

Deregulation Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 27th January 2015, as follows –

Clauses 88 to 91	Schedule 10
Clauses 28 to 35	Clause 38
Schedule 8	Schedule 11
Clause 36	Clauses 39 to 41
Schedule 9	Clauses 92 to 96
Clause 37	

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 88

LORD HUNT OF KINGS HEATH

43 Page 70, line 29, at end insert –

- “() This section does not apply to the following –
- (a) Care Quality Commission,
 - (b) Human Tissue Authority,
 - (c) Medicines and Healthcare Products Regulatory Agency,
 - (d) Professional Standards Authority,
 - (e) General Medical Council,
 - (f) Nursing and Midwifery Council,
 - (g) Health and Care Professions Council,
 - (h) General Chiropractic Council,
 - (i) General Dental Council,
 - (j) General Pharmaceutical Council,
 - (k) Human Fertilisation and Embryology Authority, and
 - (l) any persons exercising a regulatory function with respect to health and care service that the Secretary of State specifies by order.
- () An order under this section must be made by statutory instrument.

Amendment
No.

Clause 88 – *continued*

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

Clause 89

LORD McNALLY
LORD ROOKER
BARONESS THORNTON

- 44** Page 71, line 2, at end insert –
“(d) a regulatory function of the Commission for Equality and Human Rights.”

LORD TUNNICLIFFE

- 44A** Page 71, line 3, at end insert –
“() Section 88 shall only apply to a person exercising a regulatory function in so far as it is consistent with the proper exercise of their existing regulatory functions.”

After Clause 29

LORD WALLACE OF SALTAIRE

- 45** Insert the following new Clause –
“Tenancy deposits: provision of information by agents
- (1) The Housing (Tenancy Deposits) (Prescribed Information) Order 2007 (S.I. 2007/797) is amended as follows.
- (2) In article 2 (prescribed information relating to tenancy deposits), after paragraph (2) insert –
- “(3) In a case where the initial requirements of an authorised scheme have been complied with in relation to the deposit by a person (“the initial agent”) acting on the landlord’s behalf in relation to the tenancy –
- (a) references in paragraphs (1)(b), (g)(iii) and (vii) to the landlord are to be read as references to either the landlord or the initial agent;
- (b) references in paragraphs (1)(d), (e), (g)(iv) and (vi) and (2) to the landlord are to be read as references to either the landlord or a person who acts on the landlord’s behalf in relation to the tenancy.
- (4) In any other case, references in paragraphs (1)(d), (e), (g)(iv) and (vi) and (2) to the landlord are to be read as references to either the landlord or a person who acts on the landlord’s behalf in relation to the tenancy.

Amendment
No.

After Clause 29 – continued

- (5) Section 212(9)(a) of the Act (references to landlord include persons acting on landlord’s behalf) does not apply for the purposes of this article.”
- (3) After article 2 insert –
- “3 Article 2(3) to (5): transitional provisions**
- (1) Paragraphs (3) to (5) of article 2 are treated as having had effect since 6th April 2007, subject to the following provisions of this article.
- (2) Paragraphs (3) to (5) of article 2 do not have effect in relation to –
- (a) a claim under section 214 of the Act or section 21 of the Housing Act 1988 in respect of a tenancy which is settled before the commencement date (whether or not proceedings in relation to the claim have been instituted), or
- (b) proceedings under either of those sections in respect of a tenancy which have been finally determined before the commencement date.
- (3) Paragraph (5) applies in respect of a tenancy if –
- (a) proceedings under section 214 of the Act in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
- (b) because of paragraphs (3) to (5) of article 2, the court decides –
- (i) not to make an order under section 214(4) of that Act in respect of the tenancy, or
- (ii) to allow an appeal by the landlord against such an order.
- (4) Paragraph (5) also applies in respect of a tenancy if –
- (a) proceedings for possession under section 21 of the Housing Act 1988 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
- (b) because of paragraphs (3) to (5) of article 2, the court decides –
- (i) to make an order for possession under that section in respect of the tenancy, or
- (ii) to allow an appeal by the landlord against a refusal to make such an order.
- (5) Where this paragraph applies, the court must not order the tenant or any relevant person (as defined by section 213(10) of the Act) to pay the landlord’s costs, to the extent that the court reasonably considers those costs are attributable to the proceedings under section 214 of the Act or (as the case may be) section 21 of the Housing Act 1988.
- (6) Proceedings have been “finally determined” for the purposes of this article if –
- (a) they have been determined by a court, and

Amendment
No.

After Clause 29 – *continued*

- (b) there is no further right to appeal against the determination.
- (7) There is no further right to appeal against a court determination if there is no right to appeal against the determination, or there is such a right but –
 - (a) the time limit for making an appeal has expired without an appeal being brought, or
 - (b) an appeal brought within that time limit has been withdrawn.
- (8) In this article “the commencement date” means the date on which the Deregulation Act 2015 is passed.”
- (4) The amendments made by this section to the Housing (Tenancy Deposits) (Prescribed Information) Order 2007 (S.I. 2007/797) do not affect a power to use subordinate legislation to amend or revoke that Order.
- (5) In subsection (4), “subordinate legislation” has the same meaning as in the Interpretation Act 1978.”

45A

Insert the following new Clause –

“Tenancy deposits: non-compliance with requirements

- (1) Chapter 4 of Part 6 of the Housing Act 2004 (Tenancy Deposit Schemes) is amended as follows.
- (2) In section 214 (proceedings relating to tenancy deposits), in subsection (1) after “shorthold tenancy” insert “on or after 6 April 2007”.
- (3) In section 215 (sanctions for non-compliance) –
 - (a) for subsection (1) substitute –
 - “(1) Subject to subsection (2A), if (whether before, on or after 6 April 2007) a tenancy deposit has been paid in connection with a shorthold tenancy, no section 21 notice may be given in relation to the tenancy at a time when the deposit is not being held in accordance with an authorised scheme.
 - (1A) Subject to subsection (2A), if a tenancy deposit has been paid in connection with a shorthold tenancy on or after 6 April 2007, no section 21 notice may be given in relation to the tenancy at a time when section 213(3) has not been complied with in relation to the deposit.”;
 - (b) in subsection (2A), after “Subsections (1)” insert “, (1A)”.

Amendment
No.

Clause 30

BARONESS HAYTER OF KENTISH TOWN

- 46 Page 24, line 39, at end insert—
- “(a) after section 213(10) (requirements relating to tenancy deposits) insert—
- “(11) Where an order made by the appropriate national authority under subsection (5) requires, in connection with the tenancy in respect of which a deposit has been paid, the provision of the name, address, telephone number, and any email address or fax number of the landlord, the name, address, telephone number, and any email address or fax number of any agent who is holding the deposit on behalf of the landlord may be provided instead.”;
- (b) ”

After Clause 30

LORD WALLACE OF SALTAIRE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS GRENDER
LORD TOPE

- 46A Insert the following new Clause—

“Preventing retaliatory eviction

- (1) Where a relevant notice is served in relation to a dwelling-house in England, a section 21 notice may not be given in relation to an assured shorthold tenancy of the dwelling-house—
- (a) within six months beginning with the day of service of the relevant notice, or
- (b) where the operation of the relevant notice has been suspended, within six months beginning with the day on which the suspension ends.
- (2) A section 21 notice given in relation to an assured shorthold tenancy of a dwelling-house in England is invalid where—
- (a) before the section 21 notice was given, the tenant made a complaint in writing to the landlord regarding the condition of the dwelling-house at the time of the complaint,
- (b) the landlord—
- (i) did not provide a response to the complaint within 14 days beginning with the day on which the complaint was given,
- (ii) provided a response to the complaint that was not an adequate response, or
- (iii) gave a section 21 notice in relation to the dwelling-house following the complaint,
- (c) the tenant then made a complaint to the relevant local housing authority about the same, or substantially the same, subject matter as the complaint to the landlord,
- (d) the relevant local housing authority served a relevant notice in relation to the dwelling-house in response to the complaint, and

Amendment
No.

After Clause 30 – *continued*

- (e) if the section 21 notice was not given before the tenant's complaint to the local housing authority, it was given before the service of the relevant notice.
- (3) The reference in subsection (2) to an adequate response by the landlord is to a response in writing which –
 - (a) provides a description of the action that the landlord proposes to take to address the complaint, and
 - (b) sets out a reasonable timescale within which that action will be taken.
- (4) Subsection (2) applies despite the requirement in paragraph (a) for a complaint to be in writing not having been met where the tenant does not know the landlord's postal or e-mail address.
- (5) Subsection (2) applies despite the requirements in paragraphs (a) and (b) not having been met where the tenant made reasonable efforts to contact the landlord to complain about the condition of the dwelling-house but was unable to do so.
- (6) The court must strike out proceedings for an order for possession under section 21 of the Housing Act 1988 in relation to a dwelling-house in England if, before the order is made, the section 21 notice that would otherwise require the court to make an order for possession in relation to the dwelling-house has become invalid under subsection (2).
- (7) An order for possession of a dwelling-house in England made under section 21 of the Housing Act 1988 must not be set aside on the ground that a relevant notice was served in relation to the dwelling-house after the order for possession was made.
- (8) Subsection (1) does not apply where the section 21 notice is given after –
 - (a) the relevant notice has been wholly revoked under section 16 of the Housing Act 2004 as a result of the notice having been served in error,
 - (b) the relevant notice has been quashed under paragraph 15 of Schedule 1 to that Act,
 - (c) a decision of the relevant local housing authority to refuse to revoke the relevant notice has been reversed under paragraph 18 of Schedule 1 to that Act, or
 - (d) a decision of the relevant local housing authority to take the action to which the relevant notice relates has been reversed under section 45 of that Act.
- (9) Subsection (2) does not apply where the operation of the relevant notice has been suspended.
- (10) References in this section and section (*Further exemptions to section (Preventing retaliatory eviction)*) to a relevant notice served, or complaint made, in relation to a dwelling-house include a relevant notice served, or complaint made, in relation to any common parts of the building of which the dwelling-house forms a part.
- (11) But subsection (10) applies only if –
 - (a) the landlord has a controlling interest in the common parts in question, and

Amendment
No.

After Clause 30 – continued

- (b) the condition of those common parts is such as to affect the tenant’s enjoyment of the dwelling-house or of any common parts which the tenant is entitled to use.
- (12) In this section and section (*Further exemptions to section (Preventing retaliatory eviction)*) a reference to a complaint to a landlord includes a complaint made to a person acting on behalf of the landlord in relation to the tenancy.
- (13) In this section and section (*Further exemptions to section (Preventing retaliatory eviction)*) –
- “assured shorthold tenancy” means a tenancy within section 19A or 20 of the Housing Act 1988;
- “common parts”, in relation to a building, includes –
- (a) the structure and exterior of the building, and
 - (b) common facilities provided (whether or not in the building) for persons who include one or more of the occupiers of the building;
- “controlling interest” means an interest which is such as to entitle the landlord to decide whether action is taken in relation to a complaint within this section or a relevant notice.
- “dwelling-house” has the meaning given by section 45 of the Housing Act 1988;
- “relevant local housing authority”, in relation to a dwelling-house, means the local housing authority as defined in section 261(2) and (3) of the Housing Act 2004 within whose area the dwelling-house is located;
- “relevant notice” means –
- (a) a notice served under section 11 of the Housing Act 2004 (improvement notices relating to category 1 hazards),
 - (b) a notice served under section 12 of that Act (improvement notices relating to category 2 hazards), or
 - (c) a notice served under section 40(7) of that Act (emergency remedial action);
- “section 21 notice” means a notice given under section 21(1)(b) or (4)(a) of the Housing Act 1988 (recovery of possession on termination of shorthold tenancy).”

46B Insert the following new Clause –

“Further exemptions to section (Preventing retaliatory eviction)

- (1) Subsections (1) and (2) of section (*Preventing retaliatory eviction*) do not apply where the condition of the dwelling-house or common parts that gave rise to the service of the relevant notice is due to a breach by the tenant of –
 - (a) the duty to use the dwelling-house in a tenant-like manner, or
 - (b) an express term of the tenancy to the same effect.
- (2) Subsections (1) and (2) of section (*Preventing retaliatory eviction*) do not apply where at the time the section 21 notice is given the dwelling-house is genuinely on the market for sale.

Amendment
No.

After Clause 30 – *continued*

- (3) For the purposes of subsection (2), a dwelling-house is not genuinely on the market for sale if, in particular, the landlord intends to sell the landlord's interest in the dwelling-house to –
- (a) a person associated with the landlord,
 - (b) a business partner of the landlord,
 - (c) a person associated with a business partner of the landlord, or
 - (d) a business partner of a person associated with the landlord.
- (4) In subsection (3), references to a person who is associated with another person are to be read in accordance with section 178 of the Housing Act 1996.
- (5) For the purposes of subsection (3), a business partner of a person (“P”) is a person who is –
- (a) a director, secretary or other officer of a company of which P is also a director, secretary or other officer,
 - (b) a director, secretary or other officer of a company in which P has a shareholding or other financial interest,
 - (c) a person who has a shareholding or other financial interest in a company of which P is a director, secretary or other officer,
 - (d) an employee of P,
 - (e) a person by whom P is employed, or
 - (f) a partner of a partnership of which P is also a partner.
- (6) Subsections (1) and (2) of section (*Preventing retaliatory eviction*) do not apply where the landlord is a private registered provider of social housing.
- (7) Subsections (1) and (2) of section (*Preventing retaliatory eviction*) do not apply where –
- (a) the dwelling-house is subject to a mortgage granted before the beginning of the tenancy,
 - (b) the mortgagee is entitled to exercise a power of sale conferred on the mortgagee by the mortgage or by section 101 of the Law of Property Act 1925, and
 - (c) at the time the section 21 notice is given the mortgagee requires possession of the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power.
- (8) In subsection (7) –
- (a) “mortgage” includes a charge, and
 - (b) “mortgagee” includes a receiver appointed by the mortgagee under the terms of the mortgage or in accordance with the Law of Property Act 1925.”

46C Insert the following new Clause –

“Notice to be provided in relation to periodic assured shorthold tenancies

In section 21 of the Housing Act 1988 (recovery of possession on termination of shorthold tenancy), after subsection (4) insert –

- “(4ZA) In the case of a dwelling-house in England, subsection (4)(a) above has effect with the omission of the requirement for the date specified in the notice to be the last day of a period of the tenancy.””

Amendment
No.

After Clause 30 – *continued*

46D

Insert the following new Clause –

“Time limits in relation to section 21 notices and proceedings

- (1) Section 21 of the Housing Act 1988 is amended as follows.
- (2) After subsection (4A) insert –
 - “(4B) A notice under subsection (1) or (4) may not be given in relation to an assured shorthold tenancy of a dwelling-house in England –
 - (a) in the case of a tenancy which is not a replacement tenancy, within the period of four months beginning with the day on which the tenancy began, and
 - (b) in the case of a replacement tenancy, within the period of four months beginning with the day on which the original tenancy began.
 - (4C) Subsection (4B) does not apply where the tenancy has arisen due to section 5(2).
 - (4D) Subject to subsection (4E), proceedings for an order for possession under this section in relation to a dwelling-house in England may not be begun after the end of the period of six months beginning with the date on which the notice was given under subsection (1) or (4).
 - (4E) Where –
 - (a) a notice under subsection (4) has been given in relation to a dwelling-house in England, and
 - (b) paragraph (b) of that subsection requires the date specified in the notice to be more than two months after the date the notice was given,proceedings for an order for possession under this section may not be begun after the end of the period of four months beginning with the date specified in the notice.”
- (3) In subsection (6), for “subsection” substitute “subsections (4B)(b) and”.

46E

Insert the following new Clause –

“Prescribed form of section 21 notices

In section 21 of the Housing Act 1988, after subsection (7) insert –

- “(8) The Secretary of State may by regulations made by statutory instrument prescribe the form of a notice under subsection (1) or (4) given in relation to an assured shorthold tenancy of a dwelling-house in England.
- (9) A statutory instrument containing regulations made under subsection (8) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Amendment
No.

After Clause 30 – continued

46F Insert the following new Clause –

“Compliance with prescribed legal requirements

After section 21 of the Housing Act 1988 insert –

“21A Compliance with prescribed legal requirements

- (1) A notice under subsection (1) or (4) of section 21 may not be given in relation to an assured shorthold tenancy of a dwelling-house in England at a time when the landlord is in breach of a prescribed requirement.
- (2) The requirements that may be prescribed are requirements imposed on landlords by any enactment and which relate to –
 - (a) the condition of dwelling-houses or their common parts,
 - (b) the health and safety of occupiers of dwelling-houses, or
 - (c) the energy performance of dwelling-houses.
- (3) In subsection (2) “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978.
- (4) For the purposes of subsection (2)(a) “common parts” has the same meaning as in Ground 13 in Part 2 of Schedule 2.
- (5) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

46G Insert the following new Clause –

“Requirement for landlord to provide prescribed information

After section 21A of the Housing Act 1988 insert –

“21B Requirement for landlord to provide prescribed information

- (1) The Secretary of State may by regulations require information about the rights and responsibilities of a landlord and a tenant under an assured shorthold tenancy of dwelling house in England (or any related matters) to be given by a landlord under such a tenancy, or a person acting on behalf of such a landlord, to the tenant under such a tenancy.
- (2) Regulations under subsection (1) may –
 - (a) require the information to be given in the form of a document produced by the Secretary of State or another person,
 - (b) provide that the document to be given is the version that has effect at the time the requirement applies, and
 - (c) specify cases where the requirement does not apply.
- (3) A notice under subsection (1) or (4) of section 21 may not be given in relation to an assured shorthold tenancy of a dwelling house in England at a time when the landlord is in breach of a requirement imposed by regulations under subsection (1).

Amendment
No.

After Clause 30 – continued

- (4) A statutory instrument containing regulations made under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.””

46H Insert the following new Clause –

“Repayment of rent where tenancy ends before end of a period

After section 21B of the Housing Act 1988 insert –

“21C Repayment of rent where tenancy ends before end of a period

- (1) A tenant under an assured shorthold tenancy of a dwelling-house in England is entitled to a repayment of rent from the landlord where –
- (a) as a result of the service of a notice under section 21 the tenancy is brought to an end before the end of a period of the tenancy,
 - (b) the tenant has paid rent in advance for that period, and
 - (c) the tenant was not in occupation of the dwelling-house for one or more whole days of that period.
- (2) The amount of repayment to which a tenant is entitled under subsection (1) is to be calculated in accordance with the following formula –

$$R \times \frac{D}{P}$$

where –

R is the rent paid for the final period;

D is the number of whole days of the final period for which the tenant was not in occupation of the dwelling-house; and

P is the number of whole days in that period.

- (3) If the repayment of rent described in subsections (1) and (2) has not been made when the court makes an order for possession under section 21, the court must order the landlord to repay the amount of rent to which the tenant is entitled.
- (4) Nothing in this section affects any other right of the tenant to a repayment of rent from the landlord.””

46J Insert the following new Clause –

“Application of sections (Preventing retaliatory eviction) to (Repayment of rent where tenancy ends before end of a period)

- (1) Subject to subsections (2) and (3), a provision of sections (*Preventing retaliatory eviction*) to (*Repayment of rent where tenancy ends before end of a period*) applies only to an assured shorthold tenancy of a dwelling-house in England granted on or after the day on which the provision comes into force.

Amendment
No.

After Clause 30 – *continued*

- (2) Subject to subsection (3), a provision of sections (*Preventing retaliatory eviction*) to (*Repayment of rent where tenancy ends before end of a period*) does not apply to an assured shorthold tenancy that came into being under section 5(2) of the Housing Act 1988 after the commencement of that provision and on the coming to an end of an assured shorthold tenancy that was granted before the commencement of that provision.
- (3) At the end of the period of three years beginning with the coming into force of a provision of sections (*Preventing retaliatory eviction*) to (*Compliance with prescribed legal requirements*) or section (*Repayment of rent where tenancy ends before end of a period*), that provision also applies to any assured shorthold tenancy of a dwelling-house in England –
- (a) which is in existence at that time, and
 - (b) to which that provision does not otherwise apply by virtue of subsection (1) or (2)."

Clause 31

LORD BEST

46K Page 28, leave out lines 1 to 3

Clause 33

BARONESS GARDNER OF PARKES

47 Page 28, line 32, after “which” insert “, for the duration of a major national or international sporting or entertainment event taking place in London,”

48★ Page 28, line 35, at end insert –

- “() Regulations under subsection (1) –
- (a) must not include circumstances where the premises in question have been used as temporary sleeping accommodation for more than 30 days in that calendar year;
 - (b) must require persons renting out premises under those regulations to provide the local planning authority with the following information at least 7 days before each use as temporary sleeping accommodation commences –
 - (i) the date the short-let stay will commence,
 - (ii) the date the short-let stay will end,
 - (iii) the names and permanent addresses of the persons temporarily occupying the property, and
 - (iv) written evidence that the owners of the property (where applicable) have been notified and given their written consent;
 - (c) may permit local planning authorities to vary the requirement in paragraph (b) by establishing a fast-track procedure to enable persons renting out premises to provide the specified information with less than 7 days’ notice;
 - (d) may permit local planning authorities to levy an administrative fee on persons providing information under this subsection.”

Amendment
No.

Clause 33 – *continued*

49 Page 28, line 35, at end insert –

“() The circumstances referred to in subsection (1) shall include where the premises in question are the principal and permanent residence of the owner.”

LORD MCKENZIE OF LUTON

49A★ Page 28, line 36, leave out “may” and insert “must”

49B★ Page 28, line 37, leave out “the Secretary of State or”

BARONESS GARDNER OF PARKES

50 Page 28, line 42, at end insert –

“() Regulations under this section may provide that, where a local planning authority takes enforcement action in respect of the illegal use of residential premises in Greater London as temporary sleeping accommodation, the authority may reclaim any costs associated with that enforcement from the owner or leaseholder of the premises in question.”

BARONESS GARDNER OF PARKES

LORD CLEMENT-JONES

LORD TOPE

BARONESS HANHAM

51 Leave out Clause 33

After Clause 33

LORD WALLACE OF SALTAIRE

51A Insert the following new Clause –

“Designation of urban development areas: procedure

(1) Section 134 of the Local Government, Planning and Land Act 1980 (urban development areas) is modified as follows in relation to an order under subsection (1) of that section designating any area of land in England as an urban development area that is contained in an instrument laid before Parliament on or before 31 March 2016.

(2) The section has effect as if after subsection (1) there were inserted –

“(1A) Before making an order under subsection (1), the Secretary of State must consult the following persons –

- (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the proposed urban development area;
- (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the proposed urban development area;
- (c) each local authority for an area which falls wholly or partly within the proposed urban development area; and

Amendment
No.

After Clause 33 – continued

- (d) any other person whom the Secretary of State considers it appropriate to consult.”
- (3) The section has effect as if for subsection (4) there were substituted –
 - “(4) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) The duty to consult under section 134(1A) of the Local Government, Planning and Land Act 1980 (inserted by subsection (2) above) may be satisfied by consultation before this section comes into force.”

51B

Insert the following new Clause –

“Establishment of urban development corporations: procedure

- (1) Section 135 of the Local Government, Planning and Land Act 1980 (urban development corporations) is modified as follows in relation to an order under that section establishing an urban development corporation for an urban development area in England that is contained in an instrument laid before Parliament on or before 31 March 2016.
- (2) The section has effect as if after subsection (1) there were inserted –
 - “(1A) Before making an order under this section, the Secretary of State must consult the following persons –
 - (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the urban development area;
 - (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the urban development area;
 - (c) each local authority for an area which falls wholly or partly within the urban development area; and
 - (d) any other person whom the Secretary of State considers it appropriate to consult.”
- (3) The section has effect as if for subsection (3) there were substituted –
 - “(3) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) The duty to consult under section 135(1A) of the Local Government, Planning and Land Act 1980 (inserted by subsection (2) above) may be satisfied by consultation before this section comes into force.”

Amendment
No.

After Clause 34

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS GRENDER
LORD STONEHAM OF DROXFORD
LORD TOPE

52 Insert the following new Clause –

“Preventing retaliatory evictions

In the Housing Act 1988, after section 21 insert –

“21A Preventing retaliatory evictions

- (1) A notice under section 21(1)(b) or (4)(a) (a “section 21 notice”) may not be given in relation to an assured shorthold tenancy of a dwelling-house in England within six months beginning with the day of service of a relevant notice in relation to the dwelling-house.
- (2) A section 21 notice given in relation to an assured shorthold tenancy of a dwelling-house in England is invalid if –
 - (a) before the section 21 notice was given, the tenant made a relevant complaint in relation to the dwelling-house to the landlord or the relevant local housing authority, and
 - (b) since the section 21 notice was given, the relevant local housing authority has served a relevant notice in relation to the dwelling-house.
- (3) It is a defence to proceedings for an order under section 21 in relation to an assured shorthold tenancy of a dwelling-house in England that –
 - (a) before the section 21 notice was given, the tenant made a relevant complaint in relation to the dwelling-house to the landlord or the relevant local housing authority, and
 - (b) subsection (4) applies.
- (4) This subsection applies if –
 - (a) the relevant local housing authority has not decided whether to inspect the dwelling-house or the common parts,
 - (b) the relevant local housing authority has decided to inspect the dwelling-house or the common parts but has not conducted an inspection,
 - (c) the relevant local housing authority has conducted an inspection of the dwelling-house or the common parts but has not decided whether to serve a relevant notice, or
 - (d) the relevant local housing authority has decided to serve a relevant notice in relation to the dwelling-house but the relevant notice has not been served.
- (5) Subsection (1) does not apply where –
 - (a) the relevant notice has been wholly revoked under section 16 of the Housing Act 2004 (revocation and variation of improvement notices) as a result of the notice having been served in error,

Amendment
No.

After Clause 34 – *continued*

- (b) the relevant notice has been quashed under paragraph 15 of Schedule 1 to that Act (procedure and appeals relating to improvement notices),
 - (c) a decision of the relevant local housing authority to refuse to revoke the relevant notice has been reversed under paragraph 18 of Schedule 1 to that Act,
 - (d) a decision of the relevant local housing authority to take the action to which the relevant notice relates has been reversed under section 45 of that Act (appeals relating to emergency measures), or
 - (e) the relevant notice has been made subject to an order under section 29 of the Senior Courts Act 1981 (mandatory, prohibiting and quashing orders).
- (6) References in this section and section 21B to a relevant notice served, or relevant complaint made, in relation to a dwelling-house include a relevant notice served, or complaint made, in relation to any common parts of the building of which the dwelling-house forms a part.
- (7) But subsection (6) applies only if –
- (a) the landlord has an estate or interest in the common parts in question, and
 - (b) the condition of those common parts is such as to affect the tenant’s enjoyment of the dwelling-house or of any common parts which the tenant is entitled to use.
- (8) In this section and section 21B, a reference to a complaint to a landlord includes a complaint made to a person acting on behalf of the landlord in relation to the tenancy.
- (9) In this section and section 21B –
- “assured shorthold tenancy” means a tenancy within section 19A or 20 of this Act;
 - “common parts”, in relation to a building, includes –
 - (a) the structure and exterior of the building, and
 - (b) common facilities provided (whether or not in the building) for persons who include one or more of the occupiers of the building;
 - “dwelling-house” has the meaning given by section 45 of this Act;
 - “relevant complaint”, in relation to a dwelling-house, means a complaint made –
 - (a) to a landlord in writing, or
 - (b) to a relevant local housing authority,
 regarding the condition of the dwelling-house at the time of the complaint;
 - “relevant local housing authority”, in relation to a dwelling-house, means the local housing authority as defined in section 261(2) and (3) of the Housing Act 2004 within whose area the dwelling-house is located;

Amendment
No.

After Clause 34 – *continued*

“relevant notice” means –

- (a) a notice served under section 11 of the Housing Act 2004 (improvement notices relating to category 1 hazards),
- (b) a notice served under section 12 of that Act (improvement notices relating to category 2 hazards),
- (c) a notice served under section 28 of that Act (hazard awareness notices relating to category 1 hazards),
- (d) a notice served under section 29 of that Act (hazard awareness notices relating to category 2 hazards), or
- (e) a notice served under section 40(7) of that Act (emergency remedial action).

21B Further exemptions to section 21A

- (1) Subsections (1) to (3) of section 21A do not apply where the condition of the dwelling-house or common parts that gave rise to the service of the relevant notice, or consideration of whether to serve a relevant notice, is due to a breach by the tenant of –
 - (a) the duty to use the dwelling-house in a tenant-like manner, or
 - (b) an express term of the tenancy to the same effect.
- (2) Subsection (3) of section 21A does not apply if the court considers that the relevant complaint is totally without merit.
- (3) Subsections (1) to (3) of section 21A do not apply where the dwelling-house is genuinely on the market for sale.
- (4) For the purposes of subsection (3), a dwelling-house is not genuinely on the market for sale if, in particular, the landlord intends to sell the landlord’s interest in the dwelling-house to –
 - (a) a person associated with the landlord,
 - (b) a business partner of the landlord,
 - (c) a person associated with a business partner of the landlord, or
 - (d) a business partner of a person associated with the landlord.
- (5) For the purposes of subsection (4), references to a person who is associated with another person are to be read in accordance with section 178 of the Housing Act 1996 (meaning of associated person).
- (6) For the purposes of subsection (4), a business partner of a landlord includes a person who is –
 - (a) a director, secretary or other officer of a company of which the landlord is also a director, secretary or other officer, or
 - (b) a partner of a partnership of which the landlord is also a partner.
- (7) Subsections (1) to (3) of section 21A do not apply where the landlord is a private registered provider of social housing.

Amendment
No.

After Clause 34—*continued*

- (8) Subsections (1) to (3) of section 21A do not apply where—
- (a) the dwelling-house is subject to a mortgage granted before the beginning of the tenancy,
 - (b) the mortgagee is entitled to exercise a power of sale conferred on the mortgagee or by section 101 of the Law of Property Act 1925 (powers incident to estate or interest of mortgage), and
 - (c) the mortgagee requires possession of the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power.
- (9) In subsection (8)—
- (a) “mortgage” includes a charge, and
 - (b) “mortgagee” includes a receiver appointed by the mortgagee under the terms of the mortgage or in accordance with the Law of Property Act 1925.”

Clause 39

LORD MCKENZIE OF LUTON
BARONESS HANHAM
LORD TOPE

- 53 Page 31, line 19, leave out from “given” to end of line 21 and insert “—
- (a) by a notice fixed to the vehicle;
 - (b) by a notice handed to the person appearing to be in charge of the vehicle at the time; or
 - (c) where the enforcement officer is prevented from serving the notice by either of the methods in paragraph (a) or (b), by post,
- in respect of a parking contravention on a road in a civil enforcement area in England”
- 54 Page 31, line 27, at end insert—
- “(3) The regulations must provide that the requirements under subsection (1) do not apply to the following contraventions—
- (a) stopping on “school entrance keep clear” markings or any stopping or loading contravention within 100 metres of a school entrance,
 - (b) stopping on pedestrian crossings,
 - (c) stopping on a bus stop or stand,
 - (d) stopping in an operating bus lane,
 - (e) stopping, where prohibited, on a red route or clearway,
 - (f) stopping in other locations where prohibited, or
 - (g) loading where prohibited.”

Amendment
No.

Clause 39 – continued

- 55 Page 32, line 2, at end insert –
- “(5) Any regulations made under this section shall not apply to the following contraventions –
- (a) stopping on “school entrance keep clear” markings or any stopping or loading contravention within 100 metres of a school entrance,
 - (b) stopping on pedestrian crossings,
 - (c) stopping on a bus stop or stand,
 - (d) stopping in an operating bus lane,
 - (e) stopping, where prohibited, on a red route or clearway,
 - (f) stopping in other locations where prohibited, or
 - (g) loading where prohibited.”
- 56 Page 32, line 2, at end insert –
- “() Nothing in this section shall come into effect until the following have been published –
- (a) a regulatory impact assessment of any proposals to be made under new regulations under sections 78A and 87A of the Traffic Management Act 2004; and
 - (b) an equalities impact assessment of any proposals to be made under new regulations under sections 78A and 87A of the Traffic Management Act 2004.”

After Clause 39

LORD LOW OF DALSTON
LORD TOPE
LORD HOLMES OF RICHMOND

- 57 Insert the following new Clause –
- “Prohibition of parking on verges, central reservations and footways**
- (1) The Road Traffic Act 1988 is amended as follows.
 - (2) After section 19 (Prohibition of HGVs on verges, central reservations and footways) insert –
- “19A Parking on a road anywhere other than on the carriageway**
- (1) A person who parks a vehicle wholly or partly –
 - (a) on the verge of an urban road,
 - (b) on a footway comprised of an urban road, or
 - (c) on any other part of an urban road other than on the carriageway,is guilty of a civil offence, subject to the provisions of subsection (3).
 - (2) An offence under this section shall be treated as a traffic contravention for the purposes of Part 6 of the Traffic Management Act 2004 and regulations made under it.

Amendment
No.

After Clause 39 – continued

- (3) Subject to subsection (6), a highway authority may by resolution, or in the case of the Secretary of State by such notice as appears to him to be appropriate, authorise, from a date specified in the resolution or notice, the parking of vehicles on or over a footway or any part of a footway as referred to in subsection (1).
- (4) Nothing in this section shall apply to any road within Greater London.
- (5) In this section –
 “carriageway” and “footway” have the same meanings as in the Highways Act 1980;
 “urban road” means a road which –
 (a) is a restricted road for the purposes of section 81 of the Road Traffic Regulation Act 1980;
 (b) is subject to an order under section 84 of that Act imposing a speed limit not exceeding 40 miles per hour; or
 (c) is subject to a speed limit not exceeding 40 miles per hour which is imposed by or under any local Act;
 “vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by, or to be attached to, a mechanically propelled vehicle but does not include a heavy commercial vehicle within the meaning of section 19 of this Act.
- (6) The Secretary of State may make regulations as to any exemptions from the prohibition contained in subsection (1).”
- (3) The Traffic Management Act 2004 is amended as follows.
- (4) In Schedule 7, after paragraph 4(2)(g) insert –
 “(ga) an offence under section 19A of the Road Traffic Act 1988 (parking on a road anywhere other than on the carriageway);”.

LORD TOPE

57A Insert the following new Clause –

“Civil enforcement of traffic contraventions

- (1) Part 6 of the Traffic Management Act 2004 (civil enforcement of traffic contraventions) is amended as follows.
- (2) After section 87A, as inserted by section 39(3) of this Act, insert –

“87B Use of an approved device in car parks

Nothing in this Act shall prevent the use of an approved device in a car park which is the subject of a civil enforcement order where the intention of such use is to better manage space turnover and user convenience.”

Amendment
No.

Clause 41

LORD PRESCOTT
LORD DAVIES OF OLDHAM

57B Leave out Clause 41

Clause 94

LORD WALLACE OF SALTAIRE

57C Page 73, line 17, after “(10),” insert “(Preventing retaliatory eviction), (Further exemptions to section (Preventing retaliatory eviction)), (Application of sections (Preventing retaliatory eviction) to (Repayment of rent where tenancy ends before end of a period)),”

Clause 95

LORD WALLACE OF SALTAIRE

- 58 Page 73, line 27, at end insert –
“() section (Tenancy deposits: provision of information by agents);”
- 58A Page 73, line 27, at end insert –
“() section (Tenancy deposits: non-compliance with requirements);”
- 58B Page 73, line 30, at end insert –
“() sections (Designation of urban development areas: procedure) and (Establishment of urban development corporations: procedure);”
- 59 Page 73, line 36, after “regulations” insert “made by statutory instrument”
- 60 Page 73, line 38, at end insert –
“() section 44 and Schedule 12;”
- 61 Page 73, line 39, leave out “sections 47 to” and insert “sections 48 and”
- 62 Page 73, line 40, leave out “Part 6” and insert “Parts 2 and 6”
- 63 Page 74, line 6, at end insert –
“() section 28;”
- 64 Page 74, line 8, leave out paragraph (e)
- 65 Page 74, line 11, leave out “section 46” and insert “sections 46 and 47”
- 66 Page 74, line 14, at end insert –
“() sections 69 and 70;”

LORD SHARKEY

67 Page 74, line 18, leave out paragraph (o)

LORD WALLACE OF SALTAIRE

68 Page 74, line 18, leave out “section 87 and”

**Amendment
No.****Clause 95 – continued**

- 69** Page 74, line 24, leave out subsection (4)
- 70** Page 74, line 27, leave out “comes” and insert “and, as respects Wales, paragraphs 34, 35 and 40 of Schedule 21 come”
- 71** Page 74, line 28, at end insert –
- “() Where a provision of a Schedule comes into force in accordance with subsection (3)(o) to (s) or (5), the section to which that Schedule relates comes into force (so far as relating to that provision) at the same time.”

LORD SHARKEY

- 72** Page 74, line 28, at end insert –
- “() Section 87 and paragraph 43 of Schedule 31 come into force on the day on which this Act is passed, and the other paragraphs of Schedule 21 shall come into force in accordance with the provisions of subsections (2) to (8) of section 87.”

LORD WALLACE OF SALTAIRE

- 73** Page 74, line 34, at end insert “or, as respects Wales, paragraphs 34, 35 and 40 of Schedule 21”
- 74** Page 74, line 38, at end insert “(other than transitional, transitory or saving provision that the Welsh Ministers have power to make under subsection (7))”

Deregulation Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

9th February 2015

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON - THE STATIONERY OFFICE LIMITED
£4.00

HL Bill 58 – III

(47030)

55/4



ISBN 978-0-10-855983-9



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