

Private Landlords (Registration) Bill

CONTENTS

- 1 Registration of private landlords
- 2 Mandatory licensing under Part 3 of the Housing Act 2004
- 3 Repeal of selective licensing arrangements
- 4 Information sharing
- 5 Duty to inform landlords of mandatory registration and licensing
- 6 Consequential amendments and revocations
- 7 Power to make consequential provisions
- 8 Extent, commencement and short title

A
B I L L

TO

Require all private landlords in England to be registered; 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 Registration of private landlords

- (1) The Housing Act 2004 is amended as follows.
- (2) After section 79 (licensing of houses to which this Part applies) insert—

“79A Duty to maintain register in relation to rental properties

- (1) The Secretary of State may by regulations require a local housing authority in England to establish and maintain a register for its area containing information relating to—
 - (a) the landlord of a dwelling in a house to which this Part applies, and
 - (b) persons licensed to carry out lettings work and property management work on behalf of such a landlord.5
- (2) Regulations under this section may include provision relating to—
 - (a) the type of information held in a register maintained by virtue of subsection (1), and
 - (b) public access to information held on such a register. 1015

79B Registration by a local housing authority

- (1) An application for registration is to be made to the local housing authority for the area in which the dwelling to which the application relates is located; and the authority must register the landlord within the prescribed period if the application—
 - (a) is made in the form required by the authority,
 - (b) includes such information about the applicant being properly registered for tax purposes as is prescribed, 20

- (c) includes such other information as is prescribed,
 - (d) includes such other information as the authority requires, and
 - (e) is accompanied by the fee fixed by the authority.
- (2) If the landlord is registered, the local housing authority must notify the landlord – 5
- (a) that the landlord is registered, and
 - (b) of the registration number assigned to the landlord.
- (3) On the first occasion a landlord is registered, a local housing authority must assign a registration number to the landlord.
- (4) A local housing authority may charge the landlord a further fee fixed by the authority for continued registration – 10
- (a) after the fifth anniversary of the date the landlord was registered, and
 - (b) after every fifth anniversary of the date a further fee fixed by the authority was charged. 15

79C Duty to update registration information

- (1) A landlord who is registered under section 79B in relation to a dwelling must notify the local housing authority in writing of the following changes –
- (a) any change in the name under which the landlord is registered; 20
 - (b) the appointment of a person to carry out lettings work or property management work on behalf of the landlord in respect of the rental property;
 - (c) that a person who the landlord has previously appointed to carry out lettings work or property management work on behalf of the landlord in respect of the rental property has ceased to do so; 25
 - (d) any assignment of the landlord's interest in the dwelling;
 - (e) any prescribed changes.
- (2) A landlord must comply with the duty in subsection (1) within 28 days beginning with the first day on which the landlord knew, or should have known, of the change. 30
- (3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine.
- (4) In proceedings against a person for an offence committed under subsection (3) it is a defence that the person had a reasonable excuse for failing to comply. 35

79D Revocation of registration

- (1) A local housing authority may revoke the registration of any landlord who – 40
- (a) provides false or misleading information in an application under section 79B or in notifying a change under section 79C;
 - (b) contravenes section 79C;
 - (c) fails to pay any further fee charged under section 79B.

- (2) Before revoking a landlord’s registration, a local housing authority must—
- (a) notify the landlord of its intention to revoke the registration and the reasons for this, and
 - (b) consider any representations made by the landlord before the end of the period of 21 days beginning with the date the landlord was notified. 5
- (3) After revoking a landlord’s registration, a local housing authority must notify the landlord of—
- (a) the revocation and the reasons for doing so; 10
 - (b) the landlord’s right of appeal.
- (4) A person whose registration is revoked may appeal against the decision to a tribunal.
- (5) An appeal—
- (a) must be made before the end of the period of 28 days beginning with the date on which the person was notified of the decision (the “appeal period”); 15
 - (b) may be determined having regard to matters of which the local housing authority was unaware.
- (6) The tribunal may allow an appeal to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time). 20
- (7) The tribunal may confirm the decision of the local housing authority or direct the authority to register the landlord. 25
- (8) Revocation of a landlord’s registration takes effect on the day whichever of the following first occurs—
- (a) where the landlord does not appeal against the decision to revoke the registration within the appeal period, the expiry of that period; 30
 - (b) where the landlord appeals within the appeal period but later withdraws the appeal, the date of the withdrawal;
 - (c) where the landlord appeals within the appeal period and the tribunal confirms the decision of the local housing authority, subject to paragraph (d), the date of the tribunal’s decision; 35
 - (d) where the landlord makes a further appeal, the date on which all means of appealing against the decision have been exhausted and the local housing authority’s decision is upheld.
- (9) Where a landlord’s registration is revoked, the local housing authority must— 40
- (a) notify any person recorded on the register as having been appointed by the landlord to carry out lettings work or property management work on behalf of the landlord, and
 - (b) notify the tenants or occupiers of rental properties registered under the landlord’s name. 45

79E Sections 79A to 79D: further provision

- (1) The Secretary of State may by regulations—

-
- (a) specify the maximum fees which may be charged (whether by specifying amounts or methods for calculating amounts);
- (b) specify cases in which no fees are to be charged or fees are to be refunded.
- (2) When fixing fees under this section, the local housing authority may (subject to any regulations made under subsection (1)) take into account all costs incurred by them in carrying out their functions under sections 79B to 79D. 5
- (3) In sections 79A and 79B, “prescribed” means prescribed by regulations made by the Secretary of State.” 10
- 2 Mandatory licensing under Part 3 of the Housing Act 2004**
- (1) Section 79 of the Housing Act 2004 (licensing of houses to which this Part applies) is amended as follows.
- (2) For subsection (1) substitute –
- “(1) This Part provides for houses to be licensed by local housing authorities where they are houses to which this Part applies (see subsection (2)).” 15
- (3) For subsection (2) substitute –
- “(2) This Part applies to a house if the whole of it –
- (a) is occupied under a single tenancy or licence that is not an exempt tenancy or licence under subsection (3) or (4), or 20
- (b) is occupied under two or more tenancies or licences in respect of different dwellings contained in it, none of which is an exempt tenancy or licence under subsection (3) or (4), or
- (c) is an empty dwelling which, immediately prior to becoming an empty dwelling, was a house to which this Part would apply by virtue of paragraphs (a) or (b).” 25
- (4) After subsection (5) insert –
- “(6) For the purposes of this section, a house is an “empty dwelling” on any day if for a continuous period of three months ending on that day –
- (a) it has been unoccupied, and 30
- (b) it is not being offered for sale.”
- 3 Repeal of selective licensing arrangements**
- Sections 80 to 84 of the Housing Act 2004 (designation of selective licensing areas) are repealed.
- 4 Information sharing** 35
- After section 98 of the Housing Act 2004 (Other consequences of operating unlicensed houses: restriction on terminating tenancies), insert –
- “98A Information sharing**
- (1) For the purpose of carrying out its functions under this Part and under Part 4, a local housing authority may share such information as it considers appropriate with – 40

- (a) another local housing authority,
 - (b) a billing authority in England,
 - (c) a police force,
 - (d) the Secretary of State in exercising immigration and nationality functions, 5
 - (e) Her Majesty’s Commissioners of Revenue and Customs.
- (2) In this section –
- “a billing authority in England” has the meaning given by section 1(2) of the Local Government Finance Act 1992 (Council tax in respect of dwellings); 10
 - “immigration and nationality functions” means any functions specified in section 40(1) and (4) of the UK Borders Act 2007 (supply of Customs and Revenue information);
 - “police force” has the meaning given by section 101 of the Police Act 1996 (interpretation).” 15
- 5 Duty to inform landlords of mandatory registration and licensing**
- Local housing authorities in England must, before the coming into force of sections 1, 2, 3 and 6 of this Act, make such arrangements as are necessary to –
- (a) identify landlords in their area that would be required to be registered by virtue of this Act, and 20
 - (b) inform such landlords of the changes to landlord registration and licensing by virtue of this Act, including (where known) the timeline for such changes.
- 6 Consequential amendments and revocations**
- (1) In the title of Part 3 of the Housing Act 2004 (selective licensing of other residential accommodation), for “selective” substitute “mandatory”. 25
 - (2) In section 85(2) of the Housing Act 2004 (requirement for Part 3 houses to be licensed), for “79(2)(b)” substitute “79(2)”. 30
 - (3) The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 is revoked.
 - (4) The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 is revoked.
- 7 Power to make consequential provisions**
- (1) The Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State considers appropriate in consequence of this Act. 35
 - (2) Regulations under this section may –
 - (a) make different provision for different purposes;
 - (b) make incidental, consequential or supplemental provision (including provision amending provision made by or under an Act, whenever passed or made); 40
 - (c) make transitional or transitory provision or savings.

- (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

8 Extent, commencement and short title

- (1) This Act extends to England and Wales. 5
- (2) Section 5 and 7 and this section come into force on the day on which this Act is passed.
- (3) The remaining sections of this Act come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (4) Different days may be appointed for different purposes. 10
- (5) This Act may be cited as the Private Landlords (Registration) Act 2018.

Private Landlords (Registration) Bill

A

B I L L

To require all private landlords in England to be registered; and for connected purposes.

*Ordered to be brought in by Phil Wilson,
Anna Turley,
Bridget Phillipson,
Grahame Morris,
Graham P Jones,
Mr Kevan Jones,
Stephen Timms,
Ian Austin,
Gareth Snell,
Liz Kendall,
Toby Perkins,
and Conor McGinn.*

*Ordered, by The House of Commons,
to be Printed, 17 January 2018.*

© Parliamentary copyright House of Commons 2018
*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS