

Welfare Reform and Work Bill

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 26th November 2015, as follows –

Clause 3	Schedule 2
Clauses 7 to 10	Clauses 26 to 32
Schedule 1	Title
Clauses 16 to 25	

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 3

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
THE EARL OF LISTOWEL

70 Page 3, line 10, at end insert –

“() A report prepared under this section must include information regarding the adequacy of resources given to local authorities to fund the support provided for troubled families.”

BARONESS MANZOOR

71 Page 3, line 12, at end insert –

“() A report prepared under this section must include an assessment of –
(a) the types of interventions provided by local authorities in the previous financial year, and
(b) the success or failure of the types of interventions provided by local authorities in the previous financial year.”

Amendment
No.

Clause 7

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

72 Page 8, line 22, leave out subsection (2)

LORD BEST
THE EARL OF LISTOWEL
BARONESS MANZOOR

73 Page 8, line 37, at end insert—

“(5C) Regulations under this section shall provide for an exception to the benefit cap for a person or couple who have been placed in temporary accommodation by a local housing authority in pursuance of its duties under section 188, 190, 193 or 195 of the Housing Act 1996.

(5D) The period for which the exception in subsection (5C) applies shall not exceed 39 weeks beginning with the date on which accommodation was first provided under any of the duties specified.”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

74 Page 8, line 38, at end insert—

“() In subsection (9) at end insert—

“(d) provision for which would result in a breach of a person’s convention rights (within the meaning of the Human Rights Act 1998).”

BARONESS MEACHER
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

75 Page 9, leave out lines 1 and 2

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

76 Page 9, leave out lines 3 and 4

77 Page 9, leave out lines 5 and 6

BARONESS MEACHER

78 Page 9, leave out lines 7 to 10

**Amendment
No.**

Clause 7 – continued

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

79 Page 9, leave out lines 11 and 12

BARONESS MEACHER

80 Page 9, leave out lines 15 and 16

81 Page 9, leave out lines 17 and 18

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

82 Page 9, leave out lines 23 and 24

BARONESS MEACHER

83 Page 9, leave out lines 25 and 26

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

84 Page 9, leave out lines 30 and 31

85 Page 9, leave out lines 32 and 33

86 Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons who have been placed in temporary accommodation by a local authority which has found them to be in priority need as defined in section 189 of the Housing Act 1996 (priority need for accommodation) are exempted from the benefit cap.””

87 Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of carer’s allowance as defined in section 70 of the Social Security Contributions and Benefits Act 1992 (carer’s allowance) are exempted from the benefit cap.””

Amendment
No.

Clause 7 – *continued*

88

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of universal credit who are not subject to all work-related requirements as defined in section 22 of the Welfare Reform Act 2012 (claimants subject to all work-related requirements) are exempted from the benefit cap.””

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

89

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of employment and support allowance as defined in section 1 of the Welfare Reform Act 2007 (employment and support allowance) are exempted from the benefit cap.””

90

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of income support as defined in section 124 of the Social Security Contributions and Benefits Act 1992 (income support) are exempted from the benefit cap.””

LORD KERSLAKE

90A

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Regulations under this section must provide for an exemption from the application of the benefit cap for individuals or couples owed a duty to be provided with interim or temporary accommodation under sections 188, 190, 193 or 200 of the Housing Act 1996.””

THE EARL OF LISTOWEL
BARONESS DRAKE

90B

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Kinship carers are exempted from the benefit cap if the kinship carer concerned is caring for a child and –

(a) is responsible for the child but is not the child’s parent or step-parent and

(b) has undertaken to look after the child because the child –

(i) has no parents or has parents who are unable to care for the child; or

(ii) would likely be otherwise looked after by the local authority because of concerns about the child’s welfare.””

Amendment
No.

Clause 7 – continued

91 [Withdrawn]

Clause 8

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

92 Page 10, line 25, after “situation,” insert –
“() the relationship between the level of the benefit cap and median household income,
() the impact on households affected by the benefit cap,
() the financial impact of the benefit cap on public authorities, local authorities and registered social landlords,”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE
THE EARL OF LISTOWEL

93 Page 10, line 25, after “situation,” insert –
“() the need to safeguard and promote the welfare of children in the United Kingdom,”

BARONESS MEACHER
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

94 Page 10, line 26, at end insert –
“(c) the impact of the benefit cap on disabled people, their families and carers”

Clause 9

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

95 Page 11, line 30, leave out from “to” to end of line 31 and insert “be reviewed annually by the Secretary of State having given regard to –
“(a) the rate of inflation, and
(b) the national economic situation.”

96 [Withdrawn]

BARONESS PITKEATHLEY

97 Page 11, line 31, at end insert –
“() Notwithstanding subsection (1), for each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of each of the relevant sums claimable by persons regularly and substantially engaged in caring is to increase in line with inflation.”

Amendment
No.

Clause 9 – continued

BARONESS LISTER OF BURTERSETT

98 Page 11, line 32, leave out subsections (2) to (4)

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

99 Page 11, line 32, leave out subsections (2) to (4) and insert –

“() For each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the rates of child benefit are to rise in line with prices or earnings or by 2.5 per cent, whichever is the highest.”

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS LISTER OF BURTERSETT

100 Page 11, line 33, leave out from “to” to end of line 34 and insert “be reviewed annually by the Secretary of State having given regard to –

- (a) the rate of inflation, and
- (b) the national economic situation.”

LORD MACKENZIE OF CULKEIN
LORD MACLENNAN OF ROGART
THE LORD BISHOP OF ST ALBANS

101 Page 11, line 34, at end insert –

“() For each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of the support group component of employment and support allowance is to be up-rated in accordance with Part X of the Social Security Administration Act 1992 (review and alteration of benefits) plus an additional sum equal to the difference between the value of the basic allowance of employment and support allowance as subject to subsection (1) and what the value of the basic allowance of employment and support allowance would have been had it been adjusted for inflation.”

Clause 10

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

102 Page 12, line 21, leave out from “to” to end of line 22 and insert “be reviewed annually by the Secretary of State having given regard to –

- (a) the rate of inflation, and
- (b) the national economic situation.”

103 [Withdrawn]

Amendment
No.

Clause 16

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

103A Page 15, line 7, at end insert “including outlining the number of weeks a person must wait after the need arises in order to apply for a loan under subsection (1), which must be no longer than 13 weeks”

BARONESS MANZOOR
LORD McKENZIE OF LUTON

104 Page 15, line 28, at end insert—

- “() The regulations must provide that where—
- (a) repayment of the loan is to be made based on the proceeds of sale of the person’s home, and
 - (b) the person has an outstanding deferred payment agreement under section 34 of the Care Act 2014 (deferred payment agreements and loans),
- the repayment of the loan may not be settled until any amounts payable to the local authority under the deferred payment agreement have been settled.”

LORD CURRY OF KIRKHARLE

104A Page 15, line 31, at end insert—

- “() Regulations under this section may not be made in connection with persons who receive disability allowance.”

After Clause 16

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

104AZA Insert the following new Clause—

“Grants for mortgage interest etc

- (1) Section 16 does not apply to an individual who is in receipt of pension credit.
- (2) The Secretary of State shall by regulations provide for grants to be made for claimants in receipt of pension credit in respect of a person’s liability to make owner-occupier payments in respect of accommodation occupied by the person as the person’s home.
- (3) The regulations made under subsection (2) may make provision about eligibility to receive a grant, including outlining the number of weeks a person must wait after the need arises in order to apply for a grant under subsection (1), which must be no longer than 13 weeks.
- (4) Regulations under this section may make different provision for different purposes.

Amendment
No.

After Clause 16—*continued*

- (5) Regulations under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 20

LORD KIRKWOOD OF KIRKHOPE
LORD ROOKER

104AA Page 19, line 25, at end insert—

- “() Any relevant provider assisting with any provision for the expenses of the Secretary of State under subsection (2)(a) shall provide an annual governance report to Parliament or the Public Accounts Committee of the House of Commons, detailing—
- (a) the remuneration of its directors;
 - (b) a register of interests; and
 - (c) the transparency of its board meetings.”

After Clause 20

EARL CATHCART
LORD BEST

104B Insert the following new Clause—

“Power to supply relevant social security information to accommodation provider

- (1) The Secretary of State, or a person providing services to the Secretary of State, shall have power to supply information relating to any relevant social security benefit to a person who provides accommodation to the claimant for the relevant benefit so long as the claimant has given written authority for the provider of the accommodation to receive such information.
- (2) “Relevant social security benefit” has the same meaning as in section 121DA(7) of the Social Security Administration Act 1992 (interpretation of Part VI).”

Before Clause 21

EARL CATHCART

104BA Insert the following new Clause—

“Payments in respect of qualifying arrears

- (1) Regulations made by the Secretary of State under section 5 of the Social Security Administration Act 1992 (claims and payments regulations) must provide for the payment from an award of universal credit to the landlord where there are qualifying arrears.

**Amendment
No.**

Before Clause 21 – continued

- (2) Qualifying arrears are arrears of rent in respect of which the housing costs element of universal credit has been paid (whether or not such element represents the whole or only part of the rent payable) where the claimant has failed to pay rent to the landlord, notwithstanding that the claimant is no longer in occupation of the premises in respect of which such arrears of rent have accrued.
- (3) The regulations must provide for payment to the landlord from any current award of universal credit in or towards satisfaction of the qualifying arrears.
- (4) In this section –
 - “landlord” means the person who is entitled to the payment of rent for the occupation of the property previously occupied by the claimant as his or her home;
 - “rent” includes the licence or similar payment for the use and occupation of the accommodation.”

THE EARL OF LISTOWEL
EARL CATHCART
BARONESS MEACHER

104BB Insert the following new Clause –

“Direct payments to claimants

- (1) Regulations made by the Secretary of State under section 5 of the Social Security Administration Act 1992 (claims and payments regulations) must provide for the payment of the housing costs element of an award of universal credit to the landlord where the claimant requests such payment to be made to the landlord.
- (2) In this section –
 - “landlord” means the person who is entitled to payment of rent for the occupation of the accommodation occupied by the claimant as his or her home;
 - “rent” includes the licence or similar payment for the use and occupation of the accommodation.”

Clause 21

LORD FREUD

104BC Page 20, line 23, after “began” insert “at or”

LORD KERSLAKE

104C Page 20, line 36, leave out “, second or third” and insert “or second”

104D Page 20, line 38, leave out “, 1 April 2018 or 1 April 2019” and insert “or 1 April 2018”

Amendment
No.

Clause 21 – continued

LORD FREUD

104DA Page 20, line 39, at end insert –

“() For the purposes of subsection (6), a private registered provider’s practice as regards its tenancies is to be determined by reference to its practice as regards the tenancies of its social housing in the year ending with 31 March 2016 (and a private registered provider which has no tenancies of its social housing in that year is to be regarded as having no practice as regards its tenancies).”

LORD KERSLAKE

104E Page 20, line 43, at end insert –

“() From 1 April 2020 registered providers will increase rents by CPI plus 1 per cent each year, and the Secretary of State will review the impact of this section to determine flexibility for registered providers to increase social rents by an additional amount above the increase in formula rent.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL
BARONESS MANZOOR

105 Page 20, line 46, at end insert –

“() The Secretary of State must, within 12 months of this section coming into force, produce a plan to offset the impact of lower social rents on housing associations and local government.”

106 [Re-tabled as Amendment 104BA]

Clause 22

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

107 Page 21, line 6, at end insert –

“(c) the accommodation is specified accommodation, as defined in The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014 (S.I. 2014/771).”

LORD BEST

108 Page 21, line 6, at end insert –

“(c) the accommodation is owned by a fully mutual housing co-operative within the meaning of paragraph 12(1)(h) of Schedule 1 to the Housing Act 1988 (local authority tenancies etc).”

Amendment
No.

Clause 22 – *continued*

LORD KERSLAKE

- 108A** Page 21, line 6, at end insert –
- “(c) the accommodation is excepted from Right to Buy as a dwelling specific to the needs of the disabled or elderly (with reference to paragraphs 7 to 11 of Schedule 5 to the Housing Act 1985).”

LORD FREUD

- 108B** Page 21, line 7, leave out subsection (2) and insert –
- “(2) Section 21 does not apply in relation to social housing of a registered provider if, where the registered provider’s interest in the property that consists of or includes the social housing is subject to a mortgage –
- (a) the mortgagee is in possession of the interest in the property or the part of the property that includes the social housing, in the exercise of the mortgagee’s powers to enforce the mortgage,
 - (b) a receiver has been appointed in relation to the interest in the property or the part of the property that includes the social housing by –
 - (i) the mortgagee, in the exercise of the mortgagee’s powers to enforce the mortgage, or
 - (ii) the court, in connection with enforcing the mortgage, and that appointment is in force, or
 - (c) a person has been appointed by the mortgagee, in the exercise of the mortgagee’s powers to enforce the mortgage (including, in the case of a floating charge which relates to the interest in the property, the power under paragraph 14 of Schedule B1 to the Insolvency Act 1986), to exercise powers that include a power to sell or otherwise dispose of the interest in the property or the part of the property that includes the social housing and that appointment is in force.”

- 108C** Page 21, line 18, leave out subsection (3) and insert –
- “(3) If –
- (a) a registered provider’s interest in property that consists of or includes social housing was made subject to a mortgage, and
 - (b) the interest in the property, or the interest in the part that includes the social housing, is sold or otherwise disposed of after the coming into force of section 21 by –
 - (i) the mortgagee, in the exercise of the mortgagee’s powers to enforce the mortgage,
 - (ii) a receiver appointed by the mortgagee or by the court as described in subsection (2)(b), or
 - (iii) a person appointed by the mortgagee as described in subsection (2)(c),
- section 21 ceases to apply in relation to that social housing at the time of that sale or other disposal.”

- 108D** Page 21, line 33, at end insert –
- “() In subsections (2) and (3) –
- “mortgage” includes a charge or other security;

Amendment
No.

Clause 22 – continued

“mortgagee” includes a person who is entitled to take steps to enforce a charge or other security.”

LORD BEST
LORD KERSLAKE
THE LORD BISHOP OF ROCHESTER
LORD SHIPLEY

109 Page 21, line 33, at end insert –

“() Section 21 does not apply to social housing which meets the definition of supported housing as defined in The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014 (S.I. 2014/771).”

LORD RAMSBOTHAM

109A Page 21, line 33, at end insert –

“() Section 21 does not apply in relation to a registered provider of social housing which is an almshouse charity.”

After Clause 23

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL

110 Insert the following new Clause –

“Housing costs in the private rented sector

- (1) The Secretary of State must, at a time no later than the end of the financial year ending March 2017 and at least once during the course of each of the subsequent four financial years, review the relationship between housing costs in the private rented sector and levels of local housing allowance.
- (2) Where a review under subsection (1) shows that less than 30 per cent of private rented properties in each locality are affordable to persons in receipt of local housing allowance, the Secretary of State must by regulations under section 130A of the Social Security Contributions and Benefits Act 1992 (appropriate maximum housing benefit) amend the rates of local housing allowance.”

Schedule 2

LORD KERSLAKE

110A Page 32, line 16, at end insert –

“() The registered provider must have regard to rent standard guidance in calculating social rents for new properties and shall retain discretion to adjust those rents to reflect appropriately local factors.”

Amendment
No.

Schedule 2 – *continued*

110B

Page 33, line 10, at end insert –

“() The registered provider must have regard to rent standard guidance in calculating affordable rents for new properties and shall retain discretion to adjust those rents to reflect appropriately local factors.”

LORD FREUD

110C

Page 34, line 9, leave out sub-paragraph (2) and insert –

“(2) Part 1 does not apply in relation to social housing of a registered provider if, where the registered provider’s interest in the property that consists of or includes the social housing is subject to a mortgage –

- (a) the mortgagee is in possession of the interest in the property or the part of the property that includes the social housing, in the exercise of the mortgagee’s powers to enforce the mortgage,
- (b) a receiver has been appointed in relation to the interest in the property or the part of the property that includes the social housing by –
 - (i) the mortgagee, in the exercise of the mortgagee’s powers to enforce the mortgage, or
 - (ii) the court, in connection with enforcing the mortgage, and that appointment is in force, or
- (c) a person has been appointed by the mortgagee, in the exercise of the mortgagee’s powers to enforce the mortgage (including, in the case of a floating charge which relates to the interest in the property, the power under paragraph 14 of Schedule B1 to the Insolvency Act 1986), to exercise powers that include a power to sell or otherwise dispose of the interest in the property or the part of the property that includes the social housing and that appointment is in force.”

110D

Page 34, line 21, leave out sub-paragraph (3) and insert –

“(3) If –

- (a) a registered provider’s interest in property that consists of or includes social housing was made subject to a mortgage, and
- (b) the interest in the property, or the interest in the part that includes the social housing, is sold or otherwise disposed of after the coming into force of Part 1 by –
 - (i) the mortgagee, in the exercise of the mortgagee’s powers to enforce the mortgage,
 - (ii) a receiver appointed by the mortgagee or by the court as described in sub-paragraph (2)(b), or
 - (iii) a person appointed by the mortgagee as described in sub-paragraph (2)(c),

Part 1 ceases to apply in relation to that social housing at the time of that sale or other disposal.”

110E

Page 34, line 36, at end insert –

“() In sub-paragraphs (2) and (3) –
“mortgage” includes a charge or other security;

Amendment
No.

Schedule 2 – continued

“mortgagee” includes a person who is entitled to take steps to enforce a charge or other security.”

After Clause 26

LORD FREUD

110F Insert the following new Clause –

“Implied terms

- (1) A lease or other agreement by virtue of which a person is a tenant of a registered provider contains, by virtue of this subsection, an implied term enabling the registered provider to reduce the amount of rent payable by the tenant, without giving prior notice, where the reduction is made for the purpose of complying with a requirement imposed by or under section 21 or 26 or Part 1 of Schedule 2.
- (2) Subsection (1) has effect notwithstanding any express provision in a lease or other agreement.
- (3) Section 102 of the Housing Act 1985 (variation of terms of a secure tenancy) has effect subject to subsection (1).”

110G Insert the following new Clause –

“Change of registered provider

- (1) This section applies if –
 - (a) particular social housing of a registered provider becomes social housing of another registered provider (“the transferee”), and
 - (b) the social housing is subject to a tenancy that began before the social housing became the transferee’s social housing.
- (2) Sections 21 to 26 and Schedule 2 have effect in relation to the amount of rent payable by the tenant under the tenancy as if –
 - (a) the transferee’s relevant years were the same as the initial registered provider’s relevant years, and
 - (b) rent payable by the tenant before the social housing became the transferee’s social housing were rent payable to the transferee in respect of such earlier periods.
- (3) Subsection (4) applies if, immediately before the social housing became the transferee’s social housing, a requirement imposed by or under section 21 or 26 or Part 1 of Schedule 2 was disapplied or modified as regards the social housing –
 - (a) by a direction under section 23 or paragraph 6 of Schedule 2, or
 - (b) under section 26(4).
- (4) If the social housing becomes the transferee’s social housing otherwise than at the beginning of a relevant year of the initial registered provider, the requirement continues not to apply or continues to apply as modified (as the case may be) until –
 - (a) the relevant year of the initial registered provider current when the social housing becomes the transferee’s social housing comes to an end, or

Amendment
No.

After Clause 26 – *continued*

- (b) if earlier, the tenancy comes to an end.
- (5) In this section a reference to a relevant year of an initial registered provider includes, in the case of an initial registered provider that has ceased to exist, a reference to what would have been a relevant year of an initial registered provider if it had not ceased to exist.
- (6) In this section “initial registered provider”, in relation to a tenancy of social housing, means the first registered provider which –
 - (a) was subject to a requirement imposed by or under section 21 or 26 or Part 1 of Schedule 2 as regards the tenancy, or
 - (b) would have been so subject but for its being disapplied –
 - (i) by a direction under section 23 or paragraph 6 of Schedule 2 or under section 26(4), or
 - (ii) by or under section 22 or paragraph 5 of Schedule 2.”

110H

Insert the following new Clause –

“Transitional provision

- (1) This section applies if, immediately before the rent restriction period ends –
 - (a) a lease or other agreement by virtue of which a person is a tenant of a registered provider contains provision under which rent will or may be increased with effect from a date or dates specified in the lease or other agreement (“rent review dates”), and
 - (b) the registered provider is subject to a requirement imposed by or under section 21 or 26 or Part 1 of Schedule 2 as regards the tenant.
- (2) The lease or other agreement contains, by virtue of this subsection, an implied term enabling the registered provider to treat a date that falls –
 - (a) after the rent restriction period ends, and
 - (b) before the first rent review date to occur after the rent restriction period ends,as if that date were the first rent review date to occur after the rent restriction period ends (instead of the date provided for in the lease or other agreement).
- (3) Subsection (4) applies if, under the provision mentioned in subsection (1)(a), the intervals between rent review dates may only be intervals of 51 weeks or more.
- (4) The lease or other agreement contains, by virtue of this subsection, an implied term enabling the registered provider, if it acts as mentioned in subsection (2), to treat the relevant date as if it were the second rent review date to occur after the rent restriction period ends (instead of the date provided for in the lease or other agreement).
- (5) In subsection (4) “the relevant date” means the date that precedes the second rent review date by the same period as the date treated under subsection (2) as the first rent review date precedes the first rent review date provided for in the lease or other agreement.

**Amendment
No.**

After Clause 26 – continued

- (6) The lease or other agreement contains, by virtue of this subsection, an implied term requiring the registered provider, if it acts as mentioned in subsection (4), to treat the date that precedes each subsequent rent review date by the same period as if it were that subsequent rent review date (instead of the date provided for in the lease or other agreement).
- (7) The lease or other agreement contains, by virtue of this subsection, an implied term providing that, if the registered provider treats an earlier date as if it were a rent review date because of a term implied by subsection (2), (4) or (6), other provision in the lease or other agreement is to have effect accordingly.
- (8) Nothing in this section prevents the registered provider and the tenant varying or excluding by agreement a term implied by virtue of this section.
- (9) Section 102 of the Housing Act 1985 (variation of terms of a secure tenancy) has effect subject to subsections (2), (4), (6) and (7).
- (10) In this section “rent restriction period”, in relation to a tenant of a registered provider, means the period during which the registered provider might be subject to a requirement imposed by or under section 21 or 26 or Part 1 of Schedule 2 as regards the tenant.”

Clause 27

LORD FREUD

110J Page 25, line 10, after “26” insert “and (*Change of registered provider*)”

Clause 31

LORD FREUD

110K Page 27, line 21, at end insert –

“() section 21(3) and (4);”

110L Page 27, line 23, leave out first “paragraph 6” and insert “paragraphs 6 and 10”

110M Page 27, line 23, leave out second “paragraph 6” and insert “paragraphs 6 and 10”

LORD PATEL

111 Page 28, line 2, at end insert “, subject to sections 13(7A) and (7B), and 14(1A) and (1B)”

Welfare Reform and Work Bill

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