
Committee Stage: Tuesday 21 November 2023

Renters (Reform) Bill (Amendment Paper)

This document lists all amendments tabled to the Renters (Reform) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

Matthew Pennycook

145

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 2, line 32, at end insert—

“(aa) after subsection (5) insert—

“(5ZA) The court shall not make an order for possession under Ground 1 if the court is satisfied that, having regard to all the circumstances of the case, greater hardship would be caused by granting the order than by refusing to grant it.””

Member's explanatory statement

This amendment would extend the greater hardship provisions to new Ground 1 (occupation by landlord or family).

Matthew Pennycook

146

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 2, line 32, at end insert—

“(aa) after subsection (5) insert—

“(5ZA) The court shall not make an order for possession under Ground 1A if the court is satisfied that, having regard to all the circumstances of the case, greater hardship would be caused by granting the order than by refusing to grant it.””

Member's explanatory statement

This amendment would extend the greater hardship provisions to new Ground 1A (new grounds for sale of a dwelling-house).

Matthew Pennycook

149

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 2, line 32, at end insert—

“(aa) After subsection (5) insert—

“(5ZA) The court shall not make an order for possession under Ground 6A if the court considers that it is not just and equitable to do so, having regard to alternative courses of action available to the landlord or the local housing authority, which may include—

- (a) a management order under Part 4 of the Housing Act 2004;
- (b) in relation to paragraphs (b) and (f) of Ground 6A, other measures which are more appropriate for reducing the extent of overcrowding or the number of households in the dwelling-house, as the case may be;
- (c) in relation to paragraph (c) of Ground 6A, the provision of suitable alternative accommodation for the tenant, whether under section 39 of the Land Compensation Act 1973 or otherwise; and
- (d) in relation to paragraphs (d) and (e), other means of enforcement available to the local housing authority in respect of the landlord's default;

and having regard to all the circumstances, including whether the situation has occurred as a result of an act or default of the landlord.””

Member's explanatory statement

This amendment would permit a court to refuse to make a possession order under Ground 6A where a more appropriate course of action exists.

Matthew Pennycook

150

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 2, line 32, at end insert—

“(aa) After subsection (5) insert—

“(5ZA) The court shall not make an order for possession under Ground 6A if the court is satisfied that, having regard to all the circumstances of the case, greater hardship would be caused by granting the order than by refusing to grant it.””

Member's explanatory statement

This amendment would extend the greater hardship provisions to Ground 6A (ground for possession to allow compliance with enforcement action).

Matthew Pennycook

138

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 3, line 3, at end insert—

- “(5C) (a) Where the court makes an order for possession on Grounds 1 or 1A in Schedule 2 to this Act (whether with or without other grounds), the order shall include a provision requiring the landlord to file evidence at court and to serve the same on the tenant, any other defendant, and the local housing authority for the district where the dwelling is located no later than sixteen weeks from the date of the order.
- (b) The evidence referred to in paragraph (a) must—
- (i) give details of the state of occupation of the dwelling-house since the date of the order,
 - (ii) give details of the progress of any sale of the dwelling-house, and
 - (iii) be verified by a statement of truth signed by the landlord.”

Member's explanatory statement

This amendment would require a landlord to evidence the progress toward occupation or sale of a property obtained under grounds of possession 1 or 1A no later than 16 weeks after the date of the order and to verify this by a statement of truth.

Matthew Pennycook

139

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 3, line 4, at end insert—

“(2A) After section 7 of the 1988 Act insert—

“7A Evidential requirements for Grounds 1 and 1A

- (1) The court shall not make an order for possession on Grounds 1 or 1A in Schedule 2 to this Act unless the landlord has complied with the relevant provisions of subsections (2) to (4).
- (2) Where the landlord relies on Grounds 1 or 1A, the claim must be supported by evidence which is verified by a statement of truth signed by the landlord.
- (3) Where the landlord relies on Ground 1 and the dwelling-house is required by a member of the landlord’s family as defined in paragraphs 2(b) to (d) of that Ground, the claim must also be supported by evidence which is verified by a statement of truth signed by that family member.
- (4) Where the landlord relies on Ground 1A, the evidence referred to in subsection (2) must include a letter of engagement from a solicitor or estate agent concerning the sale of the dwelling-house.””

Member's explanatory statement

This amendment would require a landlord seeking possession of a property on the Grounds of occupation or selling to evidence and verify in advance via a statement of truth.

Matthew Pennycook

136

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 3, leave out lines 21 and 22 and insert—

“1, 1A, 1B, 2, 2ZA, 2ZB, 6, 6A	four months beginning with the date of service of the notice
5, 5A, 5B, 5C, 5D, 7, 9	two months beginning with the date of service of the notice”

Member's explanatory statement

This amendment would ensure that the minimum notice period for a number of ‘no fault’ grounds for possession would be four months rather than two.

Jacob Young

Gov 1

Clause 3, page 3, line 21, after “2ZB,” insert “4A,”

Member's explanatory statement

This amendment adds the new Ground 4A inserted by Amendment 9 to the table that the Bill inserts into section 8 of the 1988 Act, with the effect that a notice under that section relying on that ground must specify a date no sooner than 2 months after the date of service of the notice.

Matthew Pennycook

137

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 3, page 3, line 32, at end insert—

“(4) The Secretary of State must lay before Parliament a review of the changes to grounds for possession made under this Act within two years of the date of Royal Assent.”

Member's explanatory statement

This amendment would require the Government to publish a review of the impact of the amended grounds for possession within two years of the Act coming into force.

Matthew Pennycook

143

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 65, line 10, leave out “6 months” and insert “2 years”

Member's explanatory statement

Amendments 143 and 144 would prohibit evictions under grounds 1 and 1A within two years of the beginning of a tenancy.

Lloyd Russell-Moyle

192

Schedule 1, page 65, line 10, after “6 months” insert “or 6 months have elapsed since rent was last increased”

Member's explanatory statement

This amendment would prohibit evictions under Ground 1 within 6 months of each rent increase giving periodic protection at each rent renewal.

Lloyd Russell-Moyle

203

Schedule 1, page 65, line 29, at end insert new unnumbered paragraph—

“Where this ground is used no rent will be due in the final two months of the tenancy.”

Member's explanatory statement

This amendment would ensure when a no-fault eviction on Ground 1 is used tenants would not pay rent for the final two months of the tenancy.

Jacob Young**Gov 2**

Schedule 1, page 65, line 34, after "sell" insert "a freehold or leasehold interest in"

Member's explanatory statement

This amendment makes it clear that the ground of possession that the Bill creates for when a landlord is selling a dwelling-house (Ground 1A) is available where the landlord's interest is a leasehold one as well as where the landlord holds the freehold of the dwelling-house.

Jacob Young**Gov 3**

Schedule 1, page 65, line 35, after "dwelling-house" insert "or to grant a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord"

Member's explanatory statement

This amendment makes the ground of possession for when a landlord is selling the dwelling-house (Ground 1A) also available to a landlord who is granting a lease of over 21 years.

Matthew Pennycook**144**

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 66, line 6, leave out "6 months" and insert "2 years"

Member's explanatory statement

Amendments 143 and 144 would prohibit evictions under grounds 1 and 1A within two years of the beginning of a tenancy.

Lloyd Russell-Moyle**193**

Schedule 1, page 66, line 6, after "6 months" insert "or 6 months have elapsed since rent was last increased"

Member's explanatory statement

This amendment would prohibit evictions under Ground 1A within 6 months of each rent increase giving periodic protection at each rent renewal.

Jacob Young

Gov 4

Schedule 1, page 66, line 10, after “sell” insert “their interest in”

Member's explanatory statement

This amendment is a clarification to better express the availability of the ground of possession for when a landlord is selling the dwelling-house to landlords whose interest is leasehold.

Jacob Young

Gov 5

Schedule 1, page 66, leave out lines 15 to 17 and insert—

- “(ii) a body registered as a social landlord in the register maintained under section 1 of the Housing Act 1996,
- (iia) a body registered as a social landlord in the register kept under section 20(1) of the Housing (Scotland) Act 2010,”

Member's explanatory statement

This amendment expands on the term “registered social landlord” in Ground 1A (for landlords who are selling) to make it easier to see that the Welsh and Scottish registers of social landlords are the ones referred to here.

Lloyd Russell-Moyle

194

Schedule 1, page 66, line 23, at end insert—

- “(e) the landlord has offered to sell the property to the current tenant at the same value at which the landlord intends to list the property for public sale and the tenant has informed the landlord within four weeks of receiving the offer from the landlord that the tenant does not intend to buy the property at this value.”

Member's explanatory statement

This amendment would require landlords wishing to issue a notice for possession on the basis of Ground 1A to offer the current tenants the right to buy the property at the intended listing value before it goes onto the market.

Lloyd Russell-Moyle

204

Schedule 1, page 66, line 24, at end insert new unnumbered paragraph—

“Where this ground is used no rent will be due in the final two months of the tenancy.”

Member's explanatory statement

This amendment would ensure when a no-fault eviction on Ground 1A is used tenants would not pay rent for the final two months of the tenancy.

Jacob Young

Gov 6

Schedule 1, page 66, line 28, after "sell" insert "a freehold or leasehold interest in"

Member's explanatory statement

This amendment makes it clear that the ground of possession for when a landlord is selling the dwelling-house after a rent-to-buy agreement (Ground 1B) is available where the landlord's interest is a leasehold one as well as where the landlord holds the freehold of the dwelling-house.

Jacob Young

Gov 7

Schedule 1, page 66, line 29, after "dwelling-house" insert "or to grant a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord"

Member's explanatory statement

This amendment makes the ground of possession for when a landlord is selling the dwelling-house after a rent-to-buy agreement (Ground 1B) also available to a landlord who is granting a lease of over 21 years.

Matthew Pennycook

147

Mike Amesbury
Mary Glindon
Lloyd Russell-Moyle

Schedule 1, page 66, line 29, after "dwelling-house" insert "or to offer it to another tenant"

Member's explanatory statement

This amendment would allow private registered providers of social housing to use new ground for possession 1B to offer properties to another tenant.

Matthew Pennycook

188

Mike Amesbury
Mary Glindon
Lloyd Russell-Moyle

Schedule 1, page 67, line 23, after "terminate that tenancy", insert "(including any tenancy at will or other tenancy arising on expiry of a fixed-term lease)"

Member's explanatory statement

This amendment would extend Ground 2ZA to apply in a situation where a tenancy at will may arise.

Matthew Pennycook

189

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 67, line 40, at end insert—

- “(c) where the intermediate landlord serves notice under this Ground, the intermediate landlord shall be deemed to continue to hold sufficient interest in the dwelling-house to maintain a continuing right to possession until conclusion of any possession proceedings.”

Member's explanatory statement

This amendment would ensure that an intermediate landlord retains possession of the property and remains as the landlord of the occupying tenant until the conclusion of possession proceedings.

Jacob Young

Gov 8

Schedule 1, page 68, line 25, at end insert—

- “(d) after that unnumbered paragraph insert “and—
- (c) if the tenancy arose by succession as mentioned in section 39(5), notice was given to the previous tenant under Case 14 of Schedule 15 to the Rent Act 1977, and
 - (d) the tenancy is not an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3.””

Member's explanatory statement

This amendment to the ground of possession for former student accommodation requires notice to have been given under the equivalent Case in the Rent Act 1977, where the assured tenancy succeeded a tenancy under the 1977 Act, and makes an exception for certain assured agricultural occupancies which arose by succession.

Jacob Young

Gov 9

Schedule 1, page 68, line 25, at end insert—

“New ground for possession of student HMO for occupation by students

9A After Ground 4 insert—

“Ground 4A

The dwelling-house is an HMO and—

- (a) at the beginning of the tenancy, as regards each tenant either—
 - (i) the tenant was a full-time student, or

- 10 (ii) the landlord reasonably believed that the tenant would become a full-time student during the tenancy,
- (b) the tenants are joint tenants,
- (c) the date specified in the notice under section 8 is a date between 1 June and 30 September in any year, and
- 15 (d) the landlord seeking possession intends, on the next occasion on which the dwelling-house is let, to let it to people who are full-time students or who the landlord reasonably believes will become full-time students during the tenancy.

In this ground, "full-time student" means a person receiving education provided by means of a full-time course—

- 20 (a) of any description mentioned in Schedule 6 to the Education Reform Act 1988 provided by an institution in England or Wales;
- (b) of any description mentioned in section 38(2) of the Further and Higher Education (Scotland) Act 1992 provided by an institution in Scotland;
- 25 (c) of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)) provided by an institution in Northern Ireland.""

Member's explanatory statement

This amendment inserts a new ground of possession to allow a landlord to recover possession of a house of multiple occupation let to full-time students at the end of the academic year, in order to let it to students again.

As an Amendment to Jacob Young's proposed Amendment 9:—

Lloyd Russell-Moyle

(a)

Line 16, at end insert—

- "(e) the property was exclusively advertised through a specified educational institution, their agents or providers as outlined in Schedule 1 of the 1988 Act."

Member's explanatory statement

This amendment would only allow Ground 4A to be used as a ground for possession when the property was exclusively advertised through an educational institution, rather than in relation to a HMO property which is not exclusively provided to students.

Jacob Young

Gov 10

Schedule 1, page 68, line 27, at end insert—

“(b) after paragraph (b) insert—

- “(c) if the tenancy arose by succession as mentioned in section 39(5), notice was given to the previous tenant under Case 15 of Schedule 15 to the Rent Act 1977, and
- (d) the tenancy is not an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3.””

Member's explanatory statement

This amendment to the ground for possession for a residence for a minister of religion (Ground 5) requires prior notice to have been given if the tenancy arose by succession after a statutory tenancy, and excepts certain agricultural occupancies from the ground.

Jacob Young

Gov 11

Schedule 1, page 71, line 35, leave out from “authority” to end of line 36 and insert “means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.””

Member's explanatory statement

This amendment makes it clear that the reference to a local housing authority in new Ground 5G in Schedule 2 to the Housing Act 1988 does not cover Welsh county councils and county borough councils.

Jacob Young

Gov 12

Schedule 1, page 71, line 40, for “A relevant landlord” substitute “The landlord seeking possession is mentioned in the first column in a row of the table in this ground, the tenancy is mentioned in the second column of that row, and a person mentioned in the third column of that row”

Member's explanatory statement

This amendment, together with Amendment 14, allows certain social landlords to rely on Ground 6 to get possession of a property let under an assured tenancy if they intend to carry out building works.

Matthew Pennycook

148

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 72, line 3, leave out “6 months” and insert “2 years”

Member's explanatory statement

This amendment would ensure that no tenant could be evicted on grounds of redevelopment within two years of the beginning of a tenancy.

Jacob Young

Gov 13

Schedule 1, page 72, line 10, at end insert—

“(ab) if the landlord seeking possession is a relevant social landlord and is the person intending to carry out the work, the landlord gave the tenant, before the beginning of the tenancy or on the day on which it began, a written statement of the landlord’s wish to be able to recover possession on the basis of an intention to carry out work mentioned in this ground, and”

Member's explanatory statement

This amendment provides that a “relevant social landlord” as defined in Amendment 15 may only regain possession on the basis of their intention to carry out redevelopment work if they have given a statement to the tenant of their wish to do so before the beginning of the tenancy or on the day on which it began.

Jacob Young

Gov 14

Schedule 1, page 72, line 14, for lines 14 to 33 substitute—

Table

<i>Landlord seeking possession</i>	<i>Tenancy</i>	<i>Landlord intending to redevelop</i>
a relevant social landlord	a tenancy of a dwelling-house that was granted pursuant to a nomination as mentioned in section 159(2)(c) of the Housing Act 1996	a superior landlord
a relevant social landlord	a tenancy of the dwelling-house that was not granted pursuant to a nomination as mentioned in section 159(2)(c) of the Housing Act 1996	(a) the landlord who is seeking possession (b) a superior landlord
the unit-holder of a commonhold unit relation to which a commonhold association exercises functions	a tenancy of a dwelling-house which is contained in or comprises the commonhold unit	(a) the landlord who is seeking possession (b) the commonhold association

<i>Landlord seeking possession</i>	<i>Tenancy</i>	<i>Landlord intending to redevelop</i>
any landlord other than a relevant social landlord or a unit-holder of a commonhold unit in relation to which a commonhold association exercises functions	any tenancy	the landlord who is seeking possession"

Member's explanatory statement

This amendment, together with Amendment 12, allows certain social landlords to rely on Ground 6 to get possession of a property let under an assured tenancy if they intend to carry out building works, and allows a commonhold unit-holder who has let their unit under an assured tenancy to regain possession if the commonhold association is planning works.

Jacob Young

Gov 15

Schedule 1, page 72, line 37, at end insert—

““relevant social landlord” means—

- (a) a non-profit registered provider of social housing,
- (b) a body registered as a social landlord in the register maintained under section 1 of the Housing Act 1996,
- (c) a body registered as a social landlord in the register kept under section 20(1) of the Housing (Scotland) Act 2010,
- (d) a housing trust, within the meaning of the Housing Associations Act 1985, which is a charity, or
- (e) where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing.”

Member's explanatory statement

This amendment is consequential on Amendments 12 and 14 and inserts a definition of “relevant social landlord” into Ground 6 (possession because of redevelopment works).

Jacob Young

Gov 16

Schedule 1, page 74, line 1, at beginning insert “the”

Member's explanatory statement

This small drafting amendment makes it clearer that the definition of “the local housing authority” in section 261 of the Housing Act 2004 applies for the purposes of the new Ground 6A in Schedule 2 to the Housing Act 1988.

Matthew Pennycook 152

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 74, leave out line 7

Member's explanatory statement

This amendment would retain the existing 12-month period within which the landlord can initiate proceedings on this ground for possession.

Matthew Pennycook 151

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 74, line 8, at end insert—

“(c) at the end of the last unnumbered paragraph insert—

“This ground applies only where the landlord is a private registered provider of social housing.””

Member's explanatory statement

This amendment would limit the use of Ground 7 of Schedule 2 of the 1988 Act to social rented housing.

Matthew Pennycook 180

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 74, line 20, leave out “After Ground 8” and insert “Before Ground 9”

Member's explanatory statement

This amendment would move new Ground 8A from the list of mandatory grounds for possession (in Part I of Schedule 2 to the Housing Act 1988) to the list of discretionary grounds for possession (in Part II of Schedule 2 to the Housing Act 1988).

Matthew Pennycook 153

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 74, line 20, leave out paragraph 22

Member's explanatory statement

This amendment would remove the new ground for possession for repeated rent arrears.

Matthew Pennycook

154

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 74, line 22, leave out "three" and insert "one"

Member's explanatory statement

This amendment would limit the period to demonstrate repeated serious rent arrears to one year.

Matthew Pennycook

155

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 74, line 25, leave out "a day" and insert "two weeks"

Member's explanatory statement

This amendment would extend the period during which at least two months' rent was unpaid from a day to two weeks.

Matthew Pennycook

156

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 74, line 28, leave out "a day" and insert "two weeks"

Member's explanatory statement

This amendment would extend the period during which at least two months' rent was unpaid from a day to two weeks.

Helen Morgan

130

Schedule 1, page 75, line 4, leave out paragraph 23

Member's explanatory statement

This amendment would maintain the existing definition of anti-social behaviour as being conduct causing or likely to cause a nuisance or annoyance, rather than being defined as behaviour "capable of causing" nuisance or annoyance.

Helen Morgan

131

Schedule 1, page 75, line 5, at end insert—

“23A In Ground 14, after “residing in” insert “regularly””

Member's explanatory statement

This amendment would clarify that visitors to a property displaying anti-social behaviour must be regular visitors, so that Ground 14 cannot be used to penalise tenants for the behaviour of a one-off visitor.

Matthew Pennycook

158

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 1, page 75, line 5, at end insert—

“23A In Ground 14, at start of line 1 insert – “Where the landlord seeking possession has had regard to any relevant guidance made by the Secretary of State and””

Member's explanatory statement

This amendment would require landlords seeking possession on Ground 14 to have regard to any guidance produced by the government on what constitutes anti-social behaviour.

Matthew Pennycook

177

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 4, page 3, line 34, at beginning insert—

“(1) In section 8 of the 1988 Act, after subsection (2) insert—

“(2A) A notice under this section must include reference to the unique identifiers allocated to each person and dwelling-house with an entry on the database in accordance with section 41 of the Renters (Reform) Act 2023 (Allocation of unique identifiers).””

Member's explanatory statement

This amendment would require landlords to be registered on the database to serve grounds for possession notices.

Lloyd Russell-Moyle

200

Clause 5, page 5, line 17, at end insert—

- “(4F) It shall be an implied term of every assured tenancy to which this section applies that percentage increase between the existing rent and any new rent specified in a notice given under subsection (2) shall not exceed whichever is the lesser of—
- (a) the percentage increase in the rate of inflation (calculated by reference to the Consumer Prices Index) since the date on which the existing rent took effect; or
 - (b) the percentage increase in median wages in the local authority area in which the dwelling-house is situated, calculated over a three-year period ending on the date on which the notice was served.”

Member's explanatory statement

This amendment specifies that the annual increase in rent requested by a landlord may not exceed the lesser of either the Consumer Prices Index or wage growth in the relevant local authority area.

Matthew Pennycook

159

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 5, page 6, line 23, at end insert—

“13B Recovery of rent

- (1) Any increased rent which is paid otherwise than in accordance with section 13 or section 13A is recoverable from the landlord by the tenant as a debt claim in the courts.
- (2) The Secretary of State may, by regulations, provide for such claims to be recoverable by proceedings in the First-Tier Tribunal, rather than the courts.”

Member's explanatory statement

This amendment would ensure that in instances where a private landlord increases the rent without issuing a section 13 or section 13A notice the tenant can seek to recover costs through a debt claim in the court. It also provides the government with the power by regulation for such claims to be recoverable by tribunal.

Lloyd Russell-Moyle

201

Clause 6, page 7, line 3, leave out paragraphs (b), (c) and (d) and insert—

- “(b) leave out from “shall determine the rent” to end of subsection and insert “in accordance with subsection 13(4F)”.”

Member's explanatory statement

This amendment would require a tribunal to determine an appropriate rent in accordance with proposed subsection 13(4F).

Lloyd Russell-Moyle

197

Clause 6, page 7, line 13, at end insert—

“(3A) After subsection (1) insert—

“(1A) In making a determination under this section, the appropriate tribunal must have regard to the original rent agreed with the tenant and subsequent changes in—

- (a) Local Housing Allowance;
- (b) the average rent within the broad rental market area as assessed by the Valuation Office Agency or as listed in the Property Portal;
- (c) the consumer price index; and
- (d) median income growth.””

Member's explanatory statement

This amendment would allow the tribunal to take into account not only new rents in the market but current rents in existing tenancies, changes in wages, inflation, and local housing allowance when making a determination.

Lloyd Russell-Moyle

198

Clause 6, page 7, line 25, at end insert—

“(5A) After subsection (5) insert—

“(5A) Where a notice under section 13(2) has been referred to the appropriate tribunal, then, unless the landlord and the tenant otherwise agree, the rent determined by the appropriate tribunal (subject, in a case where subsection (5) applies, to the addition of the appropriate amount in respect of rates) shall be the same or below the original rent and the increase in consumer price index or medium income growth, whichever is lower over the period since the tenancy started.””

Member's explanatory statement

This amendment would limit tribunals to an upper cap of CPI or medium income growth, whichever is lower, for rent increases.

Lloyd Russell-Moyle

199

Clause 6, page 7, line 25, at end insert—

“(5A) After subsection (5) insert—

“(5A) Where a notice under section 13(2) has been referred to the appropriate tribunal, then, unless the landlord and the tenant otherwise agree, the rent determined by the appropriate tribunal (subject, in a case where subsection (5) applies, to the addition of the appropriate amount in respect of rates) shall be set using the statutory guidance on in-tenancy rent increases laid before Parliament by the Secretary of State.””

Member's explanatory statement

Amendment 199 and NC66 would require the Secretary of State to issue guidance to tribunals on the determination of in-tenancy rent increases, and require tribunals to take such guidance into account when making determinations.

Matthew Pennycook

160

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 6, page 7, line 27, at end insert—

“(7A) After subsection (8) insert—

“(8A) Where a notice under section 13(2) has been referred to the appropriate tribunal then, unless the landlord and the tenant otherwise agree, the rent determined by the appropriate tribunal (subject, in a case where subsection (5) above applies, to the addition of the appropriate amount in respect of rates) shall be the same or below the rent specified in the section 13 notice and the rent as determined by the tribunal shall only become payable once the decision of the tribunal has become final.

(8B) A decision becomes final only on the latest of—

- (a) the determination of any appeal;
- (b) if earlier, on the expiry of the time for bringing a subsequent appeal (if any); or
- (c) by its being abandoned or otherwise ceasing to have effect.””

Member's explanatory statement

This amendment would ensure that where a rent assessment is carried out by a tribunal, the rent subsequently determined by that tribunal cannot be higher than that originally requested by a landlord in a section 13 notice.

Caroline Lucas

190

Clause 6, page 7, line 38, at end insert—

“(c) no more than the rent proposed by the landlord in the notice served on the tenant under section 13 of the 1988 Act.”

Member's explanatory statement

This amendment would mean that the rent payable after a tribunal determination can be no higher than the rent initially proposed by the landlord in the notice served on the tenant.

Matthew Pennycook

161

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 6, page 8, line 20, at end insert—

“which must be no earlier than two months following the date of determination”

Member's explanatory statement

This amendment would ensure that in cases of undue hardship tenants would have a minimum of two months from the date of determination before a new rent became payable.

Matthew Pennycook

162

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 6, page 8, line 21, leave out subsection (4) and insert—

- “(4) A date specified under subsection (3)(b) must be no earlier than the date on which the determination becomes final, with a decision only becoming final on the latest of—
- (a) the determination of any appeal;
 - (b) if earlier, on the expiry of the time for bringing a subsequent appeal (if any); or
 - (c) by its being abandoned or otherwise ceasing to have effect.”

Member's explanatory statement

This amendment would remove the requirement for a date determined by a court for rent to become payable in cases of undue hardship to not be later than the date of the determination.

Matthew Pennycook 183
Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 7, page 8, line 36, leave out “42nd” and insert “14th”

Member's explanatory statement

This amendment would ensure a landlord gives or refuses consent in writing within 14 days of the request being made.

Matthew Pennycook 182
Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 7, page 8, line 37, at and insert—

“(d) the landlord may not review or withdraw consent once given.”

Member's explanatory statement

This amendment ensures that a tenant may keep a pet for the duration of their tenancy once consent has been given.

Matthew Pennycook 184
Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 7, page 9, line 2, leave out “42nd” and insert “14th”

Member's explanatory statement

This amendment would ensure that where a request for further information is made on or before the 14th day after the tenant’s request, the landlord may delay giving or refusing consent for a further 7 days if that information is provided.

Matthew Pennycook 185
Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 7, page 9, line 15, leave out “42nd” and insert “14th”

Member's explanatory statement

This amendment would ensure that where a request for the consent of a superior landlord on or before the 14th day after the tenant's request, the landlord may delay giving or refusing consent for a further 7 days if that information is provided.

Matthew Pennycook

186

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 7, page 9, line 16, leave out "7th" and insert "14th"

Matthew Pennycook

187

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 7, page 9, line 18, at end insert—

"(3A) Where the consent of a superior landlord is required for the purposes of subsection (3), the superior landlord must give or refuse consent on or before the 14th day after the date of the request from the landlord."

Member's explanatory statement

These amendments require a superior landlord to give or refuse consent within 14 days of a request being received.

Matthew Pennycook

181

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 7, page 9, line 27, at end insert—

"(7) The Secretary of State must, within 180 days of the day on which this Act is passed, publish guidance on what constitutes a reasonable ground for refusal of consent to keep a pet for the purposes of this section."

Member's explanatory statement

This amendment would require the Government to publish guidance on what qualifies as a reasonable ground of refusal for a tenant to keep a pet.

Jacob Young

Gov 17

Page 11, line 21, leave out Clause 9

Member's explanatory statement

This amendment leaves out clause 9 which the government intends to replace with a new clause inserted by NC3.

Helen Morgan**132**

Clause 10, page 13, line 11, leave out "three" and insert "six"

Member's explanatory statement

This amendment would increase the time which must elapse between a landlord taking ownership of a property for the purposes of them or their family occupying it and making the property available to rent from three months to six months.

Matthew Pennycook**140**

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 10, page 13, line 11, leave out "three" and insert "12"

Member's explanatory statement

Amendments 140 and 141 would prohibit a landlord from reletting or remarketing a property within 12 months of obtaining possession on the ground for occupation or selling; and from authorising a letting agent to market the property within that period.

Helen Morgan**134**

Clause 10, page 13, line 13, after "tenancy" insert "or on a short-term let or holiday let"

Member's explanatory statement

This amendment would clarify that a landlord cannot let a property as a short-term or holiday let for at least three months after taking ownership of the property for the purposes of them or their family occupying it.

Helen Morgan**135**

Clause 10, page 13, line 14, at end insert "or on a short-term let or holiday let"

Member's explanatory statement

This amendment would clarify that a landlord cannot market a property as a short-term or holiday let for at least three months after taking ownership of the property for the purposes of them or their family occupying it.

Helen Morgan

133

Clause 10, page 13, line 19, leave out “three” and insert “six”

Member's explanatory statement

This amendment would increase the time which must elapse between a landlord taking ownership of a property for the purposes of them or their family occupying it and the landlord authorising a letting agent to make the property available to rent from three months to six months.

Matthew Pennycook

141

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 10, page 13, line 19, leave out “three” and insert “12”

Member's explanatory statement

Amendments 140 and 141 would prohibit a landlord from reletting or remarketing a property within 12 months of obtaining possession on the ground for occupation or selling; and from authorising a letting agent to market the property within that period.

Matthew Pennycook

142

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 10, page 13, line 27, leave out paragraph (b) and insert—

“(b) the tenant either surrenders the tenancy without an order for possession being made or delivers up possession of the dwelling house under the terms of an order for possession.”

Member's explanatory statement

This amendment would extend the prohibitions on a landlord reletting or remarketing a property, and from authorising a letting agent to market the property, for which possession has been obtained on the Ground for occupation or selling by court order.

Jacob Young

Gov 18

Page 12, line 16, leave out Clause 10

Member's explanatory statement

This amendment leaves out clause 10 which the government intends to replace with NC4.

Jacob Young

Gov 19

Clause 11, page 14, line 24, leave out "16E (inserted by section 10" and insert "16G (inserted by section (*Landlords acting through others*)"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 20

Clause 11, page 14, line 26, leave out "16F" and insert "16H"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 21

Clause 11, page 14, leave out line 28

Member's explanatory statement

This amendment is consequential on NC3 and NC4. It removes the reference to landlords, since the replacement clauses will cover other persons too.

Jacob Young

Gov 22

Clause 11, page 14, line 35, leave out "as a result" and insert "within the period of three months beginning with the date of the contravention"

Member's explanatory statement

This amendment applies where, in breach of new section 16E(2)(d), a possession notice specifies a ground which the landlord is not entitled to rely on, and the tenant surrenders the tenancy within 3 months following this. The amendment allows a financial penalty to be imposed whether or not the surrender is a result of the notice.

Jacob Young

Gov 23

Clause 11, page 14, line 37, at end insert—

"(1A) Where a landlord fulfils the requirement in section 16D, a local housing authority may not impose a financial penalty on a person who contravenes section 16D only by virtue of subsection (6) of that section."

Member's explanatory statement

This amendment is consequential on section 16D(6) inserted by NC3. It prevents another person from being liable to a financial penalty for failure to give a statement of terms to a tenant where the landlord has given the statement instead.

Jacob Young

Gov 24

Clause 11, page 14, line 38, after “imposed” insert “on the same person”

Member's explanatory statement

This amendment is consequential on section 16D(6) inserted by NC3 and allows both a landlord and that landlord’s agent to have penalties imposed on them for the same contravention, by narrowing the provision that restricts penalties being imposed for the same conduct.

Jacob Young

Gov 25

Clause 11, page 15, line 14, at end insert—

“(4A) Where—

- (a) a local housing authority is satisfied as mentioned in subsection (1) in relation to two or more persons, and
- (b) the contraventions in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,

the local housing authority may impose a financial penalty under this section on the persons (or some of them) jointly, and if the local housing authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it.”

Member's explanatory statement

This amendment is consequential on NC3 and NC4 and allows a local housing authority to impose a joint penalty where persons have acted on behalf of others.

Matthew Pennycook

163

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 11, page 15, line 14, leave out “£5,000” and insert “£30,000”

Member's explanatory statement

This amendment would increase the maximum financial penalty that local authorities could levy against a landlord or former landlord that they are satisfied beyond reasonable doubt has contravened provisions contained in clauses 9 (inserted section 16D of the Housing Act 1988) or 10 (inserted section 16E).

Jacob Young

Gov 26

Clause 11, page 15, line 17, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 27

Clause 11, page 15, line 25, leave out "16H" and insert "16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 28

Clause 11, page 15, line 31, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 29

Clause 11, page 15, line 32, leave out "16H" and insert "16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 30

Clause 11, page 15, line 37, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 31

Clause 11, page 15, line 38, leave out from beginning to end of line 10 on page 16 and insert—

- “(1) A person who is a landlord under a tenancy to which section 16E applies, or is acting or purporting to act on behalf of such a landlord, is guilty of an offence if, in relation to the tenancy—
- (a) the person relies on a ground in Schedule 2 which the landlord is not entitled to rely on, knowing that the landlord is not entitled to rely on it or being reckless as to whether the landlord is entitled to rely on it, or
 - (b) the person relies on one or more of Grounds 1, 1A and 6 in Schedule 2 and specifies in the notice under section 8, or purported notice under section 8 (within the meaning given by section 16E), that proceedings for possession of the dwelling-house will not begin earlier than a date specified in the notice, knowing or being reckless as to the fact that the date is earlier than 6 months after the beginning of the tenancy, and the tenant surrenders the tenancy within the period of three months beginning with the date of service of the notice or purported notice in which the ground or grounds were specified.
- (1A) Subsection (6) of section 16E applies for the purposes of subsection (1) as it applies for the purposes of that section.”

Member's explanatory statement

This amendment makes it an offence for landlords and people acting on their behalf, or purporting to do so, to serve notice using a ground for possession on which the landlord is not entitled to rely, if the tenant surrenders the tenancy within 3 months following service of the notice. It also makes changes consequential on NC4.

Jacob Young

Gov 32

Clause 11, page 16, line 12, at end insert “but it is a defence for a person who contravenes section 16E(4) otherwise than as a landlord to show that they took all reasonable steps to avoid contravening it”

Member's explanatory statement

This amendment provides for defences that may be put forward by a landlord’s agent where the agent contravenes the new section 16E(4) inserted by NC4.

Jacob Young

Gov 33

Clause 11, page 16, line 27, leave out “16F” and insert “16H”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 34

Clause 11, page 16, line 36, leave out "16F or 16H" and insert "16H or 16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 35

Clause 11, page 17, line 3, leave out "16F or 16H" and insert "16H or 16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 36

Clause 11, page 17, line 3, at end insert—

- "(7A) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (7B) Where an offence under subsection (2) committed by a body corporate is proved to be attributable to any neglect on the part of an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (7C) Where the affairs of a body corporate are managed by its members, subsections (7A) and (7B) apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate."

Member's explanatory statement

This amendment makes it possible for officers of a company or other body corporate to be prosecuted for offences committed by that body under new section 16G (which is re-numbered as 16I by other amendments).

Jacob Young

Gov 37

Clause 11, page 17, line 6, leave out "16H" and insert "16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 38

Clause 11, page 17, line 6, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 39

Clause 11, page 17, line 9, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 40

Clause 11, page 17, line 12, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 41

Clause 11, page 17, line 22, at end insert—

"(3A) Where—

- (a) a local housing authority is satisfied as mentioned in subsection (1) in relation to two or more persons, and
- (b) the offences in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,

the local housing authority may impose a financial penalty under this section on the persons (or some of them) jointly, and if the local housing authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it."

Member's explanatory statement

This amendment allows a local housing authority to impose a joint penalty where persons have acted on behalf of others.

Matthew Pennycook

164

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 11, page 17, line 22, leave out “£30,000” and insert “£60,000”

Jacob Young

Gov 42

Clause 11, page 17, line 27, leave out “16I” and insert “16K”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 43

Clause 11, page 17, line 31, leave out “16F to 16H” and insert “16H to 16J”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 44

Clause 11, page 17, line 33, leave out “16F(4) and 16H(3)” and insert “16H(4) and 16J(3)”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 45

Clause 11, page 18, line 2, leave out “16F and 16H” and insert “16H and 16J”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 46

Clause 11, page 18, line 3, leave out “16F and 16H” and insert “16H and 16J”

Member's explanatory statement

This amendment is consequential on NC4 and NC5.

Jacob Young

Gov 47

Clause 11, page 18, line 4, leave out "16F and 16H" and insert "16H and 16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 48

Clause 11, page 18, line 7, leave out "16F and 16H" and insert "16H and 16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 49

Clause 11, page 18, line 8, leave out "16F to 16H" and insert "16H to 16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 50

Clause 11, page 18, line 9, leave out from "authority"" to end of line 10 and insert "means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.""

Member's explanatory statement

This amendment makes clear that the functions of local housing authorities under sections 16F to 16I of, and Schedule 2ZA to, the Housing Act 1988 (which relate to England only) are not conferred on Welsh county councils and county borough councils.

Jacob Young

Gov 51

Clause 12, page 18, line 13, leave out "16I" and insert "16K"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 52

Clause 12, page 18, line 14, leave out "16F and 16H" and insert "16H and 16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 53

Clause 12, page 18, line 16, leave out "16F or 16H" and insert "16H or 16J"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 54

Clause 12, page 21, line 12, at end insert—

"(ca) the activities of a superior landlord in relation to such a tenancy,"

Member's explanatory statement

This amendment ensures that the proceeds of financial penalties imposed under section 16F or 16H of the Housing Act 1988 can be applied towards meeting the cost of enforcement functions relating to superior landlords as well as immediate landlords.

Jacob Young

Gov 55

Clause 13, page 21, line 32, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 56

Clause 13, page 21, line 33, leave out "16H(1)" and insert "16J(1)"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 57

Clause 13, page 21, line 35, leave out "16G" and insert "16I"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 58

Clause 13, page 21, line 37, leave out from "in" to end of line 38 and insert "paragraph (a) or (b) of section 16I(1) where the tenant surrenders the tenancy within the period of three months beginning with the date of service of the notice or purported notice in which the ground or grounds referred to in that paragraph were specified,"

Member's explanatory statement

This amendment is consequential on Amendment 31. It updates the Crown application provision to reflect changes made by that amendment. It refers to section 16I because the existing section 16G is re-numbered as 16I by Amendment 30.

Jacob Young

Gov 59

Clause 13, page 21, line 41, leave out "16G(4)" and insert "16I(4)"

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Matthew Pennycook

170

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 19, page 24, line 29, after "only if" insert—

"both at the date of the service of the notice and the date of the hearing"

Member's explanatory statement

This amendment would ensure that landlords must protect deposits with an authorised scheme and provide prescribed information in connection with it before a notice for possession is served rather than doing so, or repaying a deposit, at any time up to a court making an order for possession.

Matthew Pennycook

171

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 19, page 24, line 33, after “only if” insert—

“both at the date of the service of the notice and the date of the hearing”

Member's explanatory statement

This amendment would ensure that landlords must protect deposits with an authorised scheme and provide prescribed information in connection with it before a notice for possession is served rather than doing so, or repaying a deposit, at any time up to a court making an order for possession.

Matthew Pennycook

172

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 19, page 24, line 40, after “only if” insert—

“both at the date of the service of the notice and the date of the hearing”

Member's explanatory statement

This amendment would ensure that landlords must protect deposits with an authorised scheme and provide prescribed information in connection with it before a notice for possession is served rather than doing so, or repaying a deposit, at any time up to a court making an order for possession.

Jacob Young

Gov 60

Schedule 2, page 77, line 13, at end insert—

- “7A In section 39 (statutory tenants: succession) omit subsection (7).
- 7B In section 45 (interpretation of Part 1), in subsection (2) omit “Subject to paragraph 11 of Schedule 2 to this Act,”.
- 7C In Schedule 2 (grounds for possession), omit Part 4.
- 7D In Schedule 4 (statutory tenants: succession), in Part 3, omit paragraph 15.”

Member's explanatory statement

This amendment makes changes to the 1988 Act which are consequential on the changes to the regime for prior notice for some grounds for possession.

Matthew Pennycook

178

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 2, page 77, line 17, leave out “omit subsection (5)” and insert—

““for subsection (5) substitute—

“(5) A person is also threatened with homelessness if—

- (a) a valid notice has been given to the person under section 8 of the Housing Act 1988 in respect of the only accommodation the person has that is available for the person’s occupation, and
- (b) that notice will expire within 56 days.””

Member's explanatory statement

This amendment would maintain the homelessness prevention duty owed by local authorities to persons who have received a notice to vacate a property and would extend it to notices for possession issued under section 8 of the Housing Act 1988.

Matthew Pennycook

179

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Schedule 2, page 77, line 26, leave out “omit subsection (6)” and insert—

“for subsection (6) substitute—

“(6) But the authority may not give notice to the applicant under subsection (5) on the basis that the circumstances in subsection (8)(b) apply if a valid notice has been given to the applicant under section 8 of the Housing Act 1988 that—

- (a) will expire within 56 days or has expired, and
- (b) is in respect of the only accommodation that is available for the applicant’s occupation.””

Member's explanatory statement

This amendment would ensure that the homelessness prevention duty owed by a local authority cannot end whilst a valid notice under section 8 of the Housing Act 1988 has been issued in respect of the only accommodation available to that person.

Jacob Young

Gov 61

Clause 22, page 28, line 4, at end insert—

“(10) In this section and Schedule A1, “local housing authority” means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.”

Member's explanatory statement

This amendment defines “local housing authority” for the purposes of section 1A of, and Schedule A1 to, the Protection from Eviction Act 1977.

Matthew Pennycook

173

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 23, page 31, line 29, at end insert—

- “(c) an agreement to which the Mobile Homes Act 1983 applies; or
- (d) any licence of a dwelling”

Member's explanatory statement

This amendment would extend the definition of residential landlord to include park home operators, private providers of purpose-built student accommodation, and property guardian companies.

Jacob Young

Gov 62

Clause 23, page 32, line 5, leave out from second “building” to “it” in line 6

Member's explanatory statement

This amendment removes words that are no longer needed as a result of Amendment 64.

Jacob Young

Gov 63

Clause 23, page 32, line 7, leave out “so occupied or intended to be so occupied”

Member's explanatory statement

This amendment removes words that are no longer needed as a result of Amendment 64.

Jacob Young

Gov 64

Clause 23, page 32, line 8, at end insert—

- “(ia) so that it includes a building or part of a building, and anything for the time being included in the meaning of “dwelling” by virtue of sub-paragraph (i), which is occupied or intended to be occupied as a dwelling that is not a separate dwelling,”

Member's explanatory statement

This amendment allows the power to amend the definition of “dwelling” that applies for the purposes of Part 2 of the Bill to be used so as to add to that definition places that are not occupied as a separate dwelling. This will enable the power to be exercised to bring shared living accommodation within the definition of “dwelling”.

Matthew Pennycook

174

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 24, page 32, line 27, leave out “may” and insert “must”

Member's explanatory statement

This amendment would impose a duty on the government to require residential landlords as defined in clause 23 to join a landlord redress scheme.

Lloyd Russell-Moyle

196

Clause 25, page 34, line 17, at end insert—

“(ba) providing that complaints about deposits held in tenancy deposit schemes under Chapter 4 of Part 6 of the Housing Act 2004 (tenancy deposit schemes) may be made under the scheme,”

Member's explanatory statement

This amendment would ensure that where there is a dispute regarding deposits this can be submitted to the ombudsperson for redress rather than just to the private schemes themselves.

Matthew Pennycook

165

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 26, page 36, line 21, leave out “£5,000” and insert “£30,000”

Member's explanatory statement

This amendment would increase the maximum financial penalty that local authorities could impose on a person if it is satisfied beyond reasonable doubt that they have breached the requirement in Clause 24 to be a member of an approved or designated redress scheme or in instances where a property has been marketed where the landlord is not yet a member of a landlord redress scheme.

Matthew Pennycook

166

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 26, page 36, line 22, leave out “£30,000” and insert “£60,000”

Member's explanatory statement

This amendment would increase the maximum financial penalty that a local housing authority may impose on a person as an alternative to prosecution, if it is satisfied beyond reasonable doubt that an offence under clause 27 has been committed.

Jacob Young

Gov 65

Clause 27, page 38, line 23, leave out subsection (9)

Member's explanatory statement

This amendment removes provision that is no longer needed as a result of NC19.

Jacob Young

Gov 66

Clause 29, page 39, line 4, leave out "in England"

Member's explanatory statement

This amendment leaves out words which have no legal effect because a "local housing authority" as defined by clause 57(1) could not be situated outside of England.

Jacob Young

Gov 67

Clause 30, page 39, leave out lines 16 and 17

Member's explanatory statement

This amendment removes a definition which is redundant because the term that it defines is not used in Chapter 2 of Part 2 of the Bill.

Matthew Pennycook

175

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 32, page 40, line 18, at end insert—

“(ba) details, which may include copies, of all notices seeking possession served by the residential landlord in respect of each dwelling of which he is the landlord, and”

Member's explanatory statement

This amendment would require the database to record details of notices of possession served by a landlord in respect of each dwelling of which they are the landlord.

Caroline Lucas

191

Clause 34, page 41, line 33, at end insert—

“(2A) Regulations under subsection (1) must require—

- (a) the energy performance certificate relating to a registrable dwelling to be provided to the database operator; and
- (b) details of the energy performance certificate to be recorded in a dwelling entry in the database.”

Member's explanatory statement

This amendment would require Energy Performance Certificates in relation to relevant dwellings to be provided to the database operator and details to be recorded in the database.

Lloyd Russell-Moyle

202

Clause 34, page 41, line 33, at end insert—

“(2A) The regulations must provide for information or documents to be provided relating to disputes and their resolution under deposit protection schemes under Chapter 4 of Part 6 of the Housing Act 2004 (tenancy deposit schemes) .”

Member's explanatory statement

This amendment would require regulations made by the Secretary of State to require the provision of information relating to dispute resolution for deposit protection schemes.

Matthew Pennycook

176

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 34, page 41, line 33, at end insert—

“(3A) The regulations must provide for the following information or documents to be provided to the database operator as part of the process of creating entries on the database—

- (a) an address, telephone number and email address for the residential landlord;
- (b) an address, telephone number and email address for all managing agents engaged by the residential landlord;
- (c) details of every dwelling that is being let by the residential landlord;
- (d) evidence that the residential landlord has supplied a copy of the ‘How To Rent’ booklet to each relevant tenant;
- (e) the rent that is currently being charged in respect of every dwelling that is being let by the residential landlord;

- (f) details of any enforcement action that a local housing authority in England has taken against the residential landlord;
- (g) details of any banning orders that have been made against the residential landlord pursuant to Chapter 2 of Part 2 of the Housing and Planning Act 2016;
- (h) in respect of every dwelling that is being let by the residential landlord, copies of the documents required by:
 - (i) Regulation 6(5) of the Energy Performance of Buildings (England and Wales) Regulations 2012;
 - (ii) Paragraph(s) 6 and/or 7 of Regulation 36 of the Gas Safety (Installation and Use) Regulations 1998;
 - (iii) Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020;
 - (iv) Regulation 4 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015;
- (i) details of whether the dwelling house is required to be licenced under Part 2 (Houses in Multiple Occupation) or Part 3 (Selective Licensing) of the Housing Act 2004"

Member's explanatory statement

This amendment would ensure that a number of the regulatory obligations that built up around section 21 notices are maintained by means of the database following the removal of section 21 of the Housing Act 1988.

Lloyd Russell-Moyle

195

Clause 43, page 48, line 32, at end insert—

- “(f) tenants and prospective tenants of a relevant property and all other properties linked to the unique identifier of the landlord with whom they are proposing to or have signed a tenancy agreement.”

Member's explanatory statement

This amendment would ensure that tenants and prospective tenants have access to information held in the database relating to the landlord of the relevant property.

Matthew Pennycook

167

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 47, page 50, line 36, leave out “£5,000” and insert “£30,000”

Member's explanatory statement

This amendment would increase the maximum financial penalty that local authorities could impose on a person for breach of a requirement imposed by clause 39.

Matthew Pennycook

168

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 47, page 51, line 1, leave out “£30,000” and insert “£60,000”

Member's explanatory statement

This amendment would increase the maximum financial penalty that local authorities could impose on a person for committing an offence under section 48.

Jacob Young

Gov 68

Clause 48, page 53, line 7, leave out subsection (10)

Member's explanatory statement

This amendment removes provision that is no longer needed as a result of NC19.

Jacob Young

Gov 69

Clause 57, page 56, leave out lines 39 to 41

Member's explanatory statement

This amendment removes the definition of “local housing authority” for the purposes of Part 2 of the Bill. It is consequent Amendment 107 which inserts a definition of “local housing authority” for the purposes of the Bill as a whole.

Jacob Young

Gov 70

Clause 57, page 57, leave out line 1 and insert—

“(1A) For the meanings of “residential landlord”, “residential tenancy” and “residential tenant” in this Part, see section 23.”

Member's explanatory statement

This amendment makes clearer that in Part 2 references to a “residential landlord”, “residential tenancy” and “residential tenant” are to be read in accordance with clause 23.

Jacob Young

Gov 71

Clause 52, page 55, line 5, after “section” insert “(Financial penalties),”

Member's explanatory statement

This amendment provides for the provisions about financial penalties in Schedule 3 of the Bill to apply in relation to penalties under NC10, which relates to discriminatory practices in relation to the grant of tenancies, as well as in relation to penalties under Part 2 of the Bill.

Jacob Young

Gov

That clause 52 be transferred to the end of line 30 on page 57.

Member's explanatory statement

This amendment is consequential on Amendment 71 which expands clause 52 so that it is no longer limited to penalties under Part 2 of the Bill. This amendment moves clause 52 into Part 3 of the Bill (enforcement authorities). Part 3 is expected to be added to so as to include other provision about enforcement generally. Clause 52 is expected to form its first Chapter.

Jacob Young

Gov 72

Schedule 3, page 78, line 8, after "section" insert "*(Financial penalties),*"

Member's explanatory statement

This amendment is consequential on Amendment 71.

Jacob Young

Gov 73

Schedule 3, page 80, line 20, after "section" insert "*(Financial penalties),*"

Member's explanatory statement

This amendment is consequential on Amendment 71.

Jacob Young

Gov 74

Schedule 3, page 80, line 25, after "section" insert "*(Financial penalties),*"

Member's explanatory statement

This amendment is consequential on Amendment 71.

Jacob Young

Gov 75

Schedule 3, page 80, line 33, at end insert—

“(ca) the activities of a superior landlord in relation to such a tenancy,”

Member's explanatory statement

This amendment ensures that the proceeds of financial penalties imposed under clauses 26 and 47 can be applied towards meeting enforcement costs relating to superior landlords as well as immediate landlords.

Jacob Young

Gov 76

Clause 58, page 57, line 35, after second "of" insert ", or an offence under,"

Member's explanatory statement

This amendment ensures that the duty in clause 58(1) does not prevent a local housing authority from taking enforcement action in respect of an offence under the landlord legislation which occurs outside of its area.

Jacob Young

Gov 77

Clause 58, page 57, line 38, after first "authority)" insert ", (Enforcement by county councils which are not local housing authorities: duty to notify)(3) (enforcement by county council in England which is not a local housing authority)"

Member's explanatory statement

This amendment is consequential on NC22.

Jacob Young

Gov 78

Clause 58, page 57, line 38, at end insert—

- “(3A) A county council in England which is not a local housing authority may—
- (a) enforce the landlord legislation;
 - (b) for that purpose, exercise any powers that a local housing authority may exercise for the purposes of enforcing that legislation.”

Member's explanatory statement

This amendment confers a power to enforce the landlord legislation on county councils in England which are not local housing authorities and for that purpose enables such councils to exercise powers equivalent to local housing authorities.

Jacob Young

Gov 79

Clause 58, page 58, leave out lines 1 to 3

Member's explanatory statement

This amendment removes the definition of "local housing authority" for the purposes of Part 3 of the Bill. It is consequential on Amendment 107 which inserts a definition of "local housing authority" for the purposes of the Bill as a whole.

Jacob Young

Gov 80

Clause 58, page 58, line 4, at end insert—

“(za) Chapter 2A of Part 1 of this Act,”

Member's explanatory statement

This amendment adds the new Chapter expected to be formed of new clauses relating to discriminatory practices in relation to the grant of tenancies to the definition of “the landlord legislation” in clause 58.

Jacob Young

Gov 81

Clause 58, page 58, line 9, leave out “a local housing authority”

Member's explanatory statement

This amendment is consequential on Amendment 78.

Jacob Young

Gov 82

Clause 58, page 58, line 10, leave out “that authority”

Member's explanatory statement

This amendment is consequential on Amendment 78.

Jacob Young

Gov 83

Clause 59, page 58, line 16, after second “of” insert “, or an offence under,”

Member's explanatory statement

This amendment ensures that a local housing authority notifies another local housing authority if it proposes to take enforcement action in respect of an offence under the landlord legislation which occurs in the area of that other authority.

Jacob Young

Gov 84

Clause 59, page 58, line 23, after “breach” insert “or offence”

Member's explanatory statement

This amendment is consequential on Amendment 83.

Jacob Young

Gov 85

Clause 59, page 58, line 27, after “breach” insert “or offence”

Member's explanatory statement

This amendment clarifies that a financial penalty imposed under the landlord legislation may also relate to an offence under that legislation.

Jacob Young

Gov 86

Clause 61, page 59, line 30, leave out "local housing" and insert "relevant local"

Member's explanatory statement

This amendment requires a lead enforcement authority to provide information and advice to county councils in England which are not local housing authorities.

Jacob Young

Gov 87

Clause 61, page 59, line 35, leave out "local housing" and insert "relevant local"

Member's explanatory statement

This amendment provides for a lead enforcement authority to disclose information to county councils in England which are not local housing authorities for certain purposes.

Jacob Young

Gov 88

Clause 61, page 60, line 1, leave out "local housing" and insert "relevant local"

Member's explanatory statement

This amendment provides for a lead enforcement authority to issue guidance to county councils in England which are not local housing authorities.

Jacob Young

Gov 89

Clause 61, page 60, line 4, leave out "Local housing" and insert "Relevant local"

Member's explanatory statement

This amendment requires county councils in England which are not local housing authorities to have regard to guidance issued by a lead enforcement authority under subsection (4) of clause 61.

Jacob Young

Gov 90

Clause 61, page 60, line 14, leave out "local housing" and insert "relevant local"

Member's explanatory statement

The amendment provides for a direction given under subsection (7) of clause 61 to relate to county councils in England which are not local housing authorities.

Jacob Young

Gov 91

Clause 61, page 60, line 16, at end insert—

““relevant local authority” means—

- (a) a local housing authority, or
- (b) a county council in England which is not a local housing authority;”

Member's explanatory statement

The amendment defines “relevant local authority” for the purposes of clause 61.

Jacob Young

Gov 92

Clause 62, page 61, line 1, leave out “local housing” and insert “relevant local”

Member's explanatory statement

This amendment requires a county council in England which is not a local housing authority to report at the request of a lead enforcement authority on the exercise of the county council’s functions under the provisions for which the lead enforcement authority is responsible.

Jacob Young

Gov 93

Clause 62, page 61, line 3, leave out “local housing” and insert “relevant local”

Member's explanatory statement

This amendment is consequential on Amendment 92.

Jacob Young

Gov 94

Clause 62, page 61, line 5, at end insert—

- “(7) The powers of a local housing authority referred to in subsection (1)(b) include the power to authorise persons to exercise powers of officers under sections (*Power of local housing authority to require information from relevant person*) to (*Investigatory powers: interpretation*) (see section (*Investigatory powers: interpretation*)(2)).
- (8) Section (*Suspected residential tenancy: entry without warrant*)(7) is to be read, in relation to an officer of a lead enforcement authority, as if—
 - (a) the reference to a deputy chief officer whose duties relate to a purpose within subsection (1)(b) of that section were a reference to—
 - (i) a person who is employed by, or acts on the instructions of, the body which is the lead enforcement authority and has overall responsibility for the exercise of the functions of that body in that capacity (“the head of the lead enforcement authority”), or

- (ii) a person who is employed by, or acts on the instructions of, the lead enforcement authority, and has been authorised by the head of the lead enforcement authority to give special authorisations within the meaning of section (*Suspected residential tenancy: entry without warrant*), and
- (b) paragraph (b)(ii) were omitted.”

Member's explanatory statement

This amendment is consequential on other new clauses which provide for investigatory powers of local housing authorities. It deals with how the references to officers of a local housing authority are to apply in the case where the powers of a local housing authority are to be exercised by a lead enforcement authority.

Jacob Young

Gov 95

Clause 62, page 61, line 5, at end insert—

“(9) In this section “relevant local authority” has the same meaning as in section 61.”

Member's explanatory statement

This amendment defines “relevant local authority” for the purposes of clause 62.

Jacob Young

Gov 96

Page 61, line 8, leave out Clause 63

Member's explanatory statement

This removes clause 63, which the government intends to replace with the provision made by NC20 and NS1.

Jacob Young

Gov 97

Clause 54, page 55, line 15, leave out “(4), this Part” and insert “(4D), this Act”

Member's explanatory statement

This amendment provides for a default rule which will have the effect that, subject to any specific provision about them, the new clauses which make freestanding provision in the Bill will bind the Crown. This is intended to mean that the Crown will be bound by the new clauses containing prohibitions on discriminatory practices in relation to tenancies and (subject to exceptions in Amendment 98 for powers of entry) the new investigatory powers.

Jacob Young

Gov 98

Clause 54, page 55, line 30, at end insert—

- “(4A) Sections (*Business premises: entry without warrant*), (*Requirements where occupiers are on business premises entered without warrant*), (*Business premises: warrant authorising entry*), (*Business premises: entry under warrant*), (*Power to require production of documents following entry*), (*Power to seize documents following entry*), (*Access to seized documents*), (*Appeal against detention of documents*), (*Suspected residential tenancy: entry without warrant*), (*Requirements where occupiers are on residential premises entered without warrant*), (*Suspected residential tenancy: warrant authorising entry*), (*Suspected residential tenancy: entry under warrant*) and (*Powers of accompanying persons*) do not bind the Crown.
- (4B) Nothing in section (*Offences*) makes the Crown criminally liable.
- (4C) The High Court may declare unlawful any act or omission for which the Crown would be criminally liable under section (*Offences*) but for subsection (4B).
- (4D) An amendment or repeal made by this Act binds the Crown to the extent that the provision amended or repealed binds the Crown (but in the case of an amendment of the 1988 Act, this is subject to the amendments made by section 13).”

Member's explanatory statement

This amendment provides that the new clauses conferring powers of entry do not bind the Crown. It also provides that the offences applying in relation to the new clauses about requiring information do not make the Crown criminally liable (but can lead to a declaration of unlawfulness) and deals with Crown application of amendments made by the Bill to other legislation.

Jacob Young

Gov 99

Clause 54, page 55, line 31, leave out “Subsection (2) does not affect” and insert “Nothing in this section affects”

Member's explanatory statement

This amendment is consequential on Amendment 98.

Jacob Young

Gov

That clause 54 be transferred to the end of line 30 on page 61.

Member's explanatory statement

This amendment is consequential on Amendment 97. It moves clause 54 into Part 5 of the Bill (general provisions). This is necessary because once clause 54 deals with the application to the Crown of new provisions added to the Bill, it will no longer relate only to Part 2, and therefore needs to be moved out of that Part.

Jacob Young

Gov 100

Clause 55, page 55, line 36, leave out “this Part” and insert “Part 2 (and Part 3 so far as relating to Part 2)”

Member's explanatory statement

This amendment is consequential on the motion to transfer clause 55. It also makes it clear that the general provisions about enforcement action in Part 3 of the Bill apply in relation to any tenancies and licences referred to in clause 55.

Jacob Young

Gov 101

Clause 55, page 56, line 16, at end insert—

- “(2) The following provisions do not apply in relation to premises that are occupied for the purposes of either House of Parliament—
- (a) Chapter 2A of Part 1;
 - (b) sections (*Power of local housing authority to require information from relevant person*), (*Business premises: entry without warrant*), (*Requirements where occupiers are on business premises entered without warrant*), (*Business premises: warrant authorising entry*), (*Business premises: entry under warrant*), (*Power to require production of documents following entry*), (*Power to seize documents following entry*), (*Access to seized documents*), (*Appeal against detention of documents*), (*Suspected residential tenancy: entry without warrant*), (*Requirements where occupiers are on residential premises entered without warrant*), (*Suspected residential tenancy: warrant authorising entry*), (*Suspected residential tenancy: entry under warrant*) and (*Powers of accompanying persons*).
- (3) Nothing in section (*Offences*) makes the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords criminally liable.
- (4) The High Court may declare unlawful any act or omission for which the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords would be criminally liable under section (*Offences*) but for subsection (3).
- (5) Nothing in this section affects the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).”

Member's explanatory statement

This amendment provides that the new Chapter containing prohibitions on discriminatory practices in relation to tenancies and the new clauses on investigatory powers (except the power to require information from any person) do not apply in relation to premises occupied for the purposes of Parliament. It also provides that nothing in NC41 makes the Corporate Officers of the Houses criminally liable (though there can be a declaration of unlawfulness).

Jacob Young

Gov

That clause 55 be transferred to the end of line 30 on page 61.

Member's explanatory statement

This amendment is consequential on Amendment 101. It moves clause 55 into Part 5 of the Bill (general provisions). This is necessary because once clause 55 deals with the application to Parliament of the new clauses relating to discriminatory practices and to investigatory powers, it will no longer relate only to Part 2 of the Bill.

Jacob Young

Gov 102

Clause 56, page 56, line 18, leave out "Part" and insert "Act"

Member's explanatory statement

This amendment provides for the provisions about regulations in clause 56(1) to apply in relation to regulations under the new clauses expected to be added to the Bill.

Jacob Young

Gov 103

Clause 56, page 56, line 28, leave out "Part" and insert "Act"

Member's explanatory statement

This amendment provides for the provision for regulations to be made by statutory instrument to cover all the regulations under the Bill.

Jacob Young

Gov 104

Clause 56, page 56, line 29, after "section" insert "*(Power of the Secretary of State to amend Chapter 2A to protect persons of other descriptions),"*

Member's explanatory statement

This amendment provides for regulations under the new clause inserted by NC15 to be subject to affirmative procedure in Parliament.

Jacob Young

Gov 105

Clause 56, page 56, line 33, leave out "Part" and insert "Act made by the Secretary of State"

Member's explanatory statement

This amendment provides for a default rule that all regulations made by the Secretary of State under the Bill are to be subject to negative procedure in Parliament. The reference to the Secretary of State is included because under other amendments there are regulation-making powers for the Welsh Ministers which are to be subject to procedure in Senedd Cymru rather than Parliament.

Jacob Young

Gov 106

Clause 56, page 56, line 35, at end insert—

“(6) This section does not apply to regulations under section (*Power of Welsh Ministers to make consequential provision*) or this Part.”

Member's explanatory statement

This amendment is consequential on the motion to transfer clause 56. It ensures that, once clause 56 is moved into Part 5 of the Bill by that amendment, the clause will apply only to the substantive regulation-making powers under the Bill and not to any regulations made under the general powers in Part 5 (Part 5 already contains specific provision about procedure etc in relation to the general powers).

Jacob Young

Gov

That clause 56 be transferred to the end of line 30 on page 61.

Member's explanatory statement

This amendment is consequential on Amendments 102, 103, 104 and 105. It moves clause 56 into Part 5 of the Bill (general provisions). This is necessary because once clause 56 deals with regulations under provisions outside of Part 2 of the Bill, it will no longer relate only to that Part.

Jacob Young

Gov 107

Clause 64, page 61, line 30, after first “Act” insert—

““local housing authority” means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;”

Member's explanatory statement

This amendment inserts a definition of “local housing authority” for the purposes of the Bill as a whole.

Jacob Young

Gov 108

Clause 65, page 62, line 1, at end insert—

“(2A) The power to make regulations under this section includes power to make—
(a) supplementary, incidental, transitional or saving provision;
(b) different provision for different purposes.”

Member's explanatory statement

This amendment allows regulations made by the Secretary of State containing provision that is consequential on the Bill to include supplementary or incidental provision and to make different provision for different purposes.

Jacob Young

Gov 109

Clause 65, page 62, line 2, leave out from “power”, in the first place, to “for” in line 3 and insert “under subsection (2A)(a) to make transitional provision includes power to provide”

Member's explanatory statement

This amendment is consequential on Amendment 108.

Matthew Pennycook

169

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

Clause 67, page 62, line 21, at end insert—

“, save that section 2(b) comes into force on the day on which this Act is passed only to the extent that it repeals section 21 of the Housing Act 1988; such repeal will not affect the validity of any notices served under that provision on or before the day on which this Act is passed and the provisions of that section will continue to apply to any claims issued in respect of such a notice”

Member's explanatory statement

This amendment would ensure that the abolition of section 21 evictions would come into force on Royal Assent, with saving provisions for any notices served before that date.

Jacob Young

Gov 110

Clause 67, page 63, line 19, leave out “Chapter 2 of Part 1 comes” and insert “The following come”

Member's explanatory statement

This amendment, together with Amendment 111, provides for the commencement two months after the Bill is passed of the new clauses relating to abandoned premises under assured shorthold tenancies and to investigatory powers for local housing authorities.

Jacob Young

Gov 111

Clause 67, page 63, line 20, at end insert—

- “(a) Chapter 2 of Part 1;
- (b) section (*Abandoned premises under assured shorthold tenancies*);
- (c) sections (*Power of local housing authority to require information from relevant person*) to (*Client money protection schemes: investigatory powers of local authorities*).”

Member's explanatory statement

This amendment, together with Amendment 110, provides for the commencement two months after the Bill is passed of the new clauses relating to abandoned premises under assured shorthold tenancies and the new clauses relating to investigatory powers.

Jacob Young

Gov 112

Clause 67, page 63, line 23, at end insert—

“(ba) section (*Decent homes standard*) and Schedule (*Decent homes standard*), for the purposes of making regulations;”

Member's explanatory statement

This amendment provides for the powers to make regulations under NC20 and NS1 to come into force on Royal Assent.

Jacob Young

Gov 113

Clause 67, page 63, line 27, leave out “Chapter 3 of Part 1” and insert “Chapter 2A of Part 1 and section 22”

Member's explanatory statement

This amendment provides for the new Chapter expected to be formed of new clauses relating to discriminatory practices in relation to the grant of tenancies to be commenced by regulations made by the Secretary of State. It also makes a change in consequence of the new clause relating to abandoned premises under assured shorthold tenancies, which is expected to be inserted into Chapter 3 of Part 1. Unlike clause 22, of which that Chapter currently consists, the new clause will not come into force by regulations (see Amendments 110 and 111).

Jacob Young

Gov 114

Clause 67, page 63, line 29, leave out “sections” and insert “section 52 and Schedule 3 and sections (*Rent repayment orders*),”

Member's explanatory statement

This amendment provides for NC21 to be brought into force by regulations made by the Secretary of State. It also ensures that the Bill will continue to provide for clause 52 to be brought into force in that way once it is transposed from Part 2 to Part 3 of the Bill by the motion to transfer clause 52.

Jacob Young

Gov 115

Clause 67, page 63, line 30, leave out paragraph (d)

Member's explanatory statement

This amendment is consequential on the removal of clause 63 from the Bill.

Jacob Young

Gov 116

Clause 67, page 63, line 30, at end insert—

“(da) section (*Decent homes standard*) and Schedule (*Decent homes standard*), for purposes other than making regulations.”

Member's explanatory statement

This amendment provides for regulations to bring NC20 and NS1 into force to the extent that they did not come into force on Royal Assent.

Jacob Young

Gov 125

Clause 67, page 63, line 30, at end insert—

“(10A) Chapter 2B comes into force on such day as the Welsh Ministers by order made by statutory instrument appoint.”

Member's explanatory statement

This amendment provides for the new Chapter 2B expected to be formed of the clauses relating to discriminatory treatment of people with children and benefits claimants in Wales to be commenced by order of the Welsh Ministers.

Jacob Young

Gov 117

Schedule 4, page 82, line 29, leave out “sections 9 and 11” and insert “sections (*Duty of landlord and contractor to give statement of terms and other information*) and (*Other duties*)”

Member's explanatory statement

This amendment is consequential on NC3 and NC4. It updates section references to refer to the new clauses inserted by those amendments instead of existing clauses.

Jacob Young

Gov 118

Schedule 4, page 82, line 31, leave out “16F(1)” and insert “16H(1)”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 119

Schedule 4, page 82, line 37, at end insert—

“(2A) Where a landlord referred to in sub-paragraph (2) has entered into a contract with a person which requires that person to ensure compliance with that

sub-paragraph (whether or not it is referred to individually), sub-paragraph (2) also applies to that person, as it applies to the landlord.”

Member's explanatory statement

This amendment is consequential on NC3. It makes provision for transitional cases corresponding to new section 16D(6) inserted by that clause.

Jacob Young

Gov 120

Schedule 4, page 83, line 3, leave out “16D(3) of the 1988 Act (inserted by section 9)” and insert “16D(4) of the 1988 Act (inserted by section (*Duty of landlord and contractor to give statement of terms and other information*))”

Member's explanatory statement

This amendment is consequential on NC3. It updates section references to refer to the new clauses inserted by those amendments instead of existing clauses.

Jacob Young

Gov 121

Schedule 4, page 83, line 4, leave out “an assured tenancy” and insert “the tenancy or on the day on which the tenancy begins”

Member's explanatory statement

This amendment is consequential on NC3. It ensures that the transitional modifications in Schedule 4 track the wording of the new clause inserted by that amendment.

Jacob Young

Gov 122

Schedule 4, page 83, line 16, leave out “16F or 16H” and insert “16H or 16J”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 123

Schedule 4, page 83, line 17, leave out “16G” and insert “16I”

Member's explanatory statement

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Jacob Young

Gov 124

Schedule 4, page 83, line 25, at end insert—

“Schedule 1: redevelopment ground

- 9A In relation to an existing tenancy, paragraph (ab) in Ground 6 in Schedule 2 to the 1988 Act is to be read as if for “before the beginning of the tenancy or on the day on which it began” there were substituted “before the extended application date (within the meaning given by section 67(4) of the Renters (Reform) Act 2024)”.

Member's explanatory statement

This amendment is consequential on Amendment 13. It makes corresponding provision for transitional cases.

Jacob Young

Gov 126

Clause 68, page 63, line 33, at end insert—

- “(A1) The Welsh Ministers may by order made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of Chapter 2B of Part 1.”

Member's explanatory statement

This amendment enables the Welsh Ministers by order to make transitional or saving provision in connection with the commencement of Chapter 2B expected to be formed of the new clauses relating to discriminatory treatment of people with children and benefits claimants in Wales.

Jacob Young

Gov 127

Clause 68, page 63, line 36, after “any” insert “other”

Member's explanatory statement

This amendment is consequential on Amendment 126. It removes the provision that the Welsh Ministers can make under that section from the ambit of the Secretary of State’s power to make transitional or saving provision in connection with the rest of the Bill, so that there is no overlap between the powers of the Welsh Ministers and those of the Secretary of State.

Jacob Young

Gov 128

Clause 68, page 63, line 37, at end insert—

- “(1A) The power to make an order under subsection (A1) includes power to provide for a provision of Chapter 2B to apply (with or without modifications) in relation to occupation contracts granted, renewed or continued, or advertising begun, before the date on which the provision comes into force.”

Member's explanatory statement

This amendment is consequential on Amendment 126. It makes provision equivalent to subsection (2) of clause 68 in relation to the Welsh Ministers' power to make transitional or saving provision in connection with the new Chapter 2B as a result of that amendment.

Jacob Young

Gov 129

Clause 68, page 64, line 3, leave out "power to make regulations under subsection (1) includes" and insert "powers under subsections (A1) and (1) include"

Member's explanatory statement

This amendment is consequential on Amendment 126. It ensures that subsection (3) of clause 68 applies in relation to the Welsh Ministers' power to make transitional or saving provision as a result of that amendment.

Jacob Young

Gov NC1

To move the following Clause—

"Factors for court considering granting possession order for anti-social behaviour

In the 1988 Act, in section 9A—

(a) in subsection (2), after paragraph (c) insert—

"(d) whether the person against whom the order is sought has co-operated with any attempt by the landlord to encourage the conduct to cease.";

(b) after subsection (2) insert—

"(3) Where the person against whom the order is sought is a tenant occupying an HMO, in considering effects mentioned in subsection (2)(a) the court must have particular regard to the effect on other occupiers who share with that person accommodation or facilities within the HMO.

(4) For the purposes of subsection (3) occupiers of an HMO share accommodation or facilities if they are each entitled to use that accommodation or those facilities under the terms of a tenancy or licence to occupy.

(5) In subsection (3) "HMO" has the same meaning as in Part 2 of the Housing Act 2004 (see section 77 of that Act)."

Member's explanatory statement

This new clause amends the factors for the court to take into account when considering whether to grant a possession order on the discretionary anti-social behaviour ground of possession. It adds co-operation with any engagement from the landlord as a factor and adds a requirement for the court to consider in particular effects on other tenants of the same HMO. It is expected to be inserted after clause 3.

Jacob Young

Gov NC2

To move the following Clause—

“Repayment of rent paid in advance

In the 1988 Act, after section 14ZB (inserted by section 6 of this Act) insert—

“14ZC Repayment of rent paid in advance

- (1) A person who paid rent in advance as a tenant under an assured tenancy is entitled to be repaid any part of that rent that relates to days falling after the end of the tenancy.
- (2) Subsection (1) does not affect any other entitlement to payment arising at the end of an assured tenancy.””

Member's explanatory statement

This new clause provides for rent paid in advance to be returned to the tenant at the end of an assured tenancy, to the extent that it relates to times at which the tenancy will not exist because it has ended. This overrides a common law rule that rent in advance cannot be apportioned on a time basis. The clause is expected to be inserted after clause 6.

Jacob Young

Gov NC3

To move the following Clause—

“Duty of landlord and contractor to give statement of terms and other information

In the 1988 Act, after section 16C (inserted by section 7 of this Act) insert—

“Duties of landlords and persons acting on their behalf

16D Duty of landlord and contractor to give statement of terms and other information

- (1) This section applies to an assured tenancy other than—
 - (a) a tenancy of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) under which the landlord is a private registered provider of social housing, or
 - (b) a tenancy granted by implication, after an implied surrender of a previous tenancy between the same parties, where the implied surrender and grant result from an agreement to vary the terms of the previous tenancy.
- (2) The landlord under a tenancy to which this section applies must give the tenant a written statement of—
 - (a) such terms of the tenancy as are specified in regulations made by the Secretary of State, whether in the form of an agreement in writing between the landlord and tenant or a record of terms otherwise agreed, and

- (b) any other information in writing about any of the following which is required to be given by regulations made by the Secretary of State—
 - (i) the tenancy;
 - (ii) the dwelling-house let on the tenancy;
 - (iii) the tenant;
 - (iv) the landlord;
 - (v) the rights of the landlord or the tenant in relation to the tenancy or the dwelling-house let on it.
- (3) The landlord may include in a statement under subsection (2) a statement of the landlord's wish to be able to recover possession on one or more of Grounds 1B, 2ZA, 2ZB, 4, 4A, 5 to 5G or 18 in Schedule 2 (for the consequences of specifying a ground mentioned in this subsection in a notice under section 8 where no statement under this subsection is so included, see section 16E(2)(e) and section 16H(1)(a)).
- (4) Subject to subsection (5), the statement under subsection (2) must be given before the beginning of the tenancy or on the day on which the tenancy begins.
- (5) Where a tenancy to which this section applies—
 - (a) arises by succession as mentioned in section 39(5), or
 - (b) is an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3,
 the statement under subsection (2) must be given within the period of 28 days beginning with the date on which the landlord acknowledges the tenant's right to a tenancy.
- (6) Where a landlord has entered into a contract with a person which requires that person to ensure compliance with this section (whether or not this section is referred to individually), subsection (2) also applies to that person, as it applies to the landlord.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament." "

Member's explanatory statement

This new clause is intended to replace clause 9. It is different from clause 9 in that it applies to landlords' contractors as well as landlords, carves out certain tenancies by implication and contains modifications for certain tenancies.

Jacob Young

Gov NC4

To move the following Clause—

“Other duties

In the 1988 Act, after section 16D (inserted by section (*Duty of landlord and contractor to give statement of terms and other information*) of this Act) insert—

“16E Other duties

- (1) This section applies to an assured tenancy other than a tenancy of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) under which the landlord is a private registered provider of social housing.
- (2) A relevant person must not, in relation to a tenancy to which this section applies—
 - (a) purport to let a dwelling-house on the tenancy for a fixed term (see section 4A),
 - (b) purport to bring the tenancy to an end orally or by service of a notice to quit (see section 5(1)),
 - (c) serve on the tenant a document which purports to be a notice under section 8 but is not in the form prescribed under section 45(1) for the purposes of that provision,
 - (d) rely on a ground in Schedule 2 which the landlord is not entitled to rely on,
 - (e) where the tenancy is one to which section 16D applies, rely on one or more of Grounds 1B, 2ZA, 2ZB, 4, 4A, 5 to 5G or 18 in Schedule 2 if no statement was given to the tenant under section 16D(3) in respect of them, or
 - (f) if relying on one or more of Grounds 1, 1A and 6 in Schedule 2, specify in the notice under section 8, or purported notice under section 8, a date earlier than 6 months after the beginning of the tenancy as the earliest date on which proceedings for possession of the dwelling-house would begin.
- (3) Where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to a tenancy to which this section applies, the landlord must not, within the restricted period, let the dwelling-house on a tenancy for a term of 21 years or less.
- (4) Where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to a tenancy to which this section applies, a relevant person in relation to that tenancy must not—
 - (a) within the restricted period, market the dwelling-house to let on a tenancy for a term of 21 years or less, or
 - (b) authorise another person to market the dwelling-house to let on a tenancy for a term of 21 years or less, so far as the

authorisation would allow that other person to market it within the restricted period.

- (5) Where a prohibition in subsection (3) or (4) applies to a person, it continues to apply to that person until the end of the restricted period, whether or not the tenancy continues during that period.
- (6) For the purposes of this section—
 - (a) a person relies on a ground in Schedule 2 in relation to a tenancy where the person serves on the tenant a notice under section 8, or a purported notice under section 8, which specifies that ground;
 - (b) a landlord is entitled to rely on a ground in Schedule 2 where the landlord can establish the ground.
- (7) A breach of subsection (2)(e) does not prevent a court from making an order for possession of the dwelling-house on the ground in question (but see section 16H(1)(a)).
- (8) In this section—

“purported notice under section 8” means any document which is not a notice under section 8 but purports to bring an assured tenancy to an end;

“relevant person”, in relation to a tenancy to which this section applies, means—

 - (a) the landlord, or
 - (b) a person acting or purporting to act on behalf of the landlord;

“the restricted period”, in relation to a tenancy in relation to which Ground 1 or 1A in Schedule 2 is relied on, means the period beginning with the date on which a notice under section 8, or a purported notice under section 8, is served which specifies that ground and ending—

 - (a) at the end of the period of three months beginning with the date specified in the notice, or
 - (b) if earlier, with the date on which any order for possession of the dwelling-house is made.

16F Interpretation of terms related to marketing in section 16E

- (1) For the purposes of section 16E a person markets a dwelling-house to let on a tenancy when—
 - (a) the person advertises that the dwelling-house is or may be available to let on a tenancy, or
 - (b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.
- (2) But subsection (1)(a) does not apply in relation to a person who publishes an advertisement in the course of a business that does not

involve lettings agency work if the advertisement has been provided by another person.

- (3) For the purposes of this section, “lettings agency work” means things done by a person in the course of a business in response to instructions received from—
 - (a) a person (“a prospective landlord”) seeking to find another person to whom to let a dwelling-house, or
 - (b) a person (“a prospective tenant”) seeking to find a dwelling-house to let.
- (4) However, “lettings agency work” does not include any of the following things when done by a person who does nothing else within subsection (3)—
 - (a) publishing advertisements or disseminating information;
 - (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or prospective landlord;
 - (c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other.
- (5) “Lettings agency work” also does not include things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Secretary of State by statutory instrument.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.””

Member's explanatory statement

This new clause is intended to replace clause 10. The key differences are that it applies to persons acting or purporting to act on behalf of landlords, as well as landlords themselves, makes clearer what the period is within which re-letting is prohibited following reliance on Ground 1 or 1A and contains provision consequential on NC3.

Jacob Young

Gov NC5

To move the following Clause—

“Landlords acting through others

In the 1988 Act, after section 16F (inserted by section (*Other duties*) of this Act) insert—

“16G Landlords acting through others

Nothing in section 16D or 16E prevents a landlord from fulfilling or contravening an obligation through another person acting on their behalf.””

Member's explanatory statement

This new clause is consequential on NC3 and NC4 and is expected to be inserted after NC4. It makes clear that the separate duties they impose on landlords' contractors and on people acting or purporting to act on behalf of landlords are not intended to displace the application of common law principles about agency.

Jacob Young

Gov NC6

To move the following Clause—

“Liability of tenants under assured tenancies for council tax

In section 6(6) of the Local Government Finance Act 1992, in the definition of “material interest”—

- (a) for “or a” substitute “, a”;
- (b) after “more” insert “or a tenancy that is or was previously an assured tenancy within the meaning of the Housing Act 1988”.

Member's explanatory statement

This new clause makes tenants under an assured tenancy continue to be liable for council tax until the end of the tenancy even if they vacate the property and leave it unoccupied before the end of their tenancy. The new clause is expected to be inserted before clause 20.

Jacob Young

Gov NC7

To move the following Clause—

“Accommodation for homeless people under section 199A of the Housing Act 1996

In section 209 of the Housing Act 1996 (interim accommodation in relation to which an assured tenancy will not normally arise), in subsection (1), after “190,” insert “199A,.”

Member's explanatory statement

This new clause is consequential on the insertion of section 199A of the Housing Act 1996 by the Homelessness Reduction Act 2017 and restricts the circumstances in which accommodation arranged in pursuance of that section can be an assured tenancy. The new clause is expected to be inserted into Chapter 2 of Part 1 of the Bill, after clause 21.

Jacob Young

Gov NC8

To move the following Clause—

“Prohibition of discrimination relating to children

- (1) A relevant person must not, in relation to a dwelling that is to be let on a relevant tenancy—

- (a) on the basis that a child would live with or visit a person at the dwelling if the dwelling were the person's home, prevent the person from—
 - (i) enquiring whether the dwelling is available for let,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the dwelling, or
 - (b) apply a provision, criterion or practice in order to make people who would have a child live with or visit them at the dwelling, if it were their home, less likely to enter into a tenancy of the dwelling than people who would not.
- (2) Subsection (1) does not apply if—
- (a) the relevant person can show that the conduct is a proportionate means of achieving a legitimate aim, or
 - (b) the relevant person can show that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
 - (i) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and
 - (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy from having a child live with or visit them at the dwelling or to restrict the circumstances in which such a tenant may have a child live with or visit them at the dwelling, and the conduct is a means of preventing the insured from breaching that term.
- (3) Conduct does not breach the prohibition in subsection (1) if it consists only of—
- (a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—
 - (i) publishing advertisements or disseminating information;
 - (ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant;
 - (iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or
 - (b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Secretary of State."

Member's explanatory statement

This new clause bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who have children (or have children visit them) to obtain a relevant tenancy, as defined in NC17. This and other new clauses relating to discriminatory practices in relation to the grant of tenancies are expected to form a new Chapter 2A of Part 1 of the Bill. Other new clauses make similar provision for Wales.

Jacob Young

Gov NC9

To move the following Clause—

“Prohibition of discrimination relating to benefits status

- (1) A relevant person must not, in relation to a dwelling that is to be let on a relevant tenancy—
 - (a) on the basis that a person is a benefits claimant, prevent the person from—
 - (i) enquiring whether the dwelling is available for let,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the dwelling, or
 - (b) apply a provision, criterion or practice in order to make benefits claimants less likely to enter into a tenancy of the dwelling than people who are not benefits claimants.
- (2) Subsection (1) does not apply if the relevant person can show that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
 - (a) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy from being a benefits claimant,

and the conduct is a means of preventing the prospective landlord from breaching that term.
- (3) Conduct does not breach the prohibition in subsection (1) if it consists only of—
 - (a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—
 - (i) publishing advertisements or disseminating information;
 - (ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant;
 - (iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or
 - (b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Secretary of State.”

Member's explanatory statement

This new clause bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who are on benefits to obtain a relevant tenancy. This and other new clauses relating to discriminatory practices in relation to the grant of tenancies are expected to form a new Chapter 2A of Part 1 of the Bill. Other new clauses make similar provision for Wales.

Jacob Young

Gov NC10

To move the following Clause—

“Financial penalties

- (1) A local housing authority may impose a financial penalty under this subsection on a person if satisfied on the balance of probabilities that the person has breached a requirement imposed by section (*Prohibition of discrimination relating to children*) or section (*Prohibition of discrimination relating to benefits status*).
- (2) More than one financial penalty may be imposed under subsection (1) on the same person in respect of the same conduct only if—
 - (a) the conduct continues after the end of 28 days beginning with the day after that on which the previous penalty in respect of the conduct was imposed on the person, unless the person appeals against the decision to impose the penalty within that period, or
 - (b) if the person appeals against the decision to impose the penalty within that period, the conduct continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (3) Where a person applies a single provision, criterion or practice on more than one occasion in relation to the same dwelling, each application of that provision, criterion or practice is to be treated as the same conduct for the purposes of subsection (2).
- (4) If—
 - (a) the local housing authority imposes a financial penalty under subsection (1) on a person, and
 - (b) within the period of five years ending with the date on which that penalty was imposed, a previous financial penalty under subsection (1) was imposed on that person in relation to a breach of the same section,then the local housing authority may impose an additional financial penalty under this subsection on that person.
- (5) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £5,000.
- (6) Neither subsection (2) nor subsection (4) enables a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.
- (7) Where—
 - (a) a local housing authority is satisfied as mentioned in subsection (1) in relation to two or more persons, and
 - (b) the breaches in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,the local housing authority may impose a financial penalty under that subsection on the persons (or some of them) jointly, and if the local housing

authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it.

- (8) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.
- (9) Local housing authorities must have regard to any guidance issued under subsection (8).
- (10) The Secretary of State may by regulations amend the amount specified in subsection (5) to reflect changes in the value of money.
- (11) For the purposes of this section—
 - (a) a financial penalty is imposed under this section on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by paragraph 6 of Schedule 3.”

Member's explanatory statement

This new clause makes provision for the enforcement of NC8 and NC9 by the imposition of financial penalties. See the explanatory statement relating to those amendments for more information.

Jacob Young

Gov NC11

To move the following Clause—

“Discriminatory terms in a tenancy relating to children or benefits status

- (1) A term of a relevant tenancy or regulated tenancy is of no effect so far as the term makes provision (however expressed) prohibiting the tenant from having a child live with or visit them at the dwelling or restricting the circumstances in which the tenant may have a child do so.
- (2) Subsection (1) does not apply if—
 - (a) the provision is a proportionate means of achieving a legitimate aim, or
 - (b) the landlord or a superior landlord is insured under a contract of insurance—
 - (i) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and
 - (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit the tenant from having a child live with or visit them at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit them at the dwelling,
 and the provision in the tenancy is a means of preventing the insured from breaching that term.
- (3) A term of a relevant tenancy or regulated tenancy is of no effect so far as the term makes provision (however expressed) prohibiting the tenant from being a benefits claimant.

- (4) Subsection (3) does not apply if the landlord or a superior landlord is insured under a contract of insurance—
- (a) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the tenant from being a benefits claimant,
- and the provision in the tenancy is a means of preventing the insured from breaching that term.”

Member's explanatory statement

This new clause provides for terms of a relevant or regulated tenancy to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Jacob Young

Gov NC12

To move the following Clause—

“Terms in superior leases relating to children or benefits status

- (1) A term of a lease of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a tenant under that or any inferior lease to—
- (a) prohibit a sub-tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a sub-tenant under a relevant tenancy or regulated tenancy may have a child live with or visit them at the dwelling.
- (2) Subsection (1) does not apply if—
- (a) the provision is a proportionate means of achieving a legitimate aim, or
 - (b) the landlord under the lease or a superior landlord is insured under a contract of insurance—
 - (i) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and
 - (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a sub-tenant from having a child live with or visit them at the dwelling or to restrict the circumstances in which a sub-tenant may have a child live with or visit them at the dwelling,
 and the provision in the lease is a means of preventing the insured from breaching that term.
- (3) A term of a lease of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a tenant under that or any inferior lease to prohibit a sub-tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.

- (4) Subsection (3) does not apply if the landlord under the lease or a superior landlord is insured under a contract of insurance—
- (a) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a sub-tenant from being a benefits claimant,
- and the provision in the lease is a means of preventing the insured from breaching that term.
- (5) For the purposes of this section, the terms of a lease include—
- (a) the terms of any agreement relating to the lease, and
 - (b) any document or communication from the landlord that gives or refuses consent for sub-letting under the lease to a category or description of person.”

Member's explanatory statement

This new clause provides for terms of a superior lease to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Jacob Young

Gov NC13

To move the following Clause—

“Terms in mortgages relating to children or benefits status

- (1) A term of a mortgage of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring the mortgagor to—
- (a) prohibit a tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy or regulated tenancy may have a child live with or visit them at the dwelling.
- (2) A term of a mortgage of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a mortgagor to prohibit a tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.”

Member's explanatory statement

This new clause provides for terms of a mortgage to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Jacob Young

Gov NC14

To move the following Clause—

“Terms in insurance contracts relating to children or benefits status

- (1) A term of a contract of insurance to which this section applies is of no effect so far as the term makes provision (however expressed) requiring the insured to—
 - (a) prohibit a tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy or a regulated tenancy may have a child live with or visit them at the dwelling.
- (2) A term of a contract of insurance to which this section applies is of no effect so far as the term makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.
- (3) This section applies to contracts of insurance which were entered into or whose duration was extended on or after the day on which this section comes into force.”

Member's explanatory statement

This new clause provides for terms of an insurance contract to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Jacob Young

Gov NC15

To move the following Clause—

“Power of the Secretary of State to amend Chapter 2A to protect persons of other descriptions

The Secretary of State may by regulations amend this Chapter so as to make provision about tenancies of dwellings, in relation to persons of another description, corresponding, with or without modifications, to the provision made by this Chapter in relation to persons who would have a child live with or visit them or persons who are benefits claimants.”

Member's explanatory statement

This new clause allows the Secretary of State by regulations to expand the new Chapter expected to be formed of new clauses relating to discriminatory practices in relation to the grant of tenancies to protect persons of other descriptions.

Jacob Young

Gov NC16

To move the following Clause—

“No prohibition on taking income into account

Nothing in this Chapter prohibits taking a person’s income into account when considering whether that person would be able to afford to pay rent under a relevant tenancy.”

Member's explanatory statement

This new clause confirms that it is not prohibited by anything in the new Chapter 2A to take a prospective tenant’s income into account.

Jacob Young

Gov NC17

To move the following Clause—

“Interpretation of Chapter 2A

In this Chapter—

“benefits claimant” means a person who is entitled to payments under or by virtue of the Social Security Contributions and Benefits Act 1992 or the Welfare Reform Act 2012, or would be so entitled were a relevant tenancy to be granted to the person;

“child” means a person under the age of 18;

“dwelling” means a “dwelling-house” within the meaning of Part 1 of the 1988 Act (see section 45 of that Act) in England;

“prospective landlord” means a person who proposes to let a dwelling on a relevant tenancy;

“prospective tenant” means a person seeking to find a dwelling to rent;

“regulated tenancy” has the same meaning as in the Rent Act 1977 (see section 18 of that Act);

“relevant person”, in relation to a relevant tenancy, means—

- (a) the prospective landlord;
- (b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord;

“relevant tenancy” means an assured tenancy within the meaning of the 1988 Act, other than a tenancy that is—

- (a) a tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
- (b) a tenancy of supported accommodation, within the meaning given by paragraph 12 of Schedule 2 to the 1988 Act.”

Member's explanatory statement

This new clause contains definitions relevant to the new Chapter expected to be formed of new clauses relating to discriminatory practices in relation to the grant of tenancies.

Jacob Young

Gov NC18

To move the following Clause—

“Abandoned premises under assured shorthold tenancies

In the Housing and Planning Act 2016, omit Part 3 (recovering abandoned premises under assured shorthold tenancies).”

Member's explanatory statement

This new clause repeals Part 3 of the Housing and Planning Act 2016. That Part provides for the recovery without a court order of premises let under an assured shorthold tenancy, where the premises have been abandoned. It has never been brought into force. The new clause is expected to be inserted into Chapter 3 of Part 1 of the Bill, after clause 22, and the title of Chapter 3 is expected to become “Miscellaneous”.

Jacob Young

Gov NC19

To move the following Clause—

“Rent repayment orders for offences under sections 27 and 48

- (1) The Housing and Planning Act 2016 is amended as follows.
- (2) In section 40 (introduction and key definitions), at the end of the table in subsection (3) insert—

8	Renters (Reform) Act 2024	section 27(1), (2) or (3)	Landlord redress schemes: continuing or repeat breaches
9		section 48(1)	Private rented sector database: provision of false or misleading information
10		section 48(2), (3) or (4)	Private rented sector database: continuing or repeat breaches”

- (3) In section 44 (amount of order: tenants), in the first column of the table in subsection (2)—
 - (a) in the first row, for “or 2” substitute “, 2 or 9”, and
 - (b) in the second row, for “or 7” substitute “, 7, 8 or 10”.
- (4) In section 45 (amount of order: local housing authorities), in the first column of the table in subsection (2)—
 - (a) in the first row, for “or 2” substitute “, 2 or 9”, and
 - (b) in the second row, for “or 7” substitute “, 7, 8 or 10”.

Member's explanatory statement

This new clause combines the amendments of section 40 of the Housing and Planning Act 2016 previously contained in clauses 27(9) and 48(10) in a single amendment and adds consequential amendments of sections 44 and 45 of that Act. It is expected to be included in Chapter 4 of Part 2 of the Bill.

Jacob Young

Gov NC20

To move the following Clause—

“Decent homes standard

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 1 (new system for assessing housing conditions and enforcing housing standards), after subsection (3) insert—
 - “(3A) This Part also provides—
 - (a) for regulations to specify requirements that must be met in England by qualifying residential premises, and
 - (b) for the enforcement of those requirements by local housing authorities in England.”
- (3) In subsection (4) of that section, after paragraph (d) insert—
 - “(e) accommodation in England—
 - (i) the availability for occupation of which is secured under Part 7 of the Housing Act 1996 (homelessness), and
 - (ii) that is of a description specified by regulations made by the Secretary of State.”
- (4) After section 2 insert—

“Additional standards for certain housing in England

2A Power to set standards for qualifying residential premises

- (1) The Secretary of State may by regulations specify requirements to be met by qualifying residential premises.
- (2) The matters which may be covered by the requirements include (but are not limited to) the following matters—
 - (a) the state of repair of the premises,
 - (b) things to be provided for use by, or for the safety, security or comfort of, persons occupying the premises, and
 - (c) the means of keeping the premises at a suitable temperature.
- (3) The requirements are to consist of one or both of the following—
 - (a) requirements which the Secretary of State considers appropriate to be subject to enforcement under section 5 (duty of local housing authorities to take enforcement action), referred to in this Part as “type 1 requirements”, and

- (b) requirements which the Secretary of State considers appropriate to be subject to enforcement under section 7 (power of local housing authorities to take enforcement action), referred to in this Part as “type 2 requirements”.
- (4) The regulations may contain exceptions from the requirements.

2B Qualifying residential premises

- (1) The following are “qualifying residential premises” for the purposes of this Part—
 - (a) a dwelling or HMO in England—
 - (i) which is let under a relevant tenancy, or
 - (ii) which is supported exempt accommodation, except where the dwelling or HMO is social housing and the landlord under the tenancy, or the provider of the accommodation, is a registered provider of social housing,
 - (b) an HMO in England where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, except where the unit is social housing and the landlord under the tenancy is a registered provider of social housing,
 - (c) any accommodation falling within paragraph (e) of the definition of “residential premises” in section 1(4) (homelessness), except where the accommodation is social housing and the provider of the accommodation is a registered provider of social housing, and
 - (d) any common parts of a building in England containing one or more flats falling within paragraph (a), (b) or (c) of this subsection.
- (2) In this Part—
 - “relevant tenancy” means—
 - (a) an assured tenancy within the meaning of the Housing Act 1988,
 - (b) an assured agricultural occupancy within the meaning of Part 1 of that Act, or
 - (c) a regulated tenancy within the meaning of the Rent Act 1977;
 - “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008;
 - “supported exempt accommodation” has the same meaning as in the Supported Housing (Regulatory Oversight) Act 2023 (see section 12 of that Act).
- (3) The Secretary of State may by regulations amend this section so as to change the meaning of “relevant tenancy” so as to add or remove a particular kind of—
 - (a) tenancy that is periodic or granted for a term of less than 21 years, or

(b) licence to occupy.”

(5) In Schedule (*Decent homes standard*), Part 1 contains amendments of the Housing Act 2004 and Part 2 contains amendments of other Acts.”

Member's explanatory statement

This clause extends Part 1 of the Housing Act 2004 to cover temporary accommodation provided under homelessness duties of local housing authorities in England. It also provides for regulations to specify new requirements which will form part of the Decent Homes Standard and will apply to temporary accommodation, rented property and supported exempt accommodation. This clause and NS1 are expected to form a new Part of the Bill after the existing Part 2, and are intended to replace clause 63 of the Bill.

Jacob Young

Gov NC21

To move the following Clause—

“Rent repayment orders

(1) The Housing and Planning Act 2016 is amended as follows.

(2) In section 40, for subsections (1) and (2) substitute—

“(1) This Chapter confers power on the First-tier Tribunal to make a rent repayment order where an offence to which this Chapter applies has been committed by—

- (a) a landlord under a tenancy of housing in England, or
- (b) any superior landlord in relation to such a tenancy.

(2) A rent repayment order is an order requiring the landlord to—

- (a) pay a tenant an amount in respect of rent paid by or on behalf of the tenant, or
- (b) pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.”

(3) In section 43 (making of rent repayment order), at the end of subsection (3) insert—

“(d) section 46A (where an order is made against more than one landlord or there has been a previous order).”

(4) In section 44 (amount of order: tenants)—

- (a) in subsection (2)—
 - (i) for “during” substitute “in respect of”, and
 - (ii) for “12 months” (in both places) substitute “2 years”, and
- (b) in subsection (3), for “repay” substitute “pay”.

(5) In section 45 (amount of order: local housing authorities)—

- (a) in subsection (2)—
 - (i) for “during” substitute “in respect of”, and
 - (ii) for “12 months” (in both places) substitute “2 years”, and

- (b) in subsection (3)—
 - (i) for “repay” substitute “pay”, and
 - (ii) omit “that the landlord” (in the second place).
- (6) After section 46 insert—

“46A Amount of order: supplementary

- (1) A rent repayment order made against more than one landlord may—
 - (a) apportion liability for the amount due under the order between the landlords in such manner as the First-tier Tribunal considers appropriate, or
 - (b) provide for the landlords to be jointly and severally liable for the amount due under the order.
- (2) If a rent repayment order (“the original order”) has been made in respect of rent under a tenancy and another rent repayment order (“the new order”) is made in respect of rent under the same tenancy, the new order may not require payment to be made in respect of any period in respect of which the original order required payment to be made.””

Member's explanatory statement

In *Jepsen and others v Rakusen* [2023] UKSC 9 the Supreme Court decided that a rent repayment order could not be made under Chapter 4 of Part 2 of the Housing and Planning Act 2016 against a superior landlord. This new Clause, which is intended to be added to Part 3 of the Bill, will allow such orders to be made against superior landlords, will extend the period that can be taken into account when calculating payments due under such orders and will make provision about how payments are to be calculated and made in cases where there are multiple landlords or multiple orders.

Jacob Young

Gov NC22

To move the following Clause—

“Enforcement by county councils which are not local housing authorities: duty to notify

- (1) A county council in England—
 - (a) which is not a local housing authority, and
 - (b) which proposes to take enforcement action in respect of a breach of, or an offence under, the landlord legislation,
 must notify any local housing authority in whose area the breach or offence occurred.
- (2) If the county council notifies a local housing authority under subsection (1) but does not take the action referred to in that subsection, it must notify the local housing authority of that fact.
- (3) Where a local housing authority receives a notification under subsection (1), the authority is relieved of the duty under section 58(1) in relation to the breach or offence unless the authority receives notification under subsection (2).

- (4) Subsection (5) applies where—
- (a) a county council in England which is not a local housing authority has imposed a financial penalty in respect of a breach of, or an offence under, the landlord legislation, and
 - (b) the final notice imposing the penalty has not been withdrawn.
- (5) The county council must as soon as reasonably practicable notify any local housing authority in whose area the breach or offence occurred if—
- (a) the period for bringing an appeal against the penalty expires without an appeal being brought,
 - (b) an appeal against the penalty is withdrawn or abandoned, or
 - (c) the final notice imposing the penalty is confirmed or varied on appeal.
- (6) A county council in England—
- (a) which is not a local housing authority, and
 - (b) which institutes proceedings against a person for an offence under the landlord legislation,
- must as soon as reasonably practicable notify any local housing authority in whose area the offence occurred if the person is convicted of the offence.”

Member's explanatory statement

This new clause requires county councils in England which are not local housing authorities to notify a local housing authority in relation to enforcement action taken in respect of a breach of, or an offence under, the landlord legislation which occurs in the area of the authority. It is expected to go into the Bill after clause 59.

Jacob Young

Gov NC23

To move the following Clause—

“Duty to report

- (1) A local housing authority, or a county council which is not a local housing authority, must report to the Secretary of State on the exercise of its functions under the landlord legislation.
- (2) A report under subsection (1) must—
 - (a) be provided at such time and in such form as the Secretary of State requires, and
 - (b) contain such information as the Secretary of State requires.”

Member's explanatory statement

This new clause requires a local housing authority, or a county council which is not a local housing authority, to report at the request of the Secretary of State on the exercise of its functions under the landlord legislation. It is expected to be inserted after NC22.

Jacob Young

Gov NC24

To move the following Clause—

“Power of local housing authority to require information from relevant person

- (1) An officer of a local housing authority may, for purposes connected with any function of the authority under or by virtue of legislation set out in the list in subsection (3), give a notice to a relevant person requiring the person to provide the local housing authority or an officer with the information specified in the notice.
- (2) In this Chapter “relevant person”, in relation to a power under this Chapter, means a person who has, in the twelve months ending with the day on which the power is exercised—
 - (a) had an estate or interest in premises which consist of or include any relevant accommodation, otherwise than as a mortgagee not in possession,
 - (b) been a licensor of premises which consist of or include any relevant accommodation,
 - (c) acted or purported to act on behalf of a person within paragraph (a) or (b), or
 - (d) marketed any relevant accommodation for the purposes of creating a residential tenancy, within the meaning of Part 2 (see section 57).
- (3) Here is the list—

sections 1 and 1A of the Protection from Eviction Act 1977;
Chapter 1 of Part 1 of the Housing Act 1988;
section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
sections 21 to 23 of the Housing and Planning Act 2016;
Chapter 2A of Part 1 and Part 2 of this Act.
- (4) A notice under this section must be in writing and must specify that it is given under this section.
- (5) The notice may specify—
 - (a) the time within which and the manner in which the relevant person to whom it is given must comply with it;
 - (b) the form in which information must be provided.
- (6) The notice may require—
 - (a) the creation of documents, or documents of a description, specified in the notice, and
 - (b) the provision of those documents to an enforcement authority or officer.
- (7) The notice must include information about the possible consequences of not complying with a notice under this section.
- (8) A requirement to provide information or create a document is a requirement to do so in a legible form.

- (9) A notice under this section does not require a person to provide any information or create any documents which the person would be entitled to refuse to provide or produce in proceedings in the High Court on the grounds of legal professional privilege.
- (10) In subsection (2) “relevant accommodation” means any residential accommodation in England that is connected with the exercise or proposed exercise of the function in relation to which the power under this Chapter is exercised.”

Member's explanatory statement

This new clause confers a power on local housing authorities to require information from property owners, their agents and others with a connection to the property for the purposes of certain functions that relate to the renting of “relevant accommodation” as defined. Together with other new clauses relating to investigatory powers, it is expected to form a new Chapter in Part 3 of the Bill, the title of which is expected to become “Enforcement”.

Jacob Young

Gov NC25

To move the following Clause—

“Power of local housing authority to require information from any person

- (1) Where an officer of a local housing authority reasonably suspects that there has been a breach of, or an offence under, the rented accommodation legislation, the officer may for a purpose mentioned in subsection (2) give notice to any person requiring the person to provide the local housing authority or an officer with information specified in the notice.
- (2) The purposes are—
- (a) investigating whether there has been a breach of, or an offence under, the rented accommodation legislation, or
 - (b) determining the amount of a penalty under that legislation.
- (3) In this Chapter “the rented accommodation legislation” means—
- sections 1 and 1A of the Protection from Eviction Act 1977;
 - Chapter 1 of Part 1 of the Housing Act 1988;
 - Parts 1 to 4 and 7 of the Housing Act 2004 so far as relating to qualifying residential premises within the meaning given by section 2B of that Act;
 - section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
 - sections 21 to 23 of the Housing and Planning Act 2016;
 - Chapter 2A of Part 1 and Part 2 of this Act.
- (4) A notice under this section must be in writing and must specify that it is given under this section.
- (5) The notice may specify—
- (a) the time within which and the manner in which the person to whom it is given must comply with it;

- (b) the form in which information must be provided.
- (6) The notice may require—
 - (a) the creation of documents, or documents of a description, specified in the notice, and
 - (b) the provision of those documents to an enforcement authority or officer.
- (7) The notice must include information about the possible consequences of not complying with a notice under this section.
- (8) A requirement to provide information or create a document is a requirement to do so in a legible form.”

Member's explanatory statement

This new clause confers a power on local housing authorities to require information from any person for the purposes of investigating whether there has been a breach of, or an offence under, “the rented accommodation legislation”, as defined in the clause, or determining the amount of a penalty under that legislation.

Jacob Young

Gov NC26

To move the following Clause—

“Enforcement of power to require information from any person

- (1) If a person fails to comply with a notice under section (*Power to require information from any person*), the local housing authority or an officer of the authority may make an application under this section to the court.
- (2) If it appears to the court that the person has failed to comply with the notice, it may make an order under this section.
- (3) An order under this section is an order requiring the person to do anything that the court thinks it is reasonable for the person to do, for any of the purposes for which the notice was given, to ensure that the notice is complied with.
- (4) An order under this section may require the person to meet the costs of the application.
- (5) If the person is a company, partnership or unincorporated association, the court in acting under subsection (4) may require an official who is responsible for the failure to meet the costs or expenses.
- (6) In this section—
 - “the court” means—
 - (a) the High Court, or
 - (b) the county court;
 - “official” means—
 - (a) in the case of a company, a director, manager, secretary or other similar officer,
 - (b) in the case of a limited liability partnership, a member,

- (c) in the case of a partnership other than a limited liability partnership, a partner, and
- (d) in the case of an unincorporated association, a person who is concerned in the management or control of its affairs.”

Member's explanatory statement

This new clause provides for a civil enforcement mechanism in relation to the power conferred by NC25.

Jacob Young

Gov NC27

To move the following Clause—

“Limitation on use of information provided under section (*Power of local housing authority to require information from any person*)

- (1) In any criminal proceedings against a person who provides information in response to a notice under section (*Power of local housing authority to require information from any person*) (including information contained in a document created in response to such a notice)—
 - (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
 - (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (2) Subsection (1) does not apply if, in the proceedings—
 - (a) evidence relating to the information is adduced by or on behalf of the person providing it, or
 - (b) a question relating to the information is asked by or on behalf of that person.
- (3) Subsection (1) does not apply if the proceedings are for an offence under section 5 of the Perjury Act 1911 (false statutory declarations and other false statements without oath).”

Member's explanatory statement

This new clause provides for limitations on the use of information obtained under the power conferred by NC26.

Jacob Young

Gov NC28

To move the following Clause—

“Business premises: entry without warrant

- (1) An officer of a local housing authority may, at any reasonable time, enter any premises in England if—
 - (a) the officer reasonably believes the premises to be occupied by a relevant person for the purposes of a rental sector business, and

- (b) the officer considers it necessary to enter the premises in order to exercise the powers under section (*Power to require production of documents following entry*) or (*Power to seize documents following entry*) for purposes connected with any function of the authority under or by virtue of the rented accommodation legislation.
- (2) Subsection (1) does not authorise entry into premises used wholly or mainly as residential accommodation.
- (3) In the case of a routine inspection, the power in subsection (1) may only be exercised if a notice has been given to an occupier of the premises in accordance with the requirements in subsection (4), unless subsection (5) applies.
- (4) Those requirements are that—
 - (a) the notice is in writing and is given by an officer of the local housing authority,
 - (b) the notice sets out why the entry is necessary and indicates the nature of the offences under section (*Offences*)(1) and (2), and
 - (c) there are at least 24 hours between the giving of the notice and the entry.
- (5) A notice need not be given if the occupier (or one of the occupiers if there is more than one) has waived the requirement to give notice.
- (6) In this section “routine inspection” means an exercise of the power in subsection (1) other than where—
 - (a) the power is exercised by an officer who reasonably suspects a breach of, or an offence under, the rented accommodation legislation,
 - (b) the officer reasonably considers that to give notice in accordance with subsection (3) would defeat the purpose of the entry, or
 - (c) it is not reasonably practicable in all the circumstances to give notice in accordance with that subsection.
- (7) An officer entering premises under subsection (1) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.
- (8) An officer entering premises under subsection (1) may take photographs or make recordings.
- (9) In this section “rental sector business” means a business connected with—
 - (a) the letting of residential accommodation in England,
 - (b) the creation of licences to occupy such accommodation,
 - (c) the marketing of such accommodation for the purpose of creating a tenancy or licence to occupy, or
 - (d) the management of such accommodation when occupied under a tenancy or licence to occupy.”

Member's explanatory statement

This new clause confers a power on local housing authorities to enter (without force) premises that are occupied for the purposes of a rental sector business in order to obtain documents for purposes connected with their functions under the “rented accommodation legislation” as defined in NC25.

Jacob Young

Gov NC29

To move the following Clause—

“Requirements where occupiers are on business premises entered without warrant

- (1) If an officer of a local housing authority enters premises under section (*Business premises: entry without warrant*)(1) and finds one or more occupiers on the premises, the officer must—
 - (a) produce evidence of the officer's identity and authority to that occupier or (if there is more than one) to at least one of them, and
 - (b) if the entry takes place otherwise than in the course of a routine inspection, provide to that occupier or (if there is more than one) to at least one of them a document that—
 - (i) sets out why the entry is necessary, and
 - (ii) indicates the nature of the offences under section (*Offences*)(1) and (2).
- (2) An officer need not comply with subsection (1) if it is not reasonably practicable to do so.
- (3) Proceedings resulting from the exercise of the power under section (*Business premises: entry without warrant*)(1) are not invalid merely because of a failure to comply with subsection (1) .”

Member's explanatory statement

This new clause contains requirements that must be complied with where occupiers are on premises entered under NC28.

Jacob Young

Gov NC30

To move the following Clause—

“Business premises: warrant authorising entry

- (1) A justice of the peace may issue a warrant authorising an officer of a local housing authority who is named in the warrant to enter premises in England that are specified in the warrant if the justice of the peace is satisfied, on written information on oath given by that officer—
 - (a) that the officer would, in entering the premises, be acting in the course of employment by, or on the instructions of, the local housing authority, and
 - (b) that there are reasonable grounds for believing that—
 - (i) the premises are occupied by a relevant person for the purposes of a rental sector business,
 - (ii) the premises are not used wholly or mainly as residential accommodation,
 - (iii) on the premises there are documents which an officer of the local housing authority could require a person to produce under

section (*Power to require production of documents following entry*), or could seize under section (*Power to seize documents following entry*), and

- (iv) condition A, B or C is met.
- (2) Condition A is that—
 - (a) access to the premises has been or is likely to be refused, and
 - (b) notice of the local housing authority's intention to apply for a warrant under this section has been given to an occupier of the premises.
- (3) Condition B is that it is likely that documents on the premises would be concealed or interfered with if notice of entry of the premises were given to an occupier of the premises.
- (4) Condition C is that no occupier is present, and it might defeat the purpose of the entry to wait for their return.
- (5) In this section "rental sector business" has the meaning given by section (*Business premises: entry without warrant*)(9)."

Member's explanatory statement

This new clause allows local housing authorities to obtain a warrant to enter by force premises that are occupied for the purposes of a rental sector business in order to obtain documents for purposes connected with their functions under the "rented accommodation legislation" as defined in NC25.

Jacob Young

Gov NC31

To move the following Clause—

"Business premises: entry under warrant

- (1) A warrant under section (*Business premises: warrant authorising entry*) authorises the officer named in the warrant to enter the premises at any reasonable time, using reasonable force if necessary.
- (2) A warrant under that section does not authorise entry into premises used wholly or mainly as residential accommodation.
- (3) A warrant under that section ceases to have effect at the end of the period of one month beginning with the day it is issued.
- (4) An officer entering premises under a warrant under section (*Business premises: warrant authorising entry*) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.
- (5) An officer entering premises under a warrant under section (*Business premises: warrant authorising entry*) may take photographs or make recordings.
- (6) If, when the officer enters the premises, the officer finds one or more occupiers on the premises, the officer must produce the warrant for inspection to that occupier or (if there is more than one) to at least one of them.
- (7) Subsection (8) applies if no occupier is present when the premises are entered.

- (8) On leaving the premises the officer must—
- (a) leave a notice on the premises stating that the premises have been entered under a warrant under section (*Business premises: warrant authorising entry*), and
 - (b) leave the premises as effectively secured against trespassers as the officer found them.”

Member's explanatory statement

This new clause sets out the effect of a warrant issued under NC30.

Jacob Young

Gov NC32

To move the following Clause—

“Power to require production of documents following entry

- (1) An officer of a local housing authority who has entered premises under section (*Business premises: entry without warrant*)(1) or under a warrant under section (*Business premises: warrant authorising entry*) may, for the purposes mentioned in subsection (2), at any reasonable time—
 - (a) require a relevant person occupying the premises, or anyone on the premises acting on behalf of such a person, to produce any documents relating to the relevant business to which the person on the premises has access, and
 - (b) take copies of, or of any entry in, any such document.
- (2) The purposes are—
 - (a) to ascertain whether there has been compliance with the rented accommodation legislation where an officer of the local housing authority reasonably suspects a breach of, or an offence under, that legislation;
 - (b) to ascertain whether the documents may be required as evidence in proceedings for such a breach or offence.
- (3) The power in subsection (1) is available regardless of whether—
 - (a) the purpose for which the documents are required relates to the relevant person or some other person, or
 - (b) the proceedings referred to in subsection (2)(b) could be taken against the relevant person or some other person.
- (4) That power includes power to require the person to give an explanation of the documents.
- (5) Where a document required to be produced under subsection (1) contains information recorded electronically, the power in that subsection includes power to require the production of a copy of the document in a form in which it can easily be taken away and in which it is visible and legible.
- (6) This section does not permit an officer to require a person to create a document other than as described in subsection (5).

- (7) This section does not permit an officer to require a person to produce any document which the person would be entitled to refuse to produce in proceedings in the High Court on the grounds of legal professional privilege.
- (8) In this section “relevant business” means the business for the purposes of which the premises are occupied.”

Member's explanatory statement

This new clause contains a power for an officer of a local housing authority who has entered premises under NC28, or under a warrant under NC30, to require the production of documents for certain purposes connected with the “rented accommodation legislation” as defined in NC25.

Jacob Young

Gov NC33

To move the following Clause—

“Power to seize documents following entry

- (1) An officer of a local housing authority who has entered premises under section (*Business premises: entry without warrant*)(1) or under a warrant under section (*Business premises: warrant authorising entry*) may seize and detain documents which the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the rented accommodation legislation.
- (2) If one or more occupiers are on the premises, an officer seizing documents under this section must provide to that occupier or (if there is more than one) to at least one of them evidence of the officer's identity and authority, before seizing the documents.
- (3) The officer need not comply with subsection (2) if it is not reasonably practicable to do so.
- (4) An officer seizing documents under this section must take reasonable steps to—
 - (a) inform the person from whom they are seized that they have been seized, and
 - (b) provide that person with a written record of what has been seized.
- (5) In determining the steps to be taken under subsection (4), an officer exercising a power under this section must have regard to any relevant provision about the seizure of property made by a code of practice under section 66 of the Police and Criminal Evidence Act 1984.
- (6) This section does not confer any power on an officer to seize from a person any document which the person would be entitled to refuse to produce in proceedings in the High Court on the grounds of legal professional privilege.
- (7) For the purpose of exercising the power under this section, the officer may, to the extent that is reasonably necessary for that purpose—

- (a) require a person with authority to do so to access any electronic device in which information may be stored or from which it may be accessed, and
 - (b) if such a requirement has not been complied with, access the electronic device.
- (8) Documents seized under this section may not be detained—
- (a) for a period of more than 3 months beginning with the day on which they were seized, or
 - (b) where the documents are reasonably required to be detained for a longer period by the local housing authority for the purposes of the proceedings for which they were seized, for longer than they are required for those purposes.”

Member's explanatory statement

This new clause contains a power for an officer of a local housing authority who has entered premises under NC28, or under a warrant under NC30, to seize documents reasonably suspected to be required as evidence of a breach of, or an offence under, the “rented accommodation legislation” as defined in NC25.

Jacob Young

Gov NC34

To move the following Clause—

“Access to seized documents

- (1) This section applies where any document seized by an officer of a local housing authority under this Chapter is detained by the officer or authority.
- (2) If a request for permission to be granted access to that document is made to the local housing authority by a person who had custody or control of it immediately before it was seized, the local housing authority must allow that person access to it under the supervision of an officer.
- (3) If a request for a photograph or copy of that document is made to the local housing authority by a person who had custody or control of it immediately before it was seized, the local housing authority must—
 - (a) allow that person access to it under the supervision of an officer for the purpose of photographing or copying it, or
 - (b) photograph or copy it, or cause it to be photographed or copied.
- (4) Where any document is photographed or copied under subsection (3), the photograph or copy must be supplied to the person who made the request within a reasonable time from the making of the request.
- (5) This section does not require access to be granted to, or a photograph or copy to be supplied of, any document if the local housing authority has reasonable grounds for believing that to do so would prejudice the doing of anything for the purposes of which it was seized.

- (6) A local housing authority may recover the reasonable costs of complying with a request under this section from the person by whom or on whose behalf it was made.
- (7) References in this section to a person who had custody or control of a document immediately before it was seized include a representative of such a person."

Member's explanatory statement

This new clause makes provision about access to documents seized under NC33.

Jacob Young

Gov NC35

To move the following Clause—

"Appeal against detention of documents

- (1) Where documents are being detained as the result of the exercise of a power in this Chapter, a person with an interest in the documents may apply for an order requiring them to be released to that or another person.
- (2) An application under this section may be made—
 - (a) to any magistrates' court in which proceedings have been brought for an offence as the result of the investigation in the course of which the documents were seized, or
 - (b) if no proceedings within paragraph (a) have been brought, by way of complaint to a magistrates' court.
- (3) On an application under this section, the court may make an order requiring documents to be released only if satisfied that condition A or B is met.
- (4) Condition A is that—
 - (a) no proceedings have been brought for an offence as the result of the investigation in the course of which the documents were seized, or
 - (b) the period of 6 months beginning with the date the documents were seized has expired.
- (5) Condition B is that—
 - (a) proceedings of a kind mentioned in subsection (4)(a) have been brought, and
 - (b) those proceedings have been concluded.
- (6) A person aggrieved by an order made under this section by a magistrates' court, or by the decision of a magistrates' court not to make such an order, may appeal against the order or decision to the Crown Court.
- (7) An order made under this section by a magistrates' court may contain such provision as the court thinks appropriate for delaying its coming into force pending the making and determination of any appeal."

Member's explanatory statement

This new clause makes provision about appeals against detention of documents seized under NC33

Jacob Young

Gov NC36

To move the following Clause—

“Suspected residential tenancy: entry without warrant

- (1) A specially authorised officer of a local housing authority may enter premises in England at any reasonable time, if—
 - (a) the officer reasonably suspects that the premises, or part of the premises, are subject to a residential tenancy within the meaning of Part 2 (see section 23), and
 - (b) the officer considers it necessary to inspect the premises for the purpose of investigating whether there has been, in relation to the premises—
 - (i) a breach of section 39(3),
 - (ii) an offence under subsection (1) of section 48,
 - (iii) an offence under subsection (2) of section 48 where the continuing conduct referred to in paragraph (b) of that subsection is a breach of section 39(3),
 - (iv) an offence under subsection (3) of section 48 where the different breach referred to in paragraph (b) of that subsection is a breach of section 39(3),
 - (v) an offence under subsection (4) of section 48 where the breach referred to in paragraph (b) of that subsection is a breach of section 39(3), or
 - (vi) an offence under section 1 of the Protection from Eviction Act 1977, and
 - (c) notice has been given in accordance with the requirements of subsection (2) to—
 - (i) an occupier of the premises, and
 - (ii) any person who has an estate or interest in the premises, other than a mortgagee not in possession and has supplied the local housing authority with an address for the purposes of this paragraph,unless notice is not required as a result of subsection (3).
- (2) The requirements referred to in subsection (1)(c) are that—
 - (a) the notice is in writing and is given by an officer of the local housing authority,
 - (b) the notice sets out why the entry is necessary and indicates the nature of the offences under section (*Offences*)(1) and (2) (obstruction), and
 - (c) there are at least 24 hours between the giving of the notice and the entry.
- (3) A notice need not be given to a person who has waived the requirement to give notice.
- (4) A specially authorised officer entering premises under subsection (1) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.

- (5) A specially authorised officer entering premises under subsection (1) may take photographs or make recordings.
- (6) A specially authorised officer must, if requested to do so, produce the officer's special authorisation for inspection by a person to whom notice is required to be given under this section or anyone acting on behalf of such a person.
- (7) For the purposes of this section an officer of a local housing authority is "specially authorised" where the officer's authorisation by the local housing authority for the purposes of the power under subsection (1) (see section (*Investigatory powers: interpretation*)(2))—
 - (a) states the particular purpose for which the officer is authorised to exercise the power, and
 - (b) is given by the local housing authority acting through—
 - (i) a deputy chief officer of the authority whose duties include duties relating to a purpose within subsection (1)(b), or
 - (ii) an officer of the authority to whom such a deputy chief officer reports directly, or is directly accountable, as respects duties so relating."

Member's explanatory statement

This new clause confers a power on local housing authorities to enter (without force) premises that are reasonably suspected to be subject to a residential tenancy, in order to inspect the premises to investigate whether there has been certain kinds of unlawful conduct in relation to them.

Jacob Young

Gov NC37

To move the following Clause—

"Requirements where occupiers are on residential premises entered without warrant

- (1) If an officer of a local housing authority enters premises under section (*Suspected residential tenancy: entry without warrant*)(1) and finds one or more occupiers on the premises, the officer must produce evidence of the officer's identity and special authorisation to that occupier or (if there is more than one) to at least one of them.
- (2) An officer need not comply with subsection (1) if it is not reasonably practicable to do so.
- (3) Proceedings resulting from the exercise of the power under section (*Suspected residential tenancy: entry without warrant*)(1) are not invalid merely because of a failure to comply with subsection (1).
- (4) In this section "special authorisation" has the same meaning as in section (*Suspected residential tenancy: entry without warrant*) (see subsection (7) of that section)."

Member's explanatory statement

This new clause contains requirements that must be complied with where occupiers are on premises entered under NC36.

Jacob Young

Gov NC38

To move the following Clause—

“Suspected residential tenancy: warrant authorising entry

A justice of the peace may issue a warrant authorising an officer of a local housing authority who is named in the warrant to enter premises in England that are specified in the warrant if the justice of the peace is satisfied, on written information on oath given by that officer—

- (a) that the officer would, in entering the premises, be acting in the course of employment by, or on the instructions of, the local housing authority,
- (b) that there are reasonable grounds for suspecting that the premises, or part of the premises, are subject to a residential tenancy within the meaning of Part 2 (see section 23),
- (c) that it is necessary for the officer to inspect the premises for the purpose of investigating whether there has been, in relation to the premises, a breach or an offence mentioned in section (*Suspected residential tenancy: entry without warrant*)(1)(b),
- (d) that—
 - (i) admission to the premises has been sought for the purposes of entry under section (*Suspected residential tenancy: entry without warrant*)(1) but has been refused,
 - (ii) that no occupier is present and it might defeat the purpose of the entry to await their return, or
 - (iii) that application for admission would defeat the purpose of the entry.”

Member's explanatory statement

This new clause allows local housing authorities to obtain a warrant to enter by force premises reasonably suspected to be subject to a residential tenancy, in order to inspect the premises to investigate whether there has been certain kinds of unlawful conduct in relation to them.

Jacob Young

Gov NC39

To move the following Clause—

“Suspected residential tenancy: entry under warrant

- (1) A warrant under section (*Suspected residential tenancy: warrant authorising entry*) authorises the officer named in the warrant to enter the premises at any reasonable time, using reasonable force if necessary.
- (2) A warrant under that section ceases to have effect when the inspection of the premises has been completed.

- (3) An officer entering premises under a warrant under section (*Suspected residential tenancy: warrant authorising entry*) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.
- (4) An officer entering premises under section (*Suspected residential tenancy: warrant authorising entry*) may take photographs or make recordings.
- (5) If, when the officer enters the premises, the officer finds one or more occupiers on the premises, the officer must produce the warrant for inspection to that occupier or (if there is more than one) to at least one of them.
- (6) Subsection (7) applies if no occupier is present when the premises are entered.
- (7) On leaving the premises the officer must—
 - (a) leave a notice on the premises stating that the premises have been entered under a warrant under section (*Suspected residential tenancy: warrant authorising entry*), and
 - (b) leave the premises as effectively secured against trespassers as the officer found them.”

Member's explanatory statement

This new clause sets out the effect of a warrant issued under new clause 171.

Jacob Young

Gov NC40

To move the following Clause—

“Powers of accompanying persons

A person who accompanies an officer of a local housing authority entering premises under, or under a warrant under, this Chapter—

- (a) has the same powers under this Chapter as the officer in relation to the premises, but
- (b) must exercise those powers only in the company, and under the supervision, of the officer.”

Member's explanatory statement

This new clause provides for the powers of persons who accompany officers of local housing authorities onto premises under other new clauses which authorise the entry of such persons onto premises.

Jacob Young

Gov NC41

To move the following Clause—

“Offences

- (1) A person commits an offence if the person—

- (a) without reasonable excuse obstructs an officer of a local housing authority who is exercising or seeking to exercise in accordance with this Chapter a power under any provision of this Chapter other than section (*Power of local housing authority to require information from any person*),
 - (b) without reasonable excuse fails to comply with a requirement properly imposed by an officer of a local housing authority under any provision of this Chapter other than section (*Power of local housing authority to require information from any person*), or
 - (c) without reasonable cause fails to give an officer of a local housing authority any other assistance or information which the officer reasonably requires of the person for the purpose of exercising a power under this Chapter other than section (*Power of local housing authority to require information from any person*).
- (2) A person commits an offence if, in giving information to an officer who is exercising or seeking to exercise a power under this Chapter, the person—
- (a) makes a statement which the person knows is false or misleading in a material respect, or
 - (b) recklessly makes a statement which is false or misleading in a material respect.
- (3) A person who is not an officer of a local housing authority commits an offence if the person purports to act as such under this Chapter.
- (4) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine.
- (6) Nothing in this section requires a person to answer any question or give any information if to do so might incriminate that person."

Member's explanatory statement

This new clause provides for offences relating to the other new clauses that create investigatory powers for local housing authorities.

Jacob Young

Gov NC42

To move the following Clause—

"Investigatory powers: interpretation

- (1) In this Chapter—
- "document" includes information recorded in any form;
 - "give"—
 - (a) in relation to a notice to an occupier of premises, includes delivering or leaving it at the premises or sending it there by post, and "given", in relation to such a notice, is to be read accordingly;

- (b) in relation to a notice to a person referred to in section (*Suspected residential tenancy: entry without warrant*)(1)(c)(ii), includes delivering or leaving it at the address supplied by the person or sending it to that address by post, and “given”, in relation to such a notice, is to be read accordingly;
“occupier”, in relation to premises, means any person an officer of a local housing authority reasonably suspects to be an occupier of the premises;
“premises” includes any stall, vehicle, vessel or aircraft;
“relevant person”: see section (*Power of local housing authority to require information from relevant person*)(2);
“the rented accommodation legislation”: see section (*Power of local housing authority to require information from any person*)(3).
- (2) References in this Chapter to an officer—
 - (a) are to a person authorised in writing by a local housing authority to exercise powers under this Chapter, and
 - (b) in relation to a particular power only cover a particular officer if and to the extent that the officer has been authorised to exercise that power.
- (3) References in this Chapter to the functions of a local housing authority by virtue of particular legislation include references to any function of the authority of investigating whether an offence has been committed under that legislation.
- (4) A duty or power to process information that is imposed or conferred by, or by virtue of, this Chapter does not operate to authorise the processing of information which would contravene—
 - (a) the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation), or
 - (b) Parts 1 to 7 or Chapter 9 of the Investigatory Powers Act 2016.
- (5) In subsection (4) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Member's explanatory statement

This new clause contains definitions and other interpretive provision in relation to the other new clauses that create investigatory powers for local housing authorities, which are expected to form a new Chapter in Part 3 of the Bill.

Jacob Young

Gov NC43

To move the following Clause—

“Additional powers of seizure under Criminal Justice and Police Act 2001

In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001, at the end insert—

“Renters (Reform) Act 2024

73V Each of the powers of seizure conferred by section (*Power to require production of documents following entry*)(1)(b) and section (*Power to seize documents following entry*) of the Renters (Reform) Act 2024.””

Member's explanatory statement

This new clause adds the powers conferred by NC32 and NC33 to Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001, which confers additional powers where these powers apply.

Jacob Young

Gov NC44

To move the following Clause—

“Use by local housing authority of information obtained for other statutory purposes

- (1) Section 212A of the Housing Act 2004 (tenancy deposit schemes: provision of information to local authorities) is amended in accordance with subsections (2) and (3).
- (2) In subsection (5), after paragraph (a) (but before the “or” at the end) insert—
 - “(aa) for a purpose connected with the exercise of the authority’s functions under or by virtue of Part 7 in relation to any qualifying residential premises within the meaning given by section 2B,
 - (ab) for a purpose connected with the authority’s functions under or by virtue of the following in relation to any premises—
 - sections 1 and 1A of the Protection from Eviction Act 1977,
 - Chapter 1 of Part 1 of the Housing Act 1988,
 - section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013,
 - sections 21 to 23, 41 and 133 to 135 of the Housing and Planning Act 2016,
 - Chapter 2A of Part 1 and Part 2 of the Renters (Reform) Act 2024.”.
- (3) In subsection (5), in paragraph (b), for “of those Parts in relation to any premises” substitute “provision mentioned in paragraphs (a) to (ab) in relation to premises or qualifying residential premises (as the case may be)”.

- (4) Section 237 of the Housing Act 2004 (use of housing benefit and council tax information for certain other statutory purposes) is amended in accordance with subsections (5) and (6).
- (5) In subsection (1), after paragraph (a) (but before the “or” at the end) insert—
- “(aa) for any purpose connected with the exercise of any of the authority’s functions under or by virtue of Part 7 in relation to any qualifying residential premises within the meaning given by section 2B,
 - (ab) for any purpose connected with any of the authority’s functions under or by virtue of the following in relation to any premises—
 - sections 1 and 1A of the Protection from Eviction Act 1977,
 - Chapter 1 of Part 1 of the Housing Act 1988,
 - section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013,
 - sections 21 to 23, 41 and 133 to 135 of the Housing and Planning Act 2016,
 - Chapter 2A of Part 1 and Part 2 of the Renters (Reform) Act 2024.”.
- (6) In subsection (1), in paragraph (b), for “of those Parts in relation to any premises” substitute “provision mentioned in paragraphs (a) to (ab) in relation to premises or qualifying residential premises (as the case may be).”

Member's explanatory statement

This new clause expands the purposes for which tenancy deposit scheme, housing benefit and council tax information can be used to cover purposes connected with certain legislation relating to renting.

Jacob Young

Gov NC45

To move the following Clause—

“Investigatory powers under the Housing Act 2004

- (1) In section 235 of the Housing Act 2004 (power to require documents to be produced), in subsection (1)—
- (a) after paragraph (a) (but before the “or” at the end) insert—
 - “(aa) for any purpose connected with the exercise of any of the authority’s functions under this Part in relation to any qualifying residential premises within the meaning given by section 2B,”;
 - (b) in paragraph (b) for “those Parts in relation to any premises” substitute “Parts 1 to 4 in relation to any premises or under this Part in relation to any qualifying residential premises within the meaning given by section 2B”.

(2) In section 239 of that Act (powers of entry), after subsection (5) insert—

“(5A) In relation to any qualifying residential premises within the meaning given by section 2B, notice need not be given to a person who has waived the requirement to give notice.””

Member's explanatory statement

This new clause expands the power to require documents under section 235 of the Housing Act 2004 so that it can be used for the purposes of functions under Part 7 of that Act in relation to qualifying residential premises as defined in the new clauses relating to the decent homes standard. It also provides that notice under section 239 of that Act can be waived in relation to such premises.

Jacob Young

Gov NC46

To move the following Clause—

“Client money protection schemes: investigatory powers of local authorities

In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert—

“regulations 5 and 8 of the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019”.

Member's explanatory statement

This new clause gives investigatory powers to local authorities in connection with their existing duties to enforce requirements on property agents to be members of a client money protection scheme for protecting money they hold in connection with letting or managing rented homes. The new clause is expected to be inserted into Part 3 of the Bill in a new Chapter about investigatory powers.

Jacob Young

Gov NC47

To move the following Clause—

“Power of Welsh Ministers to make consequential provision

- (1) The Welsh Ministers may by regulations made by statutory instrument make provision that is consequential on Part 1.
- (2) Regulations under this section may amend, repeal or revoke provision made by or under—
 - (a) an Act or Measure of Senedd Cymru passed before this Act, or
 - (b) an Act passed—
 - (i) before this Act, or
 - (ii) later in the same session of Parliament as this Act.
- (3) The power to make regulations under this section includes power to make—
 - (a) supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.

- (4) The power under subsection (3)(a) to make transitional provision includes power to provide for the regulations to apply (with or without modifications) in relation to occupation contracts granted, renewed or continued, or advertising begun, before the date on which the regulations come into force.
- (5) Regulations under this section may only make provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.
- (6) A statutory instrument containing (whether alone or with other provision) regulations under this section that amend or repeal provision made by an Act or Measure of Senedd Cymru, or by an Act, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (7) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru."

Member's explanatory statement

This new clause confers on the Welsh Ministers a power to make consequential amendments relating to Part 1 of the Bill (which will include the new clause about discriminatory practices in relation to the grant of occupation contracts in Wales). It is expected to be inserted into Part 5 of the Bill.

Jacob Young

Gov NC48

To move the following Clause—

"Prohibition of discrimination relating to children or benefits status: Welsh language text

- (1) The Welsh language text of the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) is amended as follows.
- (2) In section 1, after subsection (2), insert—

“(2A) Mae Rhan 2A yn ei gwneud yn drosedd i landlord neu berson sy’n gweithredu ar ran landlord neu’n honni ei fod yn gweithredu ar ran landlord wahaniaethu mewn perthynas â chontractau meddiannaeth yn erbyn personau a fyddai â phlant yn byw gyda hwy neu’n ymweld â hwy neu sy’n hawlyddion budd-daliadau, ac yn gwneud darpariaeth arall ynghylch gwahaniaethu o’r math hwnnw.”
- (3) After section 8 insert—

"RHAN 2A

GWAHARDD GWAHANIAETHU

8A Gwahardd gwahaniaethu yn ymwneud â phlant

- (1) Mae’n drosedd i berson perthnasol, mewn perthynas ag annedd sydd i fod yn destun contract meddiannaeth—

- (a) ar y sail y byddai plentyn yn byw gyda pherson neu'n ymweld â pherson yn yr annedd pe bai'r annedd yn gartref i'r person, atal y person rhag—
 - (i) ymholi a yw'r annedd ar gael i'w rhentu,
 - (ii) cael mynediad at wybodaeth am yr annedd,
 - (iii) gweld yr annedd er mwyn ystyried a ddylai geisio ei rhentu, neu
 - (iv) sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau, neu
 - (b) cymhwyso darpariaeth, maen prawf neu arfer er mwyn peri bod pobl a fyddai â phlentyn yn byw gyda hwy neu'n ymweld â hwy yn yr annedd yn llai tebygol o sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu'n llai tebygol o sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau na phobl a fyddai heb blentyn yn byw gyda hwy neu'n ymweld â hwy.
- (2) Mae'n amddiffyniad i'r person perthnasol brofi bod yr ymddygiad yn fodd cymesur o gyflawni nod dilys.
- (3) Mae'n amddiffyniad i'r person perthnasol brofi bod darpar landlord yr annedd, neu berson a fyddai'n uwchlandlord mewn perthynas â'r annedd, wedi ei yswirio o dan contract yswiriant—
- (a) nad yw adran 8H yn gymwys iddo, a
 - (b) sy'n cynnwys teler sy'n ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd neu sy'n ei gwneud yn ofynnol i'r landlord gyfyngu'r amgylchiadau lle caniateir i ddeiliad contract wneud hynny,
- a bod yr ymddygiad yn fodd i atal y darpar landlord rhag torri'r teler hwnnw.
- (4) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8B Gwahardd gwahaniaethu yn ymwneud â statws o ran budd-daliadau

- (1) Mae'n drosedd i berson perthnasol, mewn perthynas ag annedd sydd i fod yn destun contract meddiannaeth—
- (a) ar y sail bod person yn hawlydd budd-daliadau, atal y person rhag—
 - (i) ymholi a yw'r annedd ar gael i'w rhentu,
 - (ii) cael mynediad at wybodaeth am yr annedd,
 - (iii) gweld yr annedd er mwyn ystyried a ddylai geisio ei rhentu, neu
 - (iv) sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu sicrhau bod contract o'r fath yn cael , ei adnewyddu neu ei barhau, neu

- (b) cymhwyso darpariaeth, maen prawf neu arfer er mwyn peri bod hawlyddion budd-daliadau yn llai tebygol o sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu'n llai tebygol o sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau na phobl nad ydynt yn hawlyddion budd-daliadau.
- (2) Mae'n amddiffyniad i'r person perthnasol brofi bod darpar landlord yr annedd, neu berson a fyddai'n uwchlandlord mewn perthynas â'r annedd, wedi ei yswirio o dan gontract yswiriant—
 - (a) nad yw adran 8H yn gymwys iddo, a
 - (b) sy'n cynnwys teler sy'n ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract ar yr annedd rhag bod yn hawlydd budd-daliadau,a bod yr ymddygiad yn fodd i atal y darpar landlord rhag torri'r teler hwnnw.
- (3) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8C Eithriad ar gyfer cyhoeddi hysbysiadau etc

Nid yw ymddygiad yn gyfystyr a throedd o dan adran 8A(1) nac adran 8B(1) os nad yw ond yn cynnwys—

- (a) un neu ragor o'r pethau a ganlyn a wneir gan berson nad yw'n gwneud dim mewn perthynas â'r annedd sydd heb ei grybwyll yn y paragraff hwn—
 - (i) cyhoeddi hysbysiadau neu ledaenu gwybodaeth;
 - (ii) darparu cyfrwng y gall darpar landlord gyfathrebu drwyddo yn uniongyrchol â darpar ddeiliad contract;
 - (iii) darparu cyfrwng y gall darpar ddeiliad contract gyfathrebu drwyddo yn uniongyrchol â darpar landlord, neu
- (b) pethau o ddisgrifiad, neu bethau a wneir gan berson o ddisgrifiad, a bennir at ddibenion yr adran hon mewn rheoliadau.

8D Parhau i dorri gwaharddiad ar ôl cosb benodedig

- (1) Mae person yn cyflawni trosedd—
 - (a) os oes hysbysiad cosb benodedig wedi ei roi i'r person o dan adran 13 am drosedd o dan y Rhan hon mewn perthynas ag annedd ac nad yw wedi ei dynnu'n ôl, a
 - (b) os yw'r ymddygiad y rhoddwyd yr hysbysiad cosb benodedig mewn cysylltiad ag ef yn parhau mewn perthynas â'r annedd honno ar ôl diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y rhoddwyd yr hysbysiad o dan adran 13.
- (2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8E Ailadrodd tor gwaharddiad ar ôl cosb benodedig

- (1) Mae person yn cyflawni trosedd—
 - (a) os oes hysbysiad cosb benodedig wedi ei roi i'r person o dan adran 13 am drosedd o dan y Rhan hon ac nad yw wedi ei dynnu'n ôl, a
 - (b) os yw'r person yn cyflawni trosedd arall o dan yr un adran o fewn y cyfnod o 5 mlynedd sy'n dechrau â'r dyddiad y rhoddwyd yr hysbysiad o dan adran 13.
- (2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8F Telerau mewn uwchlesau yn ymwneud â phlant neu statws o ran budd-daliadau

- (1) Nid yw telerau mewn les ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i denant o dan y les honno neu unrhyw is-les—
 - (a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, neu
 - (b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, (ond mae'r les yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).
- (2) Nid yw is-adran (1) yn gymwys—
 - (a) os yw'r gofyniad yn fodd cymesur o gyflawni nod dilys, neu
 - (b) os yw'r landlord o dan y les neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—
 - (i) nad yw adran 8H yn gymwys iddo, a
 - (ii) sy'n cynnwys telerau sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd neu gyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd,

a bod y gofyniad yn y les yn fodd i atal y sawl sydd wedi ei yswirio rhag torri'r telerau hwnnw.
- (3) Nid yw telerau mewn les ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i denant o dan y les honno neu unrhyw is-les wahardd deiliad contract rhag bod yn hawlydd budd-daliadau (ond mae'r les yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).
- (4) Nid yw is-adran (3) yn gymwys os yw'r landlord o dan y les neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—

- (a) nad yw adran 8H yn gymwys iddo, a
- (b) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod yn hawlydd budd-daliadau, a bod y gofyniad yn y les yn fodd i atal y sawl sydd wedi ei yswirio rhag torri'r teler hwnnw.

- (5) At ddibenion yr adran hon, mae telerau les yn cynnwys—
 - (a) telerau unrhyw gytundeb sy'n ymwneud â'r les, a
 - (b) unrhyw ddogfen neu gyfathrebiad oddi wrth y landlord sy'n rhoi neu'n gwrthod cydsyniad i isosod o dan y les i gategori neu ddisgrifiad o berson.

8G Telerau mewn morgeisi yn ymwneud â phlant neu statws o ran budd-daliadau

- (1) Nid yw teler mewn morgais ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r morgeisiwr—
 - (a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, neu
 - (b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, (ond mae'r morgais yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).
- (2) Nid yw teler mewn morgais ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r morgeisiwr wahardd deiliad contract rhag bod yn hawlydd budd-daliadau (ond mae'r morgais yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

8H Telerau mewn contractau yswiriant yn ymwneud â phlant neu statws o ran budd-daliadau

- (1) Nid yw teler mewn contract yswiriant y mae'r adran hon yn gymwys iddo yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio—
 - (a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd sy'n destun contract meddiannaeth, neu
 - (b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd sy'n destun contract meddiannaeth, (ond mae'r contract yswiriant yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).
- (2) Nid yw teler mewn contract yswiriant y mae'r adran hon yn gymwys iddo yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad

contract annedd sy'n destun contract meddiannaeth rhag bod yn hawlydd budd-daliadau (ond mae'r contract yswiriant yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

- (3) Mae'r adran hon yn gymwys i gontractau yswiriant a wnaed neu yr estynnwyd eu cyfnod ar neu ar ôl y diwrnod y daw'r adran hon i rym.

8I Dim gwaharddiad ar roi ystyriaeth i incwm

Nid oes dim yn y Rhan hon yn gwahardd rhoi ystyriaeth i incwm person wrth ystyried a fyddai'r person hwnnw yn gallu fforddio talu rhent o dan gontract meddiannaeth.

8J Pŵer Gweinidogion Cymru i ddiwygio Rhan 2A

Caiff rheoliadau ddiwygio'r Rhan hon er mwyn gwneud darpariaeth, mewn perthynas â phersonau o ddisgrifiad arall, sy'n cyfateb, gydag addasiadau neu hebddynt, i'r ddarpariaeth a wneir gan y Rhan hon mewn perthynas â phersonau a fyddai â phlentyn yn byw gyda hwy neu'n ymweld â hwy neu bersonau sy'n hawlyddion budd-daliadau.

8K Dehongli Rhan 2A

Yn y Rhan hon—

mae i "contract meddiannaeth" ("*occupation contract*") yr un ystyr ag yn Neddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) (gweler adran 7 o'r Ddeddf honno);

ystyr "darpar ddeiliad contract" ("*prospective contract-holder*") yw person sy'n ceisio dod o hyd i annedd i'w rhentu o dan gontract meddiannaeth;

ystyr "darpar landlord" ("*prospective landlord*") yw person sy'n bwriadu gosod annedd o dan gontract meddiannaeth;

ystyr "hawlydd budd-daliadau" ("*benefits claimant*") yw person sydd â hawl i gael taliadau o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 neu Ddeddf Diwygio Lles 2012 neu yn rhinwedd y deddfau hynny, neu a fyddai â hawl o'r fath pe bai'r person yn dod yn ddeiliad contract o dan gontract meddiannaeth;

ystyr "person perthnasol" ("*relevant person*"), mewn perthynas â chontract meddiannaeth, yw—

(a) y darpar landlord;

(b) person sy'n gweithredu'n uniongyrchol neu'n anuniongyrchol ar ran y darpar landlord neu sy'n honni ei fod yn gweithredu'n uniongyrchol neu'n anuniongyrchol ar ran y darpar landlord;

ystyr "plentyn" ("*child*") yw person o dan 18 oed."

- (4) In section 10(4)—

- (a) after the opening words insert—
- “(za) mewn cysylltiad â throedd o dan Ran 2A—
- (i) person sy’n landlord o dan gontract meddiannaeth neu sydd wedi bod yn landlord o dan gontract o’r fath;
- (ii) person sy’n ddeiliad contract o dan gontract meddiannaeth neu sydd wedi bod yn ddeiliad contract o dan gontract o’r fath;
- (iii) person sy’n berson perthnasol mewn perthynas â chontract meddiannaeth neu sydd wedi bod yn berson perthnasol mewn perthynas â chontract o’r fath;
- (zb) mewn cysylltiad â throedd o dan unrhyw ddarpariaeth arall o’r Ddeddf hon—”;
- (b) paragraphs (a) to (c) become paragraphs (i) to (iii) of paragraph (zb).
- (5) After section 10(4) insert—
- “(4A) Yn is-adran (4)—
- mae i “contract meddiannaeth” (“*occupation contract*”) yr un ystyr ag yn Neddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) (gweler adran 7 o’r Ddeddf honno);
- mae i “person perthnasol” (“*relevant person*”) yr ystyr a roddir yn adran 8K.”
- (6) In section 13(1) after “3” insert “neu Ran 2A”.
- (7) In section 17—
- (a) after subsection (3) insert—
- “(3A) At ddibenion y Rhan hon fel y mae’n ymwneud â throeddau o dan Ran 2A, mae awdurdod pwysau a mesurau lleol yn awdurdod gorfodi ychwanegol mewn perthynas â’r ardal y mae’n awdurdod pwysau a mesurau lleol ar ei chyfer.”;
- (b) in subsection (4) the words from “ystyr” to the end become a definition;
- (c) at the end of subsection (4) insert—
- “mae i “awdurdod pwysau a mesurau lleol” yr ystyr a roddir i “local weights and measures authority” gan adran 69(2) o Ddeddf Pwysau a Mesurau 1985.”
- (8) In section 27(3) after “adran 7,” insert “adran 8C, adran 8J,.”

Member's explanatory statement

This new clause is expected to be part of a new Chapter 2B of Part 1 of the Bill and inserts a new Part 2A into the Welsh language text of the Renting Homes (Fees etc.) (Wales) Act 2019 which bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who have children (or have children visit them), or who are benefits claimants, to enter an occupation contract. Occupation contracts relate to Wales only and were provided for by the Renting Homes (Wales) Act 2016. Amendment NC49 amends the English language text. Other amendments make similar provision for England.

Jacob Young

Gov NC49

To move the following Clause—

“Prohibition of discrimination relating to children or benefits status: English language text

- (1) The English language text of the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) is amended as follows.
- (2) In section 1, after subsection (2), insert—
 - “(2A) Part 2A makes it an offence for a landlord or person acting or purporting to act on a landlord’s behalf to discriminate in relation to occupation contracts against persons who would have children live with or visit them or who are benefits claimants, and makes other provision about discrimination of that kind.”
- (3) After section 8 insert—

“PART 2A

PROHIBITION OF DISCRIMINATION

8A Prohibition of discrimination relating to children

- (1) It is an offence for a relevant person, in relation to a dwelling that is to be the subject of an occupation contract—
 - (a) on the basis that a child would live with or visit a person at the dwelling if the dwelling were the person’s home, to prevent the person from—
 - (i) enquiring whether the dwelling is available for rent,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) obtaining the grant, renewal or continuance of an occupation contract in respect of the dwelling, or
 - (b) to apply a provision, criterion or practice in order to make people who would have a child live with or visit them at the dwelling less likely to obtain the grant, renewal or continuance of an occupation contract in respect of the dwelling than people who would not.
- (2) It is a defence for the relevant person to prove that the conduct is a proportionate means of achieving a legitimate aim.
- (3) It is a defence for the relevant person to prove that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
 - (a) to which section 8H does not apply, and
 - (b) which contains a term which requires the insured to prohibit a contract-holder from having a child live with or visit them at the

dwelling or requires the landlord to restrict the circumstances in which a contract-holder may do so,
and the conduct is a means of preventing the prospective landlord from breaching that term.

- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8B Prohibition of discrimination relating to benefits status

- (1) It is an offence for a relevant person, in relation to a dwelling that is to be the subject of an occupation contract—
- (a) on the basis that a person is a benefits claimant, to prevent the person from—
 - (i) enquiring whether the dwelling is available for rent,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) obtaining the grant, renewal or continuance of an occupation contract in respect of the dwelling, or
 - (b) to apply a provision, criterion or practice in order to make benefits claimants less likely to obtain the grant, renewal or continuance of an occupation contract in respect of the dwelling than people who are not benefits claimants.
- (2) It is a defence for the relevant person to prove that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
- (a) to which section 8H does not apply, and
 - (b) which contains a term which requires the insured to prohibit a contract-holder of the dwelling from being a benefits claimant,
- and the conduct is a means of preventing the prospective landlord from breaching that term.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8C Exception for publication of advertisements etc

Conduct does not constitute an offence under section 8A(1) or section 8B(1) if it consists only of—

- (a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—
 - (i) publishing advertisements or disseminating information;
 - (ii) providing a means by which a prospective landlord can communicate directly with a prospective contract-holder;
 - (iii) providing a means by which a prospective contract-holder can communicate directly with a prospective landlord, or

- (b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations.

8D Continuing breach of prohibition after fixed penalty

- (1) A person commits an offence if—
 - (a) a fixed penalty notice has been given to the person under section 13 for an offence under this Part in relation to a dwelling and has not been withdrawn, and
 - (b) the conduct in respect of which the fixed penalty notice was given continues in relation to that dwelling after the end of the period of 28 days beginning with the date on which the notice under section 13 was given.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8E Repeated breach of prohibition after fixed penalty

- (1) A person commits an offence if—
 - (a) a fixed penalty notice has been given to the person under section 13 for an offence under this Part and has not been withdrawn, and
 - (b) the person commits another offence under the same section within the period of 5 years beginning with the date on which the notice under section 13 was given.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8F Terms in superior leases relating to children or benefits status

- (1) A term of a lease of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require a tenant under that or any inferior lease to—
 - (a) prohibit a contract-holder from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,(but the lease continues, so far as practicable, to have effect in every other respect).
- (2) Subsection (1) does not apply if—
 - (a) the requirement is a proportionate means of achieving a legitimate aim, or
 - (b) the landlord under the lease or a superior landlord is insured under a contract of insurance—
 - (i) to which section 8H does not apply, and

- (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a contract-holder from having a child live with or visit them at the dwelling or to restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,
and the requirement in the lease is a means of preventing the insured from breaching that term.
- (3) A term of a lease of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require a tenant under that or any inferior lease to prohibit a contract-holder from being a benefits claimant (but the lease continues, so far as practicable, to have effect in every other respect).
- (4) Subsection (3) does not apply if the landlord under the lease or a superior landlord is insured under a contract of insurance—
 - (a) to which section 8H does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a contract-holder from being a benefits claimant,
and the requirement in the lease is a means of preventing the insured from breaching that term.
- (5) For the purposes of this section, the terms of a lease include—
 - (a) the terms of any agreement relating to the lease, and
 - (b) any document or communication from the landlord that gives or refuses consent for sub-letting under the lease to a category or description of person.

8G Terms in mortgages relating to children or benefits status

- (1) A term of a mortgage of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require the mortgagor to—
 - (a) prohibit a contract-holder from having a child live with or visit them at the dwelling, or
 - (b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,
(but the mortgage continues, so far as practicable, to have effect in every other respect).
- (2) A term of a mortgage of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require the mortgagor to prohibit a contract-holder from being a benefits claimant (but the mortgage continues, so far as practicable, to have effect in every other respect).

8H Terms in insurance contracts relating to children or benefits status

- (1) A term of a contract of insurance to which this section applies is not binding to the extent that (but for this section) it would require the insured to—
 - (a) prohibit a contract-holder from having a child live with or visit them at the dwelling subject to an occupation contract, or
 - (b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling subject to an occupation contract,
 (but the insurance contract continues, so far as practicable, to have effect in every other respect).
- (2) A term of a contract of insurance to which this section applies is not binding to the extent that (but for this section) it would require the insured to prohibit a contract-holder of a dwelling that is subject to an occupation contract from being a benefits claimant (but the insurance contract continues, so far as practicable, to have effect in every other respect).
- (3) This section applies to contracts of insurance which were entered into or whose duration was extended on or after the day on which this section comes into force.

8I No prohibition on taking income into account

Nothing in this Part prohibits taking a person's income into account when considering whether that person would be able to afford to pay rent under an occupation contract.

8J Power of the Welsh Ministers to amend Part 2A

Regulations may amend this Part so as to make, in relation to persons of another description, provision corresponding, with or without modifications, to the provision made by this Part in relation to persons who would have a child live with or visit them or persons who are benefits claimants.

8K Interpretation of Part 2A

In this Part—

- “benefits claimant” (*“ceisydd budd-daliadau”*) means a person who is entitled to payments under or by virtue of the Social Security Contributions and Benefits Act 1992 or the Welfare Reform Act 2012, or would be so entitled were the person to become a contract-holder under an occupation contract;
- “child” (*“plentyn”*) means a person under the age of 18;
- “occupation contract” (*“contract meddiannaeth”*) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);

“prospective contract-holder” (“*darpar ddeiliad contract*”) means a person seeking to find a dwelling to rent under an occupation contract;

“prospective landlord” (“*darpar landlord*”) means a person who proposes to let a dwelling under an occupation contract;

“relevant person” (“*person perthnasol*”), in relation to an occupation contract, means—

- (a) the prospective landlord;
- (b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord.”

(4) In section 10(4)—

(a) after the opening words insert—

“(za) in respect of an offence under Part 2A—

- (i) a person who is or has been a landlord under an occupation contract;
- (ii) a person who is or has been a contract-holder under an occupation contract;
- (iii) a person who is or has been a relevant person in relation to an occupation contract;

(zb) in respect of an offence under any other provision of this Act—”;

(b) paragraphs (a) to (c) become paragraphs (i) to (iii) of paragraph (zb).

(5) After section 10(4) insert—

“(4A) In subsection (4)—

“occupation contract” (“*contract meddiannaeth*”) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);

“relevant person” (“*person perthnasol*”) has the meaning given in section 8K.”

(6) In section 13(1) after “3” insert “or Part 2A”.

(7) In section 17—

(a) after subsection (3) insert—

“(3A) For the purposes of this Part as it relates to offences under Part 2A, a local weights and measures authority is an additional enforcement authority in relation to the area for which it is the local weights and measures authority.”;

(b) in subsection (4) the words from “licensing” to the end become a definition;

(c) at the end of subsection (4) insert—

““local weights and measures authority” has the meaning given by section 69(2) of the Weights and Measures Act 1985.”

(8) In section 27(3) after “section 7,” insert “section 8C, section 8J,.”

Member's explanatory statement

This new clause is expected to be part of a new Chapter 2B of Part 1 of the Bill and inserts a new Part 2A into the English language text of the Renting Homes (Fees etc.) (Wales) Act 2019 which bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who have children (or have children visit them), or who are benefits claimants, to enter an occupation contract. Occupation contracts relate to Wales only and were provided for by the Renting Homes (Wales) Act 2016. Amendment NC48 amends the Welsh language text. Other amendments make similar provision for England.

Jacob Young

Gov NC50

To move the following Clause—

“Amendment of short title of the Renting Homes (Fees etc.) (Wales) Act 2019

- (1) Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019 may be cited as Deddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019.
- (2) The Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) may be cited as the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.
- (3) In the Welsh language text of the following provisions, for “Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019” substitute “Deddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019”—
 - (a) section 41(2A) of the Housing (Wales) Act 2014 (anaw 7);
 - (b) in Schedule 9A to the Renting Homes (Wales) Act 2016 (anaw 1)—
 - (i) paragraph 5(1)(a);
 - (ii) paragraph 5(2)(a);
 - (c) in regulation 2 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (S.I. 2022/781 (W. 170)), paragraph (b) of the definition of “rhent”;
 - (d) in Schedule 2 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 (S.I. 2022/28 (W. 13)), in Part 3 of the model written statement, in term 68, paragraphs (1)(a) and (2)(a).
- (4) In the Welsh language text of the following provisions, for “Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019” substitute “Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019”—
 - (a) in Schedule 9A to the Renting Homes (Wales) Act 2016 (anaw 1), the italic heading before paragraph 5;
 - (b) in Schedule 2 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 (S.I. 2022/28 (W. 13)), in Part 3 of the model written statement, in term 68, the heading.
- (5) In the English language text of the following provisions, for “Renting Homes (Fees etc.) (Wales) Act 2019” substitute “Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019”—
 - (a) section 41(2A) of the Housing (Wales) Act 2014;
 - (b) in Schedule 9A to the Renting Homes (Wales) Act 2016—
 - (i) the italic heading before paragraph 5;

- (ii) paragraph 5(1)(a);
- (iii) paragraph 5(2)(a);
- (c) in regulation 2 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022, paragraph (b) of the definition of “rent”;
- (d) in Schedule 2 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022, in Part 3 of the model written statement, in term 68—
 - (i) the heading;
 - (ii) paragraphs (1)(a) and (2)(a).
- (6) In section 31 of the Renting Homes (Fees etc.) (Wales) Act 2019—
 - (a) in the Welsh language text after “Ffioedd” insert “, Gwahaniaethu”;
 - (b) in the English language text after “Fees” insert “, Discrimination”.

Member's explanatory statement

This new clause is expected to form part of a new Chapter 2B of Part 1 of the Bill. It amends the short title of the Renting Homes (Fees etc.) (Wales) Act 2019 to reflect the changes made by the new clauses inserted by Amendments NC48 and NC49.

Jacob Young

Gov NC51

To move the following Clause—

“Regulations under sections 8C and 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019

Regulations under section 8C or 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 (as inserted by this Act) may only make provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.”

Member's explanatory statement

This new clause limits the regulation-making powers of the Welsh Ministers created by NC48 and NC49 so that they can only make provision within the legislative competence of Senedd Cymru.

Jacob Young

Gov NC52

To move the following Clause—

“Amendments of the Renting Homes (Wales) Act 2016 regarding discrimination

- (1) The Welsh language text of the Renting Homes (Wales) Act 2016 (anaw 1) is amended as follows.
- (2) In section 30, after paragraph (d) insert—
 - “(da) mae’n gwahardd landlordiaid rhag ymyrryd â hawl deiliaid contract i gael plant yn byw gyda hwy neu’n ymweld â hwy, neu i’ hawlio budd-daliadau,”.

(3) After section 54 insert—

“PENNOD 6A

**GWAHARDD GWAHANIAETHU YN ERBYN POBL SYDD Â PHLANT NEU SY’N HAWLYDDION
BUDD-DALIADAU**

54A Yr hawl i blant fyw yn yr annedd neu ymweld â hi

- (1) Yn ddarostyngedig i is-adran (2), caniateir i ddeiliad y contract o dan gontract meddiannaeth ganiatáu i berson nad yw wedi cyrraedd 18 oed fyw yn yr annedd neu ymweld â hi.
- (2) Ni chaniateir i’r landlord o dan gontract meddiannaeth ymyrryd â hawl deiliad y contract o dan is-adran (1) na chyfyngu ar arfer yr hawl honno, oni bai bod yr ymyrryd neu'r cyfyngu yn fodd cymesur o gyflawni nod dilys.
- (3) Mae’r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract meddiannaeth, ac eithrio pan fo’r landlord neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—
 - (a) nad yw adran 8H o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019 yn gymwys iddo, a
 - (b) sy’n cynnwys teler sy’n gwneud darpariaeth (sut bynnag y’i mynegir) yn ei gwneud yn ofynnol i’r sawl sydd wedi ei yswirio wahardd y deiliad contract rhag bod â pherson nad yw wedi cyrraedd 18 oed yn byw gydag ef neu’n ymweld ag ef yn yr annedd neu gyfyngu’r amgylchiadau lle caniateir i ddeiliad y contract fod â pherson o’r fath yn byw gydag ef neu’n ymweld ag ef yn yr annedd.

54B Yr hawl i hawlio budd-daliadau

- (1) Ni chaniateir i’r landlord o dan gontract meddiannaeth wahardd deiliad y contract rhag hawlio taliadau o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 neu Ddeddf Diwygio Lles 2012 neu yn rhinwedd y deddfau hynny.
- (2) Mae’r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract meddiannaeth, ac eithrio pan fo’r landlord neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—
 - (a) nad yw adran 8H o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019 yn gymwys iddo, a
 - (b) sy’n cynnwys teler sy’n gwneud darpariaeth (sut bynnag y’i mynegir) yn ei gwneud yn ofynnol i’r sawl sydd wedi ei yswirio wahardd deiliad y contract rhag hawlio taliadau a grybwyllir yn is-adran (1).”

- (4) In Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts), in Table 3 in Part 1, Table 4 in Part 2 and Table 5 in Part 3, at the appropriate place in each insert—

"Adran 54A	Rhaid i L beidio ag ymyrryd â hawl D-C i fod â phersonau o dan 18 oed yn ymweld â'r annedd neu'n byw yno	
Adran 54B	Rhaid i L beidio â gwahardd D-C rhag hawlio budd-daliadau lles".	

- (5) The English language text of the Renting Homes (Wales) Act 2016 (anaw 1) is amended as follows.
- (6) In section 30, after paragraph (d) insert—
- “(da) it prohibits landlords from interfering with contract-holders having children live with or visit them, or claiming benefits,”.
- (7) After section 54 insert—

“CHAPTER 6A

PROHIBITION OF DISCRIMINATION AGAINST PEOPLE WITH CHILDREN AND BENEFITS CLAIMANTS

54A Right for children to live at or visit dwelling

- (1) Subject to subsection (2), the contract-holder under an occupation contract may permit a person who has not reached the age of 18 to live in or visit the dwelling.
- (2) The landlord under an occupation contract must not interfere with or restrict the exercise of the contract-holder’s right under subsection (1), unless the interference or restriction is a proportionate means of achieving a legitimate aim.
- (3) This section is a fundamental provision which is incorporated as a term of all occupation contracts, except where the landlord or a superior landlord is insured under a contract of insurance—
 - (a) to which section 8H of the Renting Homes (Fees, Discrimination etc) (Wales) Act 2019 does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from having a person who has not reached the age of 18 live with or visit them at the dwelling or to restrict the circumstances in which the contract-holder may have such a person live with or visit them at the dwelling.

54B Right to claim benefits

- (1) The landlord under an occupation contract must not prohibit the contract-holder from claiming payments under or by virtue of the Social

Security Contributions and Benefits Act 1992 or the Welfare Reform Act 2012.

- (2) This section is a fundamental provision which is incorporated as a term of all occupation contracts, unless the landlord or a superior landlord is insured under a contract of insurance—
- (a) to which section 8H of the Renting Homes (Fees, Discrimination etc) (Wales) Act 2019 does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from claiming payments mentioned in subsection (1)."
- (8) In Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts), in Table 3 in Part 1, Table 4 in Part 2 and Table 5 in Part 3, at the appropriate place in each insert—

"Section 54A	L must not interfere with C-H's right to have persons under 18 visit or live at the dwelling	
Section 54B	L must not prohibit C-H from claiming welfare benefits". "	

Member's explanatory statement

This new clause is expected to form part of a new Chapter 2B of Part 1 of the Bill. It prohibits landlords in Wales from stopping a contract-holder from having children live with or visit them, or claiming benefits.

Matthew Pennycook

NC53

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

"Restriction on contractual exclusion or limit of rights of tenant under this Act

- (1) A covenant or agreement, whether contained in a lease to which this Act applies or in an agreement collateral to such a lease, is void in so far as it purports to exclude or limit the rights of the tenant as provided for by this Act unless such contract terms were previously authorised by a court.
- (2) The court may, by order made with the consent of the parties, authorise the inclusion in a lease, or in an agreement collateral to a lease, of provisions excluding or modifying the rights of the tenant under this Act if it appears to the court that it is reasonable to do so, having regard to all the circumstances of the case, including the other terms and conditions of the lease."

Member's explanatory statement

This new clause would ensure that tenants are protected from being forced by their landlord to agree in writing a shorter notice period than two months by requiring the court to authorise such agreements.

Matthew Pennycook

NC54

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Review of changes to grounds for possession

- (1) The Secretary of State must, within two years of the date of Royal Assent to this Act, conduct and lay before Parliament a review of the grounds for possession in Schedule 2 of the Housing Act 1988, as amended by this Act.
- (2) The review must include—
 - (a) an assessment of the effectiveness of the new or amended grounds for possession set out in Schedule 1 of this Act in securing evictions from properties;
 - (b) an assessment of the impact on the security of tenure of tenants as a result of the use of the new or amended grounds for possession set out in Schedule 1 of this Act;
 - (c) a report on the use of enforcement action in relation to the new or amended grounds for possession set out in Schedule 1 of this Act;
 - (d) an assessment of the effectiveness of the grounds for possession listed in Schedule 2 of the Housing Act 1988 in securing evictions from properties that remain unamended by Schedule 1 of this Act.
- (3) The review under subsection (1) must make such recommendations as, in the opinion of the Secretary of State, are necessary in the light of the findings of the review.”

Member's explanatory statement

This new clause would require the Government to publish a review of the impact of the amended grounds for possession within two years of the Act coming into force.

Matthew Pennycook

NC55

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Duty to publish guidance on what constitutes anti-social behaviour

- (1) The Secretary of State must, within 180 days of the day on which this Act is passed, publish guidance defining anti-social behaviour for the purposes of Ground 14 in Schedule 2 to the Housing Act 1988.
- (2) Guidance under subsection (1) must define how anti-social behaviour differs from nuisance and annoyance caused by incidents of domestic violence, mental health crises, and behaviour resulting from adults or children with autism spectrum disorders or learning difficulties.”

Member's explanatory statement

This new clause would place a duty on the Government to produce guidance on what constitutes anti-social behaviour for the purpose of assisting landlords to determine when Ground 14 conditions have been fulfilled.

Matthew Pennycook

NC56

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Extending discretion of court in possession claims

- (1) The Housing Act 1988 is amended as follows.
- (2) In Section 9 subsection (6)(a), after “Schedule 2 to this Act” insert “, except for grounds 6A, 8 and 8A, ””

Member's explanatory statement

This new clause would extend the discretion of the court to adjourn proceedings, and stay, suspend or postpone any orders made, to cases where possession is sought under grounds 6, 8, and 8A.

Matthew Pennycook

NC57

Mike Amesbury
 Mary Glendon
 Lloyd Russell-Moyle

To move the following Clause—

“Extension of rent repayment orders

(1) In Section 40(3) of the Housing and Planning Act 2016, at end of table insert—

8	Housing Act 1988	Section 16D, 16E	Duties on landlords and agents as regards information provision and prohibition on reletting
9	Renters (Reform) Act 2024	Sections 24	Landlord redress provisions
10	Renters (Reform) Act 2024	Section 39 (3)	Active landlord database entry”

Member's explanatory statement

This new clause would ensure that rent repayment orders can be made to the landlord under the relevant tenancy in any instance where a financial penalty or offence is made relating to clauses 9, 10, 24 or 27 of the Bill.

Matthew Pennycook

NC58

Mike Amesbury
 Mary Glendon
 Lloyd Russell-Moyle

To move the following Clause—

“Requirement to state the amount of rent when advertising residential premises

- (1) A landlord must not advertise or otherwise offer a tenancy of residential premises unless the amount of rent is stated in the advertisement or offer.
- (2) A letting agent acting on behalf of a landlord must not advertise or otherwise offer a tenancy of residential premises unless the amount of rent is stated in the advertisement or offer.”

Member's explanatory statement

This new clause would require landlords or persons acting on their behalf to state the proposed rent payable in the advertisement for the premises.

Matthew Pennycook

NC59

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Not inviting or encouraging bids for rent

- (1) A landlord must not invite or encourage a prospective tenant or any other person to offer to pay an amount of rent for residential premises that exceeds the amount of rent stated as part of the advertisement or offer of the premises as required by section [requirement to state the amount of rent when advertising residential premises].
- (2) A letting agent acting on behalf of a landlord must not invite or encourage a prospective tenant or any other person to offer to pay an amount of rent for residential premises that exceeds the amount of rent stated as part of the advertisement or offer of the premises as required by section [requirement to state the amount of rent when advertising residential premises].
- (3) Subsection (1) does not prohibit a prospective tenant or other person from offering to pay an amount that exceeds the stated amount of rent.”

Member's explanatory statement

This new clause would prevent landlords or persons acting on their behalf from inviting or encouraging bids that exceed the amount stated as part of the advertisement or offer of the premises.

Matthew Pennycook

NC60

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Extension of Awaab’s law to the private rented sector

- (1) Section 10A of the Landlord and Tenant Act 1985 is amended as follows.
- (2) Omit subsections (1)(b) and (6).
- (3) In subsection (7), omit the definitions of “low-cost home ownership accommodation” and “social housing”

Member's explanatory statement

This new clause would require private landlords to deal with hazards affecting their properties.

Matthew Pennycook

NC61

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Ending blanket bans on renting to families with children or those in receipt of benefits

The Secretary of State may, by regulation, specify behaviour which, for the purposes of Part 4, Equality Act 2010, shall be considered unlawful discrimination unless the contrary is shown.”

Member's explanatory statement

This new clause would ensure that blanket bans on renting to families with children or those in receipt of benefits are presumed to be unlawful discrimination unless proved otherwise.

Matthew Pennycook

NC62

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Limit on amount of rent that a residential landlord can request in advance

In Schedule 1 to the Tenant Fees Act 2019, after paragraph 1(8) insert—

- (9) Where rent is payable in advance, the maximum that may be charged is equivalent to the amount specified in paragraph 2(3).”

Member's explanatory statement

This new clause would ensure that the maximum amount of rent that could be lawfully requested by a residential landlord in advance of a tenancy commencing would be 5 weeks' rent for tenancies of less than £50,000 per annum and to 6 weeks' rent for tenancies over £50,000 per annum.

Matthew Pennycook

NC63

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Prohibition of discrimination relating to pet ownership

- (1) In relation to a dwelling that is to be let on a relevant tenancy, a relevant person must not, on the basis that a pet would be kept by a person at the dwelling if the dwelling were the person's home—

- (a) prevent the person from—
 - (i) enquiring whether the dwelling is available for let,
 - (ii) accessing information about the dwelling,
 - (iii) viewing the dwelling in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the dwelling, or
 - (b) apply a provision, criterion or practice in order to make people who keep a pet at the dwelling, if it were their home, less likely to enter into a tenancy of the dwelling than people who would not.
- (2) Subsection (1) does not apply if—
- (a) the relevant person can show that the conduct is a proportionate means of achieving a legitimate aim, or
 - (b) the relevant person can show that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—
 - (i) to which section (Terms in insurance contracts relating to pet ownership) does not apply, and
 - (ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy from keeping a pet at the dwelling, and the conduct is a means of preventing the insured from breaching that term.
- (3) Conduct does not breach the prohibition in subsection (1) if it consists only of—
- (a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—
 - (i) publishing advertisements or disseminating information;
 - (ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant;
 - (iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or
 - (b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Secretary of State.”

Member's explanatory statement

This new clause would prohibit landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who have pets to obtain a relevant tenancy.

Matthew Pennycook

NC64

Mike Amesbury
Mary Glendon
Lloyd Russell-Moyle

To move the following Clause—

“Terms in insurance contracts relating to pet ownership

- (1) A term of a contract of insurance to which this section applies is of no effect so far as the term makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy or regulated tenancy from keeping a pet at the dwelling.
- (2) This section applies to contracts of insurance which were entered into or whose duration was extended on or after the day on which this section comes into force.”

Member's explanatory statement

This new clause provides for terms of an insurance contract to be ineffective so far as they would prohibit a tenant from keeping a pet.

Caroline Lucas

NC65

To move the following Clause—

“Requirement to collect and display information on rent levels and controls

- (1) The private rented sector database must collect and display the following information on rent levels and controls including but not limited to—
 - (a) a property linked rent control within and between tenancies;
 - (b) a desired rent level, to which rents have to be reduced over time;
 - (c) a private rent index to govern annual rent changes on privately rented properties, once the desired rent level has been reached; and
 - (d) any other information necessary to allow for the effective operation of a rent control system.
- (2) The details of the information in subsection (1) will be determined following the establishment of an independent Living Rent Commission tasked with consulting on and designing a national system of rent controls with local flexibility to be prescribed in regulations.
- (3) The requirements in subsection (1) will commence when the work of the Living Rent Commission is completed.”

Member's explanatory statement

This new clause would require the database to collect the information necessary to allow for the operation of a national system of rent controls with local flexibility following the design of such a system by an independent commission.

Lloyd Russell-Moyle

NC66

To move the following Clause—

“Rent increase regulations

The Secretary of State must lay before Parliament, from time to time, guidance for tribunals on the determination of in-tenancy rent increases under a section 13(2) notice, such guidance shall include reference to Local Housing Allowance, average rents as assessed by the Valuation Office Agency or published on the Property Portal, consumer price index and median income growth.”

Member's explanatory statement

Amendment 199 and NC66 would require the Secretary of State to issue guidance to tribunals on the determination of in-tenancy rent increases, and require tribunals to take such guidance into account when making determinations.

Lloyd Russell-Moyle

NC67

To move the following Clause—

“Repeal of mandatory grounds for possession

- (1) The Housing Act 1988 is amended as follows.
- (2) In section 7 (Orders for possession)—
 - (a) omit subsection 7(3);
 - (b) in subsection 7(4), leave out “Part II” and insert “Part I”.
- (3) In Schedule 2—
 - (c) in the title of Part I, leave out “must” and insert “may”;
 - (d) leave out the title of Part II.”

Member's explanatory statement

This new clause extends court discretion to all grounds for possession listed in Schedule 2 of the Housing Act 1988.

Jacob Young

Gov NS1

To move the following Schedule—

“SCHEDULE

Section [OPC2](5)

DECENT HOMES STANDARD

PART 1

AMENDMENTS OF HOUSING ACT 2004

- 1 The Housing Act 2004 is amended as follows.

- 2 (1) Section 1 (new system for assessing housing conditions and enforcing housing standards) is amended as follows.
 - (2) In subsection (3)(a), omit “hazard”.
 - (3) In subsection (8), after “This Part” insert “, except so far as it relates to the requirements specified by regulations under section 2A,”.
- 3 (1) Section 4 (inspections by local housing authorities) is amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) If a local housing authority consider as a result of any matters of which they have become aware in carrying out their duty under section 3, or for any other reason, that it would be appropriate for any residential premises in their district to be inspected with a view to determining—
 - (a) whether any category 1 or 2 hazard exists on the premises, or
 - (b) in the case of qualifying residential premises, whether the premises meet the requirements specified by regulations under section 2A,the authority must arrange for such an inspection to be carried out.”
 - (3) In subsection (2)—
 - (a) omit the “or” at the end of paragraph (a), and
 - (b) after that paragraph insert—
 - “(aa) in the case of qualifying residential premises, that the premises may not meet the requirements specified by regulations under section 2A, or”.
 - (4) After subsection (5) insert—
 - “(5A) Regulations made under subsection (4) by the Secretary of State may also make provision about the manner of assessing whether qualifying residential premises meet the requirements specified by regulations under section 2A.”
 - (5) In subsection (6)—
 - (a) omit the “or” at the end of paragraph (a), and
 - (b) after that paragraph insert—
 - “(aa) that any qualifying residential premises in their district fail to meet the requirements specified by regulations under section 2A, or”.
 - (6) In the heading, omit “to see whether category 1 or 2 hazards exist”.
- 4 (1) Section 5 (general duty to take enforcement action) is amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) If a local housing authority consider that—
 - (a) a category 1 hazard exists on any residential premises, or
 - (b) any qualifying residential premises fail to meet a type 1 requirement,

the authority must take the appropriate enforcement action in relation to the hazard or failure.”

- (3) In subsection (2)(c), for “a hazard” substitute “an”.
 - (4) In subsections (3) to (6), after “hazard” (in each place) insert “or failure”.
 - (5) In the heading, after “hazards” insert “and type 1 requirements”.
- 5 In the heading to section 6 (how duty under section 5 operates in certain cases), omit “Category 1 hazards”.
- 6 After section 6 insert—

“6A Financial penalties relating to category 1 hazards or type 1 requirements

- (1) This section applies where—
 - (a) a local housing authority is required by section 5(1) to take the appropriate enforcement action in relation to—
 - (i) the existence of a category 1 hazard on qualifying residential premises other than the common parts of a building containing one or more flats, or
 - (ii) a failure by qualifying residential premises other than the common parts of a building containing one or more flats to meet a type 1 requirement, and
 - (b) in the opinion of the local housing authority it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.
- (2) When first taking that action, the local housing authority may also impose on the responsible person a financial penalty under this section in relation to the hazard or failure.
- (3) In subsections (1) and (2), “the responsible person” is the person on whom an improvement notice may be served in accordance with paragraphs A1 to 4 of Schedule 1 in relation to the hazard or failure.
- (4) For the purposes of subsection (3)—
 - (a) it is to be assumed that serving such a notice in relation to the hazard or failure is a course of action available to the authority, and
 - (b) any reference in paragraphs A1 to 4 of Schedule 1 to “the specified premises” is, in relation to the imposition of a financial penalty under this section, to be read as a reference to the premises specified in the final notice in accordance with paragraph 8(c) of Schedule A1.
- (5) In subsection (4)(b), “final notice” has the meaning given by paragraph 6 of Schedule A1.
- (6) The amount of the penalty is to be determined by the authority but must not be more than £5,000.

- (7) A penalty under this section may relate to—
 - (a) more than one category 1 hazard on the same premises,
 - (b) more than one failure to meet type 1 requirements by the same premises, or
 - (c) any combination of such hazards or failures on or by the same premises.
 - (8) The Secretary of State may by regulations amend the amount specified in subsection (6) to reflect changes in the value of money.
 - (9) Schedule A1 makes provision about—
 - (a) the procedure for imposing a financial penalty under this section,
 - (b) appeals against financial penalties under this section,
 - (c) enforcement of financial penalties under this section, and
 - (d) how local housing authorities are to deal with the proceeds of financial penalties under this section.”
- 7 (1) Section 7 (powers to take enforcement action) is amended as follows.
 - (2) In subsection (1), for “that a category 2 hazard exists on residential premises” substitute “that—
 - “(a) a category 2 hazard exists on residential premises, or
 - (b) qualifying residential premises fail to meet a type 2 requirement.”.
 - (3) In subsection (2)(c), for “a hazard” substitute “an”.
 - (4) In subsection (3)—
 - (a) after “hazard” (in the first place) insert “or failure to meet a type 2 requirement”, and
 - (b) after “hazard” (in the second place) insert “or failure”.
 - (5) In the heading, after “hazards” insert “and type 2 requirements”.
- 8 In section 8 (reasons for decision to take enforcement action), in subsection (5)(a), omit “hazard”.
- 9 (1) Section 9 (guidance about inspections and enforcement action) is amended as follows.
 - (2) In subsection (1)(b), omit “hazard”.
 - (3) After that subsection insert—
 - “(1A) The Secretary of State may give guidance to local housing authorities in England about exercising their functions under this Chapter in relation to—
 - (a) assessing whether qualifying residential premises meet the requirements specified by regulations under section 2A, or
 - (b) financial penalties.”.
- 10 In the heading of Chapter 2 of Part 1 (improvement notices, prohibition orders and hazard awareness notices), omit “hazard”.

- 11 (1) Section 11 (improvement notices relating to category 1 hazards: duty of authority to serve notice) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
- (i) a category 1 hazard exists on any residential premises, or
- (ii) any qualifying residential premises fail to meet a type 1 requirement, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- servicing an improvement notice under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).”
- (3) In subsection (2), after “hazard” insert “or failure”.
- (4) In subsection (3)(a), after “exists” insert “, or which fail to meet the requirement,”.
- (5) In subsection (4)—
- (a) after “exists,” insert “or which fail to meet the requirement,”, and
- (b) in paragraph (a), after “hazard” insert “or failure”.
- (6) In subsection (5)(a), for the words from “that” to “but” substitute “that—
- (i) if the notice relates to a hazard, the hazard ceases to be a category 1 hazard;
- (ii) if the notice relates to a failure by premises to meet a type 1 requirement, the premises meet the requirement; but”.
- (7) In subsection (6), for the words from “to” to the end substitute “to—
- “(a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
- (b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or
- (c) any combination of such hazards and failures—
- (i) on or by the same premises, or
- (ii) in or by the same building containing one or more flats.”
- (8) In subsection (8)—
- (a) after “hazard” (in the first place) insert “or failure”, and
- (b) after “hazard” (in the second place) insert “or secure that the premises meet the requirement”.
- (9) In the heading, after “hazards” insert “and type 1 requirements”.

- 12 (1) Section 12 (Improvement notices relating to category 2 hazards: power of authority to serve notice) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
- (i) a category 2 hazard exists on any residential premises, or
- (ii) any qualifying residential premises fail to meet a type 2 requirement, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- the authority may serve an improvement notice under this section in respect of the hazard or failure.”
- (3) In subsection (2), after “hazard” insert “or failure”.
- (4) In subsection (4), for the words from “to” to the end substitute “to—
- (a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,
- (b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or
- (c) any combination of such hazards and failures—
- (i) on or by the same premises, or
- (ii) in or by the same building containing one or more flats.”
- (5) In the heading, after “hazards” insert “and type 2 requirements”.
- 13 (1) Section 13 (Contents of improvement notices) is amended as follows.
- (2) In subsection (2)—
- (a) after “hazard” (in each place) insert “or failure”,
- (b) after “hazards” insert “or failures”, and
- (c) in paragraph (b), after “exists” insert “or to which it relates”.
- (3) In subsection (5), after “hazard” insert “or failure”.
- 14 In section 16(3) (revocation and variation of improvement notices)—
- (a) after “hazards” (in the first place) insert “or failures (or a combination of hazards and failures)”, and
- (b) in paragraph (a), after “hazards” insert “or failures”.
- 15 (1) Section 19 (change in person liable to comply with improvement notice) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) In subsection (1), the reference to a person ceasing to be a “person of the relevant category”—

- (a) in the case of an improvement notice served on a landlord or superior landlord under paragraph A1(2) of Schedule 1, is a reference to the person ceasing to hold the estate in the premises by virtue of which the person was the landlord or superior landlord, and
 - (b) in any other case, is a reference to the person ceasing to fall within the description of person (such as, for example, the holder of a licence under Part 2 or 3 or the person managing a dwelling) by reference to which the notice was served on the person."
- (3) In subsection (7), for "or (9)" substitute ", (9) or (10)".
- (4) After subsection (9) insert—
 - "(10) If—
 - (a) the original recipient was served as a landlord or superior landlord under paragraph A1(2) of Schedule 1, and
 - (b) the original recipient ceases as from the changeover date to be a person of the relevant category as a result of ceasing to hold the estate in the premises by virtue of which the person was the landlord or superior landlord,
 the new holder of the estate or, if the estate has ceased to exist, the reversioner, is the "liable person"."
- 16 (1) In section 20 (prohibition orders relating to category 1 hazards: duty of authority to make order) is amended as follows.
 - (2) For subsection (1) substitute—
 - "(1) If—
 - (a) the local housing authority are satisfied that—
 - (i) a category 1 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 1 requirement, and
 - (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
 making a prohibition order under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action)."
 - (3) In subsection (3)—
 - (a) in paragraph (a), after "exists" insert ", or which fail to meet the requirement," and
 - (b) for paragraph (b) substitute—
 - "(b) if those premises are—
 - (i) one or more flats, or

- (ii) accommodation falling within paragraph (e) of the definition of “residential premises” in section 1(4) (homelessness) that is not a dwelling, HMO or flat,
it may prohibit the use of the building containing the flat or flats or accommodation (or any part of the building) or any external common parts;”.
 - (4) In subsection (4)—
 - (a) after “exists,” insert “or which fail to meet the requirement,”, and
 - (b) in paragraph (a), after “hazard” insert “or failure”.
 - (5) In subsection (5), for the words from “to” to the end substitute “to—
 - (a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
 - (6) In the heading, after “hazards” insert “and type 1 requirements”.
- 17 (1) Section 21 (prohibition orders relating to category 2 hazards: power of authority to make order) is amended as follows.
- (2) For subsection (1) substitute—
 - “(1) If—
 - (a) the local housing authority are satisfied that—
 - (i) a category 2 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 2 requirement, and
 - (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
 the authority may make a prohibition order under this section in respect of the hazard or failure.”
 - (3) In subsection (4), for the words from “to” to the end substitute “to—
 - (a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or

- (ii) in or by the same building containing one or more flats.”
- (4) In the heading, after “hazards” insert “and type 2 requirements”.
- 18 (1) Section 22 (contents of prohibition orders) is amended as follows.
- (2) In subsection (2)—
- (a) after “hazard” (in each place) insert “or failure”,
 - (b) after “hazards” insert “or failures”, and
 - (c) in paragraph (b), after “exists” insert “or to which it relates”.
- (3) In subsection (3)(b), after “hazards” insert “, or failure or failures,”.
- 19 (1) Section 25 (revocation and variation of prohibition orders) is amended as follows.
- (2) In subsection (1), for the words from “that” to the end substitute “that—
- (a) in the case of an order made in respect of a hazard, the hazard does not then exist on the residential premises specified in the order in accordance with section 22(2)(b), and
 - (b) in the case of an order made in respect of a failure by premises so specified to meet a requirement specified by regulations under section 2A, the premises then meet the requirement.”
- (3) In subsection (3)—
- (a) after “hazards” (in the first place) insert “or failures (or a combination of hazards and failures)”, and
 - (b) in paragraph (a), after “hazards” insert “or failures”.
- 20 In the italic heading before section 28, omit “Hazard”.
- 21 (1) Section 28 (hazard awareness notices relating to category 1 hazards: duty of authority to serve notice) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
 - (i) a category 1 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 1 requirement, and
 - (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- serving an awareness notice under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).
- (2) An awareness notice under this section is a notice advising the person on whom it is served of—
- (a) the existence of a category 1 hazard on, or

- (b) a failure to meet a type 1 requirement by, the residential premises concerned which arises as a result of a deficiency on the premises in respect of which the notice is served.”
- (3) In subsection (3)(a), after “exists” insert “, or which fail to meet the requirement,”.
- (4) In subsection (4)—
- (a) after “exists,” insert “or which fail to meet the requirement,”, and
 - (b) in paragraph (a), after “hazard” insert “or failure”.
- (5) In subsection (5), for the words from “to” to the end substitute “to—
- (a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
- (6) In subsection (6)—
- (a) after “hazard” (in each place) insert “or failure”,
 - (b) after “hazards” insert “or failures”, and
 - (c) in paragraph (a), after “exists” insert “or to which it relates”.
- (7) In subsection (8), for “a hazard” substitute “an”.
- (8) At the end insert—
- “(9) A notice under this section in respect of residential premises in Wales is to be known as a “hazard awareness notice”.”
- (9) In the heading—
- (a) omit “Hazard”, and
 - (b) after “category 1 hazards” insert “and type 1 requirements”.
- 22 (1) Section 29 (hazard awareness notices relating to category 2 hazards: power of authority to serve notice) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
 - (i) a category 2 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 2 requirement, and
 - (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
- the authority may serve an awareness notice under this section in respect of the hazard or failure.

- (2) An awareness notice under this section is a notice advising the person on whom it is served of—
- (a) the existence of a category 2 hazard on, or
 - (b) a failure to meet a type 2 requirement by, the residential premises concerned which arises as a result of a deficiency on the premises in respect of which the notice is served.”
- (3) In subsection (3), for “a hazard” substitute “an”.
- (4) In subsection (4), for the words from “to” to the end substitute “to—
- (a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
- (5) In subsection (5)—
- (a) after “hazard” (in each place) insert “or failure”,
 - (b) after “hazards” insert “or failures”, and
 - (c) in paragraph (a), after “exists” insert “or to which it relates”.
- (6) In subsection (8), for “a hazard” substitute “an”.
- (7) At the end insert—
- “(9) A notice under this section in respect of residential premises in Wales is to be known as a “hazard awareness notice”.”
- (8) In the heading—
- (a) omit “Hazard”, and
 - (b) after “category 2 hazards” insert “and type 2 requirements”.
- 23 (1) Section 30 (offence of failing to comply with improvement notice) is amended as follows.
- (2) In subsection (2), after “hazard” insert “or failure”.
 - (3) In subsection (3), omit “not exceeding level 5 on the standard scale”.
 - (4) in subsection (5), after “hazard” insert “or failure”.
- 24 In section 32 (offence of failing to comply with prohibition order etc), in subsection (2)(a), omit “not exceeding level 5 on the standard scale”.
- 25 In section 35 (power of court to order occupier or owner to allow action to be taken on premises), for the definition of “relevant person” in subsection (8) substitute—
- ““relevant person”, in relation to any premises, means—
- (a) a person who is an owner of the premises;
 - (b) a person having control of or managing the premises;

- (c) the holder of any licence under Part 2 or 3 in respect of the premises;
 - (d) in the case of qualifying residential premises which are let under a relevant tenancy, the landlord under the tenancy and any person who is a superior landlord in relation to the tenancy.”.
- 26 (1) Section 40 (emergency remedial action) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) If—
- (a) the local housing authority are satisfied that—
 - (i) a category 1 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 1 requirement, and
 - (b) they are further satisfied that the hazard or failure involves an imminent risk of serious harm to the health or safety of any of the occupiers of those or any other residential premises, and
 - (c) no management order is in force under Chapter 1 or 2 of Part 4 in relation to the premises mentioned in paragraph (a)(i) or (ii),
- the taking by the authority of emergency remedial action under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).”
- (3) In subsection (2), after “hazard” insert “or failure”.
- (4) In subsection (4), for the words from “of” to the end substitute “of—
- (a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,
 - (b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or
 - (c) any combination of such hazards and failures—
 - (i) on or by the same premises, or
 - (ii) in or by the same building containing one or more flats.”
- 27 In section 41 (notice of emergency remedial action), in subsection (2)—
- (a) after “hazard” (in each place) insert “or failure”,
 - (b) after “hazards” insert “or failures”, and
 - (c) in paragraph (a), after “exists” insert “or to which it relates”.
- 28 In section 43 (emergency prohibition notices), for subsection (1) substitute—
- “(1) If—

- (a) the local housing authority are satisfied that—
 - (i) a category 1 hazard exists on any residential premises, or
 - (ii) any qualifying residential premises fail to meet a type 1 requirement, and
- (b) they are further satisfied that the hazard or failure involves an imminent risk of serious harm to the health or safety of any of the occupiers of those or any other residential premises, and
- (c) no management order is in force under Chapter 1 or 2 of Part 4 in relation to the premises mentioned in paragraph (a)(i) or (ii),

making an emergency prohibition order under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action)."

- 29 In section 44 (contents of emergency prohibition orders), in subsection (2)—
- (a) after "hazard" (in each place) insert "or failure",
 - (b) after "hazards" insert "or failures", and
 - (c) in paragraph (a), after "exists" insert "or to which it relates".
- 30 In section 49 (power to charge for certain enforcement action)—
- (a) in subsection (1)(c), for "a hazard" substitute "an", and
 - (b) in subsection (2), for "a hazard" substitute "an".
- 31 In section 50 (recovery of charge under section 49), in subsection (2)(b), for "a hazard" substitute "an".
- 32 In section 54 (index of defined expressions: Part 1)—
- | | |
|-----------------------------------|------------------------|
| "Qualifying residential premises" | Section 2B(1)"; |
| "Relevant tenancy" | Section 2B(2)"; |
| "Social housing" | Section 2B(2)"; |
| "Supported exempt accommodation" | Section 2B(2)"; |
| "Type 1 requirement" | Section 2A(3)(a)"; |
| "Type 2 requirement" | Section 2A(3)(b)", and |
- (b) in the entry for "Hazard awareness notice", in the first column, omit "Hazard" (and, accordingly, move the entry to the appropriate place).
- 33 (1) Section 250 (orders and regulations) is amended as follows.

- (2) After subsection (2) insert—
- “(2A) The power under subsection (2)(b) includes power—
- (a) to provide for regulations under sections 2A and 2B(3) to apply (with or without modifications) in relation to tenancies or licences entered into before the date on which the regulations come into force;
 - (b) for regulations under section 2B(3)(b) to provide for Part 1 to apply in relation to licences with such modifications as may be specified in the regulations.”
- (3) In subsection (6), before paragraph (a) insert—
- “(za) regulations under sections 2A and 2B(3),”.
- 34 Before Schedule 1 insert—

“SCHEDULE A1

Section 6A

PROCEDURE AND APPEALS RELATING TO FINANCIAL PENALTIES UNDER SECTION 6A

Notice of intent

- 1 Before imposing a financial penalty on a person under section 6A a local housing authority must give the person notice of the authority’s proposal to do so (a “notice of intent”).
- 2 The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has evidence sufficient to require it to take the appropriate enforcement action under section 5(1) in relation to—
 - (a) the existence of the category 1 hazard, or
 - (b) the failure to meet the type 1 requirement.
- 3 The notice of intent must set out—
 - (a) the date on which the notice of intent is given,
 - (b) the amount of the proposed financial penalty,
 - (c) the reasons for proposing to impose the penalty,
 - (d) information about the right to make representations under paragraph 4.

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the authority about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period of 28 days beginning with the day after the day on which the notice of intent was given (“the period for representations”).

Final notice

- 5 After the end of the period for representations the local housing authority must—
- (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to do so, decide the amount of the penalty.
- 6 If the local housing authority decides to impose a financial penalty on the person, it must give a notice to the person (a “final notice”) imposing that penalty.
- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.
- 8 The final notice must set out—
- (a) the date on which the final notice is given,
 - (b) the amount of the financial penalty,
 - (c) the premises—
 - (i) on which the authority considers a category 1 hazard exists;
 - (ii) which the authority considers fail to meet a type 1 requirement,
 - (d) the reasons for imposing the penalty,
 - (e) information about how to pay the penalty,
 - (f) the period for payment of the penalty,
 - (g) information about rights of appeal, and
 - (h) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time—
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce an amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—
- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice is given to the person.

- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.
- (4) An appeal under this paragraph—
 - (a) is to be a re-hearing of the authority's decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under this paragraph the First-tier Tribunal may quash, confirm or vary the final notice.
- (6) The final notice may not be varied under sub-paragraph (5) so as to impose a financial penalty of more than the local housing authority could have imposed.

Recovery of financial penalty

- 11 (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.
- (2) The local housing authority which imposed the financial penalty may recover the penalty, or part of it, on the order of the county court as if it were payable under an order of that court.
- (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—
 - (a) signed by the chief finance officer of the authority which imposed the financial penalty, and
 - (b) states that the amount due has not been received by a date specified in the certificate,is conclusive evidence of that fact.
- (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (5) In this paragraph "chief finance officer" has the same meaning as in section 5 of the Local Government and Housing Act 1989.

Proceeds of financial penalties

- 12 Where a local housing authority imposes a financial penalty under section 6A, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under Part 1 of this Act, the Renters (Reform) Act 2024 or otherwise in relation to the private rented sector.
- 13 Any proceeds of a financial penalty imposed under section 6A which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.

- 14 (1) In paragraph 12, the reference to enforcement functions “in relation to the private rented sector” means enforcement functions relating to—
- (a) residential premises in England that are let, or intended to be let, under a tenancy,
 - (b) the common parts of such premises,
 - (c) the activities of a landlord under a tenancy of residential premises in England,
 - (d) the activities of a superior landlord in relation to such a tenancy,
 - (e) the activities of a person carrying on English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 in relation to such premises, or
 - (f) the activities of a person carrying on English property management work within the meaning of section 55 of the Housing and Planning Act 2016 in relation to such premises.
- (2) For the purposes of this paragraph “residential premises” does not include social housing.
- (3) For the purposes of this paragraph “tenancy” includes a licence to occupy.”
- 35 (1) Schedule 1 (procedure and appeals relating to improvement notices) is amended as follows.
- (2) Before paragraph 1 insert—
- “Service of improvement notices: qualifying residential premises which fail to meet type 1 and 2 requirements*
- A1 (1) This paragraph applies instead of paragraphs 1 to 3 where—
- (a) the specified premises are qualifying residential premises by virtue of section 2B(1)(a), (b) or (c), and
 - (b) an improvement notice relates to a failure by the premises to meet a requirement specified by regulations under section 2A (whether or not the notice also relates to a category 1 or 2 hazard).
- (2) Where the premises are let under a relevant tenancy, or are an HMO where at least one unit of accommodation which forms part of the HMO is let under a relevant tenancy, the notice must be served on the landlord under the tenancy unless—
- (a) the tenancy is a sub-tenancy, in which case the notice may instead be served on a superior landlord in relation to the tenancy if, in the opinion of the local housing authority, the superior landlord ought to take the action specified in the notice;
 - (b) the premises are a dwelling which is licensed under Part 3 of this Act, or an HMO which is licensed under Part 2 or 3 of this Act, in which case the notice may instead be served on the holder of the licence if, in the opinion of the local

housing authority, the holder ought to take the action specified in the notice.

- (3) Where sub-paragraph (2) does not apply in relation to the premises and—
- (a) the premises are supported exempt accommodation, the notice must be served on the authority or body which provides the accommodation;
 - (b) the premises are accommodation falling within paragraph (e) of the definition of “residential premises” in section 1(4) (homelessness), the notice must be served on any person who has an estate or interest in the premises and who, in the opinion the local housing authority, ought to take the action specified in the notice.”
- (3) In paragraph 5(1), for “1 to” substitute “A1 to”.
- (4) In paragraph 12—
- (a) in sub-paragraph (1), after “hazard” insert “or failure”, and
 - (b) in sub-paragraph (2)(b), for “a hazard” substitute “an”.
- (5) In paragraph 17, after “hazard” (in each place) insert “or failure”.
- 36 (1) Schedule 2 (procedure and appeals relating to prohibition orders) is amended as follows.
- (2) In paragraph 1—
- (a) after sub-paragraph (2) insert—

“(2A) Where the specified premises are qualifying residential premises which—

 - (a) are let under a relevant tenancy, or
 - (b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy,

the authority must also serve copies of the order on any other person who, to their knowledge, is the landlord under the tenancy or a superior landlord in relation to the tenancy.”, and
 - (b) in sub-paragraph (3), after “(2)” insert “or (2A)”.
- (3) In paragraph 2—
- (a) for sub-paragraph (1) substitute—

“(1) This paragraph applies to a prohibition order where the specified premises consist of or include—

 - (a) the whole or any part of a building containing—
 - (i) one or more flats, or
 - (ii) accommodation falling within paragraph (e) of the definition of “residential premises” in section 1(4) (homelessness) that is not a dwelling, HMO or flat, or
 - (b) any common parts of such a building.”

- (b) after sub-paragraph (2) insert—
 - “(2A) Where the specified premises consist of or include qualifying residential premises which—
 - (a) are let under a relevant tenancy, or
 - (b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy,
 the authority must also serve copies of the order on any other person who, to their knowledge, is the landlord under the tenancy or a superior landlord in relation to the tenancy.”,
 - (c) in sub-paragraph (3), after “(2)” insert “or (2A)”, and
 - (d) in sub-paragraph (4), after “(2)” insert “, (2A)”.
 - (4) In paragraph 8—
 - (a) in sub-paragraph (1), after “hazard” insert “or failure”, and
 - (b) in sub-paragraph (2)(b), for “a hazard” substitute “an”.
 - (5) In paragraph 12, after “hazard” (in each place) insert “or failure”.
 - (6) In paragraph 16(1)—
 - (a) omit the “or” at the end of paragraph (b), and
 - (b) at the end of paragraph (c) insert “, or
 - (d) in the case of qualifying residential premises which—
 - (i) are let under a relevant tenancy, or
 - (ii) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy,
 any person on whom copies of the improvement notice are required to be served by paragraph 1(2A) or 2(2A).”
- 37 (1) Schedule 3 (improvement notices: enforcement action by local housing authorities) is amended as follows.
- (2) In paragraph 3, after “hazard” (in each place) insert “or failure”.
 - (3) In paragraph 4, after “hazard” (in both places) insert “or failure”.

PART 2

AMENDMENTS OF OTHER ACTS

Land Compensation Act 1973

- 38 (1) Section 33D of the Land Compensation Act 1973 (loss payments: exclusions) is amended as follows.
- (2) In subsection (4)—
 - (a) in paragraph (b), after “hazard” insert “or type 1 requirement”, and
 - (b) in paragraph (c), after “hazard” insert “or type 2 requirement”.
 - (3) In subsection (5)—

- (a) in paragraph (a), after “hazard” insert “or type 1 requirement”, and
- (b) in paragraph (b), after “hazard” insert “or type 2 requirement”.

Housing Act 1985

- 39 In section 269A of the Housing Act 1985 (appeals suggesting certain other courses of action), in subsection (2)(c), for “a hazard” substitute “an”.

Housing and Regeneration Act 2008

- 40 In section 126B of the Housing and Regeneration Act 2008 (functions of health and safety lead), in subsection (3)(b)(ii), after “hazards” insert “and type 1 and 2 requirements”.

Deregulation Act 2015

- 41 In section 33(13) of the Deregulation Act 2015 (preventing retaliatory eviction: definitions), in the definition of “relevant notice”—
- (a) in paragraph (a), after “hazards” insert “and type 1 requirements”, and
 - (b) in paragraph (b), after “hazards” insert “and type 2 requirements”.

Housing and Planning Act 2016

- 42 In section 40(4) of the Housing and Planning Act 2016 (offences under sections 30(1) and 32(1) of the Housing Act 2004), after “on” insert “, or a failure to meet a requirement by,”.

Tenant Fees Act 2019

- 43 In Schedule 3 to the Tenant Fees Act 2019 (financial penalties), in paragraph 12(1), after paragraph (c) insert—
- “(ca) the activities of a superior landlord in relation to such a tenancy,.”

Member's explanatory statement

This new Schedule contains amendments of Part 1 of the Housing Act 2004 that provide for the enforcement of requirements imposed by regulations under new section 2A of that Act, inserted by NC20. The Schedule also allows financial penalties to be imposed for certain breaches of Part 1 of that Act, and makes consequential amendments of other Acts.

Order of the House

[23 October 2023]

That the following provisions shall apply to the Renters (Reform) Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 5 December 2023.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the Committee

[14 November 2023]

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 14 November) meet—
 - (a) at 2.00 pm on Tuesday 14 November;
 - (b) at 11.30 am and 2.00 pm on Thursday 16 November;
 - (c) at 9.25 am and 2.00 pm on Tuesday 21 November;
 - (d) at 11.30 am and 2.00 pm on Thursday 23 November;

- (e) at 9.25 am and 2.00 pm on Tuesday 28 November;
- (f) at 11.30 am and 2.00 pm on Thursday 30 November;
- (g) at 9.25 am and 2.00 pm on Tuesday 5 December;

2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 14 November	Until no later than 10.10 am	Shelter; Citizens Advice; Joseph Rowntree Foundation
Tuesday 14 November	Until no later than 10.55 am	National Residential Landlords Association; Propertymark; The Lettings Industry Council
Tuesday 14 November	Until no later than 11.25 am	The Local Government Association; Housing Ombudsman Service
Tuesday 14 November	Until no later than 2.30 pm	Generation Rent; Renters' Reform Coalition
Tuesday 14 November	Until no later than 2.45 pm	Crisis
Tuesday 14 November	Until no later than 3.00 pm	British Property Federation
Tuesday 14 November	Until no later than 3.15 pm	National Housing Federation
Tuesday 14 November	Until no later than 3.30 pm	Chartered Institute of Environmental Health
Tuesday 14 November	Until no later than 4.00 pm	Dr Julie Rugg, Reader in Social Policy, Centre for Housing Policy, University of York; Professor Ken Gibb, Professor in Housing Economics, University of Glasgow
Tuesday 14 November	Until no later than 4.30 pm	JUSTICE; Professor Christopher Hodges OBE, Emeritus Professor of Justice Systems, Centre for Socio-Legal Studies, University of Oxford
Tuesday 14 November	Until no later than 4.45 pm	Chartered Institute of Housing
Thursday 16 November	Until no later than 11.45 am	Country Land and Business Association
Thursday 16 November	Until no later than 12.00 noon	Grainger plc

Date	Time	Witness
Thursday 16 November	Until no later than 12.30 pm	The Law Society; The Law Centres Network
Thursday 16 November	Until no later than 12.45 pm	Advice for Renters
Thursday 16 November	Until no later than 1.00 pm	Advocats East Mids
Thursday 16 November	Until no later than 2.45 pm	Housing Law Practitioners Association; Giles Peaker, Anthony Gold Solicitors; Liz Davies KC, Garden Court Chambers
Thursday 16 November	Until no later than 3.00 pm	ACORN
Thursday 16 November	Until no later than 3.15 pm	The National Union of Students
Thursday 16 November	Until no later than 4.00 pm	The Nationwide Foundation; DASH Services; Safer Renting
Thursday 16 November	Until no later than 4.15 pm	National Trading Standards Estate and Letting Agency Team

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 3; Schedule 1; Clauses 4 to 20; Schedule 2; Clauses 21 to 51; Clause 53; Clause 57; Clause 52; Schedule 3; Clauses 58 to 63; Clauses 54 to 56; Clauses 64 to 67; Schedule 4; Clauses 68 to 69; new Clauses; new Schedules; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 5 December.