

Crown Tenancies Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Communities and Local Government with the consent of Wendy Morton, are published separately as Bill 32–EN.

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TO

Provide that Crown tenancies may be assured tenancies for the purposes of the Housing Act 1988, subject to certain exceptions; to modify the assured tenancies regime in relation to certain Crown tenancies; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Most Crown tenancies may be assured tenancies

In the Housing Act 1988, in Schedule 1 (tenancies that cannot be assured tenancies), for paragraph 11 (most Crown tenancies) substitute—

“11 A Crown tenancy which relates to a dwelling-house “within the Act limits” for the purposes of the High Speed Rail (London - West Midlands) Act 2017.” 5

2 Assured tenancies: power to exempt certain Crown tenancies

In section 1 of the Housing Act 1988 (assured tenancies), after subsection (2A) insert—

“(2B) The Secretary of State may by regulations amend Part 1 of Schedule 1 by adding or removing types of Crown tenancy. 10

(2C) Regulations under subsection (2B) may include incidental, transitional and consequential provision, including provision amending this Part.

(2D) Regulations under subsection (2B) are to be made by statutory instrument. 15

(2E) A statutory instrument containing regulations under subsection (2B) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(2F) Before making regulations under subsection (2B), the Secretary of State must consult the Welsh Ministers.” 20

3 Grounds for possession in relation to certain Crown tenancies

- (1) The Housing Act 1988 is amended as follows.
- (2) In section 7 (orders for possession), in subsection (6)(a), for “or Ground 8” substitute “, Ground 8, Ground 8A or Ground 8B”.
- (3) In Part 1 of Schedule 2 (grounds on which the court must order possession), after Ground 8 insert – 5

“Ground 8A

The tenancy is a Crown tenancy and the Secretary of State has certified that possession is needed for an operational reason in connection with Her Majesty’s forces. 10

For the purposes of this ground, operational reasons in connection with Her Majesty’s forces include the following –

- (a) the dwelling-house is needed in connection with the provision of accommodation to any member of Her Majesty’s forces; 15
- (b) the dwelling-house is needed in connection with the provision of accommodation to any member of the family of a member of Her Majesty’s forces.

Ground 8B

The tenancy is a Crown tenancy and the Welsh Ministers have certified that possession is needed in connection with the exercise by the Welsh Ministers of functions under the Welsh Development Agency Act 1975 or the Highways Act 1980.” 20

4 Rent procedures: exceptions for HM forces

- (1) The Housing Act 1988 is amended as follows. 25
- (2) In section 13 (power to increase rent under assured periodic tenancies), after subsection (1) insert –
- “(1A) But this section does not apply to a statutory periodic tenancy or any other periodic tenancy which is an assured tenancy if – 30
- (a) the tenancy is a Crown tenancy; and
- (b) the Secretary of State has certified that the interest of the landlord is held for purposes connected with Her Majesty’s forces.”
- (3) In section 22 (reference of excessive rents to tribunal) – 35
- (a) in subsection (1), for “subsection (2)” substitute “subsections (2) and (2A)”;
- (b) after subsection (2) insert –
- “(2A) No application may be made under this section in relation to a tenancy if – 40
- (a) the tenancy is a Crown tenancy; and
- (b) the Secretary of State has certified that the interest of the landlord is held for purposes connected with Her Majesty’s forces.”

- (4) In section 44(1) (application to Crown property), after “Subject to” insert “sections 13(1A) and 22(2A) of this Act.”.

5 Definition of Crown tenancies

In section 45(1) of the Housing Act 1988 (interpretation of Part 1), at the appropriate place insert –

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““Crown tenancy” means a tenancy in which the interest of the landlord belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department;”.

6 Extent

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This Act extends to England and Wales only.

7 Commencement

- (1) This section and sections 6 and 8 come into force on the day on which this Act is passed.

- (2) The other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.

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- (3) The Secretary of State may by regulations make saving, transitory or transitional provision in connection with the coming into force of any provision of this Act.

- (4) Regulations under this section –

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(a) are to be made by statutory instrument;

(b) may make different provision for different purposes.

8 Short title

This Act may be cited as the Crown Tenancies Act 2017.

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To provide that Crown tenancies may be assured tenancies for the purposes of the Housing Act 1988, subject to certain exceptions; to modify the assured tenancies regime in relation to certain Crown tenancies; and for connected purposes.

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supported by
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