

Welfare Reform and Work Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE

[Supplementary to the Third Marshalled List]

Clause 21

LORD FREUD

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

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).”

Clause 22

LORD FREUD

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

Clause 22 – continued

- (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.”

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.”

Page 21, line 33, at end insert –

- “() In subsections (2) and (3) –
- “mortgage” includes a charge or other security;
 - “mortgagee” includes a person who is entitled to take steps to enforce a charge or other security.”

Schedule 2**LORD FREUD**

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

Schedule 2 – continued

- (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.”

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.”

Page 34, line 36, at end insert –

“() In sub-paragraphs (2) and (3) –

“mortgage” includes a charge or other security;

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

After Clause 26**LORD FREUD**

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).”

After Clause 26 – continued

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
 - (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.”

After Clause 26 – continued

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.
- (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).

After Clause 26 – *continued*

- (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

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

Clause 31

LORD FREUD

Page 27, line 21, at end insert –

“() section 21(3) and (4);”

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

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

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