
Report Stage: Wednesday 24 April 2024

Renters (Reform) Bill, As Amended (Report Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at report stage.

A glossary with key terms can be found at the end of this document.

Secretary Michael Gove

Agreed to on division Gov NC15

To move the following Clause—

“Notices to quit by tenants under assured tenancies: timing

- (1) Section 5 of the Protection from Eviction Act 1977 (notices to quit) is amended as follows.
- (2) In subsection (1), for paragraph (b) substitute—
 - “(b) it satisfies—
 - (i) subsection (1ZA), if it is given by a tenant in relation to premises let under an assured tenancy, or
 - (ii) subsection (1ZC) in any other case;but in relation to landlords under assured tenancies see section 5(1) of the Housing Act 1988 (notice to quit by landlord is of no effect).”
- (3) After subsection (1) insert—
 - “(1ZA) A notice to quit satisfies this subsection if—
 - (a) it is given not less than—
 - (i) any length of time before the date on which the notice is to take effect, not exceeding two months, that the landlord has agreed to in writing, or
 - (ii) in the absence of agreement under sub-paragraph (i), two months before the date on which the notice is to take effect, and

- (b) it is in relation to premises let under a repeat tenancy or, if it is in relation to premises let under any other assured tenancy, it is to take effect—
 - (i) no earlier than any time, within the period of six months beginning with the day on which the terms of the tenancy provide for the tenancy to begin, that the landlord has agreed to in writing, or
 - (ii) in the absence of agreement under sub-paragraph (i), on or after the last day of the period mentioned in that sub-paragraph.
- (1ZB) In subsection (1ZA)(b) “repeat tenancy” means an assured tenancy under which the tenant becomes entitled to possession of the premises within the period of one month beginning with the day after the last day of a previous assured tenancy—
 - (a) under which the same premises were let, and
 - (b) which was between the same parties.
- (1ZC) A notice to quit satisfies this subsection if it is given not less than four weeks before the date on which it is to take effect.””

Member's explanatory statement

This new clause provides that a tenant’s notice to quit an assured tenancy is not valid if it would take effect in the first six months of the tenancy, unless the landlord agreed in writing to it taking effect earlier or the tenancy follows one that ended within the previous month, relating to the same property and parties. It also contains the substance of existing clause 17.

Secretary Michael Gove

Agreed to on division Gov NC30

To move the following Clause—

“Assessment of operation of possession process

- (1) The Lord Chancellor must prepare an assessment of the operation of the process by which—
 - (a) on applications made by landlords, the county court is able to make orders for the possession of dwellings in England that are let under assured and regulated tenancies, and
 - (b) such orders are enforced.
- (2) The Lord Chancellor must publish the assessment at such time, and in such manner, as the Lord Chancellor thinks appropriate.
- (3) In this section—
 - “assured tenancy” means an assured tenancy within the meaning of the 1988 Act;
 - “dwelling” means a building or part of a building which is occupied or intended to be occupied as a separate dwelling;
 - “regulated tenancy” means a regulated tenancy within the meaning of the Rent Act 1977.”

Member's explanatory statement

This new clause, which is expected to be added to Part 5 of the Bill, requires the Lord Chancellor to assess the operation of the county court possession order process in England, and its enforcement. The extended application date cannot be set for Chapter 1 of Part 1 of the Bill until the assessment has been published: see new clause NC28(5).

Secretary Michael Gove

Added Gov NC13

To move the following Clause—

“Sections 1 and 2: effect of superior leases

- (1) Where, immediately before the commencement date, the lessee under an existing lease of premises that consist of or include a dwelling—
 - (a) could sub-let the dwelling under a fixed term assured tenancy without breaching the lease, but
 - (b) could not sub-let the dwelling under a relevant assured tenancy without breaching the lease,the lease has effect on and after the commencement date as if it provided that the lessee may sub-let the dwelling under a relevant assured tenancy in the same circumstances and on the same terms as the lessee could previously sub-let it under a fixed term assured tenancy, except so far as it would be inconsistent with any provision made by or under this Act for the lease to have effect in that way.
- (2) Where, immediately before the commencement date, the lessee under an existing lease of premises that consist of or include a dwelling—
 - (a) could sub-let the dwelling under an assured shorthold tenancy without breaching the lease, but
 - (b) could not sub-let the dwelling under a relevant assured tenancy without breaching the lease,the lease has effect on and after the commencement date as if it provided that the lessee may sub-let the dwelling under a relevant assured tenancy in the same circumstances and on the same terms as the lessee could previously sub-let it under an assured shorthold tenancy, except so far as it would be inconsistent with any provision made by or under this Act for the lease to have effect in that way.
- (3) Where—
 - (a) an existing lease which is—
 - (i) periodic, or
 - (ii) a fixed term lease of a term certain not exceeding 21 years, is modified by subsection (1) or (2),
 - (b) a dwelling is sub-let under the lease on a tenancy (entered into before or after the commencement date) which is (or becomes on or after that date, by virtue of this Act or otherwise) a relevant assured tenancy, and
 - (c) the tenancy was entered into in accordance with the terms of the lease as they stood when the tenancy was entered into (or, if it was not, the breach has been waived by the landlord),

the existing lease has effect as if it provided that a failure by the lessee at the end of the lease to return the premises to the landlord free from the relevant assured tenancy does not constitute a breach of the lease.

- (4) Subsection (5) applies where, immediately before the commencement date, the lessee under an existing lease of premises that consist of or include a dwelling could sub-let the dwelling under a relevant assured tenancy without breaching the lease.
- (5) On and after the commencement date, the circumstances in which and terms on which the lessee may so sub-let the dwelling remain the same as they were immediately before the commencement date, except so far as that would be inconsistent with provision made by or under this Act.
- (6) Nothing in this section alters the effect of an existing lease, before the extended application date (within the meaning given by section (*Application of Chapter 1 of Part 1*)(3)), in relation to a sub-tenancy that is an existing tenancy (within the meaning given by section (*Application of Chapter 1 of Part 1*)(2)).
- (7) Nothing in this section prevents an existing lease from being varied by the parties to it.
- (8) The Secretary of State may by regulations disapply or modify the effect of this section in relation to existing leases of a specified description.
- (9) Where the Secretary of State makes regulations under subsection (8) disapplying the effect of this section, the fact that this section has previously applied in relation to an existing lease does not prevent the exercise of the powers in section 117(4)(b) in relation to the lease.
- (10) In this section—
 - “assured shorthold tenancy” is to be read in accordance with Part 1 of the 1988 Act as it had effect immediately before the commencement date;
 - “the commencement date” has the meaning given by section (*Application of Chapter 1 of Part 1*)(1)(a);
 - “dwelling” means a “dwelling-house” within the meaning of Part 1 of the 1988 Act (see section 45 of that Act) in England;
 - “existing lease” means a lease which is entered into before the commencement date or under a contract entered into before that date;
 - “relevant assured tenancy” means a periodic assured tenancy which is not an assured shorthold tenancy and in relation to which each of the rent periods is a period of—
 - (a) 28 days or less, or
 - (b) 1 month;
 - “sub-letting” includes sub-letting under any inferior lease.
- (11) In this section references to a lease, and to the terms of a lease, include references to—
 - (a) the terms of any agreement relating to the lease, and

- (b) any document or communication from the landlord which gives or refuses consent for sub-letting in relation to a category or description of sub-tenancy.”

Member's explanatory statement

This new clause ensures that where, under a lease that was granted before (or under a contract made before) implementation of Chapter 1 of Part 1 of the Bill, a person can sub-let a dwelling on a fixed term or assured shorthold tenancy, the person will continue to be able to sub-let the dwelling even though those tenures have been abolished.

Secretary Michael Gove

Added Gov NC14

To move the following Clause—

“Powers of Secretary of State in connection with Chapter 1

- (1) The Secretary of State may by regulations amend provision made by or under an Act passed before or later in the same session as this Act so that the provision has effect in relation to periodic assured tenancies in a manner that corresponds or is similar to the manner in which it had effect immediately before the commencement date in relation to—
 - (a) fixed term assured tenancies, or
 - (b) assured shorthold tenancies.
- (2) The Secretary of State may by regulations amend provision made by or under an Act passed before or later in the same session as this Act so that the provision has effect, in relation to a ground in Schedule 2 to the 1988 Act as amended by this Act, in a manner that corresponds or is similar to the manner in which it had effect immediately before the commencement date in relation to any ground in that Schedule.
- (3) The amendments that may be made under subsection (1)(b) include any to ensure that provision applying immediately before the commencement date in relation to notices under section 21 of the 1988 Act applies on and after that day, with or without modifications, in relation to notices under section 8 of that Act.
- (4) The transitional provision that may be included in regulations under subsection (1) or (2) by virtue of section 112(1)(a) includes provision for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of the regulations to—
 - (i) have effect with specified modifications, or
 - (ii) cease to have effect (in whole or in part).
- (5) For the purposes of subsection (4)—
 - (a) “pre-application instrument” means an agreement or other instrument made before the regulations come into force;
 - (b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of regulations under subsection (1) or (2) include (but are not limited to) those in which—

- (i) as a result of any provision of the regulations, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;
 - (ii) as a result of any provision of the regulations, it is unclear what the effect is of provision made by the instrument;
 - (iii) as a result of any provision of the regulations, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;
 - (iv) the instrument makes direct or indirect reference to any enactment as it had effect before being amended by the regulations.
- (6) Regulations made by virtue of subsection (4) must provide that they do not prevent—
 - (a) the variation or revocation of provision modified by the regulations, or
 - (b) the re-making of provision that has ceased to have effect as a result of the regulations.
- (7) Regulations made by virtue of subsection (4) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the commencement date.
- (8) Nothing in this Chapter limits the provision that may be made by regulations under this section.
- (9) Nothing in this section limits the provision that may be made in regulations under Part 5.
- (10) In this section—
 - “assured shorthold tenancy” is to be read in accordance with Part 1 of the 1988 Act as it had effect immediately before the commencement date;
 - “the commencement date” has the meaning given by section (*Application of Chapter 1 of Part 1*)(1)(a).”

Member's explanatory statement

This new clause provides that, where rights or duties under legislation (for example those of tenants or landlords) refer to fixed term assured tenancies and/or assured shorthold tenancies, or to possession grounds, regulations can ensure that the rights or duties are not jeopardised by the new regime under the Bill, and can modify existing instruments that would not operate appropriately alongside the regulations.

Secretary Michael Gove

Added Gov NC16

To move the following Clause—

“Power of Welsh Ministers to extend protection to persons of other descriptions

- (1) The Welsh Ministers may by regulations make provision in relation to occupation contracts, in relation to persons of another description, corresponding (with or without modifications) to provision made by this Chapter in relation to persons who would have a child live with or visit them or are benefits claimants.
- (2) Regulations under subsection (1) may amend, repeal or revoke provision made by or under—
 - (a) an Act, or
 - (b) an Act or Measure of Senedd Cymru, whenever passed or made.
- (3) In this section—
 - “benefits claimant” has the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019;
 - “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).”

Member's explanatory statement

This new clause reproduces the substance of section 8J removed by amendment 107 in the Bill, so that it applies in relation to the provisions inserted into the Renting Homes (Wales) Act 2016 as well and it extends the power to allow amendment of any Act or Measure. It is expected to go into Chapter 4.

Secretary Michael Gove

Added Gov NC17

To move the following Clause—

“Power of Secretary of State to extend protection to persons of other descriptions: Wales

The Secretary of State may by regulations make provision that the Welsh Ministers could make under section (*Power of Welsh Ministers to extend protection to persons of other descriptions*)(1) but for the limitation in section 40.”

Member's explanatory statement

This new clause gives the Secretary of State power to make any provision extending the protections against discrimination in Wales in relation to occupation contracts that the Welsh Ministers cannot make because it is outside the Senedd’s legislative competence.

Secretary Michael Gove

Added Gov NC18

To move the following Clause—

“Prohibition of discrimination relating to children or benefits status: Scotland

- (1) The Private Housing (Tenancies) (Scotland) Act 2016 (asp 19) is amended in accordance with subsections (2) to (4).
- (2) After section 6 insert—

“PART 1A

CHOICE OF TENANT

6A Offence of discriminating in relation to children

- (1) It is an offence for a relevant person to, in relation to a property that is to be let on an agreement which may give rise to a private residential tenancy—
 - (a) prevent a person, on the basis that the relevant person believes that the property would or may be used by a child if the property were the person’s home, from—
 - (i) enquiring whether the property is available for let,
 - (ii) accessing information about the property,
 - (iii) viewing the property in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the property, or
 - (b) apply a provision, criterion or practice in order to make people who would allow the property to be used by a child less likely to enter into a tenancy of the property than people who would not.
- (2) It is a defence for the relevant person to show—
 - (a) that the conduct is a proportionate means of achieving a legitimate aim, or
 - (b) that the property is insured under an excluded contract of insurance and the conduct is a means of preventing the insured from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) Conduct does not constitute an offence under subsection (1) if it consists only of—
 - (a) things done by a person who does nothing in relation to the property other than one or more of the following things—
 - (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 Scottish Ministers.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purpose of this section—
 - (a) a property is used by a child if a child lives with or visits a person at the property,
 - (b) a contract of insurance is an excluded contract of insurance if—
 - (i) section (*Terms in insurance contracts relating to children or benefits status: Scotland*) of the Renters (Reform) Act 2024 (*Terms in insurance contracts relating to children or benefits status: Scotland*) does not apply to it, and
 - (ii) it contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a private residential tenancy from allowing a child to use the property, or to restrict the circumstances in which such a tenant may allow a child to do so.

6B Offence of discriminating in relation to benefits status

- (1) It is an offence for a relevant person to, in relation to a property that is to be let on an agreement which may give rise to a private residential tenancy—
 - (a) prevent a person, on the basis of the person's benefits status, from—
 - (i) enquiring whether the property is available for let,
 - (ii) accessing information about the property,
 - (iii) viewing the property in order to consider whether to seek to rent it, or
 - (iv) entering into a tenancy of the property, or
 - (b) apply a provision, criterion or practice in order to make people who are or who, if the property were their home, may become benefits claimants less likely to enter into a tenancy of the property than people who are not.
- (2) It is a defence for the relevant person to show that the property is insured under an excluded contract of insurance and the conduct is a means of preventing the insured from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) Conduct does not constitute an offence under subsection (1) if it consists only of—
 - (a) things done by a person who does nothing in relation to the property other than one or more of the following things—
 - (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 Scottish Ministers.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purpose of this section—
 - (a) something is done on the basis of a person's benefits status if it is done on the basis that the relevant person believes that the person is, may be or, if the property were the person's home, may become a benefits claimant,
 - (b) a contract of insurance is an excluded contract of insurance if—
 - (i) section (*Terms in insurance contracts relating to children or benefits status: Scotland*) of the Renters (Reform) Act 2024 (*Terms in insurance contracts relating to children or benefits status: Scotland*) does not apply to it, and
 - (ii) it contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a private residential tenancy from being a benefits claimant.

6C Discriminatory terms relating to children or benefits status

- (1) A term of a private residential tenancy is of no effect so far as the term makes provision (however expressed)—
 - (a) prohibiting the tenant from having a child live with or visit the tenant at the property or restricting the circumstances in which the tenant may have a child do so, or
 - (b) prohibiting the tenant from being a benefits claimant.
- (2) But—
 - (a) subsection (1)(a) does not apply if the provision is a proportionate means of achieving a legitimate aim,
 - (b) subsection (1)(a) and (b) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) For the purpose of subsection (2)(b), a contract of insurance is an excluded contract of insurance if—
 - (a) section (*Terms in insurance contracts relating to children or benefits status: Scotland*) of the Renters (Reform) Act 2024 (*Terms*

in insurance contracts relating to children or benefits status: Scotland) does not apply to it, and

- (b) it contains a term which makes provision (however expressed) requiring the landlord—
 - (i) to prohibit the tenant from having a child live with or visit the tenant at the property or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the property, or
 - (ii) to prohibit the tenant from being a benefits claimant.

6D 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 a private residential tenancy.

6E Interpretation of Part 1A

In this Part—

“benefits claimant” means a person who—

- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or
- (b) is entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),

“benefits and welfare legislation” means—

- (a) the Social Security Contributions and Benefits Act 1992,
- (b) the Jobseekers Act 1995,
- (c) the State Pension Credit Act 2002,
- (d) the Tax Credits Act 2002,
- (e) the Welfare Reform Act 2007,
- (f) the Welfare Reform Act 2012,
- (g) the Pensions Act 2014,
- (h) the Social Security (Scotland) Act 2018,

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

“prospective landlord” means a person who proposes to let a property on an agreement which may give rise to a private residential tenancy,

“prospective tenant” means a person seeking to find a property to rent,

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

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

- (3) Before section 76, insert—

“75A Crown application

- (1) Nothing in Part 1A makes the Crown criminally liable.
 - (2) But the Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable were it not for subsection (1).
 - (3) Subsection (1) does not affect the criminal liability of persons in the service of the Crown.”
- (4) In section 77 (regulation-making powers), in subsection (4), after “sections” insert “6A(3)(b), 6B(3)(b),”.
- (5) The Housing (Scotland) Act 1988 is amended in accordance with subsection (6).
- (6) After section 26 insert—

“26A Discriminatory terms relating to children or benefits status

- (1) A term of an assured tenancy is of no effect so far as the term makes provision (however expressed)—
 - (a) prohibiting the tenant from having a child live with or visit the tenant at the dwelling or restricting the circumstances in which the tenant may have a child do so, or
 - (b) prohibiting the tenant from being a benefits claimant.
- (2) But—
 - (a) subsection (1)(a) does not apply if the provision is a proportionate means of achieving a legitimate aim, and
 - (b) subsection (1)(a) and (b) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) For the purpose of subsection (2)(b), a contract of insurance is an excluded contract of insurance if—
 - (a) section (*Terms in insurance contracts relating to children or benefits status: Scotland*) of the Renters (Reform) Act 2024 (*Terms in insurance contracts relating to children or benefits status: Scotland*) does not apply to it, and
 - (b) it contains a term which makes provision (however expressed) requiring the landlord—
 - (i) to prohibit the tenant from having a child live with or visit the tenant at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the dwelling, or
 - (ii) to prohibit the tenant from being a benefits claimant.
- (4) In this section—

“benefits claimant” means a person who—

- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or
- (b) is entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),

“benefits and welfare legislation” means—

- (a) the Social Security Contributions and Benefits Act 1992,
- (b) the Jobseekers Act 1995,
- (c) the State Pension Credit Act 2002,
- (d) the Tax Credits Act 2002,
- (e) the Welfare Reform Act 2007,
- (f) the Welfare Reform Act 2012,
- (g) the Pensions Act 2014,
- (h) the Social Security (Scotland) Act 2018,

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

(7) The Rent (Scotland) Act 1984 is amended in accordance with subsection (8).

(8) After section 101 insert—

“101A Discriminatory terms relating to children or benefits status

- (1) A term of a protected or statutory tenancy is of no effect so far as the term makes provision (however expressed)—
 - (a) prohibiting the tenant from having a child live with or visit the tenant at the dwelling or restricting the circumstances in which the tenant may have a child do so, or
 - (b) prohibiting the tenant from being a benefits claimant.
- (2) But—
 - (a) subsection (1)(a) does not apply if the provision is a proportionate means of achieving a legitimate aim, and
 - (b) subsection (1)(a) and (b) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.
- (3) For the purpose of subsection (2)(b), a contract of insurance is an excluded contract of insurance if—
 - (a) section (*Terms in insurance contracts relating to children or benefits status: Scotland*) of the Renters (Reform) Act 2024 (*Terms in insurance contracts relating to children or benefits status: Scotland*) does not apply to it, and
 - (b) it contains a term which makes provision (however expressed) requiring the landlord—

- (i) to prohibit the tenant from having a child live with or visit the tenant at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the dwelling, or
 - (ii) to prohibit the tenant from being a benefits claimant.
- (4) In this section—
- “benefits claimant” means a person who—
- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or
 - (b) is entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),
- “benefits and welfare legislation” means—
- (a) the Social Security Contributions and Benefits Act 1992,
 - (b) the Jobseekers Act 1995,
 - (c) the State Pension Credit Act 2002,
 - (d) the Tax Credits Act 2002,
 - (e) the Welfare Reform Act 2007,
 - (f) the Welfare Reform Act 2012,
 - (g) the Pensions Act 2014,
 - (h) the Social Security (Scotland) Act 2018,
- “child” means a person under the age of 18.””

Member's explanatory statement

This and other new clauses relating to discriminatory practices in relation to the grant of tenancies in Scotland are expected to form a new Chapter 4A of Part 1 of the Bill. Chapters 3 and 4 of Part 1 make similar provision for England and Wales.

Secretary Michael Gove

Added Gov NC19

To move the following Clause—

“Terms in standard securities relating to children or benefits status: Scotland

- (1) A term of a standard security over land that consists of or includes a dwelling is of no effect so far as the term makes provision (however expressed) requiring the debtor in the standard security to—
 - (a) prohibit a tenant under a relevant tenancy from having a child live with or visit the tenant at the dwelling, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy may have a child live with or visit the tenant at the dwelling.
- (2) A term of a standard security over land that consists of or includes a dwelling is of no effect so far as the term makes provision (however expressed) requiring

the debtor in the standard security to prohibit a benefits claimant from being a tenant under a relevant tenancy.”

Member's explanatory statement

This new clause provides for terms of a mortgage to be ineffective so far as they would prohibit a tenant under the specified tenancy types in Scotland from having a child live with or visit them or from being a benefits claimant. Clauses 32 and 38 make similar provision for England and Wales.

Secretary Michael Gove

Added Gov NC20

To move the following Clause—

“Terms in insurance contracts relating to children or benefits status: Scotland

- (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 from having a child live with or visit the tenant at the dwelling which forms the subject of the tenancy, or
 - (b) restrict the circumstances in which a tenant under a relevant tenancy may have a child live with or visit the tenant 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 benefits claimant from being a tenant under a relevant tenancy.
- (3) This section applies to contracts of insurance which are entered into or whose duration is 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 under the specified tenancy types in Scotland from having a child live with or visit them or from being a benefits claimant. Clauses 33 and 38 make similar provision for England and Wales.

Secretary Michael Gove

Added Gov NC21

To move the following Clause—

“Power of the Scottish Ministers to extend protection to persons of other descriptions

- (1) The Scottish Ministers may by regulations make provision about relevant tenancies, 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, in relation to persons of another description.
- (2) Regulations under subsection (1)—

- (a) may amend, repeal or revoke provision made by or under—
 - (i) an Act of the Scottish Parliament,
 - (ii) an Act (including this Act),
 whenever passed or made;
- (b) may only make provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.”

Member's explanatory statement

This new clause allows the Scottish Ministers, by regulations, to expand the provision made by 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. Clauses 34 and 38 make similar provision for England and Wales.

Secretary Michael Gove

Added Gov NC22

To move the following Clause—

“Interpretation of Chapter 4A

In this Chapter—

“benefits claimant” means a person who—

- (a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation or would be so entitled were the person to become a tenant under a private residential tenancy, or
- (b) is entitled, or would (on application or otherwise), if the person were to rent the property, be entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a);

“benefits and welfare legislation” means—

- (a) the Social Security Contributions and Benefits Act 1992;
- (b) the Jobseekers Act 1995;
- (c) the State Pension Credit Act 2002;
- (d) the Tax Credits Act 2002;
- (e) the Welfare Reform Act 2007;
- (f) the Welfare Reform Act 2012;
- (g) the Pensions Act 2014;
- (h) the Social Security (Scotland) Act 2018 (asp 9);

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

“relevant tenancy” means—

- (a) a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (asp 19);
- (b) an assured tenancy under the Housing (Scotland) Act 1988;

- (c) a protected or statutory tenancy under the Rent (Scotland) Act 1984;
“tenant” includes sub-tenant.”

Member's explanatory statement

This new clause contains definitions relevant to the new Chapter expected to be formed of new clauses for Scotland relating to discriminatory practices in relation to the grant of tenancies. Clauses 36 and 38 make similar provision for England and Wales.

Secretary Michael Gove

Added Gov NC23

To move the following Clause—

“Power of Scottish Ministers to make consequential provision

- (1) The Scottish Ministers may by regulations make provision that is consequential on Chapter 4A of Part 1 (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), as a result of which such regulations are to be made by Scottish statutory instrument).
- (2) Regulations under this section may amend, repeal or revoke provision made by or under—
 - (a) an Act of the Scottish Parliament 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 tenancies entered into, 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 the Scottish Parliament if contained in an Act of that Parliament.
- (6) Regulations made under this section that amend or repeal provision made by an Act of the Scottish Parliament, or by an Act, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (7) Any other regulations made under this section are subject to the negative procedure (see section 28 of that Act).”

Member's explanatory statement

This new clause confers on the Scottish Ministers a power to make consequential amendments relating to Chapter 4A of Part 1 of the Bill (which will comprise the new clauses about discriminatory

practices in relation to the grant of tenancies in Scotland). It is expected to be inserted into Part 5 of the Bill. Clauses 113 and 114 make similar provision for England and Wales.

Secretary Michael Gove

Added Gov NC24

To move the following Clause—

“Power of Secretary of State to extend protection to persons of other descriptions: Scotland

The Secretary of State may by regulations make provision that the Scottish Ministers could make under section (*Power of the Scottish Ministers to extend protection to persons of other descriptions*)(1) but for the limitation in section (*Power of the Scottish Ministers to extend protection to persons of other descriptions*)(2)(b).”

Member's explanatory statement

This new clause is expected to form part of a new Chapter containing clauses relating to discriminatory practices in Scotland, similar to provision made by Chapters 3 and 4 of Part 1 for England and Wales. The power it gives the Secretary of State supplements the power of the Scottish Ministers inserted by NC21.

Secretary Michael Gove

Added Gov NC25

To move the following Clause—

“Landlord redress schemes: no Crown status

A person exercising functions under a landlord redress scheme (other than the Secretary of State) is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and any property held by such a person is not to be regarded as property of, or held on behalf of, the Crown.”

Member's explanatory statement

This new clause makes it clear that people exercising functions under a landlord redress scheme do not have Crown status.

Secretary Michael Gove

Added Gov NC26

To move the following Clause—

“Other amendments in connection with landlord redress schemes

Schedule NS1 contains amendments connected with landlord redress schemes.”

Member's explanatory statement

This new clause introduces new Schedule NS1 which contains amendments connected with landlord redress schemes.

Secretary Michael Gove

Added Gov NC27

To move the following Clause—

“Commencement

- (1) This Act comes into force for the purposes of making regulations on the day on which it is passed.
- (2) For remaining purposes this Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint, subject to subsections (3) to (6).
- (3) Chapter 4 of Part 1 comes into force on such day as the Welsh Ministers by order made by statutory instrument appoint.
- (4) Chapter 4A of Part 1 comes into force on such day as the Scottish Ministers may by regulations appoint (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), as a result of which such regulations are to be made by Scottish statutory instrument).
- (5) The following come into force at the end of the period of two months beginning with the day on which this Act is passed—
 - (a) Chapter 2 of Part 1;
 - (b) section 43;
 - (c) section 82;
 - (d) Chapter 3 of Part 4.
- (6) Section 83 and this Part come into force on the day on which this Act is passed.
- (7) Different days may be appointed under this section for different purposes.”

Member's explanatory statement

This new clause and Amendment 151 and NC28 together replace clause 116 with two clauses, one on commencement and one on application of Chapter 1 of Part 1. This new clause deals with commencement. It includes commencement provision about clauses 81 and 82 and new Chapter 4A of Part 1 (prohibitions on discrimination in relation to tenancies in Scotland) as well as providing for regulation-making powers to commence on Royal Assent. The re-incorporated provisions are re-structured.

Secretary Michael Gove

Added Gov NC28

To move the following Clause—

“Application of Chapter 1 of Part 1

- (1) Chapter 1 of Part 1 applies (subject to any provision made by or under this Act)—
 - (a) in relation to an assured tenancy that is entered into on or after the day on which that Chapter comes into force (“the commencement date”), and

- (b) on and after the extended application date, in relation to an assured tenancy that—
 - (i) was entered into before the commencement date, and
 - (ii) continues in effect on the extended application date,
(and accordingly, on the extended application date any such tenancy becomes an assured tenancy to which section 4A of the 1988 Act, as inserted by section 1 of this Act, applies).
- (2) Schedule 5 contains transitional provision relating to the application of Chapter 1 of Part 1 to assured tenancies referred to in subsection (1)(b) (“existing tenancies”).
- (3) In paragraph (b) of subsection (1) “the extended application date” means—
 - (a) in relation to an assured tenancy referred to in that paragraph that is converted to a periodic tenancy on or after the commencement date but before the date appointed under paragraph (b) of this subsection, the date on which it is so converted;
 - (b) in relation to another assured tenancy referred to in paragraph (b) of subsection (1), a date appointed by the Secretary of State by regulations.
- (4) For the purposes of subsection (3)(a) an assured tenancy is “converted to a periodic tenancy” if and when it becomes a periodic tenancy on the expiry of a fixed term.
- (5) The Secretary of State may not make regulations under subsection (3)(b) until the assessment under section (*Assessment of operation of possession process*) has been published.
- (6) For the purposes of the relevant provisions, a fixed term assured tenancy and a periodic tenancy that arises on its expiry by virtue of section 5 of the 1988 Act are to be treated as a single assured tenancy which—
 - (a) is entered into when the fixed term tenancy was entered into, and
 - (b) becomes a periodic tenancy on the expiry of the fixed term.
- (7) In subsection (6), “the relevant provisions” means—
 - (a) section 5 of the Protection from Eviction Act 1977 as amended by section (*Notices to quit by tenants under assured tenancies: timing*),
 - (b) Part 1 of the 1988 Act as amended by Chapter 1 of Part 1,
 - (c) subsections (1) to (5) of this section, and
 - (d) Schedule 5.
- (8) The Secretary of State may by regulations amend this section to provide for subsection (6) to apply for the purposes of other provision made by or under an Act passed before or later in the same session as this Act.
- (9) A statutory instrument containing regulations under subsection (8) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) Regulations under this section may make different provision for different purposes.

- (11) Regulations under this section are to be made by statutory instrument.
- (12) Nothing in this section prevents regulations made under section (*Commencement*)(2) and (7) from appointing different days for the purposes of different descriptions of assured tenancy and, where they do so, the reference in subsection (1)(a) to the day on which Chapter 1 of Part 1 comes into force is to the day on which that Chapter comes into force for the purposes of the tenancy in question.
- (13) Nothing in this section prevents regulations made under subsections (3)(b) and (10) from appointing different days for the purposes of different descriptions of assured tenancy and, where they do so, the reference in subsection (3)(b) to a date appointed by the Secretary of State in regulations is to a date so appointed for the purposes of the tenancy in question."

Member's explanatory statement

This new clause and Amendment 151 and NC27 together replace clause 116 with two clauses, one dealing with commencement and one dealing with application of Chapter 1 of Part 1. This new clause contains the application provisions with some additional clarificatory provisions. It also changes the meaning of "the relevant provisions" and allows regulations to make further changes.

Secretary Michael Gove

Added Gov NC29

To move the following Clause—

"Assured agricultural occupancies: opting out etc

- (1) The 1988 Act is amended as follows.
- (2) In section 24 (assured agricultural occupancies), after subsection (1) insert—
 - "(1A) Subsection (1) has effect subject to section 24A(1) (opting out)."
- (3) In subsection (2)(a) of that section omit "which is not an assured shorthold tenancy".
- (4) In subsection (3) of that section, for "shall be treated as if it were such a tenancy" substitute ", and every opted-out tenancy, is to be treated as if it were an assured tenancy".
- (5) After that section insert—

"24A Opting out

- (1) A tenancy that would otherwise be an assured agricultural occupancy for the purposes of this Part is not such an occupancy for those purposes if—
 - (a) before the tenancy is entered into, an opt-out notice (see subsection (2)) is served by the person who is to be the landlord on the person who is to be the tenant, and
 - (b) the tenancy is not the continuation of an existing occupancy (see subsection (3)).

- (2) An opt-out notice is a notice, in such form as may be prescribed, stating that the tenancy is not to be an assured agricultural occupancy.
- (3) A tenancy is the continuation of an existing occupancy if—
 - (a) the person to whom the tenancy is granted or, as the case may be, at least one of the persons to whom it is granted was, immediately before it was granted, a tenant under an assured agricultural occupancy, and
 - (b) the person by whom it is granted or, as the case may be, at least one of the persons by whom it is granted was, immediately before it was granted, a landlord under the assured agricultural occupancy referred to in paragraph (a).
- (4) In this Chapter “opted-out tenancy” means a tenancy that, but for this section, would be an assured agricultural occupancy.”
- (6) In section 25 (security of tenure) omit subsection (1).”

Member's explanatory statement

This new clause provides for landlord’s notice pre-tenancy to an agricultural worker, with the effect that the tenancy is not an assured agricultural occupancy (similar to paragraph 9 of Schedule 2A to the 1988 Act, which is omitted). It is expected to go after clause 20.

Secretary Michael Gove

Added Gov NC31

To move the following Clause—

“Local Commissioners’ investigation of complaints by persons who are not tenants

In section 26 of the Local Government Act 1974, at the end of subsection (8) insert “unless—

- (a) the investigation is in respect of action described in paragraph 5A or 5B of that Schedule, and
- (b) the person affected is not an individual of a description whom a scheme approved under Schedule 2 to the Housing Act 1996 (investigation of social housing complaints by housing ombudsman) provides may make a complaint under that scheme in respect of that action.””

Member's explanatory statement

This new clause allows the Local Commissioners to investigate the actions of a local authority acting in its capacity as a social landlord, where the complainant is not a tenant of the local authority. It is expected to be inserted after clause 52.

Secretary Michael Gove

Added Gov NC32

To move the following Clause—

“Unlicensed HMOs and houses: offences

- (1) Section 72 of the Housing Act 2004 (offences in relation to licensing of HMOs) is amended in accordance with subsections (2) to (4).
- (2) For subsection (1) substitute—
 - “(1) If an HMO is required to be licensed under this Part (see section 61(1)) but is not so licensed, an offence is committed by—
 - (a) any person within subsection (1A), and
 - (b) any person who as landlord under a tenancy or licensor under a licence to occupy has an estate or interest in, or a right in relation to, the HMO that is superior (whether directly or indirectly) to the estate, interest or right of any person within subsection (1A).
 - (1A) The following are within this subsection—
 - (a) any person having control of or managing the HMO, and
 - (b) any person who is the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence.”
- (3) After subsection (4) insert—
 - “(4A) In proceedings against a person for an offence under subsection (1)(a) it is a defence for them to prove that they had a reasonable excuse—
 - (a) for having control of or managing the HMO, or
 - (b) for being the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence,in circumstances in which the HMO was required to be licensed under this Part but was not so licensed.
 - (4B) In proceedings against a person for an offence under subsection (1)(b) it is a defence for them to prove that they—
 - (a) did not know, and had a reasonable excuse for not knowing, that the building or part of the building concerned was an HMO,
 - (b) took all reasonably practicable steps to ensure that the HMO was licensed under this Part, or
 - (c) had some other reasonable excuse for failing to ensure that the HMO was so licensed.”
- (4) In subsection (5)—
 - (a) for “subsection (1), (2) or (3)” substitute “subsection (2) or (3)”, and
 - (b) omit paragraph (a) (together with the “or” at the end of it).
- (5) Section 95 of the Housing Act 2004 (offences in relation to licensing of houses under Part 3) is amended in accordance with subsections (6) to (8).

(6) For subsection (1) substitute—

“(1) If a house is required to be licensed under this Part (see section 85(1)) but is not so licensed, an offence is committed by—

- (a) any person within subsection (1A), and
- (b) any person who as landlord under a tenancy or licensor under a licence to occupy has an estate or interest in, or a right in relation to, the house that is superior (whether directly or indirectly) to the estate, interest or right of any person within subsection (1A).

(1A) The following are within this subsection—

- (a) any person having control of or managing the house;
- (b) any person who is the landlord or licensor in relation to a person occupying the house under a tenancy or licence.”

(7) After subsection (3) insert—

“(3A) In proceedings against a person for an offence under subsection (1)(a) it is a defence for them to prove that they had a reasonable excuse—

- (a) for having control of or managing the house, or
- (b) for being the landlord or licensor in relation to a person occupying the house under a tenancy or licence,

in circumstances in which the house was required to be licensed under this Part but was not so licensed

(3B) In proceedings against a person for an offence under subsection (1)(b) it is a defence for them to prove that they—

- (a) did not know, and had a reasonable excuse for not knowing, that the house was one to which this Part applies,
- (b) took all reasonably practicable steps to ensure that the house was licensed under this Part, or
- (c) had some other reasonable excuse for failing to ensure that the house was so licensed.”

(8) In subsection (4)—

- (a) for “subsection (1) or (2)” substitute “subsection (2)”, and
- (b) for the words following “excuse” substitute “for failing to comply with the condition”.

Member's explanatory statement

This new clause, which is expected to be added to Chapter 1 of Part 4 of the Bill, amends the offences in sections 72 and 95 of the Housing Act 2004 so that they can be committed by landlords and licensors and by superior landlords and licensors. It will be possible to make rent repayment orders against all these persons.

Secretary Michael Gove

Added Gov NC33

To move the following Clause—

“Service of improvement notices on landlords and licensors

In Schedule 1 to the Housing Act 2004 (procedure and appeals relating to improvement notices), in paragraph 2(2)—

- (a) after “the notice” insert “on whichever of the following the authority considers ought to take the action specified in it”,
- (b) in paragraphs (a) and (b), omit “on” in each place, and
- (c) after paragraph (b) insert—
 - “(c) (in either case) if the premises or any part of them are let under a tenancy that is periodic or was granted for a term of 21 years or less, or are occupied under a licence—
 - (i) the landlord or licensor;
 - (ii) any superior landlord or licensor.”

Member's explanatory statement

This new clause, which is expected to be added to Chapter 1 of Part 4 of the Bill, allows improvement notices to be served on landlords, licensors, and superior landlords and licensors. It will be possible to make rent repayment orders against recipients if they fail to comply.

Secretary Michael Gove

Added Gov NC34

To move the following Clause—

“Rent repayment orders: liability of directors etc

In the Housing and Planning Act 2016, after section 51 insert—

“51A Landlord which is body corporate: liability of directors etc

- (1) This section applies where—
 - (a) a landlord which is a body corporate has committed an offence to which this Chapter applies, and
 - (b) the offence—
 - (i) was committed with the consent or connivance of a relevant person in relation to the body corporate, or of a person purporting to act in the capacity of a relevant person in relation to the body corporate, or
 - (ii) was a specified offence and was attributable to any neglect on the part of such a person.
- (2) That person, as well as the body corporate, is treated for the purposes of this Chapter as having committed the offence.
- (3) In this Chapter a reference to the landlord includes that person.
- (4) In this section—

“relevant person” means—

- (a) in relation to a body corporate other than one the affairs of which are managed by its members, a director, manager, secretary or other similar officer of the body;
- (b) in relation to a body corporate the affairs of which are managed by its members, a member who exercises functions of management with respect to it;

“specified offence” means an offence under—

- (a) section 1(2) of the Protection from Eviction Act 1977;
- (b) section 30(1), 32(1), 72(1) or 95(1) of the Housing Act 2004;
- (c) section 21 of this Act;
- (d) section 48(1), (2) or (3) or 69(2), (3) or (4) of the Renters (Reform) Act 2024.””

Member's explanatory statement

This new clause provides for it to be possible to make a rent repayment order against a director or other officer of a body corporate which has committed an offence to which Chapter 4 of Part 2 of the Housing and Planning Act 2016 applies. This new clause is expected to be added to Chapter 1 of Part 4 of the Bill.

Secretary Michael Gove

Added Gov NC35

To move the following Clause—

“Report on certain matters relating to tenancy reform

- (1) The Secretary of State must make arrangements for an independent person to prepare a report on—
 - (a) the impact of section 1 on the provision of relevant tenancies;
 - (b) the extent to which the grounds in Schedule 2 to the 1988 Act as amended by this Act—
 - (i) operate effectively;
 - (ii) are comprehensive;
 - (iii) are fair.
- (2) The Secretary of State must, within the period of 18 months beginning with the relevant date, lay before both Houses of Parliament—
 - (a) a copy of the report, and
 - (b) a statement setting out the Secretary of State’s response to the report.
- (3) Nothing in subsection (1) prevents the Secretary of State from arranging for the independent person to include in the report matters additional to those mentioned in that subsection.
- (4) In this section—

“relevant date” means the earliest date appointed by the Secretary of State under section (Application of Chapter 1 of Part 1)(3)(b);

“relevant tenancy” means an assured tenancy within the meaning of the 1988 Act other than a tenancy of social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”

Member's explanatory statement

This new clause requires the Secretary of State to make arrangements for an independent person to prepare a report on certain matters relating to tenancy reform within 18 months of the earliest date appointed by the Secretary of State as the “extended application date” under subsection (3)(b) of the new clause inserted by amendment NC28.

Secretary Michael Gove

Added Gov NC36

To move the following Clause—

“Report on provision of residential tenancies

- (1) The Secretary of State must prepare and lay before both Houses of Parliament a report containing an analysis of statistical data relating to the provision of residential tenancies.
- (2) A report must be prepared and laid under subsection (1)—
 - (a) within the period of 12 months beginning with the day on which this Act is passed, and
 - (b) within each subsequent period of 12 months.
- (3) The data analysed in a report may include (but is not limited to) data about—
 - (a) the number of dwellings let under residential tenancies;
 - (b) the location of those dwellings;
 - (c) the size of those dwellings.
- (4) The data analysed in a report may be data that—
 - (a) is estimated;
 - (b) comprises data relating to the provision of residential tenancies and other data.
- (5) Subject to subsections (6) and (7), in this section “dwelling” and “residential tenancy” have the meaning given by section 44 on the day on which this Act is passed.
- (6) Where regulations under section 44(4)(b) are made adding a particular kind of tenancy or licence to the meaning of “residential tenancy” in Part 2—
 - (a) a report under subsection (1) may also contain an analysis of statistical data relating to tenancies or licences of that kind, and
 - (b) where a report does so, subsections (3) and (4) are to be read as if “residential tenancy” in this section included tenancies or licences of that kind.
- (7) Where regulations under section 44(4)(c) are made expanding the meaning of “dwelling” in Part 2—

- (a) a report under subsection (1) may also contain an analysis of statistical data relating to dwellings within the expanded meaning given by those regulations, and
- (b) where a report does so, subsections (3) and (4) are to be read as if “dwelling” in this section included such dwellings.
- (8) This section ceases to have effect at the end of the period of five years beginning with the day on which this Act is passed.”

Member's explanatory statement

This new clause imposes an ongoing duty on the Secretary of State to prepare and lay before Parliament a report containing an analysis of statistical data relating to the provision of residential tenancies. The duty expires after 5 years.

Anthony Mangnall

Not called NC1

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Simon Jupp
Sir Geoffrey Clifton-Brown [R]
Craig Mackinlay
Mr David Jones
Sir Graham Brady
Sir Bill Wiggin
Jonathan Gullis
Greg Smith
Sir Edward Leigh
Sally-Ann Hart
Lee Anderson
Mr Ian Liddell-Grainger [R]
Mrs Sheryll Murray

Marco Longhi [R]
Kelly Tolhurst
Kevin Foster
Craig Whittaker
Sir Iain Duncan Smith
Andrew Bridgen
Sir Christopher Chope
Sir Gary Streeter [R]
Martin Vickers
John Redwood
Royston Smith
Sir Robert Syms [R]
Philip Davies [R]
Mr Philip Hollobone

Steve Double
John Stevenson
George Freeman
Alicia Kearns
Mr William Wragg
Sir David Davis
Sir Charles Walker
Mark Menzies
Jane Hunt
Chris Green
Miriam Cates
Karl McCartney
Robert Jenrick
Adam Holloway

To move the following Clause—

“Repeal of requirement for selective licensing

Part 3 of the Housing Act 2004 (Selective licensing of other residential accommodation) is repealed.”

Member's explanatory statement

This new clause would remove the ability of local housing authorities to designate areas as subject to selective licensing.

Anthony Mangnall

Not called NC2

Bob Blackman [R]
 Mr Marcus Fysh
 Sir Desmond Swayne [R]
 Nick Fletcher [R]
 Anne Marie Morris [R]

Selaine Saxby
 Steve Double
 John Stevenson
 George Freeman
 Alicia Kearns
 Mr William Wragg
 Sir David Davis
 Sir Charles Walker
 Mark Menzies
 Sir Edward Leigh
 Royston Smith
 Karl McCartney
 Antony Higginbotham
 Mr Philip Hollobone

Marco Longhi [R]
 Simon Jupp
 Sir Geoffrey Clifton-Brown [R]
 Craig Mackinlay
 Mr David Jones
 Sir Graham Brady
 Sir Bill Wiggin
 Jonathan Gullis
 Greg Smith
 Chris Green
 Miriam Cates
 Mr Ian Liddell-Grainger [R]
 Robert Jenrick
 Adam Holloway

Andrew Lewer
 Kelly Tolhurst
 Kevin Foster
 Craig Whittaker
 Sir Iain Duncan Smith
 Andrew Bridgen
 Sir Christopher Chope
 Sir Gary Streeter [R]
 Martin Vickers
 Sally-Ann Hart
 Lee Anderson
 Philip Davies [R]
 Mrs Sheryll Murray

To move the following Clause—

“Expanding the remit of rent repayment orders to company directors

In section 249A of the Housing Act 2004, after subsection (1) insert—

- “(1A) If a local housing authority believes that a relevant housing offence has been committed by a body corporate, it may impose a financial penalty on—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) a person purporting to act in such a capacity,
- if it is satisfied, beyond reasonable doubt, that the offence was committed with the consent or connivance of that person, or that the offence was attributable to any neglect on the part of that person.”

Member's explanatory statement

This new clause would enable local housing authorities to impose financial penalties on certain individuals when it believes a housing offence has been committed by a body corporate.

Anthony Mangnall

Not called NC3

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Steve Double
John Stevenson
George Freeman
Alicia Kearns
Mr William Wragg
Andrew Bridgen
Sir Christopher Chope
Sir Gary Streeter [R]
Martin Vickers
Chris Green
Miriam Cates
Karl McCartney
Antony Higginbotham
Mr Philip Hollobone

Marco Longhi [R]
Simon Jupp
Sir Geoffrey Clifton-Brown [R]
Craig Mackinlay
Mr David Jones
Sir Graham Brady
Sir David Davis
Sir Charles Walker
Mark Menzies
Jane Hunt
Sally-Ann Hart
Lee Anderson
Mr Ian Liddell-Grainger [R]
Robert Jenrick
Adam Holloway

Andrew Lewer
Kelly Tolhurst
Kevin Foster
Craig Whittaker
Sir Iain Duncan Smith
Mr Ranil Jayawardena
Sir Bill Wiggin
Jonathan Gullis
Greg Smith
Sir Edward Leigh
Royston Smith
Sir Robert Syms [R]
Philip Davies [R]
Mrs Sheryll Murray

To move the following Clause—

“Evidence to consider when granting possession order for anti-social behaviour

In section 9A of the 1988 Act, after subsection (2) insert—

“(3) In considering evidence of conduct the court may consider evidence provided by way of hearsay and that evidence will be admissible without notice or permission of the court notwithstanding any rule of the court or the common law.””

Member's explanatory statement

This new clause would enable courts to consider hearsay evidence during the course of proceedings for possession on the grounds of anti-social behaviour.

Caroline Lucas

Not selected NC4

Margaret Greenwood

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.

Matthew Pennycook

Not called NC5

Afzal Khan

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

Not called NC6

Stella Creasy
Afzal Khan

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

Not called NC7

Stella Creasy
Afzal Khan
Margaret Greenwood

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

Not called NC8

Stella Creasy
Afzal Khan
Margaret Greenwood

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

Not called NC10

Afzal Khan

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

Not called NC11

Afzal Khan

Margaret Greenwood

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.

Tim Loughton

Not called NC12

Caroline Lucas
Munira Wilson
Afzal Khan
Henry Smith

To move the following Clause—

“Discrimination relating to care-leaver status

- (1) The provisions of this section apply to individuals who are—
 - (a) a relevant child as defined by section 23A of the Children’s Act 1989;
or
 - (b) a former relevant child as defined by section 23C of the Children’s Act 1989.
- (2) A relevant person must not, in relation to a dwelling that is to be let on a relevant tenancy—
 - (a) on the basis that the individual meets either of the criteria set out in subsection (1), 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,
 - (iv) entering into a tenancy of the dwelling, or
 - (b) apply a provision, criterion or practice in order to make care leavers less likely to enter into a tenancy of the dwelling than people who are not care leavers.
- (3) Subsection (2) 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 33 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 care-leaver,
and the conduct is a means of preventing the prospective landlord from breaching that term.
- (4) Conduct does not breach the prohibition in subsection (2) 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.”

Matthew Pennycook

Not called NC37

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 48	Landlord redress provisions
10	Renters (Reform) Act 2024	Section 69	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 11, 12, 48 or 69 of the Bill.

Munira Wilson

Not called NC38

Helen Morgan
Daisy Cooper
Richard Foord
Wera Hobhouse

To move the following Clause—

“Continuing ability of tenants to sublet

- (1) In any lease of residential property which is not by virtue of this Act an assured tenancy—
 - (a) any provision which restricts subletting to assured shorthold tenancies shall be interpreted to refer to assured tenancies; and
 - (b) any provision which would make the grant of an assured tenancy a breach of that provision shall be void unless—
 - (i) that provision is an absolute prohibition against subletting; or
 - (ii) the lease has less than seven years unexpired.

- (2) Any provision which requires the consent of a landlord or other person to the grant of a subtenancy shall be interpreted so that consent may not be refused on the grounds that the subtenancy is an assured tenancy or on the grounds of any statutory provision of that tenancy."

Member's explanatory statement

This new clause seeks to ensure that persons who are tenants under a long lease can continue to sublet residential premises in circumstances where they were previously permitted to do so under the long lease on the basis that the sublease was an assured shorthold tenancy.

Mrs Natalie Elphicke

Not called NC39

Caroline Lucas
Nadia Whittome
Lloyd Russell-Moyle
Wera Hobhouse

To move the following Clause—

"Payment of relocation payment to tenant

In the Housing Act 1988, after section 11 insert—

"11A Payment of relocation payment in certain cases

- (1) Where a landlord issues a notice of proceedings for possession of a dwelling-house on any of the grounds in Schedule 2 to this Act (except Ground 7A or Ground 14) within two years of the start of the tenancy, the landlord shall pay a relocation payment to the tenant.
- (2) A relocation payment shall be an amount equivalent to—
 - (a) one month's rent in the case of an order for possession on Ground 1 or Ground 1A;
 - (b) two months' rent in the case of an order for possession on any other ground.
- (3) The relocation payment shall be made no less than two weeks before the date specified in the notice of proceedings for possession."

Member's explanatory statement

This new clause would require landlords to pay a "relocation payment" to tenants when evicting them from their property within two years of the start of the tenancy, except on the grounds of crime and antisocial behaviour.

Helen Hayes**Not called NC40**

Ms Marie Rimmer
 Florence Eshalomi
 Stephen Morgan
 Kerry McCarthy
 Dawn Butler

Naz Shah
 Bill Esterson
 Andrew Western
 Barbara Keeley
 Andrew Gwynne
 Andy Slaughter
 Stella Creasy
 Debbie Abrahams
 Sarah Jones
 Vicky Foxcroft
 Ruth Cadbury
 Margaret Greenwood

Sam Tarry
 Alex Sobel
 Jeff Smith
 Matt Western
 Mrs Sharon Hodgson
 Liz Twist
 Fabian Hamilton
 Clive Efford
 Fleur Anderson
 Paul Blomfield
 Stephen Doughty

Ms Lyn Brown
 Dame Diana Johnson
 Sarah Owen
 Kate Hollern
 Sir Mark Hendrick
 Sarah Champion
 Lilian Greenwood
 Olivia Blake
 Kim Leadbeater
 Seema Malhotra
 Ashley Dalton

To move the following Clause—

“Guarantor to have no further liability following death of tenant

- (1) Subject to subsection (3), a guarantee agreement relating to a relevant tenancy ceases to have effect upon the death of a relevant tenant.
- (2) Upon the death of a relevant tenant the guarantor in respect of a relevant tenancy shall incur no further liability in relation to matters arising under the tenancy.
- (3) Nothing in this section shall affect the liability of a guarantor in relation to matters which arose before the date of the death of the relevant tenant.
- (4) In assessing any liability under subsection (3), account shall be taken of any tenancy deposit paid in respect of the tenancy.
- (5) Where there is more than one relevant tenant, this section shall apply only upon the death of both or all of the tenants.
- (6) In this section—
 - “guarantor” means a person who enters into a guarantee agreement in relation to a relevant tenancy;
 - “guarantee agreement” means a contractual promise (whether incorporated in or separate from the tenancy agreement) to indemnify or compensate a relevant person in respect of an obligation under the tenancy if the tenant fails to perform or comply with the obligation;
 - “relevant tenancy” has the same meaning as in section 36, and “relevant tenant” is to be interpreted accordingly;
 - “tenancy deposit” has the same meaning as in section 212(8) of the Housing Act 2004.”

Member's explanatory statement

This new clause would mean that guarantors in relation to a tenancy have no liability for future matters arising from the tenancy after the tenant has died.

Alex Sobel

Not called NC41

Lloyd Russell-Moyle
Paul Blomfield

To move the following Clause—

“Prohibition of requirement for rent guarantors

- (1) A relevant person may not, in relation to a dwelling that is to be let on a relevant tenancy—
 - (a) require the provision of a rental guarantor or an equivalent upfront payment;
 - (b) let the relevant tenancy on the basis of being offered a rental guarantor or an equivalent payment by a prospective tenant.
- (2) For the purposes of this section, “relevant person” and “relevant tenancy” have the meanings given in section 36 of this Act.”

Member's explanatory statement

This new clause would prohibit landlords from requiring prospective tenants to provide rent guarantors or equivalent upfront payments, and prohibit them from prioritising prospective tenants who offer them over those who do not.

Caroline Lucas

Not selected NC42

Afzal Khan

To move the following Clause—

“Energy performance regulations relating to existing premises

- (1) Within six months of the day on which this Act is passed, the Secretary of State must make regulations—
 - (a) to amend the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (S.I. 2015/962) to require that, subject to subsection (2), all tenancies have an Energy Performance Certificate (EPC) of at least Band C by 31 December 2028; and
 - (b) to amend the Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 (S.I. 2019/595) to raise the cost cap to £10,000.
- (2) Regulations under subsection (1) must provide for exemptions to apply where—
 - (a) the occupier of any premises whose permission is needed to carry out works refuses to give such permission;
 - (b) it is not technically feasible to improve the energy performance of the premises to the level of EPC Band C.”

Member's explanatory statement

This new clause would upgrade the Minimum Energy Efficiency Standards for private rental properties to EPC C.

Secretary Michael Gove

Agreed to Gov 200

Clause 1, page 1, line 11, at end insert “, or

“(b) for periods of the tenancy to be different from the periods for which rent is payable (“rent periods”).”

Member's explanatory statement

This amendment, together with amendment 201, ensures that the periods of all assured tenancies will be the same as the rent periods (which are governed by the new section 4A(3) and (4)).

Anthony Mangnall

Not selected 10

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Steve Double
Kevin Foster
Mr David Jones
Sir Graham Brady
Sir Bill Wiggin
Sir Jacob Rees-Mogg [R]
Miriam Cates
Nigel Mills [R]
Suella Braverman [R]
Damien Moore
Adam Afriyie
Kelly Tolhurst
Richard Fuller
Sir Alec Shelbrooke
Henry Smith

Marco Longhi [R]
Simon Jupp
Craig Mackinlay
Sir Iain Duncan Smith
Andrew Bridgen
Sir Christopher Chope
Sir Edward Leigh
Sir Robert Syms [R]
Sir William Cash
Robert Jenrick
Miss Sarah Dines [R]
Richard Drax [R]
Lia Nici
Karl McCartney
Priti Patel

Andrew Lewer
Sir Geoffrey Clifton-Brown [R]
Craig Whittaker
Mr William Wragg
Sir David Davis
Greg Smith
Royston Smith
Mr Ian Liddell-Grainger [R]
Kit Malthouse
Mr Philip Hollobone
Dr Caroline Johnson
Mr Ranil Jayawardena
Sir John Whittingdale [R]
Mr Mark Francois
Sir Gavin Williamson

Clause 1, page 1, line 11, at end insert “, unless the landlord and the tenant mutually agree to have a fixed term during which period the landlord agrees to suspend the ability to seek possession under Ground 1 (Occupation by landlord or family), Ground 1A (Sale of dwelling-house) or Ground 6 (Redevelopment) of Schedule 2.

(1A) During a fixed term tenancy agreed under subsection (1) the landlord shall not be entitled to increase the rent as provided for by section 13.”

Secretary Michael Gove

Agreed to Gov 201

Clause 1, page 1, line 13, after “(1)” insert “(a) or (b)”

Member's explanatory statement

See the explanatory statement for amendment 200.

Secretary Michael Gove

Agreed to Gov 202

Clause 1, page 1, line 14, leave out “those for which rent is payable” and insert “the rent periods”

Member's explanatory statement

This amendment is consequential on amendment 200.

Secretary Michael Gove

Agreed to Gov 203

Clause 1, page 1, line 16, leave out “periods for which rent is payable (“rent periods”)” and insert “rent periods”

Member's explanatory statement

This amendment is consequential on amendment 200.

Secretary Michael Gove

Agreed to Gov 204

Clause 1, page 2, line 1, leave out “about rent periods” and insert “of an assured tenancy”

Member's explanatory statement

This amendment is a very minor technical change intended to bring the wording of new section 4A(4) into line with the wording of new section 4A(2).

Secretary Michael Gove

Agreed to Gov 205

Clause 3, page 3, line 3, at end insert “, or

- (b) where the court has exercised the power conferred by section 8(1)(b), the period of 14 days beginning—
 - (i) if the court considers it just and equitable, with the date on which any purported notice under section 8 (within the meaning given by section 16E(8)) was served on the tenant;
 - (ii) otherwise, with the date on which the proceedings for possession began.”

Member's explanatory statement

This amendment changes the new subsection (5B) inserted by clause 3(2)(b) of the Bill to make clear how it applies in a case in which the court has waived the requirement for a possession notice.

Secretary Michael Gove

Agreed to Gov 57

Clause 3, page 3, line 21, after “2ZB,” insert “2ZC, 2ZD”

Member's explanatory statement

This amendment is consequential on amendments 161 and 164.

Matthew Pennycook

Not called 14

John McDonnell

Clause 3, page 3, leave out lines 21 to 23 and insert—

"1, 1A, 1B, 2, 2ZA, 2ZB, 4A, 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"

Secretary Michael Gove

Agreed to Gov 56

Clause 3, page 3, line 22, after "5D," insert "5H,"

Member's explanatory statement

This amendment adds the new Ground 5H (possession of stepping stone accommodation) inserted by amendment 175 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.

Secretary Michael Gove

Agreed to Gov 58

Clause 3, page 3, line 32, leave out "2ZB" and insert "2ZC"

Member's explanatory statement

This amendment is consequential on amendment 161.

Secretary Michael Gove

Agreed to Gov 59

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

"(5B) A notice given by an intermediate landlord under Ground 2ZB is to be treated, when the superior tenancy ends, as a notice given by the person who became the landlord by virtue of section 18 under Ground 2ZD."

Member's explanatory statement

This amendment is consequential on amendments 161 and 164.

Matthew Pennycook

Not called 15

Clause 3, page 3, line 33, 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.”

Secretary Michael Gove

Agreed to Gov 206

Clause 3, page 3, line 33, at end insert—

- “(4) After section 8 of the 1988 Act insert—

“8ZA Disapplication of conditions where notice dispensed with

- (1) Where a landlord seeks to recover possession on Ground 4A in Schedule 2 and the court exercises the power conferred by section 8(1)(b), the court may disapply paragraph (c) of that ground if—
 - (a) a purported notice under section 8 was served on the tenant which—
 - (i) specified the ground, and
 - (ii) in purported compliance with section 8(3)(b), specified a date falling within the period beginning with 1 June and ending with 30 September in any year,
 - (b) the proceedings for possession began on or after the date so specified, and
 - (c) the court considers it just and equitable to disapply paragraph (c) of the ground.
- (2) Where a landlord seeks to recover possession on Ground 5G in Schedule 2 and the court exercises the power conferred by section 8(1)(b), the court may disapply paragraph (b) of that ground if—
 - (a) a purported notice under section 8 was served on the tenant which—
 - (i) specified the ground, and
 - (ii) in purported compliance with section 8(3)(b), specified a date that was no more than 12 months after the date on which the local housing authority notified the landlord as mentioned in paragraph (a) of the ground,
 - (b) the proceedings for possession began on or after the date so specified, and
 - (c) the court considers it just and equitable to disapply paragraph (b) of the ground.
- (3) Where a landlord seeks to recover possession on Ground 6 in Schedule 2 and the court exercises the power conferred by section 8(1)(b), the court may disapply paragraph (aa)(ii) of that ground if—
 - (a) a purported notice under section 8 was served on the tenant which—

- (i) specified the ground, and
 - (ii) in purported compliance with section 8(3)(b), specified a date that was less than 12 months after the date on which the dwelling-house was transferred to the landlord,
 - (b) the proceedings for possession began on or after the date so specified, and
 - (c) the court considers it just and equitable to disapply paragraph (aa)(ii) of the ground.
- (4) In this section “purported notice under section 8” has the meaning given by section 16E(8).”

Member's explanatory statement

This amendment provides for circumstances in which the court can disapply aspects of possession grounds that relate to the timing of a possession notice or of proceedings, where the court has waived the requirement for a possession notice.

Matthew Pennycook

Not called 21

Afzal Khan

Clause 6, page 7, line 4, 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.

Secretary Michael Gove

Agreed to Gov 207

Clause 6, page 7, line 4, at end insert—

“13B Challenge to validity of notice to increase rent

Where a tenant under an assured tenancy makes an application to the appropriate tribunal in the prescribed form, the tribunal may determine whether a notice served on the tenant under section 13(2) or 13A(2) is valid.”

Member's explanatory statement

This amendment adds a new section to the 1988 Act which allows a tenant under an assured tenancy to challenge the validity of a notice to increase the rent in the First-tier Tribunal (instead of in the county court, which is currently the forum for such challenges).

Caroline Lucas

Not called 261

Clause 7, page 8, line 2, at end insert—

“(c) in paragraph (c), at end insert—

“and,

(d) that it was financed or part-financed by a means-tested grant”.

Member's explanatory statement

This amendment will prevent rents from being increased by a tribunal as a consequence of improvements to properties that have been financed or part-financed by a means-tested grant.

Matthew Pennycook

Not called 22

Afzal Khan
Margaret Greenwood

Clause 7, page 8, line 9, 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

Not called 13

Margaret Greenwood

Clause 7, page 8, line 20, 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

Not called 23

Afzal Khan

Clause 7, page 9, line 5, 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

Not called 24

Afzal Khan

Clause 7, page 9, line 6, leave out subsection (4) and insert—

“(4A) 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

Not called 31

Clause 9, page 9, line 29, leave out “42nd” and insert “28th”

Member's explanatory statement

This amendment would ensure a landlord gives or refuses consent in writing within 28 days of the request being made.

Matthew Pennycook

Not called 32

Afzal Khan

Clause 9, page 9, line 30, 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.

Secretary Michael Gove

Agreed to Gov 60

Clause 11, page 13, line 8, after “2ZB,” insert “2ZC, 2ZD”

Member's explanatory statement

This amendment is consequential on amendments 161 and 164.

Secretary Michael Gove

Agreed to Gov 208

Clause 11, page 13, line 8, leave out “4A,”

Member's explanatory statement

This amendment is consequential on amendment 227 and removes the mention of the new student house possession ground 4A from the inserted section 16D(3) of the 1988 Act, since amendment 227 inserts a stronger requirement for prior notice if a landlord is to gain possession using that ground.

Secretary Michael Gove

Agreed to Gov 61

Clause 11, page 13, line 8, leave out “5G” and insert “5H”

Member's explanatory statement

This amendment allows a landlord to state on or before the start of the tenancy a wish to rely on the new Ground 5H (possession of stepping stone accommodation) inserted by amendment 175.

Secretary Michael Gove

Agreed to Gov 209

Clause 12, page 14, line 8, leave out “the landlord is not” and insert “the person does not reasonably believe the landlord to be”

Member's explanatory statement

This amendment ensures that a landlord, or another person acting or purporting to act on the landlord's behalf, cannot be penalised for wrongly relying on a ground for possession where they reasonably believe that the landlord is entitled to rely on it.

Secretary Michael Gove

Agreed to Gov 63

Clause 12, page 14, line 11, after "2ZB," insert "2ZC, 2ZD"

Member's explanatory statement

This amendment is consequential on amendments 161 and 164.

Secretary Michael Gove

Agreed to Gov 210

Clause 12, page 14, line 11, leave out "4A,"

Member's explanatory statement

This amendment is consequential on amendment 227 and removes the mention of the new student house possession ground 4A from the inserted section 16E(2) of the 1988 Act, since amendment 227 inserts a stronger requirement for prior notice if a landlord is to gain possession using that ground.

Secretary Michael Gove

Agreed to Gov 62

Clause 12, page 14, line 11, leave out "5G" and insert "5H"

Member's explanatory statement

This amendment provides that a landlord must not rely on the new Ground 5H (possession of stepping stone accommodation) inserted by amendment 175 to gain possession if they did not state on or before the start of the tenancy a wish to rely on it. If they do rely on it, they may be subject to a penalty.

Secretary Michael Gove

Agreed to Gov 211

Clause 12, page 14, leave out lines 14 to 18

Member's explanatory statement

This amendment removes new section 16E(2)(f) of the 1988 Act inserted by clause 12 because it substantially overlaps with section 16E(2)(d).

Nadia Whittome

Not called 38

Caroline Lucas
Afzal Khan
Ian Byrne
Charlotte Nichols
Kate Osborne

Lloyd Russell-Moyle
Sam Tarry
Paul Blomfield
Jon Trickett

Paula Barker
Bell Ribeiro-Addy
Mick Whitley
Debbie Abrahams

Zarah Sultana
Yasmin Qureshi
Margaret Greenwood

Clause 12, page 14, line 18, at end insert—

- “(g) unreasonably refuse home adaptations for the purposes of a disabled person's access to or usage of the home.”

Helen Morgan

Not called 11

Munira Wilson

Clause 12, page 14, line 21, after “dwelling-house” insert “or the 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.

Secretary Michael Gove

Agreed to Gov 64

Clause 12, page 14, line 22, at end insert “, or

- (b) permit a person to occupy the dwelling-house—
- (i) under a licence to occupy, and
 - (ii) for monetary consideration,
- except in the circumstances mentioned in subsection (3A).

(3A) The circumstances are that—

- (a) the relevant person relied on Ground 1 and persons mentioned in paragraphs (a) to (d) of Ground 1 also occupy the dwelling-house and do so as their only or principal home, or
- (b) the relevant person relied on Ground 1A, the licensee has agreed to purchase the landlord's interest in the dwelling-house and the licence to occupy is granted in anticipation of that purchase.”

Member's explanatory statement

This amendment prohibits granting a licence to occupy a dwelling-house in exchange for money (e.g. on a holiday let) within the 3 month restricted period after the landlord has relied on Ground 1 (landlord or family to occupy) or 1A (sale) to gain possession of it, with certain exceptions.

Helen Morgan

Not called 1

Munira Wilson

Clause 12, page 14, line 26, after “dwelling-house” insert “or the 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.

Secretary Michael Gove

Agreed to Gov 65

Clause 12, page 14, line 27, at end insert—

- “(ab) within the restricted period, market the dwelling-house to be occupied—
- (i) under a licence to occupy, and
 - (ii) for monetary consideration,”

Member's explanatory statement

This amendment prohibits a relevant person from, within the 3 month restricted period after the landlord has relied on Ground 1 (possession for landlord or family to occupy) or 1A (possession for sale) to gain possession of it, marketing the dwelling-house to be occupied under a licence for money (for example, on a holiday let).

Helen Morgan

Not called 2

Munira Wilson

Clause 12, page 14, line 28, after “dwelling-house” insert “or the 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.

Secretary Michael Gove

Agreed to Gov 66

Clause 12, page 14, line 31, at end insert “, or

- (c) authorise another person to market the dwelling-house to be occupied—
- (i) under a licence to occupy, and
 - (ii) for monetary consideration,
- so far as the authorisation would allow that other person to market it within the restricted period.”

Member's explanatory statement

This amendment prohibits a relevant person from authorising someone to market the dwelling-house within the 3 month restricted period after the landlord has relied on Ground 1 (possession for landlord or family to occupy) or 1A (possession for sale) to gain possession of it, to be occupied under a licence in exchange for money (for example, on a holiday let).

Secretary Michael Gove

Agreed to Gov 67

Clause 12, page 14, line 31, at end insert—

- “(4A) Subsection (3) does not apply where the relevant person relies on Ground 1 and the letting is to, or the licensee is, a person mentioned in paragraphs (a) to (d) of that ground.
- (4B) Subsection (4) does not apply where the relevant person relies on Ground 1 and the marketing is in connection with letting to or occupation under a licence by a person mentioned in paragraphs (a) to (d) of that ground.
- (4C) Paragraphs (ab) and (c) of subsection (4) do not apply to marketing or authorisation of marketing where the purpose of the marketing is to secure that the dwelling-house is occupied in circumstances mentioned in subsection (3A).”

Member's explanatory statement

This amendment permits letting/licensing to a person mentioned in Ground 1 (occupation by landlord or relatives) or marketing in connection with those things, during the 3 month restricted period after relying on that ground. It makes amendments 65 and 66 subject to the exceptions mentioned in amendment 64.

Secretary Michael Gove

Agreed to Gov 212

Clause 12, page 15, line 3, leave out from “but” to end of line 4 and insert—

- “(a) purports—
- (i) to be such a notice, or
 - (ii) to bring an assured tenancy to an end, or
- (b) asserts that the landlord is or may be entitled to rely on a specified ground in Schedule 2 in relation to an assured tenancy and requests or requires that the tenancy is brought to an end,
- and is not a claim form or a document produced pursuant to proceedings in the court for possession of the dwelling-house;”

Member's explanatory statement

This amendment clarifies the meaning of “purported notice under section 8” and reflects the fact that such a notice does not itself bring a tenancy to an end.

Helen Morgan

Not called 3

Kit Malthouse
Munira Wilson

Clause 12, page 15, line 15, 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

Not called 35

Clause 12, page 15, line 15, leave out "three" and insert "twelve"

Member's explanatory statement

This amendment would extend the restricted period in relation to a tenancy in relation to which Ground 1 or 1A in Schedule 2 is relied on from three to twelve months.

Matthew Pennycook

Not called 36

Clause 12, page 15, line 17, leave out subsection (b)

Member's explanatory statement

This amendment would ensure that the restricted period is as specified in (8)(a) in all circumstances.

Secretary Michael Gove

Agreed to Gov 68

Clause 12, page 15, line 25, at end insert—

“(1A) For the purposes of section 16E a person markets a dwelling-house to be occupied under a licence when—

- (a) the person advertises that the dwelling-house is or may be available to be occupied under a licence, or
- (b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.”

Member's explanatory statement

This amendment applies the existing provision about marketing to marketing in relation to licences.

Secretary Michael Gove

Agreed to Gov 69

Clause 12, page 15, line 26, leave out "subsection (1)(a) does" and insert "subsections (1)(a) and (1A)(a) do"

Member's explanatory statement

This amendment is consequential on amendment 68.

Secretary Michael Gove

Agreed to Gov 70

Clause 12, page 15, line 34, leave out "whom to let" and insert "occupy"

Member's explanatory statement

This amendment to the defined term "prospective landlord" reflects the fact that the section is to concern marketing for occupation under licences as well as tenancies.

Secretary Michael Gove

Agreed to Gov 71

Clause 12, page 15, line 35, leave out "tenant" and insert "occupier"

Member's explanatory statement

This amendment to the defined term "prospective tenant" makes the term more suitable now that the section amended is to concern marketing for occupation under licences as well as tenancies.

Secretary Michael Gove

Agreed to Gov 72

Clause 12, page 15, line 36, leave out "let" and insert "occupy"

Member's explanatory statement

This amendment reflects the fact that the section is to concern marketing for occupation under licences as well as tenancies.

Secretary Michael Gove

Agreed to Gov 73

Clause 12, page 15, line 42, leave out "tenant" and insert "occupier"

Member's explanatory statement

This amendment is consequential on amendment 71.

Secretary Michael Gove

Agreed to Gov 74

Clause 12, page 16, line 2, leave out "tenant" and insert "occupier"

Member's explanatory statement

This amendment is consequential on amendment 71.

Secretary Michael Gove

Agreed to Gov 75

Clause 12, page 16, line 4, leave out "tenant" and insert "occupier"

Member's explanatory statement

This amendment is consequential on amendment 71.

Secretary Michael Gove

Agreed to Gov 213

Clause 14, page 18, line 13, leave out from "it," to first "the" in line 21 and insert ", and
"(b)"

Member's explanatory statement

This amendment is consequential on amendment 211.

Secretary Michael Gove

Agreed to Gov 214

Clause 14, page 18, leave out lines 24 and 25 and insert—

"(2) Subsections (6) and (8) of section 16E apply for the purposes of this section as they apply for the purposes of that section."

Member's explanatory statement

This amendment applies the interpretive provisions in new section 16E for the purposes of new section 16I more generally.

Secretary Michael Gove

Agreed to Gov 195

Clause 14, page 21, line 9, after "London" insert "(in its capacity as a local authority)"

Member's explanatory statement

This amendment makes it clear that the reference to the Common Council of the City of London in the new section 16K inserted by clause 14 is to that Council in its capacity as a local authority.

Secretary Michael Gove

Agreed to Gov 215

Clause 16, page 24, line 39, at beginning insert "being a landlord under a tenancy to which section 16E applies, or acting or purporting to act on behalf of such a landlord, and, in relation to that tenancy,"

Member's explanatory statement

This amendment clarifies the effect of the Crown application provisions in clause 16 in relation to the new section 16I(1) of the Housing Act 1988 inserted by clause 14.

Secretary Michael Gove

Agreed to Gov 216

Clause 16, page 24, line 39, leave out from “the” to end of line 3 on page 25 and insert “condition in paragraph (a) of section 16l(1) where the condition in paragraph (b) of section 16l(1) is also satisfied,”

Member's explanatory statement

This amendment is consequential on amendment 211.

Secretary Michael Gove

Agreed to Gov 217

Clause 16, page 25, line 6, leave out “16l(4)” and insert “16l(5)”

Member's explanatory statement

This amendment corrects an incorrect cross-reference.

Secretary Michael Gove

Agreed to Gov 76

Page 25, line 10, leave out Clause 17

Member's explanatory statement

This amendment would leave out clause 17 of the Bill which is intended to be replaced by new clause NC15.

Anthony Mangnall

Not called 6

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Steve Double
John Stevenson
George Freeman
Alicia Kearns
Mr William Wragg
Sir David Davis
Sir Charles Walker
Mark Menzies
Sir Jacob Rees-Mogg [R]
John Redwood
Royston Smith
Sir Robert Syms [R]
Philip Davies [R]
Antony Higginbotham
Sarah Atherton [R]
Mr Philip Hollobone
Brendan Clarke-Smith [R]
Adam Holloway

Marco Longhi [R]
Simon Jupp
Sir Geoffrey Clifton-Brown [R]
Craig Mackinlay
Mr David Jones
Sir Graham Brady
Sir Bill Wiggins
Jonathan Gullis
Greg Smith
Martin Vickers
Chris Green
Miriam Cates
Karl McCartney
Nigel Mills [R]
Suella Braverman [R]
Robert Jenrick
Damien Moore
Miss Sarah Dines [R]

Andrew Lewer
Kelly Tolhurst
Kevin Foster
Craig Whittaker
Sir Iain Duncan Smith
Andrew Bridgen
Sir Christopher Chope
Sir Gary Streeter [R]
Philip Dunne [R]
Sir Edward Leigh
Sally-Ann Hart
Lee Anderson
Mr Ian Liddell-Grainger [R]
Sir William Cash
Holly Mumby-Croft
Mrs Sheryll Murray
Jill Mortimer
Lia Nici

Clause 17, page 25, line 18, after "given" insert "not earlier than four months after a tenant first occupies the premises and"

Member's explanatory statement

This amendment would mean that tenants cannot give notice to quit until they have resided in the property for at least four months.

Secretary Michael Gove

Agreed to Gov 77

Clause 20, page 26, line 16, after "22B," insert "22C, 22D"

Member's explanatory statement

This amendment is consequential on amendments 161 and 164.

Secretary Michael Gove

Agreed to Gov 78

Clause 22, page 27, line 29, leave out "116(4)" and insert "*(Application of Chapter 1 of Part 1)(3)*"

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 79

Clause 22, page 28, line 25, leave out "116(4)" and insert "*(Application of Chapter 1 of Part 1)(1)(a)*"

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 80

Clause 22, page 29, line 4, leave out "116(4)" and insert "*(Application of Chapter 1 of Part 1)(3)*"

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 218

Clause 22, page 29, line 10, at end insert—

"(7A) Omit section 215C"

Member's explanatory statement

This amendment is an additional amendment of the Housing Act 2004 regarding tenancy deposit protection, arising from the repeal of section 21 of the 1988 Act. It repeals a transitional provision in the 2004 Act.

Secretary Michael Gove

Agreed to Gov 219

Clause 25, page 29, line 32, at end insert—

“(1A) In section 133 of the 1988 Act (consent required for certain subsequent disposals), in subsection (11)(f), for “4” substitute “3D”.”

Member's explanatory statement

This amendment is consequential on subsection (1) of this clause.

Secretary Michael Gove

Agreed to Gov 220

Clause 25, page 29, line 32, at end insert—

“(1B) In section 13 of the Landlord and Tenant Act 1985 (leases to which section 11 applies: general rule)—

- (a) in subsection (1A)(b) omit “or more”;
- (b) after subsection (1A) insert—

“(1AA) Section 11 also applies to a lease of a dwelling-house in England granted on or after the day on which section 166 of the Localism Act 2011 came into force which is a tenancy for a fixed term of more than seven years that—

- (a) would be an assured tenancy if it were not for a term of more than seven years,
 - (b) is not a shared ownership lease, and
 - (c) is granted by a private registered provider of social housing.”;
- (c) in subsection (1B), for “In subsection (1A)” substitute “In this section”.”

Member's explanatory statement

This amendment ensures that long tenancies that would contain statutory repairing obligations if granted now will still contain those obligations even if they are granted after clause 25 comes into force (such that they are not assured tenancies).

Secretary Michael Gove

Agreed to Gov 81

Clause 27, page 30, line 24, after “on” insert “an agreement which may give rise to”

Member's explanatory statement

This amendment makes it clear that things done in relation to a future tenancy are not excluded merely because it is possible that the dwelling will not be the tenant's principal home (since in a case in which it is not the tenant's principal home, the tenancy would not be an assured tenancy).

Secretary Michael Gove

Agreed to Gov 82

Clause 27, page 30, line 26, after "would" insert "or may"

Member's explanatory statement

This amendment aligns this provision with the similar one being inserted for Scotland and ensures that a landlord or agent is prohibited from discriminating against people with children on that basis even if they were not sure that children would live with or visit the person.

Secretary Michael Gove

Agreed to Gov 83

Clause 28, page 31, line 29, after "on" insert "an agreement which may give rise to"

Member's explanatory statement

This amendment makes it clear that things done in relation to a future tenancy are not excluded merely because it is possible that the dwelling will not be the tenant's principal home (since in a case in which it is not the tenant's principal home, the tenancy would not be an assured tenancy).

Secretary Michael Gove

Agreed to Gov 84

Clause 28, page 31, line 31, after "is" insert "or may be"

Member's explanatory statement

This amendment aligns this provision with the similar one being inserted for Scotland and ensures that a landlord or agent is prohibited from discriminating against benefits claimants on that basis even if they were not sure that the person was a benefits claimant.

Secretary Michael Gove

Agreed to Gov 85

Clause 28, page 32, line 5, leave out "prospective landlord" and insert "insured"

Member's explanatory statement

This amendment ensures that the closing words of clause 28(2) refer back to either the prospective landlord or the superior landlord mentioned in the opening words, and match clause 27(2).

Tim Loughton

Not called 43

Clause 29, page 32, line 23, leave out "section 27 or 28" and insert "sections 27, 28 or [*Discrimination relating to care-leaver status*]"

Tim Loughton

Not called 44

Clause 30, page 34, line 21, at end insert—

- “(5) 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) a relevant child as defined by section 23A of the Children’s Act 1989; or
 - (b) a former relevant child as defined by section 23C of the Children’s Act 1989.
- (6) Subsection (5) does not apply if the landlord or a superior landlord is insured under a contract of insurance—
- (a) to which section 33 does not apply, and
 - (b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the tenant from being a relevant or former relevant child.

and the provision in the tenancy is a means of preventing the insured from breaching that term.”

Tim Loughton

Not called 45

Clause 31, page 35, line 12, at end insert—

- “(4A) 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 prohibiting the tenant from being—
- (a) a relevant child as defined by section 23A of the Children’s Act 1989; or
 - (b) a former relevant child as defined by section 23C of the Children’s Act 1989.
- (4B) Subsection (4A) does not apply if the landlord under the lease or a superior landlord is insured under a contract of insurance—
- (a) to which section 33 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 relevant or former relevant child.

and the provision in the lease is a means of preventing the insured from breaching that term.”

Tim Loughton

Not called 46

Clause 32, page 35, line 30, at end insert—

- “(3) 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) a relevant child as defined by section 23A of the Children's Act 1989; or
- (b) a former relevant child as defined by section 23C of the Children's Act 1989."

Tim Loughton

Not called 47

Clause 33, page 36, line 2, at end insert—

"(2A) 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) a relevant child as defined by section 23A of the Children's Act 1989; or
- (b) a former relevant child as defined by section 23C of the Children's Act 1989."

Secretary Michael Gove

Agreed to Gov 86

Clause 34, page 36, line 8, leave out "amend this Chapter so as to"

Member's explanatory statement

This amendment is consequential on amendment 87.

Secretary Michael Gove

Agreed to Gov 87

Clause 34, page 36, line 12, at end insert—

"(2) Regulations under subsection (1) may amend, repeal or revoke provision made by or under an Act, whenever passed or made (including this Act)."

Member's explanatory statement

This amendment makes the power of the Secretary of State match those of the Welsh and Scottish Ministers, by allowing regulations that make corresponding provision to amend any Act or secondary legislation, not just this Chapter.

Secretary Michael Gove

Agreed to Gov 88

Clause 36, page 36, line 19, after "payments" insert "(including payments made directly to a landlord)"

Member's explanatory statement

This amendment makes it clear that entitlement to payments which are made directly to a landlord may qualify a person as a benefits claimant.

Secretary Michael Gove

Agreed to Gov 89

Clause 36, page 36, line 22, at end insert—

- “(b) is entitled to payments (including payments made directly to a landlord) under or by virtue of the Jobseekers Act 1995, the State Pension Credit Act 2002, the Tax Credits Act 2002, the Welfare Reform Act 2007 or the Pensions Act 2014,
- (c) is in receipt of a reduction in the amount of council tax payable in respect of the person’s current home under a scheme made by a billing authority under or by virtue of section 13A of the Local Government Finance Act 1992, or
- (d) would be entitled to a reduction in the amount of council tax payable in respect of the dwelling in question under a scheme made by the billing authority in whose area the dwelling is situated under or by virtue of section 13A of the Local Government Finance Act 1992, if the person were to—
 - (i) rent the dwelling on a relevant tenancy, and
 - (ii) if an application is a precondition of entitlement, apply to the billing authority for a reduction under the scheme.”

Member's explanatory statement

This amendment amends the definition of “benefits claimant” which applies for the purposes of the provisions of the Bill about discrimination on the basis of children or benefits status, by adding to the list of benefits legislation and adding persons who would be eligible for a council tax discount under the billing authority’s reductions scheme or who already receive a reduction.

Secretary Michael Gove

Agreed to Gov 90

Clause 36, page 36, line 27, after “on” insert “an agreement which may give rise to”

Member's explanatory statement

This amendment makes it clear that a proposed letting is not excluded merely because it is possible that the dwelling will not be the tenant’s principal home (since in a case in which it is not the tenant’s principal home, the tenancy would not be an assured tenancy).

Secretary Michael Gove

Agreed to Gov 91

Clause 36, page 37, line 2, at end insert—

- “(2) In this Chapter a reference to doing something on the basis of particular facts includes reference to doing it on the basis of a belief in those facts.”

Member's explanatory statement

This amendment is to make it clear that the prohibition applies where the relevant person believes the person against whom they are discriminating would have a child live with or visit them, or is a benefits claimant, even if that belief is erroneous.

Secretary Michael Gove

Agreed to Gov 92

Clause 37, page 37, line 23, after "annedd" insert ", neu y gallai plentyn fyw gyda pherson neu ymweld â pherson yn yr annedd,"

Member's explanatory statement

This amendment aligns this provision with the similar one being inserted for Scotland and ensures that it is an offence for a landlord or agent to discriminate against people with children on that basis even if they were not sure that children would live with or visit the person.

Secretary Michael Gove

Agreed to Gov 93

Clause 37, page 38, line 12, leave out "darpar landlord" and insert "person sydd wedi ei yswirio"

Member's explanatory statement

This amendment ensures that the closing words of section 8A(3) that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 refer back to either the prospective landlord or the superior landlord mentioned in the opening words.

Secretary Michael Gove

Agreed to Gov 94

Clause 37, page 38, line 19, after "bod person yn hawlydd budd-daliadau" insert "neu y gallai fod yn hawlydd budd-daliadau"

Member's explanatory statement

This amendment aligns this provision with the similar one being inserted for Scotland and ensures that it is an offence for a landlord or agent to discriminate against benefits claimants on that basis even if they were not sure that the person was a benefits claimant.

Secretary Michael Gove

Agreed to Gov 95

Clause 37, page 38, line 41, leave out "darpar landlord" and insert "person sydd wedi ei yswirio"

Member's explanatory statement

This amendment ensures that the closing words of section 8B(2) that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 refer back to either the prospective landlord or the superior landlord mentioned in the opening words.

Secretary Michael Gove

Agreed to Gov 96

Clause 37, page 42, leave out lines 5 to 10

Member's explanatory statement

This amendment removes section 8J which the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019. The substance of section 8J is reinserted into the Bill by a new clause.

Secretary Michael Gove

Agreed to Gov 97

Clause 37, page 42, line 11, leave out "8K" and insert "8J"

Member's explanatory statement

This amendment is consequential on amendment 96.

Secretary Michael Gove

Agreed to Gov 98

Clause 37, page 42, line 22, after "taliadau" insert "(gan gynnwys taliadau a wneir yn uniongyrchol i landlord)"

Member's explanatory statement

This amendment is to the text that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 and makes it clear that entitlement to payments which are made directly to a landlord may qualify a person as a benefits claimant.

Secretary Michael Gove

Agreed to Gov 99

Clause 37, page 42, line 26, at end insert—

- “(b) sydd â hawl i gael taliadau (gan gynnwys taliadau a wneir yn uniongyrchol i landlord) o dan neu yn rhinwedd Deddf Ceiswyr Gwaith 1995, Deddf Credyd Pensiwn y Wladwriaeth 2002, Deddf Credydau Treth 2002, Deddf Diwygio Lles 2007 neu Ddeddf Pensiynau 2014,
- (c) sy’n cael gostyngiad yn swm y dreth gyngor sy’n daladwy mewn perthynas â chartref presennol y person o dan gynllun a wneir gan awdurdod bilio o dan neu yn rhinwedd adran 13A o Ddeddf Cyllid Llywodraeth Leol 1992, neu
- (d) a fyddai â’r hawl i gael gostyngiad yn swm y dreth gyngor sy’n daladwy mewn perthynas â’r annedd o dan sylw o dan gynllun a wneir gan yr awdurdod bilio y mae’r annedd yn ei ardal o dan neu yn rhinwedd adran 13A o Ddeddf Cyllid Llywodraeth Leol 1992, pe bai’r person—
 - (i) yn rhentu’r annedd o dan gontract meddiannaeth, a
 - (ii) os yw gwneud cais yn rhagamod ar gyfer hawlio gostyngiad, yn gwneud cais i’r awdurdod bilio am ostyngiad o dan y cynllun.”

Member's explanatory statement

This amendment expands the definition of “benefits claimant” which applies for the purposes of the provisions that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 about discrimination on the basis of children or benefits status.

Secretary Michael Gove

Agreed to Gov 100

Clause 37, page 42, line 34, at end insert—

“(2) Yn y Rhan hon, mae cyfeiriad at wneud rhywbeth ar sail ffeithiau penodol yn cynnwys cyfeiriad at wneud hynny ar sail cred yn y ffeithiau hynny.”

Member's explanatory statement

This amendment is to make it clear that the offence created by section 8A that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 may be committed where the relevant person believes the person against whom they are discriminating would have a child live with or visit them or is a benefits claimant even if that belief is erroneous.

Secretary Michael Gove

Agreed to Gov 101

Clause 37, page 43, line 17, leave out “8K” and insert “8J”

Member's explanatory statement

This amendment is consequential on amendment 96.

Secretary Michael Gove

Agreed to Gov 102

Clause 37, page 43, line 30, leave out “adran 8J,”

Member's explanatory statement

This amendment is consequential on amendment 96.

Secretary Michael Gove

Agreed to Gov 103

Clause 38, page 44, line 7, after “would” insert “or may”

Member's explanatory statement

This amendment aligns this provision with the similar one being inserted for Scotland and ensures that it is an offence for a landlord or agent to discriminate against people with children on that basis even if they were not sure that children would live with or visit the person.

Secretary Michael Gove

Agreed to Gov 104

Clause 38, page 44, line 31, leave out “prospective landlord” and insert “insured”

Member's explanatory statement

This amendment ensures that the closing words of section 8A(3) that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 refer back to either the prospective landlord or the superior landlord mentioned in the opening words.

Secretary Michael Gove

Agreed to Gov 105

Clause 38, page 44, line 38, after "is" insert "or may be"

Member's explanatory statement

This amendment aligns this provision with the similar one being inserted for Scotland and ensures that it is an offence for a landlord or agent to discriminate against benefits claimants on that basis even if they were not sure that the person was a benefits claimant.

Secretary Michael Gove

Agreed to Gov 106

Clause 38, page 45, line 16, leave out "prospective landlord" and insert "insured"

Member's explanatory statement

This amendment ensures that the closing words of section 8B(2) that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 refer back to either the prospective landlord or the superior landlord mentioned in the opening words.

Secretary Michael Gove

Agreed to Gov 107

Clause 38, page 48, leave out lines 14 to 19

Member's explanatory statement

This amendment removes section 8J which the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019. The substance of section 8J is reinserted into the Bill by a new clause.

Secretary Michael Gove

Agreed to Gov 108

Clause 38, page 48, line 20, leave out "8K" and insert "8J"

Member's explanatory statement

This amendment is consequential on amendment 107.

Secretary Michael Gove

Agreed to Gov 109

Clause 38, page 48, line 23, after "payments" insert "(including payments made directly to a landlord)"

Member's explanatory statement

This amendment is to the text that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 and makes it clear that entitlement to payments which are made directly to a landlord may qualify a person as a benefits claimant.

Secretary Michael Gove

Agreed to Gov 110

Clause 38, page 48, line 26, at end insert—

- “(b) is entitled to payments (including payments made directly to a landlord) under or by virtue of the Jobseekers Act 1995, the State Pension Credit Act 2002, the Tax Credits Act 2002, the Welfare Reform Act 2007 or the Pensions Act 2014,
- (c) is in receipt of a reduction in the amount of council tax payable in respect of the person’s current home under a scheme made by a billing authority under or by virtue of section 13A of the Local Government Finance Act 1992, or
- (d) would be entitled to a reduction in the amount of council tax payable in respect of the dwelling in question under a scheme made by the billing authority in whose area the dwelling is situated under or by virtue of section 13A of the Local Government Finance Act 1992, if the person were to—
 - (i) rent the dwelling under an occupation contract, and
 - (ii) if an application is a precondition of entitlement, apply to the billing authority for a reduction under the scheme.”

Member's explanatory statement

This amendment expands the definition of “benefits claimant” which applies for the purposes of the provisions that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 about discrimination on the basis of children or benefits status.

Secretary Michael Gove

Agreed to Gov 111

Clause 38, page 48, line 40, at end insert—

- “(2) In this Part a reference to doing something on the basis of particular facts includes reference to doing it on the basis of a belief in those facts.”

Member's explanatory statement

This amendment is to make it clear that the offences created by sections 8A and 8B that the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 may be committed where the relevant person believes the person against whom they are discriminating would have a child live with or visit them or is a benefits claimant even if that belief is erroneous.

Secretary Michael Gove

Agreed to Gov 112

Clause 38, page 49, line 19, leave out “8K” and insert “8J”

Member's explanatory statement

This amendment is consequential on amendment 107.

Secretary Michael Gove

Agreed to Gov 113

Clause 38, page 49, line 32, leave out "section 8J,"

Member's explanatory statement

This amendment is consequential on amendment 107.

Secretary Michael Gove

Agreed to Gov 115

Clause 40, page 51, line 2, leave out "or 8J"

Member's explanatory statement

This amendment is consequential on amendment 107.

Secretary Michael Gove

Agreed to Gov 116

Clause 40, page 51, line 3, after "this Act)" insert "or section (*Power of Welsh Ministers to extend protection to persons of other descriptions*)(1) of this Act"

Member's explanatory statement

This amendment is consequential on amendment 107 and amendment NC16.

Secretary Michael Gove

Agreed to Gov

That clause 40 be transferred to the end of line 34 on page 53.

Member's explanatory statement

This motion is to move clause 40 so that it comes after clause 41 and at the end of the Chapter relating to amendments to Welsh legislation.

Secretary Michael Gove

Agreed to Gov 117

Clause 41, page 52, line 3, leave out from "rhag" to end of line 5 and insert "bod yn hawlydd budd-daliadau o fewn yr ystyr a roddir gan adran 8J o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019."

Member's explanatory statement

This amendment cross-refers to the definition of "benefits claimant" which the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 about discrimination on the basis of children or benefits status, as amended by amendment 99.

Secretary Michael Gove

Agreed to Gov 118

Clause 41, page 53, line 16, leave out from “from” to end of line 18 and insert “being a benefits claimant within the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.”

Member's explanatory statement

This amendment cross-refers to the definition of “benefits claimant” which the Bill inserts into the Renting Homes (Fees etc.) (Wales) Act 2019 about discrimination on the basis of children or benefits status, as amended by amendment 110.

Wera Hobhouse

Not called 39

Helen Morgan
Munira Wilson

Clause 42, page 54, line 1, after “section 1” insert “—

- (a) omit subsection (3);
- (b) in subsection (3A) omit “the landlord of a residential occupier or an agent of the landlord” and insert “a person”;
- (c) after subsection (3B) insert—
 - “(3BA) For the purposes of this subsection, services which are reasonably required for the occupation of the premises as a household include, but are not limited to—
 - (a) water,
 - (b) gas,
 - (c) electricity, and
 - (d) electronic communications networks and services”;
- (d) omit subsection (3C);
- (e)”

Member's explanatory statement

This amendment would amend the offence of unlawful eviction and harassment of the occupier of a property under the Protection from Eviction Act 1977 so that the offence can be committed by any person (not just the landlord or their agent), and define the services with which interference can constitute an offence.

Wera Hobhouse

Not called 40

Helen Morgan
Munira Wilson

Clause 42, page 55, line 2, at end insert—

“(3A) In section 3A, after subsection (9) insert—

“(10) In any proceedings under any of the relevant statutory provisions in this Act, it shall be for the accused to prove that the tenancy or licence is excluded by virtue of subsections (2) or (3) above.”

(3B) After section 4 insert—

“4A Rebuttable presumption of landlord

(1) In any action under Part 1 of this Act (including where a Financial Penalty Notice (FPN) is issued) there is a rebuttable presumption that the person to whom the residential occupier pays rent or other payments in respect of occupation of a dwelling is the landlord of the property.”

(3C) After section 7 insert—

“7A Notification by the police

(1) Where a constable has reasonable cause to believe that an offence under the Protection from Eviction Act 1977 has occurred the constable must within 24 hours notify the authority named in section 6 as responsible for prosecution of offences in the area with the following information—

- (a) the address where the alleged offence has happened;
- (b) if known, the name of the landlord;
- (c) if known, the name of the residential occupier;
- (d) any facts known to the constable about the alleged offence.

(2) A police force has the power to assist an authority included in section 6 in the exercise of their functions under this Act.””

Member's explanatory statement

This amendment would amend proceedings for offences under the Protection from Eviction Act 1977, so that it must be proved that a tenancy is an excluded tenancy, that there is a rebuttable presumption that the person to whom a tenant paid their rent is the landlord, and that the police must inform the relevant local authority when they suspect offences under the 1977 Act to have been committed.

Secretary Michael Gove

Agreed to Gov 119

Clause 44, page 58, line 34, leave out “an assured tenancy that is a sub-tenancy” and insert “a relevant tenancy”

Member's explanatory statement

This amendment, together with amendment 120, allows regulations under clause 44(4)(a) to change the meaning of residential landlord so as to cover superior landlords in relation to a relevant tenancy as well as, or instead of, the immediate landlord. This will allow Part 2 to cover superior landlords under rent-to-rent arrangements where the occupier is a licensee as well as where the occupier is a tenant.

Secretary Michael Gove

Agreed to Gov 120

Clause 44, page 59, line 1, after “to” insert “or instead of”

Member's explanatory statement

This amendment, together with amendment 119, allows regulations under clause 44(4)(a) that change the meaning of residential landlord to provide for the term to cover superior landlords instead of immediate landlords.

Secretary Michael Gove

Agreed to Gov 121

Clause 44, page 59, line 19, at end insert—

“(4A) Kinds of tenancy or licence added or removed under subsection (4)(b) may be identified by reference to any matters connected directly or indirectly with a tenancy or licence, including the characteristics or circumstances of any person who is so connected.”

Member's explanatory statement

This amendment is designed to make it clear that the Secretary of State can add or remove tenancies by reference to any connected matters, including the characteristics or circumstances of connected persons such as the landlord or the tenant.

Anthony Mangnall

Not called 4

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Steve Double
John Stevenson
George Freeman
Alicia Kearns
Mr William Wragg
Andrew Bridgen
Sir Christopher Chope
Sir Gary Streeter [R]
Martin Vickers
Sally-Ann Hart
Lee Anderson
Philip Davies [R]
Mrs Sheryll Murray

Marco Longhi [R]
Simon Jupp
Sir Geoffrey Clifton-Brown [R]
Craig Mackinlay
Mr David Jones
Sir Graham Brady
Sir David Davis
Sir Charles Walker
Mark Menzies
Sir Edward Leigh
Royston Smith
Karl McCartney
Antony Higginbotham
Mr Philip Hollobone

Andrew Lewer
Kelly Tolhurst
Kevin Foster
Craig Whittaker
Sir Iain Duncan Smith
Mr Ranil Jayawardena
Sir Bill Wiggin
Jonathan Gullis
Greg Smith
Chris Green
Miriam Cates
Mr Ian Liddell-Grainger [R]
Robert Jenrick
Adam Holloway

Clause 45, page 59, line 36, after “landlord” insert “who is not otherwise a member of an independent redress scheme approved by the Secretary of State.”

Member's explanatory statement

This amendment would only require a residential landlord to be a member of the landlord redress scheme introduced by Clause 45 if they are not already a member of another independent redress scheme which has been approved by the Secretary of State.

Secretary Michael Gove

Agreed to Gov 122

Clause 46, page 61, line 19, leave out “which” and insert—

“(2A) The conditions”

Member's explanatory statement

This and amendment 129 are clarificatory amendments ensuring that the specific provision in the Bill about conditions of approval for redress scheme does not limit the Secretary of State’s discretion about what other conditions to include in the regulations on that topic.

Secretary Michael Gove

Agreed to Gov 123

Clause 46, page 61, line 21, leave out from “the” in the first place it occurs, to “to” in line 23 and insert “appointment of an individual”

Member's explanatory statement

This amendment removes the provision for regulations under clause 46 to require a scheme to provide for the administrator, with the Secretary of State’s approval, to appoint the individual who oversees complaints. This will enable the regulations to impose a wider range of conditions about that individual, for example (given clause 46(7) as amended by amendment 131) provision for the Secretary of State to appoint them.

Secretary Michael Gove

Agreed to Gov 124

Clause 46, page 61, line 24, at end insert—

“(aa) about the terms and conditions of that individual and the termination of their appointment,”

Member's explanatory statement

This amendment ensures that a scheme will have to include provision, in accordance with regulations under clause 46, about terms and conditions of the individual who oversees complaints and the termination of that individual’s appointment. Given clause 46(7) as amended by amendment 131, regulations could, for example, provide for the Secretary of State to be able to decide that the individual’s appointment should be terminated.

Secretary Michael Gove

Agreed to Gov 125

Clause 46, page 61, line 35, leave out “under other redress schemes” and insert “in relation to other kinds of complaint”

Member's explanatory statement

This amendment widens the reference to complaints in clause 46(2)(e) so that it is not limited to complaints under redress schemes.

Secretary Michael Gove

Agreed to Gov 126

Clause 46, page 62, line 3, after first “of” insert “, and the investigation and determination of complaints under,”

Member's explanatory statement

This amendment clarifies that the requirement for fee income to be sufficient to meet costs of administering voluntary aspects of a redress scheme also applies in relation to the costs of investigation and determination of complaints under those aspects of a scheme.

Secretary Michael Gove

Agreed to Gov 127

Clause 46, page 62, line 30, leave out “under subsection (2)(n)” and insert “by virtue of subsection (2A)(n)”

Member's explanatory statement

This amendment is consequential on amendment 122.

Secretary Michael Gove

Agreed to Gov 128

Clause 46, page 62, line 34, leave out “under subsection (2)(n)” and insert “by virtue of subsection (2A)(n)”

Member's explanatory statement

This amendment is consequential on amendment 122.

Secretary Michael Gove

Agreed to Gov 129

Clause 46, page 62, line 38, at end insert—

“(5A) Subsections (2A) to (5) do not limit the conditions that may be set out in regulations under subsection (2).”

Member's explanatory statement

This and amendment 122 are clarificatory amendments ensuring that the specific provision in the Bill about conditions of approval for a redress scheme does not limit the Secretary of State’s discretion about what other conditions to include in the regulations on that topic.

Secretary Michael Gove

Agreed to Gov 130

Clause 46, page 63, line 6, after “scheme” insert “and the investigation and determination of complaints under those aspects of the scheme”

Member's explanatory statement

This amendment clarifies that fees can be calculated by reference to the costs of investigation and determination of complaints under the compulsory aspects of a redress scheme (as well as its wider administration).

Secretary Michael Gove

Agreed to Gov 131

Clause 46, page 63, line 8, leave out from “may” to end of line 9 and insert—

- (a) confer functions (including functions involving the exercise of a discretion) on the Secretary of State, or authorise or require a scheme to do so;
- (b) provide for the delegation of such functions by the Secretary of State, or authorise or require a scheme to provide for that.”

Member's explanatory statement

This amendment makes it clear that regulations under clause 46 can confer functions on the Secretary of State (whether or not they involve a discretion) and can make provision for the delegation of such functions.

Secretary Michael Gove

Agreed to Gov 132

Clause 52, page 66, line 27, leave out “paragraph 4 of paragraph 2(1),” and insert “paragraph 2(1)—

- (a) in paragraph 4,”

Member's explanatory statement

This amendment is consequential on amendment 133.

Secretary Michael Gove

Agreed to Gov 133

Clause 52, page 66, line 30, at end insert—

“(b) after paragraph 7 insert—

“7A Where the scheme provides for the housing ombudsman to be employed by the person administering the scheme, provision for the enforcement of directions given under paragraph 10(3)(b).””

Member's explanatory statement

This amendment ensures that a scheme which provides for the housing ombudsman to be employed by the scheme administrator will have to include provision for enforcing any direction given by the Secretary of State requiring the administrator to cease to employ the individual who is housing ombudsman as housing ombudsman.

Secretary Michael Gove

Agreed to Gov 134

Clause 52, page 67, line 4, at end insert—

“(4A) For paragraph 10 substitute—

- “10(1) The housing ombudsman for the purposes of an approved scheme is to be appointed by the Secretary of State on such terms as the Secretary of State thinks fit.
- (2) The Secretary of State may at any time remove a housing ombudsman from office.
- (3) In relation to an approved scheme which provides for the housing ombudsman to be employed by the person administering the scheme—
 - (a) the reference in sub-paragraph (1) to the terms on which the housing ombudsman is appointed includes a reference to the terms of the housing ombudsman’s employment by that person;
 - (b) the power of the Secretary of State under sub-paragraph (2) to remove a housing ombudsman from office includes power to give the person administering the scheme a direction in writing to cease to employ the individual who is housing ombudsman as housing ombudsman (and a direction under this paragraph may be revoked or varied by a further direction under this paragraph).
- (4) Where an approved scheme does not provide that it is to be administered by a body corporate—
 - (a) the Secretary of State may by order provide that the housing ombudsman for the purposes of the scheme is to be a corporation sole, and
 - (b) the staff to administer the scheme and otherwise assist the ombudsman in the discharge of functions are to be appointed and employed by the ombudsman.
- (5) Where an approved scheme provides that it is to be administered by a body corporate the Secretary of State may delegate functions under sub-paragraph (1) or (2) to the body administering the scheme.
- (6) A delegation under sub-paragraph (5) may specify—
 - (a) the extent to which the functions are delegated;
 - (b) any conditions to which the delegation is subject.
- (7) A delegation under sub-paragraph (5)—
 - (a) must be in writing;
 - (b) may be varied or revoked by the Secretary of State, in writing, at any time;
 - (c) does not prevent the Secretary of State from exercising the functions.

- (8) A housing ombudsman is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and any property held by a housing ombudsman is not to be regarded as property of, or held on behalf of, the Crown.””

Member's explanatory statement

This amendment substitutes a new paragraph 10 into Schedule 2 to the Housing Act 1996, which will provide for the Secretary of State to appoint and remove the housing ombudsman whether or not the scheme is administered by a body corporate, and to be able to delegate those functions to the administrator of a housing ombudsman scheme where the administrator is a body corporate.

Matthew Pennycook

Not called 27

Clause 53, page 67, 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.

Marsha De Cordova

Not called 42

Margaret Greenwood

Clause 55, page 68, line 27, at end insert—

- “(ba) require the provision of information about the accessibility of the dwelling,”

Caroline Lucas

Not called 12

Margaret Greenwood

Clause 55, page 68, 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.

Secretary Michael Gove

Agreed to Gov 135

Clause 66, page 77, line 5, leave out "this Part" and insert "the provisions of the landlord legislation for which it is responsible"

Member's explanatory statement

This amendment will allow a lead enforcement authority to use information obtained from the database for purposes connected with any provisions of the landlord legislation (as defined in clause 79(5)) for which it is responsible.

Secretary Michael Gove

Agreed to Gov 136

Clause 72, page 81, line 26, leave out "has the same meaning" and insert "and "the landlord legislation" have the same meanings"

Member's explanatory statement

This amendment provides for the definition of "the landlord legislation" in Part 4 also to apply for the purposes of Chapter 3 of Part 2, and is consequential on amendment 135.

Secretary Michael Gove

Agreed to Gov 137

Clause 72, page 81, line 29, at end insert—

"(2) Section 83(6) (lead enforcement authority "responsible" for the provisions of the landlord legislation) applies for the purposes of this Chapter as it applies for the purposes of Part 4."

Member's explanatory statement

This amendment provides for clause 83(6), which identifies the provisions of the landlord legislation for which a lead enforcement authority is responsible, to apply for the purposes of Chapter 3 of Part 2 as it applies for the purposes of Part 4. This amendment is consequential on amendment 135.

Helen Morgan

Not called 37

Wendy Chamberlain
Sarah Dyke
Christine Jardine
Munira Wilson

Clause 76, page 84, line 34, at end insert—

"(e) any accommodation which is provided by the Defence Infrastructure Organisation to service individuals and families."

Member's explanatory statement

This amendment would ensure that accommodation rented from the Defence Infrastructure Organisation by service individuals and families is subject to the Decent Homes Standard.

Anthony Mangnall**Not called 7**

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Steve Double
John Stevenson
George Freeman
Alicia Kearns
Mr William Wragg
Sir David Davis
Sir Charles Walker
Mark Menzies
Martin Vickers
Sally-Ann Hart
Lee Anderson
Philip Davies [R]
Mr Philip Hollobone

Marco Longhi [R]
Simon Jupp
Sir Geoffrey Clifton-Brown [R]
Craig Mackinlay
Mr David Jones
Sir Graham Brady
Sir Bill Wiggins
Jonathan Gullis
Greg Smith
Sir Edward Leigh
Royston Smith
Karl McCartney
Robert Jenrick
Adam Holloway

Andrew Lewer
Kelly Tolhurst
Kevin Foster
Craig Whittaker
Sir Iain Duncan Smith
Andrew Bridgen
Sir Christopher Chope
Sir Gary Streeter [R]
Sir Jacob Rees-Mogg [R]
Chris Green
Miriam Cates
Mr Ian Liddell-Grainger [R]
Mrs Sheryll Murray

Page 85, line 26, leave out Clause 78

Wera Hobhouse**Not called 41**

Helen Morgan
Munira Wilson

Clause 78, page 86, line 4, after "(order)," insert "—

- (a) in subsection (1), before "The First-tier Tribunal" insert "Apart from offences for which subsection (1A) applies,";
- (b) after subsection (1) insert—
 - “(1A) The First-tier Tribunal may make a rent repayment order if satisfied on the balance of probabilities that the landlord has committed an offence under section 1(2), (3) or (3A) of the Protection from Eviction Act 1977 (whether or not the landlord has been convicted).”;
- (c) 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)”;
- (d)“

Member's explanatory statement

This amendment would lower the level of proof required in proceedings for a Rent Repayment Order in the First-tier Tribunal to the balance of probabilities for offences under the 1977 Act.

Secretary Michael Gove

Agreed to Gov 196

Clause 78, page 86, line 33, at end insert—

“(7) In section 52 (interpretation), after subsection (2) insert—

“(3) In the case of an application for a rent repayment order made, or to be made, against a superior landlord—

- (a) references in this Chapter to the landlord are to be read as references to the superior landlord, and
- (b) housing in relation to which the person in question is a superior landlord is to be treated for the purposes of this Chapter as let by that person.””

Member's explanatory statement

This amendment ensures that references to a landlord, and to housing let by a landlord, in the provisions of the Housing and Planning Act 2016 dealing with rent repayment orders, work satisfactorily in cases involving orders made against superior landlords.

Secretary Michael Gove

Agreed to Gov 138

Clause 90, page 95, line 39, leave out paragraph (a)

Member's explanatory statement

This amendment removes the exception from the meaning of “routine inspection” for cases where a breach of or offence under rented accommodation legislation is suspected. This exception was an error. It would apply to every inspection given that the powers in clauses 94 and 95 are limited to cases in which there is such a suspected breach or offence.

Secretary Michael Gove

Agreed to Gov 139

Clause 109, page 107, line 29, at end insert—

““lease” includes any tenancy;”

Member's explanatory statement

This amendment makes it clear that the references to a lease in the Bill are to be read widely as including any tenancy.

Secretary Michael Gove

Agreed to Gov 197

Clause 109, page 107, line 32, after “London” insert “(in its capacity as a local authority)”

Member's explanatory statement

This amendment makes it clear that the reference to the Common Council of the City of London in clause 109 is to that Council in its capacity as a local authority.

Secretary Michael Gove

Agreed to Gov 140

Clause 112, page 109, line 30, after "power" insert "of the Secretary of State and the Scottish Ministers"

Member's explanatory statement

This amendment is consequential on amendment 141.

Secretary Michael Gove

Agreed to Gov 141

Clause 112, page 109, line 33, at end insert—

"(2A) The power of the Welsh Ministers under subsection (1)(a) to make transitional provision includes power to provide for 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."

Member's explanatory statement

This amendment clarifies that the power of the Welsh Ministers to make transitional provision in connection with regulations under Chapter 4 extends to pre-existing occupation contracts.

Secretary Michael Gove

Agreed to Gov 142

Clause 112, page 109, line 34, at end insert ", except where they are made by the Scottish Ministers (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10))"

Member's explanatory statement

This amendment disapplies the provision for regulations under the Bill to be made by statutory instrument in relation to new regulation-making powers of the Scottish Ministers that are added by other amendments. Regulations of the Scottish Ministers are made by Scottish statutory instrument as a result of the 2010 asp referred to in the amendment.

Secretary Michael Gove

Agreed to Gov 143

Clause 112, page 109, line 35, after "section" insert "(Powers of Secretary of State in connection with Chapter 1)"

Member's explanatory statement

This amendment is consequential on new clause NC14 and provides for regulations under it to be subject to affirmative procedure in Parliament.

Secretary Michael Gove

Agreed to Gov 144

Clause 112, page 109, line 35, after "34," insert "*(Power of Secretary of State to extend protection to persons of other descriptions: Wales), (Power of Secretary of State to extend protection to persons of other descriptions: Scotland)*"

Member's explanatory statement

This amendment provides for the new powers of the Secretary of State to make provision regarding discrimination in Wales and Scotland where there is a restriction because of legislative competence to be exercised using the affirmative resolution procedure.

Secretary Michael Gove

Agreed to Gov 221

Clause 112, page 109, line 41, at end insert ", unless it contains regulations under section 83(3) only"

Member's explanatory statement

This amendment makes regulations under clause 83(3) (transitional or saving provision which applies when there is a change in lead enforcement authority) subject to no parliamentary procedure.

Secretary Michael Gove

Agreed to Gov 145

Clause 112, page 109, line 41, at end insert—

"(5A) A statutory instrument containing regulations made by the Welsh Ministers under section (*Power of Welsh Ministers to extend protection to persons of other descriptions*)(1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru."

Member's explanatory statement

This amendment is consequential on amendment NC16 and provides for the power granted to the Welsh Ministers to be subject to the affirmative procedure.

Secretary Michael Gove

Agreed to Gov 146

Clause 112, page 109, line 41, at end insert—

"(5B) Regulations made by the Scottish Ministers under section (*Power of the Scottish Ministers to extend protection to persons of other descriptions*) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10))."

Member's explanatory statement

This amendment is consequential on amendment NC21 and provides for the power granted to the Scottish Ministers to be subject to the affirmative procedure.

Secretary Michael Gove

Agreed to Gov 222

Clause 112, page 109, line 41, at end insert—

“(5C) If a draft of a statutory instrument containing regulations under section 45 would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”

Member's explanatory statement

This amendment prevents the hybrid instruments procedures in Parliament from applying in relation to regulations under clause 45 of the Bill.

Secretary Michael Gove

Agreed to Gov 147

Clause 114, page 111, line 4, at end insert—

“(b) in relation to regulations that make provision that is consequential on Chapter 1 or 2 of Part 1, power to provide for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of the regulations to—

- (i) have effect with specified modifications, or
- (ii) cease to have effect (in whole or in part).

(4A) For the purposes of subsection (4)(b)—

- (a) “pre-application instrument” means an agreement or other instrument made before the regulations come into force;
- (b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of regulations under this section include (but are not limited to) those in which—
 - (i) as a result of any provision of the regulations, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;
 - (ii) as a result of any provision of the regulations, it is unclear what the effect is of provision made by the instrument;
 - (iii) as a result of any provision of the regulations, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;
 - (iv) the instrument makes direct or indirect reference to any enactment as it had effect before being amended by the regulations.

(4B) Regulations made by virtue of subsection (4)(b) must provide that they do not prevent—

- (a) the variation or revocation of provision modified by the regulations, or

(b) the re-making of provision that has ceased to have effect as a result of the regulations.

(4C) Regulations made by virtue of subsection (4)(b) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the commencement date (within the meaning given by section (*Application of Chapter 1 of Part 1*)(1)(a))."

Member's explanatory statement

This amendment makes provision like amendment 156 but in relation to consequential amendments made under clause 114 in consequence of Chapter 1 or 2 of Part 1 of the Bill. It allows regulations to make transitional provision modifying instruments (e.g. leases, mortgage agreements, insurance contracts) that were drafted under the law as it stood before the regulations and so do not operate appropriately alongside them.

Secretary Michael Gove

Agreed to Gov 148

Clause 114, page 111, line 7, after "Act" insert ", or

(b) are made by virtue of subsection (4)(b),"

Member's explanatory statement

This amendment is consequential on amendment 147 and ensures that regulations that modify instruments are subject to affirmative procedure in Parliament.

Secretary Michael Gove

Agreed to Gov 149

Clause 115, page 111, line 13, leave out "subsection" and insert "subsections (1A) to"

Member's explanatory statement

This amendment is consequential on amendment 150.

Secretary Michael Gove

Agreed to Gov 150

Clause 115, page 111, line 13, at end insert—

"(1A) In Part 1, Chapter 4A extends to Scotland only.

(1B) This Part extends to England, Wales and Scotland."

Member's explanatory statement

This amendment adjusts the extent of the Bill to take account of the clauses which have been added which relate to Scotland.

Secretary Michael Gove

Agreed to Gov 151

Page 111, line 16, leave out Clause 116

Member's explanatory statement

This amendment and amendments NC27 and NC28 are, together, intended to achieve the result that clause 116 is replaced with two clauses, one dealing with commencement and one dealing with application of Chapter 1 of Part 1.

Anthony Mangnall**Not called 8**

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Steve Double
John Stevenson
George Freeman
Alicia Kearns
Mr William Wragg
Andrew Bridgen
Sir Christopher Chope
Sir Gary Streeter [R]
Sir Jacob Rees-Mogg [R]
Chris Green
Miriam Cates
Mr Ian Liddell-Grainger [R]
Robert Jenrick
Adam Holloway

Marco Longhi [R]
Simon Jupp
Sir Geoffrey Clifton-Brown [R]
Craig Mackinlay
Mr David Jones
Sir Graham Brady
Sir David Davis
Sir Charles Walker
Mark Menzies
Martin Vickers
Sally-Ann Hart
Lee Anderson
Philip Davies [R]
Mrs Sheryll Murray

Andrew Lewer
Kelly Tolhurst
Kevin Foster
Craig Whittaker
Sir Iain Duncan Smith
Mr Ranil Jayawardena
Sir Bill Wiggin
Jonathan Gullis
Greg Smith
Sir Edward Leigh
Royston Smith
Karl McCartney
Antony Higginbotham
Mr Philip Hollobone

Clause 116, page 111, line 19, leave out "subsection (2)" and insert "subsections (1A) and (2)"

Member's explanatory statement

This amendment is consequential on Amendment 9.

Matthew Pennycook**Negated on division 28**

Afzal Khan

Clause 116, page 111, line 19, 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.

Anthony Mangnall**Not called 9**

Bob Blackman [R]
 Mr Marcus Fysh
 Sir Desmond Swayne [R]
 Nick Fletcher [R]
 Anne Marie Morris [R]

Selaine Saxby
 Steve Double
 John Stevenson
 George Freeman
 Alicia Kearns
 Mr William Wragg
 Andrew Bridgen
 Sir Christopher Chope
 Sir Gary Streeter [R]
 Philip Dunne [R]
 Sir Edward Leigh
 Sally-Ann Hart
 Lee Anderson
 Mr Ian Liddell-Grainger [R]
 Sir William Cash
 Holly Mumby-Croft
 Mrs Sheryll Murray
 Jill Mortimer
 Lia Nici

Marco Longhi [R]
 Simon Jupp
 Sir Geoffrey Clifton-Brown [R]
 Craig Mackinlay
 Mr David Jones
 Sir Graham Brady
 Sir David Davis
 Sir Charles Walker
 Mark Menzies
 Sir Jacob Rees-Mogg [R]
 John Redwood
 Royston Smith
 Sir Robert Syms [R]
 Philip Davies [R]
 Kit Malthouse
 Sarah Atherton [R]
 Mr Philip Hollobone
 Brendan Clarke-Smith [R]
 Adam Holloway

Andrew Lewer
 Kelly Tolhurst
 Kevin Foster
 Craig Whittaker
 Sir Iain Duncan Smith
 Mr Ranil Jayawardena
 Sir Bill Wiggan
 Jonathan Gullis
 Greg Smith
 Martin Vickers
 Chris Green
 Miriam Cates
 Karl McCartney
 Nigel Mills [R]
 Suella Braverman [R]
 Robert Jenrick
 Damien Moore
 Miss Sarah Dines [R]

Clause 116, page 111, line 19, at end insert—

“(1A) Prior to laying regulations under subsection (1) the Secretary of State must commission and publish a review into the operation of residential possession proceedings in the County Courts used by residential landlords and tenants and the enforcement of possession orders.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a review of the operation of residential possession proceedings before determining the commencement date for the provisions of Chapter 1 of Part 1.

Secretary Michael Gove**Agreed to Gov 152**

Clause 117, page 113, line 2, leave out “order” and insert “regulations”

Member's explanatory statement

This amendment provides for the Welsh Ministers’ power to make transitional provision to be exercisable by regulations rather than by order.

Secretary Michael Gove**Agreed to Gov 153**

Clause 117, page 113, line 4, at end insert—

“(1A) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of any provision of Chapter 4A of

Part 1 (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), as a result of which such regulations are to be made by Scottish statutory instrument)."

Member's explanatory statement

This amendment allows the Scottish Ministers to make transitional or saving provision in connection with the coming into force of the new Chapter 4A of Part 1 (containing prohibitions on discrimination in relation to tenancies in Scotland).

Secretary Michael Gove

Agreed to Gov 154

Clause 117, page 113, line 9, leave out "an order" and insert "regulations"

Member's explanatory statement

This amendment is consequential on amendment 152.

Secretary Michael Gove

Agreed to Gov 155

Clause 117, page 113, line 12, at end insert—

"(3A) The power to make regulations under subsection (1A) includes power to provide for a provision of Chapter 4A of Part 1 to apply (with or without modifications) in relation to tenancies entered into, or advertising begun, before the date on which the provision comes into force."

Member's explanatory statement

This amendment ensures that the power of the Scottish Ministers to make transitional provision in connection with the coming into force of the new Chapter 4A of Part 1 (containing prohibitions on discrimination in relation to tenancies in Scotland) is of the same breadth as the corresponding powers of the Welsh Ministers and the Secretary of State.

Secretary Michael Gove

Agreed to Gov 156

Clause 117, page 113, line 16, at end insert—

"(b) power to provide for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of Chapter 1 or 2 of Part 1 to—

- (i) have effect with specified modifications, or
- (ii) cease to have effect (in whole or in part).

(4A) For the purposes of subsection (4)(b)—

- (a) "pre-application instrument" means an agreement or other instrument made before the extended application date (within the meaning given by section (*Application of Chapter 1 of Part 1*)(3));
- (b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result

- of Chapter 1 or 2 of Part 1 include (but are not limited to) those in which—
- (i) as a result of any provision of Chapter 1 or 2 of Part 1, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;
 - (ii) as a result of any provision of Chapter 1 or 2 of Part 1, it is unclear what the effect is of provision made by the instrument;
 - (iii) as a result of any provision of Chapter 1 or 2 of Part 1, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;
 - (iv) the instrument makes direct or indirect reference to fixed term assured tenancies or assured shorthold tenancies (within the meaning of Part 1 of the 1988 Act as it had effect immediately before the commencement date);
 - (v) the instrument makes direct or indirect reference to periodic assured tenancies that are not relevant assured tenancies within the meaning given by section (*Sections 1 and 2: effect of superior leases*);
 - (vi) the instrument otherwise makes direct or indirect reference to any enactment as it had effect before being amended by Chapter 1 or 2 of Part 1.
- (4B) Regulations made by virtue of subsection (4)(b) must provide that they do not prevent—
- (a) the variation or revocation of provision modified by the regulations, or
 - (b) the re-making of provision that has ceased to have effect as a result of the regulations.
- (4C) Regulations made by virtue of subsection (4)(b) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the commencement date.
- (4D) A statutory instrument containing regulations made by virtue of subsection (4)(b) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4E) In this section “the commencement date” has the meaning given by section (*Application of Chapter 1 of Part 1*)(1)(a).”

Member's explanatory statement

This amendment allows the Secretary of State to make transitional provision modifying the effect of instruments (such as leases, mortgage agreements or insurance contracts) that were drafted under the law as it stood before the changes made by Chapters 1 and 2 of the Bill and so do not operate appropriately alongside those Chapters.

Secretary Michael Gove

Agreed to Gov 157

Clause 117, page 113, line 17, leave out “subsections (1) and (2)” and insert “this section”

Member's explanatory statement

This amendment is consequential on amendment 153.

Secretary Michael Gove

Added Gov NS1

To move the following Schedule—

“SCHEDULE

NC26

AMENDMENTS IN CONNECTION WITH LANDLORD REDRESS SCHEMES

Local Government Act 1974

- 1 (1) The Local Government Act 1974 is amended in accordance with paragraphs 2 to 5.
- 2 (1) Section 33 (consultation between Local Commissioner and other Commissioners and Ombudsmen) is amended as follows.
 - (2) In subsection (1)—
 - (a) before paragraph (ba) insert—

“(bzc) under a landlord redress scheme,”;
 - (b) in the words after paragraph (c)—
 - (i) for “or Ombudsman” substitute “, Ombudsman or head of landlord redress”;
 - (ii) before “the Public Services Ombudsman (Wales) Act 2005” insert “the landlord redress scheme,”.
 - (3) In subsection (2)—
 - (a) before “the Public Services Ombudsman for Wales” insert “the head of landlord redress,”;
 - (b) for “Commissioner or that Ombudsman” substitute “person”.
 - (4) Before subsection (4) insert—

“(3C) If at any stage in the course of an investigation under a landlord redress scheme, the head of landlord redress forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under this Part of this Act, the head of landlord redress must consult with the appropriate Local Commissioner about the complaint and, if the head of landlord redress considers it necessary, inform the person initiating the complaint of the steps necessary to initiate a complaint under this Part of this Act.”
 - (5) In subsection (4)—
 - (a) for “or (3B)” substitute “, (3B) or (3C)”;

- (b) for “or the new homes ombudsman scheme” substitute “, the new homes ombudsman scheme or a landlord redress scheme”.
- 3 (1) Section 33ZA (collaborative working between Local Commissioners and others) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (c) omit the final “or”;
- (b) at the end of paragraph (d) insert “or
- (e) an individual who investigates complaints under a landlord redress scheme,”.
- (3) In subsection (1A) for “or (d)” substitute “, (d) or (e)”.
- (4) After subsection (1A) insert—
- “(1B) For the purposes of subsections (1) and (1A) a matter is “within the jurisdiction” of an individual who investigates complaints under a landlord redress scheme if it is a matter which could be the subject of an investigation under that scheme.”
- (5) In subsection (3)—
- (a) in paragraph (c) omit the final “or”;
- (b) at the end of paragraph (d) insert “or
- (e) an individual who investigates complaints under a landlord redress scheme,”;
- (c) in the words following paragraph (d) for “or (d)” substitute “, (d) or (e)”.
- 4 In section 33ZB (arrangements for provision of administrative and other services), in subsection (4)—
- (a) in paragraph (e) omit the final “and”;
- (b) at the end of paragraph (f) insert “, and
- (g) the administrator of a landlord redress scheme”.
- 5 In section 34 (interpretation) in subsection (1), at the appropriate places insert—
- ““landlord redress scheme” has the meaning given by section 45(2) of the Renters (Reform) Act 2024;”
- ““head of landlord redress”, in relation to a landlord redress scheme, means the person responsible for overseeing and monitoring the investigation and determination of complaints under the scheme;”.

Housing Act 1996

- 6 (1) Paragraph 10A of Schedule 2 to the Housing Act 1996 (housing complaints: collaborative working with Local Commissioners) is amended as follows.
- (2) In sub-paragraph (1)—

- (a) for “or the new homes ombudsman” substitute “, the new homes ombudsman or an individual who investigates complaints under a landlord redress scheme”;
 - (b) for the words from “that Commissioner” to the end substitute “any one or more of them”.
- (3) After sub-paragraph (1) insert—
- “(1A) For the purposes of sub-paragraph (1) a matter is “within the jurisdiction” of an individual who investigates complaints under a landlord redress scheme if it is a matter which could be the subject of an investigation under that scheme.”
- (4) In sub-paragraph (3)—
- (a) for “or the new homes ombudsman” substitute “, the new homes ombudsman or an individual who investigates complaints under a landlord redress scheme (or two or more of them)”;
 - (b) for the words from “that Commissioner” to the end substitute “them”.
- (5) In sub-paragraph (4) for “a Local Commissioner, the new homes ombudsman (or both)” substitute “one or more persons”.
- (6) After sub-paragraph (5) insert—
- “(6) In this paragraph “landlord redress scheme” has the meaning given by section 45(2) of the Renters (Reform) Act 2024.”

Building Safety Act 2022

- 7 In paragraph 3(5) of Schedule 3 to the Building Safety Act 2022—
- (a) in paragraph (c) omit the final “or”;
 - (b) at the end of paragraph (d) insert “, or—
 - (e) a landlord redress scheme within the meaning given by section 45(2) of the Renters (Reform) Act 2024”.

Member's explanatory statement

This new Schedule contains amendments connected with landlord redress schemes.

Secretary Michael Gove

Agreed to Gov 223

Schedule 1, page 114, line 9, leave out “date specified in the notice under section 8” and insert “relevant date”

Member's explanatory statement

This amendment, together with amendment 237, provides for the application of Ground 1 in Schedule 2 to the 1988 Act as amended by the Bill in a case in which the court dispenses with the requirement for a possession notice.

Mr Clive Betts

Not called 48

Nadia Whittome
John McDonnell

Schedule 1, page 114, line 10, leave out "6 months" and insert "one year"

Matthew Pennycook

Not called 255

Schedule 1, page 114, line 10, leave out "6 months" and insert "2 years"

Member's explanatory statement

Amendments 255 and 256 would prohibit evictions under grounds 1 and 1A within two years of the beginning of a tenancy.

Secretary Michael Gove

Agreed to Gov 224

Schedule 1, page 115, line 7, leave out "date specified in the notice under section 8" and insert "relevant date"

Member's explanatory statement

This amendment, together with amendment 237, provides for the application of new Ground 1A in Schedule 2 to the 1988 Act as inserted by the Bill in a case in which the court dispenses with the requirement for a possession notice.

Mr Clive Betts

Not called 49

Nadia Whittome
John McDonnell

Schedule 1, page 115, line 8, leave out "6 months" and insert "one year"

Matthew Pennycook

Not called 256

Schedule 1, page 115, line 8, leave out "6 months" and insert "2 years"

Member's explanatory statement

Amendments 255 and 256 would prohibit evictions under grounds 1 and 1A within two years of the beginning of a tenancy.

Secretary Michael Gove

Agreed to Gov 225

Schedule 1, page 115, leave out lines 10 to 14 and insert—

“(ii) notice of a compulsory acquisition in relation to the dwelling-house has been given, the landlord intends to sell their

interest in the dwelling-house to the acquiring authority and the acquiring authority intends to acquire it;"

Member's explanatory statement

This amendment to new Ground 1A (possession for sale by landlord) in Schedule 2 to the 1988 Act, together with amendment 238, extends paragraph (c)(ii) of that ground to compulsory acquisitions via routes other than a compulsory purchase order and from first notice of the compulsory acquisition process.

Matthew Pennycook

Not called 33

Schedule 1, page 115, line 32, leave out sub-paragraph (a) and insert—

- “(a) the landlord who is seeking possession intends to—
- (i) sell a freehold or leasehold interest in the dwelling-house 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;
 - (ii) re-let the dwelling house to another tenant pursuant to a Rent to Buy Agreement; or
 - (iii) retain and convert the home to rented housing on either an affordable or market rent basis;”

Member's explanatory statement

This amendment covers the full scope of reasons that private registered providers of social housing may wish to use the new ground for possession 1B for to offer properties to another tenant.

Secretary Michael Gove

Agreed to Gov 158

Schedule 1, page 115, line 36, at end insert, “or

- (iii) to grant an assured tenancy to another person pursuant to a rent-to-buy agreement;”

Member's explanatory statement

This amendment extends the ground of possession for rent-to-buy dwelling-houses (Ground 1B, inserted into the 1988 Act by the Bill) to cover cases where the landlord wants to re-let the dwelling-house to a different rent-to-buy tenant.

Matthew Pennycook

Not called 34

Schedule 1, page 116, line 12, leave out sub-paragraph (b) and insert—

- “(b) allows the tenant to rent the dwelling house for a period stated in the agreement, which is not less than 5 years or, for dwelling houses in Greater London, 10 years from the beginning of the tenancy so as to enable the tenant to save for a deposit and, over time, purchase their first home.”

Member's explanatory statement

This amendment would ensure the wording for the definition of "Rent to Buy Agreement" at sub-paragraph (b) is an accurate reflection of the Rent to Buy product and is in line with the Capital Funding Guide.

Matthew Pennycook

Not called 29

Schedule 1, page 116, line 29, after "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.

Secretary Michael Gove

Agreed to Gov 159

Schedule 1, page 116, line 29, after "tenancy" insert "as a result of which the superior tenancy will end within the period of 12 months beginning with the relevant date"

Member's explanatory statement

This amendment limits a landlord's ability to rely on paragraph (a)(i) of the new Ground 2ZA to cases in which the notice to terminate by the superior landlord will take effect within 12 months of "the relevant date" as defined in amendment 237.

Secretary Michael Gove

Agreed to Gov 160

Schedule 1, page 116, line 30, leave out "for a fixed term which will end" and insert "a fixed term tenancy of a term certain which will expire (if the tenancy does not come to an end earlier)"

Member's explanatory statement

This amendment is intended to make the drafting of Ground 2ZA consistent with the drafting of the new Ground 2ZB inserted by amendment 161 and of clause 25.

Matthew Pennycook

Not called 30

Schedule 1, page 117, line 5, 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.

Secretary Michael Gove

Agreed to Gov 161

Schedule 1, page 117, line 7, at end insert—

“Ground 2ZB

The landlord who is seeking possession holds the interest in the dwelling-house under a superior tenancy which is a fixed term tenancy of a term certain of more than 21 years and—

(a) the fixed term will expire (if the tenancy does not come to an end earlier) within the period of 12 months beginning with the relevant date, or

(b) if the superior tenancy has continued following the expiry of the fixed term, any party to the superior tenancy has served a valid notice to terminate that tenancy as a result of which the superior tenancy will end within the period of 12 months beginning with the relevant date.”

Member's explanatory statement

This amendment allows any landlord under an assured tenancy who holds their interest in a dwelling under a superior fixed term lease of more than 21 years to obtain possession of the dwelling where the superior lease is coming to an end at the end of the fixed term or after the fixed term. “The relevant date” is defined in amendment 237.

Secretary Michael Gove

Agreed to Gov 163

Schedule 1, page 117, line 8, leave out “2ZB” and insert “2ZC”

Member's explanatory statement

This amendment is consequential on amendment 161.

Secretary Michael Gove

Agreed to Gov 164

Schedule 1, page 117, line 23, at end insert—

“Ground 2ZD

The landlord who is seeking possession became the landlord by virtue of section 18, no more than 6 months before the date on which the possession proceedings were commenced, as a result of a superior tenancy which was a fixed term tenancy of a term certain of more than 21 years coming to an end—

(a) on the expiry of the fixed term,

(b) within the period of 12 months ending with the date on which the fixed term would have expired if the tenancy had not come to an end, or

(c) after the expiry of the fixed term, as a result of a valid notice to terminate the tenancy.”

Member's explanatory statement

This amendment allows a person who has become the landlord under an assured tenancy as a result of an intermediate fixed term lease of more than 21 years coming to an end to obtain possession of the dwelling within an initial six month period.

Secretary Michael Gove

Agreed to Gov 226

Schedule 1, page 118, line 4, leave out “dwelling-house is an HMO and” and insert “following conditions are met”

Member's explanatory statement

This amendment removes the requirement in the new ground for possession of a student house that the Bill inserts into the 1988 Act for the house to be an HMO.

Anthony Mangnall

Not called 5

Bob Blackman [R]
Mr Marcus Fysh
Sir Desmond Swayne [R]
Nick Fletcher [R]
Anne Marie Morris [R]

Selaine Saxby
Steve Double
John Stevenson
George Freeman
Alicia Kearns
Mr William Wragg
Sir David Davis
Sir Charles Walker
Mark Menzies
Martin Vickers
Sally-Ann Hart
Lee Anderson
Mr Ian Liddell-Grainger [R]
Robert Jenrick
Angela Richardson

Marco Longhi [R]
Simon Jupp
Sir Geoffrey Clifton-Brown [R]
Craig Mackinlay
Mr David Jones
Sir Graham Brady
Sir Bill Wiggin
Jonathan Gullis
Greg Smith
Sir Edward Leigh
Royston Smith
Sir Robert Syms [R]
Philip Davies [R]
Mrs Sheryll Murray
Adam Holloway

Andrew Lewer
Kelly Tolhurst
Kevin Foster
Craig Whittaker
Sir Iain Duncan Smith
Andrew Bridgen
Sir Christopher Chope
Sir Gary Streeter [R]
Sir Jacob Rees-Mogg [R]
Chris Green
Miriam Cates
Karl McCartney
Antony Higginbotham
Mr Philip Hollobone

Schedule 1, page 118, line 4, after “HMO” insert “or is occupied by one or two students”

Member's explanatory statement

This amendment would mean that the ground for possession for student properties could also be used for properties occupied by just one or two students, which would not otherwise be considered as HMOs.

Secretary Michael Gove

Agreed to Gov 227

Schedule 1, page 118, line 4, at end insert—

“(za) the landlord or, in the case of joint landlords, at least one of them, 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 that—

- (i) at the beginning of the tenancy, as regards each tenant either—
 - (A) the tenant was a full-time student, or
 - (B) the landlord reasonably believed that the tenant would become a full-time student during the tenancy, and
- (ii) the landlord intends to let the dwelling-house, on the next occasion on which it is let, to people who are full-time students or who the landlord reasonably believes will become full-time students during the tenancy;"

Member's explanatory statement

This amendment means that in order for a landlord of a student house to be able to rely on the new ground 4A (student accommodation) to gain possession the tenant must have been given a written statement to that effect before or at the start of the tenancy.

Secretary Michael Gove

Agreed to Gov 228

Schedule 1, page 118, leave out line 10

Member's explanatory statement

This amendment removes the requirement in the new ground for possession of a student house that the Bill inserts into the 1988 Act for the tenants being evicted to be joint tenants.

Secretary Michael Gove

Agreed to Gov 229

Schedule 1, page 118, leave out lines 11 and 12 and insert—

- “(c) the relevant date falls within the period beginning with 1 June and ending with 30 September in any year, and”

Member's explanatory statement

This amendment, together with amendment 237, provides for the application of new Ground 4A in Schedule 2 to the 1988 Act as inserted by the Bill in a case in which the court dispenses with the requirement for a possession notice. It also contains a small drafting clarification.

Paul Blomfield

Not called 260

Afzal Khan
Alex Sobel

Schedule 1, page 118, line 12, at end insert—

- “(ca) the tenancy agreement was not signed earlier than March of the year in which the tenancy commenced.”

Member's explanatory statement

This amendment would end the pressure for joint tenancies to be signed too early in the academic year, committing students to accommodation before they are ready.

Secretary Michael Gove

Agreed to Gov 165

Schedule 1, page 120, line 22, leave out "at the dwelling-house"

Member's explanatory statement

This amendment amends Ground 5E (possession for use as supported accommodation) in line with other amendments to Schedule 1 which mean that a dwelling-house may be supported accommodation even if the tenant receives the support services elsewhere and not at the dwelling-house.

Secretary Michael Gove

Agreed to Gov 166

Schedule 1, page 121, line 10, leave out "has"

Member's explanatory statement

This amendment amends paragraph (c)(ii) of the ground for possession of supported accommodation (Ground 5F) and is consequential on amendment 167.

Secretary Michael Gove

Agreed to Gov 167

Schedule 1, page 121, line 11, leave out "but has not been" and insert "before the relevant date but was not"

Member's explanatory statement

This amendment amends paragraph (c)(ii) of the ground for possession of supported accommodation (Ground 5F) to require that the landlord must have sought alternative funding before "the relevant date" as defined in amendment 237.

Secretary Michael Gove

Agreed to Gov 168

Schedule 1, page 121, line 16, leave out "without that funding" and insert "in the circumstances"

Member's explanatory statement

This amendment amends paragraph (c)(iii) of the ground for possession of supported accommodation (Ground 5F) to avoid it appearing only to refer back to sub-paragraph (ii).

Secretary Michael Gove

Agreed to Gov 169

Schedule 1, page 121, line 16, at end insert—

- “(ca) the financial viability of the landlord or of supported accommodation or support services the landlord provides to others would, in the landlord’s reasonable opinion, be threatened if the landlord were to continue to provide or fund a supported accommodation project of which the tenant’s dwelling-house forms part and the landlord used reasonable endeavours to identify alternative funding for the project before the relevant date but was not able to do so;”

Member's explanatory statement

This amendment provides that the landlord who funds a dwelling which is supported accommodation may seek possession of it on the ground that the financial viability of the landlord or of supported accommodation it provides or funds for others would be threatened were it to continue to provide or fund the supported accommodation of which the dwelling forms part. “The relevant date” is defined in amendment 237.

Secretary Michael Gove

Agreed to Gov 170

Schedule 1, page 121, line 18, leave out “at the dwelling-house”

Member's explanatory statement

This amendment, along with others, amends Ground 5F (possession of supported accommodation) so that a dwelling-house may be supported accommodation even if the tenant receives the support services elsewhere and not at the dwelling-house.

Secretary Michael Gove

Agreed to Gov 171

Schedule 1, page 121, line 20, leave out “at the dwelling-house”

Member's explanatory statement

This amendment, along with others, amends Ground 5F (possession of supported accommodation) so that a dwelling-house may be supported accommodation even if the tenant receives the support services elsewhere and not at the dwelling-house.

Secretary Michael Gove

Agreed to Gov 172

Schedule 1, page 121, line 28, at end insert—

- “In paragraph (ca), “supported accommodation project” means—
- (a) supported accommodation consisting of two or more dwelling-houses in the same building as, or otherwise nearby, each other,
 - (b) supported accommodation consisting of two or more dwelling-houses occupied by tenants who receive support services of a similar kind, or

- (c) support services of a similar kind provided to tenants of two or more dwelling-houses that are supported accommodation."

Member's explanatory statement

This amendment, together with amendment 169, provides that a landlord may obtain possession of a dwelling which is supported accommodation if the financial viability of the landlord or of supported accommodation it provides or funds for others would be threatened were it to continue to provide or fund the supported accommodation of which the dwelling forms part.

Secretary Michael Gove

Agreed to Gov 173

Schedule 1, page 121, line 39, leave out "grant of the tenancy was" and insert "the tenant's occupation of the dwelling-house was (at any time during the period of occupation)"

Member's explanatory statement

This amendment, together with amendment 174, makes it clear that Ground 5G (possession after tenancy for homelessness duty) applies also in a case where the tenancy was not granted expressly.

Secretary Michael Gove

Agreed to Gov 174

Schedule 1, page 122, line 2, leave out "no longer" and insert "not"

Member's explanatory statement

This amendment, together with amendment 173, makes it clear that Ground 5G (possession after tenancy for homelessness duty) applies also in a case where the tenancy was not granted expressly.

Secretary Michael Gove

Agreed to Gov 230

Schedule 1, page 122, line 4, leave out "date specified in the notice under section 8" and insert "relevant date"

Member's explanatory statement

This amendment, together with amendment 237, provides for the application of new Ground 5G in Schedule 2 to the 1988 Act as inserted by the Bill in a case in which the court dispenses with the requirement for a possession notice.

Secretary Michael Gove

Agreed to Gov 175

Schedule 1, page 122, line 11, at end insert—

"New ground for possession of stepping stone accommodation

18A After Ground 5G (inserted by paragraph 18 of this Schedule) insert—

"Ground 5H

The landlord seeking possession is a registered provider of social housing or a charity and—

- (a) the tenancy was granted because the tenant met eligibility criteria of a description specified in regulations made by the Secretary of State,
- (b) the eligibility criteria that the tenant met were set out in a written tenancy agreement,
- (c) the tenant no longer meets the eligibility criteria or the tenancy was granted in order to provide accommodation for a limited period to help the tenant transition to living independently and that period has come to an end,
- (d) the rent is no higher than the highest amount that would be affordable rent, within the meaning given by regulations under paragraph 4(2) of Part 1 of Schedule 2 to the Welfare Reform and Work Act 2016 (whether or not those regulations apply in relation to the tenancy), and
- (e) the tenancy was not granted—
 - (i) pursuant to a nomination as mentioned in section 159(2)(c) of the Housing Act 1996,
 - (ii) as a tenancy of supported accommodation, or
 - (iii) in pursuance of a local housing authority's duty under section 193 of the Housing Act 1996.

Regulations under paragraph (a) are to be made by statutory instrument.

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

Member's explanatory statement

This amendment adds a new ground for possession for landlords of stepping stone accommodation.

Secretary Michael Gove

Agreed to Gov 231

Schedule 1, page 122, line 22, leave out “date specified in the notice under section 8” and insert “relevant date”

Member's explanatory statement

This amendment, together with amendments 234 and 237, provides for the application of Ground 6 in Schedule 2 to the 1988 Act as amended by the Bill in a case in which the court dispenses with the requirement for a possession notice.

Secretary Michael Gove

Agreed to Gov 232

Schedule 1, page 122, line 23, leave out from beginning to “and” in line 25 and insert “notice of a compulsory acquisition was given in respect of the dwelling-house where the acquiring authority was the person who became the landlord who is seeking possession”

Member's explanatory statement

This amendment to Ground 6 (redevelopment) in Schedule 2 to the 1988 Act, together with amendment 238, extends paragraph (aa)(ii) of that ground to compulsory acquisitions via routes other than a compulsory purchase order and from first notice of the compulsory acquisition process.

Secretary Michael Gove

Agreed to Gov 233

Schedule 1, page 122, line 26, leave out "one year" and insert "12 months"

Member's explanatory statement

This is a small drafting change to make the language in the Bill more consistent.

Secretary Michael Gove

Agreed to Gov 234

Schedule 1, page 122, line 27, leave out "date specified in the notice under section 8" and insert "relevant date"

Member's explanatory statement

This amendment, together with amendment 231 and 237, provides for the application of Ground 6 in Schedule 2 to the 1988 Act as amended by the Bill in a case in which the court dispenses with the requirement for a possession notice.

Mr Clive Betts

Not called 52

Schedule 1, page 122, line 34, leave out "of an intention" and insert "that the landlord may intend"

Mr Clive Betts

Not called 53

Schedule 1, page 122, line 35, at end insert "or the Court is of the opinion that it is just and equitable to dispose of the requirement to serve a written statement."

Mr Clive Betts

Not called 50

Schedule 1, page 123, line 3, leave out lines 3 to 9

Mr Clive Betts

Not called 51

Schedule 1, page 125, line 13, at end insert—

"Ground 6AA

A relevant social landlord granted a tenancy of the dwelling house to the tenant as temporary decant accommodation in order to demolish their

original home in the context of re-development and the landlord seeking possession requires vacant possession of the dwelling house because—

- (a) the landlord has served the tenant with notice that the new home is ready to move into, or
- (b) the temporary use of the accommodation has otherwise come to an end.”

Matthew Pennycook

Not called 16

Mr Clive Betts

Schedule 1, page 125, leave out line 17

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.

Mr Clive Betts

Not called 55

Schedule 1, page 125, line 17, at end insert—

“(ab) At the end of the second unnumbered paragraph, insert—

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

Matthew Pennycook

Not called 17

Schedule 1, page 125, line 18, 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

Not called 18

Schedule 1, page 125, line 30, leave out paragraph 23

Member's explanatory statement

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

Matthew Pennycook

Not called 19

Schedule 1, page 125, line 30, 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).

Mrs Natalie Elphicke

Not called 257

Caroline Lucas
Nadia Whittome
Lloyd Russell-Moyle
Wera Hobhouse

Schedule 1, page 126, line 12, at end insert—

- "23A In Ground 12, after "performed" insert "provided that failure to carry out this obligation could—
- (a) be reasonably expected to have a material adverse effect on the safety, health, or lives of any residents in that property or adjoining property; or
 - (b) cause material damage to the property not contemplated in any form of property safety deposit scheme relating to the tenancy."

Member's explanatory statement

This amendment would amend Ground 12 (possession due to failure to carry out an obligation of the tenancy) so that a tenant cannot be evicted if the obligation does not pose serious risk to the wellbeing of the tenants or the property (such as putting a poster in a window or putting washing on display).

Matthew Pennycook

Not called 20

Afzal Khan

Schedule 1, page 126, line 14, leave out paragraph 24

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.

Secretary Michael Gove

Agreed to Gov 235

Schedule 1, page 126, line 20, at end insert—

““acquiring authority” means, where notice of a compulsory acquisition has been given, the person who would be authorised to make the compulsory acquisition if the order or legislation to which the notice relates were to become operative;”

Member's explanatory statement

This amendment defines the term “acquiring authority” used in amendment 225 and amendment 232.

Secretary Michael Gove

Agreed to Gov 236

Schedule 1, page 126, leave out lines 21 to 23

Member's explanatory statement

This amendment is consequential on amendment 238.

Secretary Michael Gove

Agreed to Gov 176

Schedule 1, page 126, line 31, leave out “and”

Member's explanatory statement

This amendment, along with others, amends the definition of “managed accommodation” and is consequential on amendment 177.

Secretary Michael Gove

Agreed to Gov 177

Schedule 1, page 126, line 32, leave out “where the” and insert “in a case in which that”

Member's explanatory statement

This amendment amends the definition of “managed accommodation” (relevant to the ground for possession of supported accommodation) so that a dwelling-house may be managed accommodation even if the tenant receives the support services elsewhere and not at the dwelling-house.

Secretary Michael Gove

Agreed to Gov 237

Schedule 1, page 126, line 34, at end insert—

““relevant date”—

- (a) in Grounds 2ZA, 2ZB and 5F, means the date of service of the notice under section 8;
- (b) otherwise, means the date specified in the notice under section 8;

but where the court exercises the power conferred by section 8(1)(b) (power to dispense with notice under section 8) is to be read as a reference to the date on which proceedings for possession began;”

Member's explanatory statement

This amendment provides for the meaning of “relevant date” in other amendments of grounds for possession.

Secretary Michael Gove

Agreed to Gov 178

Schedule 1, page 126, line 36, at end insert—

- (a) which is provided by the landlord or a person acting on behalf of the landlord, or
- (b) which the tenant was admitted into the accommodation for the purpose of receiving;”

Member's explanatory statement

This amendment amends the definition of “support services” to link the services with the accommodation where the tenant lives.

Secretary Michael Gove

Agreed to Gov 179

Schedule 1, page 126, line 37, after “dwelling-house” insert “let”

Member's explanatory statement

This amendment to the definition of “supported accommodation” is consequential on amendment 181.

Secretary Michael Gove

Agreed to Gov 180

Schedule 1, page 126, line 38, leave out “let”

Member's explanatory statement

This amendment to the definition of “supported accommodation” is consequential on amendment 181.

Secretary Michael Gove

Agreed to Gov 181

Schedule 1, page 127, line 3, leave out “where a tenant” and insert “to a tenant who”

Member's explanatory statement

This amendment amends the definition of “supported accommodation” so that a dwelling-house may be supported accommodation even if the tenant receives the support services elsewhere and not at the dwelling-house.

Secretary Michael Gove

Agreed to Gov 238

Schedule 1, page 127, line 10, at end insert—

“(2) For the purposes of this Schedule, each of the following constitutes giving notice of a compulsory acquisition—

- (a) in the case of a compulsory acquisition which is to be authorised by a compulsory purchase order—
 - (i) publication of the notice required by section 11 of, or (as the case may be) paragraph 2 of Schedule 1 to, the Acquisition of Land Act 1981, in accordance with that Act, or
 - (ii) service of the notice required by section 12 of, or (as the case may be) paragraph 3 of Schedule 1 to, that Act, in accordance with that Act;
- (b) in the case of a compulsory acquisition which is to be authorised by any other order, publication or service of any notice that any provision of or made under any Act requires to be published or served in connection with that acquisition, in accordance with that Act;
- (c) in the case of a compulsory acquisition which is to be authorised by a special enactment, publication or service of a notice that, in connection with that acquisition, is published or served in accordance with any Standing Order of either House of Parliament relating to private business.

(3) In sub-paragraph (2)—

“compulsory purchase order” means a compulsory purchase order within the meaning given by the Acquisition of Land Act 1981 (see section 2 of that Act);

“special enactment” means—

- (a) a local or private Act which authorises the compulsory acquisition of land specifically identified in that Act, or
- (b) a provision which—
 - (i) is contained in an Act other than a local or private Act, and
 - (ii) authorises the compulsory acquisition of land specifically identified in that Act.”

Member's explanatory statement

This amendment sets out what constitutes giving notice of a compulsory acquisition for the purposes of Grounds 1A (sale, inserted by the Bill) and 6 (redevelopment) in Schedule 2 to the Housing Act 1988.

Secretary Michael Gove

Agreed to Gov 182

Schedule 1, page 127, line 12, leave out “2ZB,” and insert “2ZC,”

Member's explanatory statement

This amendment is consequential on amendment 161.

Secretary Michael Gove

Agreed to Gov 183

Schedule 1, page 127, line 17, leave out "2ZB," and insert "2ZC,"

Member's explanatory statement

This amendment is consequential on amendment 161.

Secretary Michael Gove

Agreed to Gov 184

Schedule 1, page 127, line 21, at end insert—

- "(ca) amend Ground 5H to change the descriptions of landlord who may use the ground;
- (cb) amend Ground 5H to give a different meaning for "affordable rent" in consequence of regulations under paragraph 4(2) of Part 1 of Schedule 2 to the Welfare Reform and Work Act 2016;"

Member's explanatory statement

This amendment allows the Secretary of State to change the kinds of landlord to whom Ground 5H (possession of stepping stone accommodation) inserted by amendment 175 is available, and to fill the gap if the regulations by reference to which "affordable rent" is defined are revoked or changed.

Secretary Michael Gove

Agreed to Gov 245

Schedule 2, page 128, line 2, at end insert—

"Landlord and Tenant Act 1985

- A1 In section 13(1A) of the Landlord and Tenant Act 1985 (as amended by section 25) omit paragraph (b) and the "or" before it.

Agricultural Holdings Act 1986

- A2 In Schedule 3 to the Agricultural Holdings Act 1986 (cases where consent of tribunal to operation of notice to quit is not required), in Part 2, in paragraph 3—
 - (a) in sub-paragraph (c)—
 - (i) omit "which is not an assured shorthold tenancy";
 - (ii) for "those terms" substitute "that term";
 - (b) in sub-paragraph (d) omit "which is not an assured shorthold tenancy"."

Member's explanatory statement

The Bill provides that assured tenancies are to be periodic tenancies and abolishes assured shorthold tenancies and these amendments are consequential on those changes.

Secretary Michael Gove

Agreed to Gov 258

Schedule 2, page 128, line 2, at end insert—

“Housing Act 1985

- ZA1 In section 82A of the Housing Act 1985 (demotion because of anti-social behaviour), in subsection (8), omit paragraph (b).”

Member's explanatory statement

This amendment is consequential on clause 2 of the Bill which repeals Chapter 2 of Part 1 of the Housing Act 1988.

Secretary Michael Gove

Agreed to Gov 246

Schedule 2, page 128, line 15, at end insert—

- “4A In section 7 (orders for possession)—
- (a) in subsection (3), for “subsections (5A) and (6)” substitute “subsection (5A)”;
 - (b) in subsection (4), for “subsections (5A) and (6)” substitute “subsection (5A)”;
 - (c) in subsection (5) omit the words from “and Part IV” to the end.
- 4B In section 8 (notice or proceedings for possession), in subsection (5), for “or 8” substitute “, 8 or 8A”.”

Member's explanatory statement

This amendment is consequential on changes made by clause 3 of, and Schedule 1 to, the Bill.

Secretary Michael Gove

Agreed to Gov 247

Schedule 2, page 128, line 19, at end insert—

- “6A In section 18 (provisions as to reversions on assured tenancies)—
- (a) in subsection (3)—
 - (i) in the words before paragraph (a) omit “which is a periodic tenancy (including a statutory periodic tenancy)”;
 - (ii) omit paragraph (a) and the “or” after it;
 - (iii) in paragraph (b), for “periodic” substitute “assured”;
 - (iv) in the words after paragraph (b), for “periodic” substitute “assured”;
 - (b) omit subsection (4).”

Member's explanatory statement

The Bill abolishes assured shorthold tenancies and this amendment is consequential on that abolition.

Secretary Michael Gove

Agreed to Gov 198

Schedule 2, page 128, leave out lines 20 and 21

Member's explanatory statement

This amendment, together with amendment NC29, moves an amendment of section 24 of the 1988 Act to a new clause with other amendments of that section.

Secretary Michael Gove

Agreed to Gov 248

Schedule 2, page 128, line 21, at end insert—

“7A In section 34 (restrictions on new protected tenancies and agricultural occupancies) omit subsection (3).”

Member's explanatory statement

The Bill abolishes assured shorthold tenancies and this amendment is consequential on that abolition.

Secretary Michael Gove

Agreed to Gov 249

Schedule 2, page 128, line 22, at end insert—

“8A In section 41 (rent assessment committees: procedure and information powers), in subsection (2), omit “or Chapter II”.

8B In section 41A (amounts attributable to services) omit “or 22”.”

Member's explanatory statement

This amendment is consequential on clause 2 of the Bill which repeals Chapter 2 of Part 1 of the Housing Act 1988.

Secretary Michael Gove

Agreed to Gov 250

Schedule 2, page 128, line 23, after “Part 1)” insert “—

“(a) in subsection (1) omit the definition of “statutory periodic tenancy”;

Member's explanatory statement

This amendment is consequential on the amendment to section 5 of the Housing Act 1988 made by paragraph 3(b) of this Schedule.

Secretary Michael Gove

Agreed to Gov 251

Schedule 2, page 128, line 25, after “possession)” insert “—

- (a) in Part 3, in paragraph 2(a), omit the words from “other than—” to the end of sub-paragraph (ii) (but not the “, or” at the end of the paragraph);”

Member's explanatory statement

This amendment is consequential on Schedule 1 to the Bill, which abolishes the existing prior notice grounds in Part 1 of Schedule 2 to the Housing Act 1988, and on clause 2 of the Bill which abolishes assured shorthold tenancies. The amendment removes the references in paragraph 2(a) of Part 3 of Schedule 2 to the 1988 Act to those grounds and to assured shorthold tenancies.

Secretary Michael Gove

Agreed to Gov 252

Schedule 2, page 128, line 26, at end insert—

“Local Government and Housing Act 1989

- 11A In Schedule 11 to the Local Government and Housing Act 1989 (minor and consequential amendments) omit paragraphs 103 and 108.”

Member's explanatory statement

This amendment repeals amendments in the Local Government and Housing Act 1989 of provisions in the 1988 Act that are being repealed by the Bill.

Secretary Michael Gove

Agreed to Gov 253

Schedule 2, page 128, line 28, at end insert—

“12A In section 64 omit the entry for “assured shorthold tenancy”.

12B Omit sections 96 to 100.

12C In section 143 (index of defined expressions) omit “and assured shorthold tenancy”.”

Member's explanatory statement

This amendment is consequential on clause 2 of the Bill which repeals Chapter 2 of Part 1 of the Housing Act 1988.

Matthew Pennycook

Not called 25

Afzal Khan

Schedule 2, page 128, line 29, 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.

Secretary Michael Gove

Agreed to Gov 239

Schedule 2, page 128, line 29, leave out "omit subsection (5)" and insert ", in subsection (5)—

- (a) in paragraph (a), for "section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy)" substitute "section 8 of the Housing Act 1988 (notice of proceedings for possession)";
- (b) in paragraph (b), for "that notice will expire" substitute "the date specified in that notice is""

Member's explanatory statement

This amendment changes an amendment to section 175 of the Housing Act 1996, classing a person as threatened with homelessness if they have been given a valid notice under section 8 of the 1988 Act and the date specified in the notice is within 56 days.

Matthew Pennycook

Not called 26

Afzal Khan

Schedule 2, page 129, line 1, 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.

Secretary Michael Gove

Agreed to Gov 240

Schedule 2, page 129, line 1, leave out "omit subsection (6)" and insert ", in subsection (6)—

- (a) in the words before paragraph (a), for "section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy)" substitute "section 8 of the Housing Act 1988 (notice of proceedings for possession)";
- (b) in paragraph (a)—
 - (i) for "will expire" substitute "specifies a date that is";
 - (ii) for "expired" substitute "passed"

Member's explanatory statement

This amendment changes an amendment to section 195 of the Housing Act 1996 so that a housing authority may not end its duty to a person under the circumstances in section 195(8)(b) where the person has been given a valid section 8 notice specifying a date within 56 days or that has passed.

Secretary Michael Gove

Agreed to Gov 254

Schedule 2, page 129, line 9, at end insert—

- "18A In section 230 (minor definitions: general), in the first definition, omit ", "assured shorthold tenancy"."
- 18B Omit Schedule 7."

Member's explanatory statement

This amendment is consequential on clause 2 of the Bill which repeals Chapter 2 of Part 1 of the Housing Act 1988.

Secretary Michael Gove

Agreed to Gov 259

Schedule 2, page 129, line 9, at end insert—

Capital Allowances Act 2001

- 18C In the Capital Allowances Act 2001, in section 490(3)(b) (assured tenancy allowances), omit "(but not an assured shorthold tenancy)".

Police Reform Act 2002

- 18D In section 100 of the Police Reform Act 2002 (Metropolitan Police Authority housing) omit subsection (4).

Finance Act 2003

- 18E In Schedule 9 to the Finance Act 2003 (stamp duty land tax: right to buy, shared ownerships leases etc)—
 - (a) in paragraph 13, in each place it occurs, for "assured shorthold tenancy" substitute "assured tenancy";

- (b) in paragraph 14, in each place it occurs, for “assured shorthold tenancy” substitute “assured tenancy”.

Anti-social Behaviour Act 2003

- 18F In the Anti-social Behaviour Act 2003—
- (a) in section 14 (security of tenure: anti-social behaviour) omit subsection (4);
 - (b) omit section 15.

Housing Act 2004

- 18G In the Housing Act 2004—
- (a) omit section 75;
 - (b) omit section 98.

Housing and Regeneration Act 2008

- 18H In Schedule 11 to the Housing and Regeneration Act 2008 (possession orders relating to certain tenancies), in Part 1—
- (a) omit paragraph 7;
 - (b) omit paragraph 9.

Localism Act 2011

- 18I In the Localism Act 2011—
- (a) in section 162 (secure and assured tenancies: recovery of possession after tenant’s death) omit subsection (4);
 - (b) omit section 163;
 - (c) omit section 164;
 - (d) in Schedule 14 (grounds on which landlord may refuse to surrender and grant tenancies), in paragraph 6(4), in the definition of “demotion order”, omit “or section 6A of the Housing Act 1988”.

Deregulation Act 2015

- 18J In the Deregulation Act 2015—
- (a) omit section 31;
 - (b) omit sections 33 to 41.

Immigration Act 2016

- 18K In section 41 of the Immigration Act 2016 (order for possession of dwelling-house), in subsection (3), omit paragraphs (c) and (d).”

Member's explanatory statement

This amendment is consequential on changes made by clauses 2, 3 and 22 of the Bill.

Secretary Michael Gove

Agreed to Gov 185

Schedule 3, page 140, line 37, leave out “type 2” and insert “type 1”

Member's explanatory statement

This amendment corrects a drafting error in the amendment of section 40(4) of the Housing Act 2004.

Secretary Michael Gove

Agreed to Gov 241

Schedule 5, page 152, line 14, at end insert—

“Tenancies to which Chapter 1 of Part 1 applies on conversion to a periodic tenancy

- A1 Where the extended application date in relation to an existing tenancy is the date on which it is converted to a periodic tenancy, the amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy until immediately after it is so converted.

Section 1: existing tenancies continue as modified

- A2 The application of section 4A of the 1998 Act (inserted by section 1) in relation to an existing tenancy does not bring that tenancy to an end, and the terms of such a tenancy are not affected by the application of section 4A of the 1988 Act except as provided by that section.”

Member's explanatory statement

This amendment makes provision like existing paragraph 2 of Schedule 5 but applying to contractual periodic tenancies as well as statutory periodic tenancies. It also makes it clear that the application of clause 1 to an existing tenancy does not create a new tenancy.

Secretary Michael Gove

Agreed to Gov 186

Schedule 5, page 152, line 22, leave out “116(2)(b)” and insert “(Application of Chapter 1 of Part 1)(3)”

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 242

Schedule 5, page 153, line 2, leave out paragraph 2

Member's explanatory statement

This amendment is consequential on amendment 241.

Secretary Michael Gove

Agreed to Gov 187

Schedule 5, page 154, line 16, leave out "116(2)(b)" and insert "*(Application of Chapter 1 of Part 1)(3)*"

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 199

Schedule 5, page 154, line 30, at end insert—

"Section (Assured agricultural occupancies: opting out etc): existing opt-out notices for assured agricultural occupancies

- 8A Where an existing tenancy would be an assured agricultural occupancy but for a notice served under paragraph 9(2) of Schedule 2A to the 1988 Act, the tenancy is to be treated for the purposes of Chapter 3 of Part 1 of the 1988 Act as amended by this Act, on and after the extended application date, as a tenancy in relation to which an opt-out notice has been served under section 24A of the 1988 Act (inserted by section *(Assured agricultural occupancies: opting out etc)* of this Act)."

Member's explanatory statement

This amendment ensures that where tenancies have been opted-out from the assured agricultural occupancy regime, those tenancies continue to be opted-out tenancies as provided for in amendment NC29.

Secretary Michael Gove

Agreed to Gov 243

Schedule 5, page 154, line 34, at end insert—

"Schedule 1: student accommodation ground

- 9A In relation to an existing tenancy, paragraph (za) in Ground 4A 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 *(Application of Chapter 1 of Part 1)(3)* of the Renters (Reform) Act 2024)"."

Member's explanatory statement

This amendment makes transitional provision for the new ground of possession for student accommodation, Ground 4A.

Secretary Michael Gove

Agreed to Gov 188

Schedule 5, page 154, line 34, at end insert—

“Schedule 1: stepping stone accommodation ground

- 9B In relation to an existing tenancy, paragraph (b) in Ground 5H in Schedule 1 to the 1988 Act is to be read as if after “agreement” there were inserted “or in a written statement given to the tenant before the extended application date (within the meaning given by section (*Application of Chapter 1 of Part 1*)(3) of the Renters (Reform) Act 2024”).”

Member's explanatory statement

This amendment makes transitional provision for the new ground of possession for stepping stone accommodation, Ground 5H.

Secretary Michael Gove

Agreed to Gov 189

Schedule 5, page 155, line 1, leave out “116(4)” and insert “(*Application of Chapter 1 of Part 1*)(3)”

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 190

Schedule 5, page 155, line 2, at end insert—

“Existing tenancies subject to possession notice

- 10A Where, immediately before the extended application date, proceedings for an order for possession under section 8 of the 1988 Act in reliance on a valid notice given under that section of that Act have been commenced in relation to an existing tenancy and have not been concluded, or have not been commenced but have not become time-barred—
- (a) the notice remains valid until any time when such proceedings in reliance on the notice become time-barred or are concluded, and
 - (b) until that time the amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy.

For the purposes of this paragraph, proceedings are “time-barred” after the time limit mentioned in section 8(3)(c) of the 1988 Act.”

Member's explanatory statement

This amendment prevents the amendments made by Part 1 of the Bill from affecting an assured tenancy that is subject to a live possession notice at the time when those amendments would otherwise apply to it.

Secretary Michael Gove

Agreed to Gov 191

Schedule 5, page 155, line 5, leave out "116(1)" and insert "*(Application of Chapter 1 of Part 1)(1)(a)*"

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 192

Schedule 5, page 155, line 7, leave out "116(5)" and insert "*(Application of Chapter 1 of Part 1)(4)*"

Member's explanatory statement

This amendment is consequential on amendment NC28.

Secretary Michael Gove

Agreed to Gov 244

Schedule 5, page 155, leave out line 8

Member's explanatory statement

This amendment is consequential on amendment 242.

Secretary Michael Gove

Agreed to Gov 194

Schedule 5, page 155, line 10, leave out "116(4)" and insert "*(Application of Chapter 1 of Part 1)(3)*"

Member's explanatory statement

This amendment is consequential on amendment NC28.

Bill read the third time, and passed.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Not selected: not chosen for debate by the Speaker.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.