

Housing and Planning Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 11th April 2016, as follows –

Clauses 55 to 90	Schedule 12
Schedule 4	Clauses 137 to 142
Clauses 91 to 97	Schedule 13
Schedule 5	Clauses 143 to 159
Clauses 98 to 110	Schedule 14
Schedule 6	Clauses 160 to 163
Clauses 111 to 113	Schedule 15
Schedule 7	Clauses 164 to 169
Clause 114	Schedule 16
Schedule 8	Clauses 170 to 176
Clauses 115 to 117	Schedules 17 and 18
Schedule 9	Clauses 177 to 182
Clauses 118 to 122	Schedule 19
Schedule 10	Clauses 183 to 186
Clauses 123 to 133	Schedule 20
Schedule 11	Clauses 187 to 193
Clauses 134 to 136	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 55

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

39 Page 26, line 11, leave out “neither the tenant nor a named occupier” and insert “no tenant, named occupier or deposit payer”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

40 Page 26, line 12, at end insert –
“(e) the local housing authority responds to a request by the landlord confirming that they suspect the property to be abandoned.”

Clause 57

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

- 41 Page 26, line 30, leave out “the tenant and any named occupier” and insert “the following”
- 42 Page 26, line 31, at end insert “ –
(a) the tenant,
(b) any named occupiers, and
(c) any deposit payers.”
- 43 Page 26, line 36, leave out “or a named occupier” and insert “, a named occupier or a deposit payer”
- 44 Page 26, line 38, leave out “neither the tenant nor a named occupier” and insert “no tenant, named occupier or deposit payer”
- 45 Page 27, line 14, after “Part” insert “ –
“deposit payer” means a person who the landlord knows paid a tenancy deposit in relation to the tenancy on behalf of the tenant;”

Clause 59

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

- 46 Page 27, line 30, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 47 Page 27, line 32, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 48 Page 27, line 36, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 49 Page 27, line 38, leave out “or named occupier” and insert “, named occupier or deposit payer”

Clause 60

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

- 50 Page 28, line 10, at end insert –
““tenancy deposit”, in relation to a tenancy, means any money intended to be held (by the landlord or otherwise) as security for –
(a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or

Clause 60 - continued

- (b) the discharge of any liability of the tenant arising under or in connection with the tenancy;”

Clause 62

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

51 Page 28, line 28, at end insert –

- “() The Secretary of State must set as a condition under subsection (2) that money equivalent to the market value (disregarding any discount) of a dwelling sold under right to buy and to which the grant applies is spent by the private registered provider on the provision of affordable housing in the same local authority area or London borough, including at least one new home replacing that sold which is –
- (a) of the same tenure,
 - (b) located in the same local authority area or London borough, and
 - (c) in accordance with assessed local housing need.”

THE LORD BISHOP OF ST ALBANS
BARONESS ROYALL OF BLAISDON

52 Page 28, line 31, at end insert –

- “(4) The Secretary of State may only make or direct grants to private registered providers in respect of right to buy discounts where –
- (a) the dwelling is in a rural area;
 - (b) planning permission for the dwelling was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites;
 - (c) the dwelling is in a national park or in the Broads; or
 - (d) the dwelling is in an area designated under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas) as an Area of Outstanding Natural Beauty;
- on condition that there is replacement of at least one home for every one sold, in the same parish or in an adjoining parish.
- (5) In this section, “rural area” means –
- (a) any settlement with a population of fewer than 3,000 people at the most recent national census; or
 - (b) any settlement with a population of between 3,000 and 10,000 people at the most recent national census, and designated as a rural area for the purposes of this section by the Secretary of State following representation from the relevant local authority.”

Clause 67

LORD LISVANE
LORD KERSLAKE
LORD BEECHAM

53 Page 30, line 5, after “may” insert “by regulations”

BARONESS WILLIAMS OF TRAFFORD

54 Page 30, line 9, leave out “high” and insert “higher”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

55 Page 30, line 11, at end insert “, such deductions to include the cost of replacing the high value properties in the same area with affordable homes (as defined in the National Planning Policy Framework up until May 2015) on a one-for-one basis”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

56 Page 30, line 22, leave out “define “high value”” and insert “require a local housing authority in England to define “high value” in its area”

BARONESS WILLIAMS OF TRAFFORD

57 Page 30, line 22, leave out “high” and insert “higher”

58 Page 30, line 22, after “value”” insert “, in relation to housing,”

59 Page 30, line 24, leave out “high” and insert “higher”

60 Page 30, line 24, after “for” insert “different kinds of housing, different local housing authorities or”

61 Page 30, line 25, at end insert –

“() In determining how to define “higher value”, in relation to housing, the Secretary of State may –

- (a) use any category of housing that the Secretary of State considers appropriate as a comparator (for example, housing in which a local housing authority has an interest or housing in a particular area);
- (b) take into account any other factors that the Secretary of State considers appropriate.”

Clause 68

LORD CAMERON OF DILLINGTON
LORD BEST
LORD BEECHAM

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

62 Page 30, line 31, at end insert –

“() In making a determination under section 67, the Secretary of State must exclude housing in rural areas.”

Clause 68 - continued

LORD KENNEDY OF SOUTHWARK
LORD BEST

63 Page 30, line 39, at end insert –

“() Regulations shall provide that housing shall be excluded where a vacancy has occurred as a result of the transfer of the former tenant to alternative accommodation in the social rented sector.

() Accommodation in the social rented sector means any accommodation owned or let by a local authority or other registered provider of social housing.”

64 [*Withdrawn*]

Clause 72

LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

64A Page 32, line 15, at end insert –

“() Subject to subsection (4), where the agreement is with a local housing authority in England, it must require the authority to ensure that at least one new affordable home is provided for each old dwelling.

() If a local housing authority so wishes, and that authority can demonstrate, whether by reference to its local housing plan or otherwise, that there is a need in its area for social housing of the kind that it proposes to build, the Secretary of State shall enter into an agreement with that authority whereby it shall retain such part of the payment as may be required to fund the provision of a new dwelling to be let as social housing on terms (as to tenure, rent or otherwise) which are similar to those on which the old dwelling was let.”

65 [*Withdrawn*]

BARONESS WILLIAMS OF TRAFFORD

66 Page 32, line 33, leave out from beginning to the first “to” in line 34 and insert “in the definition of “old dwelling” in subsection (7) the reference”

Clause 73

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

66A ★ Leave out Clause 73

Clause 74

BARONESS WILLIAMS OF TRAFFORD

67 Page 33, line 4, leave out “high” and insert “higher”

Clause 74 - continued

LORD BEECHAM
LORD KENNEDY OF SOUTHWARK

- 68 Page 33, line 5, at end insert –
“() A local housing authority which does sell its interest in any high value vacant housing must retain the revenue from the sale and use this to provide replacement affordable housing for rent in the local authority area.”

Clause 75

BARONESS WILLIAMS OF TRAFFORD

- 69 Page 33, line 21, leave out “high” and insert “higher”
70 Page 33, line 27, leave out “high” and insert “higher”

Clause 76

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

- 70A ★ Leave out Clause 76

Clause 77

BARONESS WILLIAMS OF TRAFFORD

- 71 Page 34, line 8, leave out “high value” and insert ““higher value”, in relation to housing,”

LORD BEECHAM
LORD KENNEDY OF SOUTHWARK

- 71A ★ Page 34, line 17, leave out “may” and insert “must”

- 71B ★ Page 34, line 19, at end insert –

“() A statutory instrument containing regulations under subsection (2) may only be made if a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

After Clause 77

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

- 71C ★ Insert the following new Clause –

“Composition of housing stock

- (1) Three years after this Chapter comes into force, the Secretary of State must undertake a review and publish a report on the composition of local authority and housing association stock.

After Clause 77 - continued

- (2) The report under subsection (1) must examine the tenure and affordability of any existing dwellings and any new dwellings which are, or are expected to be, built after this chapter comes into force.
- (3) The report must be laid before both Houses of Parliament.”

Clause 78

LORD KENNEDY OF SOUTHWARK

LORD KERSLAKE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

72 Page 34, line 25, leave out “must” and insert “may”

LORD BEST

LORD BEECHAM

LORD KERSLAKE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

73 Page 34, line 26, at end insert –

- “() The regulations must specify that the rent shall not equate to more than 10 pence for each pound of a tenant’s income above the minimum income threshold.”

BARONESS WILLIAMS OF TRAFFORD

73A ★ Page 34, line 33, at end insert –

- “() The regulations may create exceptions for high income tenants of social housing of a specified description.”

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

74 Page 34, line 33, at end insert –

- “() Any regulations made by the Secretary of State under this section must include provisions for –
- (a) a notice period of one year before the new rent becomes payable; and
- (b) transitional protection and arrangements as the tenant moves to the higher rent.”

LORD KENNEDY OF SOUTHWARK

LORD KERSLAKE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

75 Page 34, line 36, at end insert –

- “() The regulations must give discretion to a local housing authority –
- () to decide not to alter the level of rent charged to high income tenants if the authority considers that the cost of administering the rent change would be greater than the additional income generated; and

Clause 78 - continued

- () to keep any additional revenue raised through the application of changed levels of rent to high income tenants if the authority decides to charge the rent levels set out in the regulations.”

Clause 79

LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK

- 76 Page 35, line 1, at end insert “which will not be below £50,000 a year per household in London, or £40,000 per household outside London,”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD FOSTER OF BATH

- 77 Page 35, line 5, at end insert “with a minimum threshold of £40,000 earned annually per household outside London or £60,000 in London”

Clause 82

VISCOUNT HANWORTH

- 77A ★ Page 36, line 27, leave out “may” and insert “must”

- 77B ★ Page 36, line 30, leave out “may” and insert “must”

Clause 83

VISCOUNT HANWORTH

- 77C ★ Page 37, line 1, leave out from “subsection (2)” to “give” in line 4 and insert “—
(a) must make provision about the review of decisions to increase rent;
(b) may”

Clause 84

LORD KENNEDY OF SOUTHWARK
LORD KERSLAKE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 78 Leave out Clause 84

After Clause 90

BARONESS WILLIAMS OF TRAFFORD

- 78A ★ Insert the following new Clause—

“Reducing local authority influence over private registered providers

- (1) The Secretary of State may by regulations make provision for the purpose of limiting or removing the ability of local authorities to exert influence over private registered providers through—
(a) appointing or removing officers of private registered providers;

After Clause 90 - continued

- (b) exercising or controlling voting rights.
- (2) The regulations may in particular—Regulations under this section may override or modify any contractual or other rights (whenever created) or anything in a private registered provider’s constitution.
 - (a) limit the number of officers that a local authority may appoint;
 - (b) prohibit a local authority from appointing officers;
 - (c) confer power on a private registered provider to remove officers appointed by a local authority;
 - (d) prohibit a local authority from doing things that would result in it obtaining voting rights in a private registered provider;
 - (e) require a local authority to take steps to reduce or get rid of any voting rights that it has in a private registered provider.
- (4) Regulations under this section may –
 - (a) confer a power to amend the constitution of a private registered provider in consequence of provision made by the regulations;
 - (b) make provision about the procedure for exercising that power.
- (5) In this section –
 - “appointing”, in relation to an officer, includes nominating or otherwise influencing the selection of the officer;
 - “constitution” includes rules;
 - “local authority” has the meaning given by section 106 of the Housing Associations Act 1985;
 - “officer”, in relation to a private registered provider, has the meaning given by section 270 of the Housing and Regeneration Act 2008;
 - “private registered provider” means a private registered provider of social housing.”

Clause 91

BARONESS WILLIAMS OF TRAFFORD

- 78B ★** Page 39, line 36, after “administration” insert “(which, for this purpose, includes housing administration under Chapter 5 of Part 4 of the Housing and Planning Act 2016)”

Clause 92

BARONESS WILLIAMS OF TRAFFORD

- 78C ★** Page 40, line 17, leave out subsection (3)
- 78D ★** Page 40, line 22, leave out “references in this section” and insert “the reference in subsection (1)(b)”
- 78E ★** Page 40, line 23, leave out “are references” and insert “is a reference”

Clause 93

BARONESS WILLIAMS OF TRAFFORD

78F ★ Page 40, line 25, leave out subsections (1) to (8) and insert—

- “(1) A housing administrator has two objectives—
- (a) Objective 1: normal administration (see section (*Objective 1: normal administration*)), and
 - (b) Objective 2: keeping social housing in the regulated sector (see section (*Objective 2: keeping social housing in the regulated sector*)).
- (2) Objective 1 takes priority over Objective 2 (but the housing administrator must, so far as possible, work towards both objectives).
- (3) It follows that, in pursuing Objective 2, the housing administrator must not do anything that would result in a worse distribution to creditors than would be the case if the administrator did not need to pursue Objective 2.
- (4) A reference in this Chapter to the objectives of a housing administration is to the objectives to be pursued by the housing administrator.”

After Clause 93

BARONESS WILLIAMS OF TRAFFORD

78G ★ Insert the following new Clause—

“Objective 1: normal administration

- (1) Objective 1 is to—
- (a) rescue the registered provider as a going concern,
 - (b) achieve a better result for the registered provider’s creditors as a whole than would be likely if the registered provider were wound up (without first being in housing administration), or
 - (c) realise property in order to make a distribution to one or more secured or preferential creditors.
- (2) The housing administrator must aim to achieve Objective 1(a) unless the housing administrator thinks—
- (a) that it is not reasonably practicable to achieve it, or
 - (b) that Objective 1(b) would achieve a better result for the registered provider’s creditors as a whole.
- (3) The housing administrator may aim to achieve Objective 1(c) only if—
- (a) the housing administrator thinks that it is not reasonably practicable to achieve Objective 1(a) or (b), and
 - (b) the housing administrator does not unnecessarily harm the interests of the registered provider’s creditors as a whole.
- (4) In pursuing Objective 1(a), (b) or (c) the housing administrator must act in the interests of the registered provider’s creditors as a whole so far as consistent with that Objective.”

After Clause 93 - continued

78H ★ Insert the following new Clause –

“Objective 2: keeping social housing in the regulated sector

- (1) Objective 2 is to ensure that the registered provider’s social housing remains in the regulated housing sector.
- (2) For this purpose, social housing remains in the regulated housing sector for so long as it is owned by a private registered provider.”

Clause 95

BARONESS WILLIAMS OF TRAFFORD

78J ★ Page 42, line 21, leave out “objective” and insert “objectives”

78K ★ Page 42, line 26, leave out “objective” and insert “objectives”

Clause 96

BARONESS WILLIAMS OF TRAFFORD

78L ★ Page 43, line 19, leave out from beginning to “of” in line 21 and insert “The housing administrator of a registered provider must aim to achieve the objectives”

78M ★ Page 43, line 23, leave out subsections (3) and (4)

78N ★ Page 43, line 40, leave out “functions of” and insert “to be carried out by”

After Clause 97

BARONESS WILLIAMS OF TRAFFORD

78P ★ Insert the following new Clause –

“Housing administrator may sell land free from planning obligations

- (1) If the housing administrator of a registered provider disposes of land that is the subject of a planning obligation that contains relevant terms, the relevant terms are not binding on the person to whom the land is disposed of or any successor in title.
- (2) In this section –
 - “disposes of”, in relation to land, means sells a freehold or leasehold interest in the land or grants a lease of the land;
 - “planning obligation” means a planning obligation under section 106 of the Town and Country Planning Act 1990 (whether entered into before or after this section comes into force);
 - “relevant terms” in relation to a planning obligation, means any restrictions or requirements imposed by the planning obligation that are expressed not to apply in the event that the land is disposed of by a mortgagee.”

Schedule 5

BARONESS WILLIAMS OF TRAFFORD

- 78Q ★ Page 117, line 16, leave out “75,”
- 78R ★ Page 117, line 34, leave out “objective” and insert “objectives”
- 78S ★ Page 118, line 15, leave out “objective” and insert “objectives”
- 78T ★ Page 119, line 15, leave out “objective” and insert “objectives”
- 78U ★ Page 119, line 18, leave out “objective” and insert “objectives”
- 78V ★ Page 119, line 27, leave out “objective” and insert “objectives”
- 78W ★ Page 120, line 7, leave out “objective” and insert “objectives”
- 78X ★ Page 120, line 35, leave out “objective” and insert “objectives”
- 78Y ★ Page 120, line 42, leave out “objective” and insert “objectives”
- 78YA ★ Page 120, line 48, at end insert –
 “14A Paragraph 78 (consent to extension of administrator’s term of office) is to have effect as if sub-paragraph (2) were omitted.”
- 78YB ★ Page 123, line 16, , leave out lines 16 to 18 and insert –
 ““objectives”, in relation to a housing administration, is to be read in accordance with section 93(4) of the Housing and Planning Act 2016;”
- 78YC ★ Page 126, line 31, leave out “objective” and insert “objectives”
- 78YD ★ Page 126, line 33, leave out “objective” and insert “objectives”
- 78YE ★ Page 127, line 4, leave out “objective” and insert “objectives”
- 78YF ★ Page 127, line 10, leave out “objective” and insert “objectives”

Clause 98

BARONESS WILLIAMS OF TRAFFORD

- 78YG ★ Page 44, line 36, leave out paragraphs (a) and (b) and insert –
 “(a) notice of the petition has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since that notice was given, or
 (b) the Regulator of Social Housing has waived the notice requirement in paragraph (a).”

Clause 98 - continued

78YH ★ Page 44, line 44, at end insert –

“() The Regulator of Social Housing may waive the notice requirement under subsection (2)(a) only with the consent of the Secretary of State.”

Clause 99

BARONESS WILLIAMS OF TRAFFORD

78YJ ★ Page 45, line 18, leave out paragraphs (a) and (b) and insert –

“(a) notice of the application has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since that notice was given, or
(b) the Regulator of Social Housing has waived the notice requirement in paragraph (a).”

78YK ★ Page 45, line 26, at end insert –

“() The Regulator of Social Housing may waive the notice requirement under subsection (4)(a) only with the consent of the Secretary of State.”

Clause 100

BARONESS WILLIAMS OF TRAFFORD

78YL ★ Page 45, line 34, leave out paragraph (b)

78YM ★ Page 46, line 4, leave out paragraphs (a) and (b) and insert –

“(a) either –
(i) notice of the application has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since that notice was given, or
(ii) the Regulator of Social Housing has waived the notice requirement in sub-paragraph (i), and”

78YN ★ Page 46, line 16, at end insert –

“() The Regulator of Social Housing may waive the notice requirement under subsection (3)(a)(i) only with the consent of the Secretary of State.”

Clause 101

BARONESS WILLIAMS OF TRAFFORD

78YP ★ Page 46, line 24, leave out paragraph (b)

78YQ ★ Page 46, line 38, leave out paragraphs (a) and (b) and insert –

“(a) either –

Clause 101 - continued

- (i) that notice of the appointment has been given to the Regulator of Social Housing, accompanied by a copy of every document in relation to the appointment that is filed or lodged with the court in accordance with paragraph 18 or 29 of Schedule B1 to the Insolvency Act 1986 and that a period of 28 days has elapsed since that notice was given, or
- (ii) that the Regulator of Social Housing has waived the notice requirement in sub-paragraph (i),”

78YR ★ Page 47, line 7, at end insert –

“() The Regulator of Social Housing may waive the notice requirement under subsection (4)(a)(i) only with the consent of the Secretary of State.”

Clause 102

BARONESS WILLIAMS OF TRAFFORD

78YS ★ Page 47, line 21, leave out paragraphs (a) and (b) and insert –

- “(a) notice of the intention to do so has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since the notice was given, or
- (b) the Regulator of Social Housing has waived the notice requirement in paragraph (a).”

78YT ★ Page 47, line 27, at end insert –

“() The Regulator of Social Housing may waive the notice requirement under subsection (2)(a) only with the consent of the Secretary of State.”

Clause 103

BARONESS WILLIAMS OF TRAFFORD

78YU ★ Page 47, line 33, leave out “objective” and insert “objectives”

Clause 109

BARONESS WILLIAMS OF TRAFFORD

78YV ★ Leave out Clause 109

Clause 111

BARONESS WILLIAMS OF TRAFFORD

78YW ★ Page 51, line 12, , leave out lines 12 and 13 and insert –

““objectives of the housing administration” means the objectives in section 93(4);”

Clause 113

LORD KERSLAKE

LORD BEECHAM

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

79 Leave out Clause 113

After Clause 113

BARONESS WILLIAMS OF TRAFFORD

79A ★ Insert the following new Clause –

“Termination of fixed-term secure tenancies without need to forfeit

- (1) The Housing Act 1985 is amended as follows.
- (2) In section 82 (security of tenure) –
 - (a) before subsection (1) insert –
 - “(A1) A fixed-term secure tenancy of a dwelling-house in England that is granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force cannot be brought to an end by the landlord except by –
 - (a) obtaining –
 - (i) an order of the court for the possession of the dwelling-house, and
 - (ii) the execution of the order, or
 - (b) obtaining a demotion order under section 82A.
 - (A2) A secure tenancy can be brought to an end by the landlord as mentioned in subsection (A1)(a) whether or not the tenancy contains terms for it to be brought to an end.”
 - (b) in subsection (1)(b), for “but” substitute “, other than one to which subsection (A1) applies, that is”;
 - (c) in subsection (2), after “subsection” insert “(A1)(a) or”.
- (3) In section 83 (proceedings for possession), in subsection (A1), for “82(1A)” substitute “82(A1) or (1A)”.

Schedule 7

LORD KENNEDY OF SOUTHWARK

80 Page 129, line 29, leave out from beginning to end of line 35 and insert –

“81A Granting of secure tenancies

A local housing authority may grant a secure tenancy of a dwelling-house in England for a fixed term that is –

- (a) at least 2 years, and
- (b) up to and including 10 years.”

BARONESS WILLIAMS OF TRAFFORD

80ZA ★ Page 130, line 8, at end insert “, or

- (c) if required to do so by section 158(9B) of the Localism Act 2011 (which relates to transfer requests made before section (*Secure and assured tenancies: transfer of tenancy*) of the Housing and Planning Act 2016 comes into force).”

Schedule 7 - continued

BARONESS LISTER OF BURTERSETT

- 80ZB ★** Page 130, line 13, at end insert “; or
 (c) the cessation of an old-style secure tenancy was the result of domestic violence.”

LORD BASSAM OF BRIGHTON
 LORD WATSON OF INVERGOWRIE
 LORD KERSLAKE

- 80A** Page 130, line 13, at end insert –
 “(2A) A local housing authority must grant a tenancy for a dwelling-house in England which is a secure tenancy for the length of time that any child living in such dwelling-house is in full time education.”

BARONESS WILLIAMS OF TRAFFORD

- 80AA ★** Page 135, line 3, leave out from “(4)” to end of line 4

LORD KERSLAKE
 LORD BEECHAM
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 80B** Leave out Schedule 7

Clause 114

LORD KERSLAKE
 LORD BEECHAM
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 81** Leave out Clause 114

After Clause 114

BARONESS WILLIAMS OF TRAFFORD

- 81ZA ★** Insert the following new Clause –
“Secure and assured tenancies: transfer of tenancy
 (1) The Localism Act 2011 is amended as follows.
 (2) In section 158 of the Localism Act 2011 (secure and assured tenancies: transfer of tenancy) –
 (a) in subsection (3)(a), for “not a flexible tenancy” substitute “an old-style secure tenancy”;
 (b) in subsection (4)(a), for “is a flexible tenancy” substitute “is not an old-style secure tenancy”;
 (c) omit subsection (6);
 (d) in subsection (7), for “fifth” substitute “fourth”;
 (e) for subsections (8) and (9) substitute –

After Clause 114 - continued

- “(8) The new tenancy is to be granted on whatever terms the landlord determines.
- (9) A landlord must, on request by a relevant tenant, inform the tenant of the terms on which a new tenancy will be granted to that tenant.
- (9A) Subsection (9B) applies in a case where—
- (a) the request was made before section (*Secure and assured tenancies: transfer of tenancy*) of the Housing and Planning Act 2016 came into force, and
 - (b) one or more of the landlords had not yet complied with the request when that section came into force.
- (9B) In that case any new tenancy granted in pursuance of this section to a relevant tenant whose existing tenancy is an old-style secure tenancy, or an assured tenancy that is not an assured shorthold tenancy, must be—
- (a) an old-style secure tenancy, or
 - (b) an assured tenancy that is not an assured shorthold tenancy,
- according to the landlord’s capacity to grant a tenancy of either kind.”
- (3) In section 159 (interpretation of section 158 etc), in subsection (6), omit paragraph (b).”

Schedule 8

BARONESS WILLIAMS OF TRAFFORD

- 81ZB ★** Page 143, line 31, after “tenancy” insert “(“the old tenancy”)”
- 81ZC ★** Page 143, line 39, leave out from “years” to end of line 40
- 81ZD ★** Page 143, line 40, at end insert—
- “(2C) Where a possession order was in force in relation to the old tenancy—
- (a) the possession order is to be treated, so far as possible, as if it applied in relation to the new tenancy, and
 - (b) any other court orders made in connection with the possession order are also to be treated, so far as possible, as if they applied in relation to the new tenancy.
- (2D) In subsection (2C) “possession order” means an order for possession of the dwelling house.”
- 81ZE ★** Page 146, line 14, leave out from “years” to end of line 15

LORD KERSLAKE

LORD BEECHAM

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 81A** Leave out Schedule 8

Before Clause 115

BARONESS WILLIAMS OF TRAFFORD

82 Insert the following new Clause –

“Electrical safety standards for properties let by private landlords

- (1) The Secretary of State may by regulations impose duties on a private landlord of residential premises in England for the purposes of ensuring that electrical safety standards are met during any period when the premises are occupied under a tenancy.
- (2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to –
 - (a) the installations in the premises for the supply of electricity, or
 - (b) electrical fixtures, fittings or appliances provided by the landlord.
- (3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.
- (4) The regulations may make provision about –
 - (a) how and when checks are carried out;
 - (b) who is qualified to carry out checks.
- (5) The regulations may require the landlord –
 - (a) to obtain a certificate from the qualified person confirming that electrical safety standards are met, and
 - (b) to give a copy of a certificate to the tenant, or a prospective tenant, or any other person specified in the regulations.
- (6) In this section –

“premises” includes land, buildings, moveable structures, vehicles and vessels;

“private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);

“residential premises” means premises all or part of which comprise a dwelling;

“tenancy” includes a licence to occupy (and “landlord” is to be read accordingly).”

BARONESS HAYTER OF KENTISH TOWN

LORD BEECHAM

LORD TOPE

As an amendment to Amendment 82

83 In subsection (1), leave out “may” and insert “must”

As an amendment to Amendment 82

84 In subsection (2), at the end of paragraph (a) leave out “or” and insert “and”

As an amendment to Amendment 82

85 In subsection (3), leave out “may” and insert “must”

Before Clause 115 - continued*As an amendment to Amendment 82*

86 In subsection (3), leave out “qualified person” and insert “skilled person competent in such work”

As an amendment to Amendment 82

87 In subsection (4), leave out “may” and insert “must”

As an amendment to Amendment 82

88 In subsection (4)(b), leave out “who is qualified” and insert “a person who is competent”

As an amendment to Amendment 82

89 In subsection (5), leave out “may” and insert “must”

As an amendment to Amendment 82

90 In subsection (5)(a), after “certificate” insert “or a condition report, or both,”

As an amendment to Amendment 82

91 In subsection (5)(b), after “certificate” insert “or a condition report, or both,”

BARONESS WILLIAMS OF TRAFFORD

92 Insert the following new Clause –

“Electrical safety standards: enforcement

- (1) Regulations under section (*Electrical safety standards for properties let by private landlords*) may provide for covenants to be implied into a tenancy.
- (2) Regulations under that section –
 - (a) may make provision about the enforcement of a duty imposed by the regulations;
 - (b) may confer functions on a local housing authority in England.
- (3) The provision that may be made about enforcement includes provision –
 - (a) requiring a landlord who fails to comply with a duty imposed by the regulations to pay a financial penalty (or more than one penalty in the event of a continuing failure);
 - (b) conferring power on a local housing authority to arrange for a person to enter on the premises, with the consent of the tenant, to remedy any failure by the landlord to comply with a duty imposed by the regulations.
- (4) The provision that may be made in reliance on subsection (3)(a) includes provision –
 - (a) about the procedure to be followed in imposing penalties;
 - (b) about the amount of penalties;
 - (c) conferring rights of appeal against penalties;
 - (d) for the enforcement of penalties;

Before Clause 115 - continued

- (e) about the application of sums paid by way of penalties (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (5) The provision that may be made in reliance on (3)(b) includes provision –
 - (a) about procedural matters;
 - (b) enabling a local housing authority to recover from the landlord any costs incurred by it in remedying the failure;
 - (c) about the application of costs recovered (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (6) In this section “local housing authority” has the meaning given by section 1 of the Housing Act 1985.”

Clause 115

LORD BEECHAM

- 93 Page 53, line 11, at end insert –
 “(c) plots on which gypsies, travellers and travelling showpeople can have both residential accommodation and space for the storage of equipment”
- 94 Page 53, line 14, at end insert –
 ““gypsies, travellers and travelling showpeople” are members of communities as defined in planning policy for traveller sites;”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 95 Page 53, line 17, leave out subsection (2)

After Clause 115

THE EARL OF LISTOWEL

- 95A ★ Insert the following new Clause –
- “Strategy for temporary accommodation**
- (1) The Secretary of State has a duty to publish a strategy which includes targets for reducing the number of children living in temporary accommodation with their families.
 - (2) The Secretary of State must make a report to both Houses of Parliament annually on the strategy.
 - (3) The report must set out –
 - (a) the targets that have been set,
 - (b) the steps that have been taken to reach those targets, and
 - (c) the progress that has been made towards reaching the targets.”

Schedule 9

BARONESS WILLIAMS OF TRAFFORD

96 Page 148, line 12, after “satisfied” insert “, beyond reasonable doubt,”

97 Page 150, line 27, at end insert –

“() An appeal under this paragraph –

(a) is to be a re-hearing of the local housing authority’s decision, but

(b) may be determined having regard to matters of which the authority was unaware.”

After Clause 118

BARONESS GARDNER OF PARKES

98 Insert the following new Clause –

“Overcrowding in shared residential buildings

- (1) Local authorities may set limits for the number of residents that may lawfully reside in each rented property in a shared residential building.
- (2) Local authorities may set limits under subsection (1) for each relevant rented property whenever the contract for renting the property changes at any point after the day on which this section is brought into effect.
- (3) If a complaint is made to a local authority about overcrowding in a rented property for which a limit has been set under subsection (1), the local authority may investigate whether the limit is being exceeded and, if so, order the landlord of the property to take action to end the overcrowding.
- (4) Where the local authority orders a landlord to take action under subsection (3), the local authority may charge the landlord a fee to cover the reasonable costs of the investigation and action undertaken by the local authority.”

99 Insert the following new Clause –

“Overcrowding and subletting in shared residential buildings

The head lessee, freeholder or members of the right to manage company in a shared residential block may investigate whether any leaseholder within that block is allowing overcrowding in his or her property, or is allowing any subletting contrary to the terms of the lease, or is permitting a continuing nuisance to be made or a risk to the security of the block to be posed by those residing in the property.”

After Clause 124

BARONESS HAYTER OF KENTISH TOWN
LORD KENNEDY OF SOUTHWARK
LORD PALMER OF CHILDS HILL
LORD FOSTER OF BATH

100 Insert the following new Clause—

“Client money protection for lettings agents

- (1) Subject to the provisions of this section, a person may not accept money from another person (“T”) in the course of lettings agency work unless there are in force authorised arrangements under which, in the event of his or her failing to account for that money to the person entitled to it, his or her liability will be made good by another.
- (2) In this section “T” is any person who seeks residential accommodation which is to let, or who has a tenancy of, or other right or permission to occupy, residential premises; and a “relevant payment” means any sum of money which is received from T in the circumstances described in subsection (1).
- (3) In this section “lettings agency work” has the same meaning as in section 83 of the Enterprise and Regulatory Reform Act 2013 (redress schemes: lettings agency work) and a “lettings agent” is a person who engages in lettings agency work.
- (4) The Secretary of State may by regulations made by statutory instrument—
 - (a) specify any persons or classes of persons to whom subsection (1) does not apply;
 - (b) specify arrangements which are authorised for the purposes of this section including arrangements to which an enforcement authority nominated for the purpose by the Secretary of State or any other person so nominated is a party;
 - (c) specify the terms and conditions upon which any payment is to be made under such arrangements and any circumstances in which the right to any such payment may be excluded or modified;
 - (d) provide that any limit on the amount of any such payment is to be not less than a specified amount; and
 - (e) require a person providing authorised arrangements covering any person carrying on lettings agency work to issue a certificate in a form specified in the regulations certifying that arrangements complying with the regulations have been made with respect to that person.
- (5) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Every guarantee entered into by a person who provides authorised arrangements covering a lettings agent shall tenure for the benefit of every person from whom the lettings agent has received a relevant payment as if the guarantee were contained in a contract made by the insurer with every such person.”

After Clause 124 - continued

BARONESS GARDNER OF PARKES

101 Insert the following new Clause—

“Changes to leases: qualifying threshold for right to manage

- (1) Where leaseholders in a shared building have the right to manage and a beneficial change or modification is proposed to the terms of the leases in relation to communal services or general safeguards held in that shared building, the change shall be agreed and made if a simple majority of the eligible leaseholders vote in favour of the proposal.
- (2) In respect of a vote under subsection (1), a leaseholder shall —
 - (a) have the right to appoint a proxy to vote on his or her behalf; and
 - (b) be given adequate notice of when the vote will take place.
- (3) A change to the terms of the leases under subsection (1) may include leasehold enfranchisement.
- (4) If a leaseholder or his or her proxy fails to participate in the vote held under subsection (1) and reasonable arrangements have been made to enable him or her to do so, he or she shall be deemed to have voted in favour of the proposal.”

102 Insert the following new Clause—

“Sinking funds for repairs: leaseholds

- (1) The buyer of a leasehold in a shared residential building with common parts is required to make periodic deposits of sums into a fund to be maintained and used for the purpose of making repairs to the building in which the leasehold property is situated.
- (2) The fund shall be held and administered by the person designated to fulfil that role by the leaseholders.
- (3) The sums to be deposited and the timetable for their deposit shall be determined by those holding rights in the shared building, and the collection of those sums may be incorporated into the building’s service charge arrangements.
- (4) The requirement provided for by subsection (1) applies to any buyer of a leasehold who completes the purchase of that leasehold at any point after the day on which this section is brought into effect.”

Clause 136

BARONESS WILLIAMS OF TRAFFORD

103 Page 67, line 7, at end insert—

“() But permission in principle may not be granted for development consisting of the winning and working of minerals.”

104 Page 67, line 28, leave out “plan, register or other”

Clause 136 - continued

105 Page 67, leave out lines 30 to 32 and insert –
 “() falls within subsection (2A),”

106 Page 67, line 37, at end insert –
 “(2A) The following documents fall within this subsection –
 (a) a register maintained in pursuance of regulations under section 14A of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”);
 (b) a development plan document within the meaning of Part 2 of the 2004 Act (see section 37 of that Act);
 (c) a neighbourhood development plan within the meaning given by section 38A of the 2004 Act.”

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM

107 Page 68, line 5, leave out “not”

Clause 141

BARONESS GARDNER OF PARKES

108 Page 72, line 20, at end insert –
 “(1) Local planning authorities may make provision for the payment of fees or charges to them in respect of the performance of their functions and anything done by them which is calculated to facilitate or is conducive or incidental to the performance of their functions, and may vary such fees or charges according to the value of the project concerned or any other material concerns.
 (2) Fees or charges under subsection (1) may exceed the costs incurred by the local planning authority in performing functions relating to the relevant project.
 (3) Local planning authorities shall retain any fees or charges paid in accordance with subsection (1), and use them as they see fit.”

After Clause 141

LORD DUBS

109 Insert the following new Clause –

“Code of practice for subterranean development works

- (1) A local planning authority may promulgate a code of practice on the excavation and construction of a subterranean development with a view to lessening the adverse impact of the excavation and construction on adjacent properties and their owners and occupiers and on the wider neighbourhood.
- (2) The code may include, but need not be limited to, the provisions listed in Schedule (Provisions in local authority code of practice for subterranean development).
- (3) Local planning authorities shall take account of any guidance issued by the Secretary of State in drawing up such a code of practice.

After Clause 141 - continued

- (4) If a local planning authority has promulgated such a code, it may make the granting of planning consent for a subterranean development conditional on the developer undertaking to abide by the code or specified elements of it.”

110 Insert the following new Clause –

“Presumption against subterranean development

- (1) A local planning authority may not grant planning permission on an application to the authority under section 58 of the Town and Country Planning Act 1990 (granting of planning permission: general) in respect of subterranean development which is either –
 - (a) in a flood zone classified by the Environment Agency as subject to a high probability of flooding;
 - (b) within a terrace; or
 - (c) such that the local planning authority has reasonable grounds to believe that the subterranean development is likely to cause unreasonable interference to the use or enjoyment of the land of others either during its construction or after its completion;unless it can be demonstrated that the development will achieve substantial public benefits.
- (2) For the purposes of subsection (1)(b), a “terrace” means a row of adjoining buildings where each building has a wall built at the line of juncture between itself and the adjoining property which provides structural support to itself and a building on the adjoining property.”

111 Insert the following new Clause –

“Notice to adjoining owners

- (1) Any owner of a property intending to undertake subterranean development works shall serve notice for any subterranean development in the manner set out in section 6(5) (adjacent excavation and construction) of the Party Wall etc Act 1996 (“the 1996 Act”) as if the distance of six metres is replaced by a distance of 12 metres.
- (2) For the purposes of section 6 of the 1996 Act, where the buildings or structures of different owners are above the site of the subterranean development, the owners of those buildings or structures shall be deemed to be adjoining owners.
- (3) If a building owner fails to serve notice in accordance with this section and with the 1996 Act before commencing subterranean development works, he or she shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or 10 per cent of the contract value reasonably to be expected in relation to the notifiable works, whichever shall be the greater and which, in the absence of agreement, shall be determined by surveyors appointed in accordance with the 1996 Act or as otherwise directed by the court.”

After Clause 141 - continued

112 Insert the following new Clause –

“Expenses and losses

- (1) Where an adjoining owner does not notify the building owner in writing within 14 days that the works notified under section (notice to adjoining owners) are agreed, or agreed subject to conditions that are acceptable to the building owner, and a dispute is deemed to have arisen, the surveyors appointed in accordance with the 1996 Act shall –
 - (a) determine a sum to be held as security for expenses and losses which reasonably reflects –
 - (i) the risk of damage to the adjoining owner’s building likely to occur in consequence of the works;
 - (ii) the likely cost of completing the works, sufficiently to safeguard the adjoining owner’s building and to leave it weather tight if those works are suspended or left incomplete;
 - (iii) the cost of any loss to the adjoining owner as a result of the adjoining owner being unable to sell or lease his or her property for the normal market value as a result of the subterranean development works; and
 - (iv) the cost of appropriate alternative accommodation if the surveyors determine that the adjoining owner or any member of his or her household who normally undertakes remunerative work in their building is unable to do so because of the disturbance caused by the subterranean development works, or that alternative accommodation is required for a member of the household seriously affected by the disturbance by reason of his or her physical condition; and
 - (b) hold and administer the determined sum.
- (2) Any liability arising from works shall remain with the owner or owners of the land or buildings where the subterranean works are taking or took place, and may be registered as a charge against the property for the purposes of the Land Registration Act 2002.”

113 Insert the following new Clause –

“Other works taking place on the subterranean development site

Non-subterranean works taking place on the building owner’s building during the period of the works on the subterranean development shall be treated –

- (a) as part of the subterranean development works for the purposes of sections 2 and 4 of this Act; and
- (b) as part of the works described in section 6(1) and (2) of the 1996 Act (adjacent excavation and construction) for the purposes of section 7(1) and (2) of that Act (compensation etc).”

114 Insert the following new Clause –

“Subterranean development: definitions

For the purposes of this Act –

After Clause 141 - continued

“subterranean development” means development which comprises excavation or building below the prevailing ground level other than for the purposes of repairing, strengthening or supporting an existing building or structure; and

“owner”, “adjoining owner” and “building owner” have the same meanings as under the Party Wall etc Act 1996.”

115 Insert the following new Clause—

“Development not exempt from planning permission: subterranean development

- (1) Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 1995 (development within the curtilage of a dwellinghouse) is amended as follows.
- (2) In Class A, after paragraph A.1 (h), insert—

“(ha) the enlargement, improvement or other alteration would be subterranean.”
- (3) After “For the purposes of Part 1— ” insert ““subterranean” in relation to the enlargement, improvement or other alteration of a dwellinghouse, means excavation or building below the prevailing ground level other than for the purposes of repairing, strengthening or supporting an existing building or structure.”

BARONESS GARDNER OF PARKES

116 Insert the following new Clause —

“Retrospective planning permission

- (1) Where there has been a breach of planning control under section 171A of the Town and Country Planning Act 1990 (“the 1990 Act”), the person or body who has caused the breach must make a retrospective planning application for planning permission under section 73A of the 1990 Act.
- (2) In respect of a retrospective planning application, the person or body who has caused the breach of planning control is liable for the payment of fees or charges to the local planning authority in respect of the costs incurred in carrying out the functions connected with the retrospective planning application.
- (3) The person or body who has caused the breach of planning control is liable for the payment of a significant additional charge, connected to the retrospective nature of the planning application, in addition to the fees and charges the person or body is liable for under subsection (2).
- (4) In carrying out the functions connected with a retrospective planning application, the local planning authority must consult the people residing in the local area to which the retrospective planning application relates.”

Before Schedule 13

LORD DUBS

117 Insert the following new Schedule –

“SCHEDULE**PROVISIONS IN LOCAL AUTHORITY CODE OF PRACTICE FOR
SUBTERRANEAN DEVELOPMENT**

In constructing or excavating in respect of a subterranean development, a developer must, if the planning authority so directs, have regard to –

- (a) the studies and investigations to be carried out in advance of the application for planning consent in relation to the stability of structures and the minimising of adverse effects on adjoining owners;
- (b) the adequacy of technical skills for investigations to be carried out and for the design and execution of the works;
- (c) the methods, materials and equipment to be used;
- (d) the standards and monitoring arrangements to be observed in relation to noise and vibration levels;
- (e) the hours of construction and excavation, and of particularly noisy types of construction and excavation;
- (f) the provision of information to adjoining owners;
- (g) the protection of adjoining owners from the risks associated with defective investigation or design and the interruption of the contract of works once commenced;
- (h) the limitation of the effects of ground movements on third party property to damage capable of repair by decoration and the repair of minor cracking;
- (i) the protection of the subsoil environment including hydrological and hydrogeological conditions;
- (j) the adequacy of a contractor’s third party liability insurance; and
- (k) the adequacy of standards of post-construction monitoring.”

After Clause 143

BARONESS PARMINTER

LORD KREBS

BARONESS YOUNG OF OLD SCONE

118 Insert the following new Clause –

“Carbon compliance standard for new homes

- (1) The Secretary of State must within one year of the passing of this Act make regulations under section 1(1) of the Building Act 1984 (power to make building regulations) for the purpose of ensuring that all new homes in England built from 1 April 2018 achieve the carbon compliance standard.
- (2) For the purpose of subsection (1), “carbon compliance standard” means an improvement on the target carbon dioxide emission rate, as set out in the Building Regulations 2006, of –
 - (a) 60% in the case of detached houses;
 - (b) 56% in the case of attached houses; and

After Clause 143 - continued

- (c) 44% in the case of flats.”

BARONESS ROYALL OF BLAISDON
LORD BEST
THE LORD BISHOP OF ST ALBANS

119 Insert the following new Clause –

“Affordable housing contributions in small scale development

- (1) Local planning authorities may require sites falling within subsection (2) to make an affordable housing contribution, in cash or kind, determined by the requirements of the housing market of that area.
- (2) Authorities may require contributions from –
- (a) developments of 10 units or less, and developments which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area), and
 - (b) developments in a rural area where –
 - (i) planning permission for the site was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites;
 - (ii) the site is in a national park or an area with equal protection to that of a national park; or
 - (iii) the site is in an area designated under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas) as an area of outstanding natural beauty.
- (3) In subsection (2) a rural area is defined as –
- (a) any settlement with a population of fewer than 3,000 people at the most recent national census, or
 - (b) any settlement with a population of between 3,000 and 10,000 people at the most recent national census, and designated as a rural area by the Secretary of State following representations from the relevant local authority.”

Clause 145

BARONESS WILLIAMS OF TRAFFORD

120 Page 74, line 23, leave out subsections (1) and (2) and insert –

- “(1) The Secretary of State may by regulations provide for temporary arrangements in particular areas to test the practicality and desirability of competition in the processing (but not determining) of applications to do with planning.
- (1A) The regulations may make provision for an application for planning permission that falls to be determined by a specified local planning authority in England to be processed, if the applicant so chooses, not by that authority but by a designated person.
- “(2) The option under the regulations to have a planning application determined by a designated person applies only for a specified period.

Clause 145 - continued

That period (whether as originally specified or as subsequently extended) must end no later than five years after the first regulations under this section come into force.”

121 Page 74, line 31, at end insert –

- “() The Secretary of State must –
- (a) review the operation and effectiveness of any arrangements made under the regulations;
 - (b) no later than 12 months after the date when the arrangements (or the last of them) cease to have effect –
 - (i) lay a report before each House of Parliament, or
 - (ii) make a statement to the House of Parliament of which that Secretary of State is a member,
 setting out the results and conclusions of the review.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

122 Page 75, line 7, leave out second “person” and insert “local authority or public body”

123 Leave out Clause 145

Clause 146

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

124 Leave out Clause 146

Clause 147

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

125 Leave out Clause 147

Clause 148

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

126 Leave out Clause 148

Clause 149

BARONESS WILLIAMS OF TRAFFORD

127 Page 77, line 23, leave out from “(1)” to end of line 24 and insert “does not have effect until approved by a resolution of each House of Parliament.”

Clause 149 - continued

- () If a draft of an instrument containing an order by the Secretary of State under subsection (1) would, but for 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.”

Clause 150

BARONESS WILLIAMS OF TRAFFORD

- 128** Page 78, line 10, leave out from “section” to end of line 11 and insert “does not have effect until approved by a resolution of each House of Parliament.

- () If a draft of an instrument containing an order by the Secretary of State under this section would, but for 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.”

Clause 185

BARONESS WILLIAMS OF TRAFFORD

- 129** Page 98, line 22, leave out from “(A1)” to end of line 23 and insert “may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 190

BARONESS WILLIAMS OF TRAFFORD

- 130** Page 100, line 14, leave out “(whether alone or together with other provision)”

- 131** Page 100, line 15, at end insert –
“() regulations under section 13,”

LORD LISVANE
LORD KERSLAKE
LORD BEECHAM

- 132** Page 100, line 15, at end insert –
“() regulations under section 67(1) that contain more than one determination or a determination that relates to more than one local housing authority,
() regulations under section 67(8),”

BARONESS WILLIAMS OF TRAFFORD

- 133** Page 100, line 16, at end insert –
“() the first regulations under section 78,”

Clause 190 - continued

LORD BEECHAM
LORD KENNEDY OF SOUTHWARK

- 133A ★ Page 100, line 16, at end insert –
“() regulations under section 77(2),”

BARONESS WILLIAMS OF TRAFFORD

- 133B ★ Page 100, line 17, at end insert –
“() section (*Reducing local authority influence over private registered providers*);”

- 134 Page 100, line 18, at end insert –
“() regulations under section 145 that make provision of the kind referred to in section 145(2), 145(3), 145(4), 147 or 148,”

- 135 Page 100, line 18, at end insert –
“() regulations under section (*Electrical safety standards for properties let by private landlords*);”

- 136 Page 100, line 24, at beginning insert “(whether alone or together with other provision)”

- 137 Page 100, line 29, at end insert –
“() If a draft of regulations under section 145 would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.”

Clause 192

LORD LISVANE
LORD KERSLAKE
LORD BEECHAM

- 138 Page 101, line 9, leave out paragraph (b)

LORD LISVANE
LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK

- 139 Page 101, line 18, at end insert –
“() Chapter 3 of Part 4 of this Act shall not come into force before the end of the period of one year after draft regulations to be made under section 78(1) of this Act are laid before each House of Parliament.”

Clause 192 - continued

140 Page 101, line 18, at end insert –

“() Chapter 2 of Part 4 of this Act shall not come into force before the end of the period of one year after draft regulations to be made under section 67(8) of this Act are laid before each House of Parliament.”

141 Page 101, line 18, at end insert –

“() Chapter 1 of Part 1 of this Act shall not come into force before the end of the period of one year after the later or last of the days on which draft regulations to be made under section 2(1)(e) and 2(3)(c) of this Act are laid before each House of Parliament.”

Housing and Planning Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

11 April 2016
