 19 to 21
- 254 Page 182, leave out lines 23 to 25
- 255 Page 182, leave out lines 26 and 27
- 256 Page 182, line 29, leave out “whole of the land” and insert “house, building or factory”
- 257 Page 182, line 31, leave out “whole of the land” and insert “house, building or factory”
- 258 Page 183, line 12, leave out “whole of the land” and insert “house, building or factory”
- 259 Page 183, line 31, leave out “land to which the counter-notice relates” and insert “house, building or factory”
- 260 Page 183, line 34, leave out “land” and insert “house, building or factory”
- 261 Page 183, line 38, leave out “land” and insert “house, building or factory”
- 262 Page 183, line 41, leave out “the whole of the” and insert “that”
- 263 Page 184, line 23, leave out “1” and insert “A1”

Schedule 18

- 264 Page 185, line 12, leave out “1” and insert “A1”
- 265 Page 185, line 18, leave out “1” and insert “A1”
- 266 Page 185, line 20, leave out from “treat),” to end of line 25 and insert “for subsection (1) substitute –
 “(1) On the vesting date the provisions of –
 (a) the Land Compensation Act 1961 (as modified by section 4 of the Acquisition of Land Act 1981),
 (b) the Compulsory Purchase Act 1965, and
 (c) Schedule A1 to this Act,
 shall apply as if, on the date on which the general vesting declaration was executed, a notice to treat had been served on every person on whom, under section 5 of the Compulsory Purchase Act 1965, the acquiring authority could have served such a notice, other than any person entitled to a minor tenancy or a long tenancy which is about to expire.””

- 267 Page 185, line 30, at end insert –
“4A In section 12 (divided land), for “Schedule 1” substitute “Schedules A1 and 1”.”
- 268 Page 185, line 31, leave out “For Schedule 1 substitute –” and insert “Before Schedule 1 insert –”
- 269 Page 185, line 32, leave out “1” and insert “A1”
- 270 Page 186, line 21, at end insert –
““notice to treat” means a notice to treat deemed to have been served under section 7(1);”
- 271 Page 187, line 28, leave out “28 days” and insert “3 months”
- 272 Page 188, line 27, leave out “determines” and insert “specifies in its determination”
- 273 Page 188, line 29, after “land” insert “(“the specified land”)”
- 274 Page 188, line 32, leave out “that additional” and insert “the specified”
- 275 Page 188, line 35, leave out “additional” insert “specified”
- 276 Page 189, line 1, leave out “determined” and insert “specified in its determination”
- 277 Page 189, line 3, after “land” insert “(“the specified land”)”
- 278 Page 189, line 6, leave out “additional” insert “specified”
- 279 Page 189, line 8, leave out from “may” to end of line 11 and insert “, within the period of 6 weeks beginning with the day on which the Upper Tribunal made its determination, withdraw the notice to treat in relation to the land proposed to be acquired together with the specified land.”
- 280 Page 189, line 20, at end insert –
“5A In Schedule 1 (divided land) omit Part 1 (buildings and gardens etc).”
- 281 Page 189, line 23, leave out “1” and insert “A1”
- 282 Page 189, line 35, at end insert –
“8 In Schedule 6 to the Crossrail Act 2008 (acquisition of land shown within limits on deposited plans), in paragraph 11(3)(b), for “Schedule 1” substitute “Schedule A1”.”

LORDS AMENDMENTS TO THE
HOUSING AND PLANNING BILL

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