REVISED
THIRD
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 78 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 78

LORD KENNEDY OF SOUTHWARK
LORD KERSLAKE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

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

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

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

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

( ) 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

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,”
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

Page 36, line 27, leave out “may” and insert “must”

Page 36, line 30, leave out “may” and insert “must”

Clause 83

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

Leave out Clause 84

After Clause 90

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; 
(b) exercising or controlling voting rights.

(2) The regulations may in particular—

(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.
(3) Regulations under this section may override or modify any contractual or other rights (whenever created) or anything in a private registered provider’s constitution.

(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.”

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”
Page 120, line 35, leave out “objective” and insert “objectives”

Page 120, line 42, leave out “objective” and insert “objectives”

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.”

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;”

Page 126, line 31, leave out “objective” and insert “objectives”

Page 126, line 33, leave out “objective” and insert “objectives”

Page 127, line 4, leave out “objective” and insert “objectives”

Page 127, line 10, leave out “objective” and insert “objectives”

Clause 98

BARONESS WILLIAMS OF TRAFFORD

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).”

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

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).”
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

Page 45, line 34, leave out paragraph (b)

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”

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

Page 46, line 24, leave out paragraph (b)

Page 46, line 39, leave out paragraphs (a) and (b) and insert—

“(a) either—

(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),”

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

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
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

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

Clause 109

BARONESS WILLIAMS OF TRAFFORD

Page 51, 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
LORD SHIPLEY

Leave out Clause 113

After Clause 113

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.
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).”

BARONESS LISTER OF BURTERSETT

THE LORD BISHOP OF ST ALBANS

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.”

LORD BEECHAM

LORD KENNEDY OF SOUTHWARK

80AZA Page 130, line 13, at end insert—

“(2A) A local housing authority that grants a secure tenancy of a dwelling-house in England must grant an old-style secure tenancy if—

(a) the prospective tenant of the dwelling-house, or in the case of prospective joint tenants, at least one of the tenants, has attained pension credit age;
(b) the dwelling-house has been or is to be adapted for the needs of a disabled member of the household or contains features which are designed to make it suitable for occupation by a disabled person; or
(c) the cessation of the tenancy of the other dwelling-house was as a result of the application of regulation B13 of the Housing Benefit Regulations 2006 (determination of a maximum rent (social sector)).”

LORD PORTER OF SPALDING

80AZB Page 130, line 13, at end insert—
“(2A) A local housing authority may grant a secure tenancy of a dwelling-house in England for the length of time that any child living in such a dwelling-house is in full-time education.
(2B) A local housing authority may grant a secure tenancy of a dwelling-house in England if the tenant is the parent or carer of a person living in such a dwelling-house who is in receipt of disability living allowance or personal independence payment.”

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
LORD SHIPLEY

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”;
”
for subsections (8) and (9) substitute—

“(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

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”
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;

(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
THE LORD BISHOP OF ST ALBANS
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS WHITAKER

93A Page 53, line 11, at end insert—
“(c) separate plots on which gypsies, travellers and travelling showpeople can have both residential accommodation and space for the storage of equipment”

LORD BEECHAM
BARONESS WHITAKER
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

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;”

95 [Withdrawn]

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.”
Clause 117

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 54, line 37, leave out “as an alternative” and insert “in addition”

Schedule 9

BARONESS WILLIAMS OF TRAFFORD

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

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

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.”

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

Insert the following new Clause—

“Client money protection for letting agents

(1) Subject to the provisions of this section, a person may not accept money from another person (“T”) in the course of letting 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 “letting agency work” has the same meaning as in section 83 of the Enterprise and Regulatory Reform Act 2013 (redress schemes: letting agency work) and a “letting agent” is a person who engages in letting 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 letting 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 letting agency work shall tenure for the benefit of every person from whom the letting agent has received a relevant payment as if the guarantee were contained in a contract made by the insurer with every such person.”
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 129

102A

Page 62, line 41, leave out “in subsection (4)” and insert “before subsection (4) insert—

“(3A) If a local planning authority have not prepared a local development scheme, the Secretary of State or the Mayor of London may—
(a) prepare a local development scheme for the authority, and
(b) direct the authority to bring that scheme into effect.”

( ) In subsections (4) and (8AA) of that section”
Page 62, line 43, at end insert—

“( ) In subsections (4A)(a), (5), (6), (6A) and (6B)(a) of that section, after “under subsection” insert “(3A) or”.”

Clause 136

BARONESS WILLIAMS OF TRAFFORD

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.”

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

Page 67, leave out lines 30 to 32 and insert—

“( ) falls within subsection (2A),”

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.”

Page 67, line 43, leave out from beginning to end of line 21 on page 68 and insert—

“(4) Subject to subsection (7)(a), permission in principle granted by a development order takes effect—

(a) when the qualifying document takes effect, if the land in question is allocated for development in the document at that time;

(b) otherwise, when the qualifying document is revised so that the land in question is allocated for development.

(5) For the purposes of subsection (4)(a)—

(a) a register maintained in pursuance of regulations under section 14A of the 2004 Act takes effect when it is first published;

(b) a development plan document takes effect when it is adopted or approved under Part 2 of the 2004 Act;

(c) a neighbourhood development plan takes effect when it is made by the local planning authority.

(6) Subject to subsection (7)(b), permission in principle granted by a development order is not brought to an end by the qualifying document ceasing to have effect or being revised.

(7) A development order—

(a) may provide that permission in principle does not take effect until such date as the local planning authority may direct;

(b) may make provision for permission in principle to cease to have effect;
(c) may contain transitional provision and savings in relation to cases where permission in principle ceases to have effect;
(d) may make provision in relation to an application for planning permission for development of land in respect of which permission in principle has been granted;
(e) may require the local planning authority to prepare, maintain and publish a register containing prescribed information as to permissions in principle granted by a development order.

(8) The provision that may be made under subsection (7)(b) includes provision for permission in principle to cease to have effect—
(a) at the end of a prescribed period, or
(b) at the end of such other period (whether longer or shorter) as the local planning authority may direct.

(9) In exercising a power of direction conferred by virtue of subsection (7)(a) or (8)(b), a local planning authority must have regard to the provisions of the development plan and any other material considerations.

(10) In exercising any other function exercisable by virtue of this section, or in exercising any function in relation to an application for planning permission for development of land in respect of which permission in principle has been granted, a local planning authority must have regard to any guidance issued by the Secretary of State.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

107 Page 68, line 5, leave out “not”

Schedule 12

BARONESS ANDREWS

107ZA Page 161, line 27, leave out sub-paragraph (3) and insert—
“( ) In subsection (1), for the words from “modify” to “the authority” substitute “modify—
(a) any permission (including permission in principle) to develop land granted on an application made under this Part, or
(b) any permission in principle granted by a development order,
the authority”.”

107ZB Page 161, line 43, leave out “and in subsection (1)”

107ZC Page 162, line 1, leave out “subsection (4), for” and insert “subsection (1)—
(a) after “planning permission” insert “or permission in principle”;
(b) for “section 97” substitute “section 97(1)(a)”.
( ) In subsections (2) and (3), for “this section” substitute “subsection (1)”.
( ) In subsection (4)—
(a) for “this section” substitute “subsection (1)”;
(b) for”
107ZD ★ Page 162, line 2, at end insert—

“(4A) A development order may make provision for the payment of compensation, in such circumstances and subject to such conditions as may be prescribed in the order, where permission in principle is revoked or modified by an order under section 97(1)(b).”

After Clause 139

LORD LUCAS
LORD KERSLAKE

107A Insert the following new Clause—

“Planning freedoms: right for local areas to request alterations to planning system

(1) A local planning authority in England shall have the right to submit a proposal to the Secretary of State for the disapplication or modification of any legislation to do with planning (“planning freedoms”) if the authority considers those planning freedoms would contribute to a significant increase in housing delivery in the authority’s area.

(2) An authority’s area under subsection (1) may comprise the area of one local planning authority, or the area of more than one local planning authority where those authorities are working together to increase housing delivery.

(3) Where the Secretary of State is satisfied that the planning freedoms requested in a proposal under subsection (1) will contribute to a significant increase in housing delivery in that authority’s (or group of authorities’) area, he or she may make regulations to disapply or modify any legislation to do with planning which apply to that area as he or she considers necessary to enable those authorities to increase housing delivery.

(4) The Secretary of State may by regulation specify the maximum number of authorities in which the Secretary of State may implement planning freedoms at any one time, and that the planning freedoms provided for each area may last no more than 10 years.

(5) The Secretary of State may by regulations end the planning freedoms in an area where—

(a) the local planning authority concerned requests that he or she do so;

(b) the Secretary of State considers the local planning authority is failing to deliver the increase in housing delivery committed to in their proposals;

or

(c) there are any exceptional circumstances.

(6) Regulations made under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) If a draft of regulations made by the Secretary of State under subsection (6) would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument.”
Clause 141

BARONESS GARDNER OF PARKES
LORD FOSTER OF BATH

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.

(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.”

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—

“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.”

LORD TRUE

116A Insert the following new Clause—

“Compensation to businesses expelled from premises to enable conversion from office to residential use

Any property owner, developer, or agent, who gives notice to a solvent and active business in order to enable the conversion of office premises to residential use, shall be required to—

(a) meet the full costs of the planning authority in advising on and determining such an application;

(b) make a contribution to the local planning authority of not less than 20% of the net profit gained from the difference between the office and residential value of the property concerned; and

(c) share not less than 50% of the net profit gained from the difference between the office and residential value of the property concerned with any business or businesses expelled from the premises to enable the change of use.”
Local determination of the application of prior approval for conversion from office to residential use

(1) Notwithstanding paragraphs O.1, O.2 and W of Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other section of that or any other order or regulation purporting to convey a right to developers to automatic prior approval of the conversion of office (Class B1(a)) premises to residential use (Class C3), consent may be refused by the local planning authority for the conversion of any such office premises to residential use, if the local planning authority has by a majority vote passed a formal resolution stating that the purported right to approval without full planning consideration shall no longer apply within that local authority planning area, or any part of it.

(2) In reaching any decision on the conversion of offices to residential use the local planning authority shall be able to take account of all representations from the public or businesses, and all aspects of an approved local plan, neighbourhood plan or supplementary local planning document incorporated within its approved plan, provided that it has passed a resolution under subsection (1).

(3) A resolution under subsection (1) may be adopted if—
   (a) the local authority can demonstrate that active businesses within its area are being expelled from office space to enable conversion to residential use, or
   (b) the local authority has concluded that the retention of office space is necessary for the future economic development of its area.”

Clause 142

Leave out Clause 142

Before Schedule 13

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.”

Schedule 13

117A ★ Leave out Schedule 13

After Clause 143

BARONESS PARMINTER
LORD KREBS
BARONESS YOUNG OF OLD SCON
LORD STUNELL

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
(c) 44% in the case of flats.”
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.”

Insert the following new Clause—

“Sustainable drainage systems

(1) The Water Industry Act 1991 is amended as follows.

(2) After section 106(1B) (right to communicate with public sewers) insert—
   “(1C) The right under subsection (1) is subject to section 106AB.”

(3) After section 106A insert—

“106AB Sustainable drainage systems

(1) A person may only exercise the right under section 106(1) in respect of surface water if the relevant drainage system is designed and constructed according to—
   (a) the non-statutory technical standards for sustainable drainage systems or any replacement standards as may be published by the Minister from time to time; and
   (b) the planning permission or development consent order for the development drained by the drainage system in question.
(2) In this section “drainage system” has the same meaning as in paragraph 1 of Schedule 3 to the Flood and Water Management Act 2010.”

Clause 144

THE EARL OF LYTTON

119B Page 74, line 20, at end insert—

“(7A) Guidance referred to in subsection (7) must include a requirement for the developer to pay development value for land that is compulsorily purchased for housing as part of any nationally significant infrastructure project.”

120 [Withdrawn]

Clause 145

BARONESS WILLIAMS OF TRAFFORD

120A 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—

(a) 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;

(b) for any connected application also to be processed by a designated person and not by that authority.

(2) The regulations must specify a period after which any such provision ceases to apply.

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.”

121A Page 74, line 33, leave out “planning applications for” and insert “applications that relate to”

121B Page 74, line 36, leave out “planning applications for” and insert “applications that relate to”
Page 74, line 41, at end insert—

“( ) The regulations may not contain anything that allows or requires, or could allow or require, the responsible planning authority’s duty to determine an application to be carried out, to any extent, by a designated person on the authority’s behalf.

“( ) Nothing said or done by a designated person appointed under the regulations to process an application is binding on the responsible planning authority when determining the application.

“( ) Before making the first regulations under this section the Secretary of State must consult such representatives of local planning authorities, and such other persons, as the Secretary of State thinks fit.”

Page 75, line 2, leave out “a planning” and insert “an”

LORD TRUE

Page 75, line 4, at end insert “except for—

(i) the compilation of a report for a meeting of the planning, planning sub-committee, development control committee or other committee of the local planning authority convened to determine the application concerned, unless that report has been approved by a planning officer independent of the applicant, and

(ii) the provision of a recommendation to the determining committee as to how to determine the application, which must always be made by an officer independent of the applicant or of objectors,”

BARONESS WILLIAMS OF TRAFFORD

Page 75, line 6, at end insert—

“(6A) In this group of sections “connected application”, in relation to an application for planning permission that is to be or has been processed by a designated person under the regulations (“the main application”), means—

(a) an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 of the Town and Country Planning Act 1990 (where the main application resulted in the grant of such permission), or

(b) an application of a specified description, made under or by virtue of an enactment about planning, that relates to some or all of the land to which the main application relates.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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

122A Page 75, line 12, at end insert—

“() Any person designated by the Secretary of State, who is not a local authority, must lay before the proper officer of the local authority concerned, for inclusion on the authority’s register of interests, information on any past or present beneficial connection with the applicant for whom he or she is acting or with the applicant to any other past or present application in the local authority area.”

BARONESS WILLIAMS OF TRAFFORD

122B Page 75, line 16, leave out “application” means an application for” and insert “permission” means”

122C Page 75, line 18, leave out “a planning application” and insert “an application for planning permission or a connected application”

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

123 Leave out Clause 145

Clause 146

BARONESS WILLIAMS OF TRAFFORD

123A Page 75, line 23, leave out subsection (1) and insert—

“( ) Regulations under section 145 may—

(a) require a designated person (subject to any specified exceptions) to process an application for planning permission if chosen to do so by an applicant;

(b) provide that, where an application for planning permission is to be or has been processed by a designated person, any connected application must (subject to any specified exceptions) also be processed by that person;

(c) allow a responsible planning authority to take over the processing of an application for planning permission, or a connected application, in specified circumstances.”

LORD SHIPLEY

123B Page 75, line 28, at end insert—

“(c) allowing a responsible planning authority to enter into a fee flexibility pilot scheme.

() A “fee flexibility pilot scheme” under subsection (1) means an agreement between a local planning authority and the Secretary of State regarding the use of fees under specified conditions.”

BARONESS WILLIAMS OF TRAFFORD

123C Page 75, line 33, leave out “planning applications” and insert “applications for planning permission or connected applications”
Page 75, line 42, leave out paragraph (g)

LORD TRUE

Page 75, line 45, leave out paragraph (i)

BARONESS WILLIAMS OF TRAFFORD

Page 76, line 2, leave out “a planning” and insert “an”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Leave out Clause 146

Clause 147

LORD TRUE

Page 76, line 27, at end insert—

“( ) The Secretary of State must deem excessive any fee set or charged by a designated person which is higher than that which the Secretary of State would have permitted to the local planning authority for the same function.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Leave out Clause 147

Clause 148

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Leave out Clause 148

Clause 149

BARONESS WILLIAMS OF TRAFFORD

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.

( ) 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

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.”

After Clause 164

BARONESS WILLIAMS OF TRAFFORD

128A Insert the following new Clause—

“No general vesting declaration after notice to treat

In section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (execution of declaration), after subsection (1) insert—

“(1A) But an acquiring authority may not execute a declaration in respect of land if they have served a notice to treat in respect of that land and have not withdrawn it.

(1B) In subsection (1A) the reference to an authority having “served” a notice does not include cases in which the authority is deemed to have served a notice.”

Clause 165

BARONESS WILLIAMS OF TRAFFORD

128B Page 84, line 30, leave out “11A(3)” and insert “11A(4)”

128C Page 84, line 33, leave out from beginning to end of line 10 on page 85 and insert—

“11A Powers of entry: further notices of entry

(1) This section applies where—

(a) an acquiring authority have given a notice of entry under section 11(1) but have not yet entered on and taken possession of the land, and

(b) the authority become aware of an owner, lessee or occupier (“the newly identified person”) to whom they ought to have given a notice to treat under section 5(1) but have not.

(2) Any notice of entry already served under section 11(1) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified person—

(a) a notice to treat under section 5(1), and

(b) a notice of entry under section 11(1).

(3) Subsection (4) applies for the purpose of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person if—

(a) the person is an occupier of the land and the authority were not aware of the person because they were given misleading information when carrying out inquiries under section 5(1), or

(b) the person is not an occupier of the land.

(4) The period specified in the notice must be a period that ends—

(a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and
(b) no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.”

Clause 166

BARONESS WILLIAMS OF TRAFFORD

128D Page 85, line 22, leave out “a person who is in possession of” and insert “an occupier with an interest in”

128E Page 85, line 22, leave out “the person” and insert “the occupier”

128F Page 85, line 25, leave out “the person” and insert “the occupier”

128G Page 85, line 33, at end insert—

“(3A) A counter-notice under subsection (1) has no effect if the notice to treat relating to the land is withdrawn or ceases to have effect before the date specified in the counter-notice.

(3B) A counter-notice under subsection (1) has no effect if it would require an acquiring authority to take possession of land at a time when section 11A or paragraph 5 of Schedule 2A prohibit the authority from entering on and taking possession of the land.

(3C) If subsection (3B) applies, the authority must notify the occupier who served the counter-notice—

(a) that the counter-notice has no effect, and

(b) if the authority serve a notice of entry as mentioned in section 11A(2)(b), of the date after which the authority could enter on and take possession of the land.

(3D) If a counter-notice served under subsection (1) has no effect because of subsection (3B), the occupier who served it may serve a further counter-notice.”

128H Page 85, line 35, leave out “person who is in possession of” and insert “occupier with the same interest in”

128J Page 85, line 36, leave out “person in possession” and insert “occupier with an interest in land”

Clause 168

BARONESS WILLIAMS OF TRAFFORD

128K Page 86, line 8, before “omit” insert “in sub-paragraph (1)—

(i) in the words before paragraph (a), after “every owner of that land” insert “so far as known to the acquiring authority after making diligent inquiry in accordance with section 5(1) of the Compulsory Purchase Act 1965”;

(ii) in the words after paragraph (b),”

128L Page 86, leave out lines 29 to 41 and insert—

“4A(1) This paragraph applies where—
(a) an acquiring authority have given a notice under paragraph 4(1) but have not yet entered on and taken possession of the land, and
(b) the authority become aware of an owner (“the newly identified owner”) to whom they ought to have given a notice to treat under section 5(1) of the Compulsory Purchase Act 1965 but have not.

(2) Any notice already served under paragraph 4(1) remains valid, but the authority may not enter on and take possession of the land unless they serve on the newly identified owner—
(a) a notice to treat under section 5(1) of the Compulsory Purchase Act 1965, and
(b) a notice under paragraph 4(1).

(3) Sub-paragraph (4) applies for the purpose of determining the period to be specified in the notice under paragraph 4(1) served on the newly identified owner if—
(a) the owner is an occupier of the land and the authority were not aware of the owner because they were given misleading information when carrying out inquiries under section 5(1) of the Compulsory Purchase Act 1965, or
(b) the owner is not an occupier of the land.

(4) The period must be a period that ends—
(a) no earlier than the end of the period of 14 days beginning with the day on which the notice of entry is served, and
(b) no earlier than the end of the period specified in any previous notice under paragraph 4(1) given by the acquiring authority in respect of the land.”

128M Page 86, line 45, leave out “a person who is in possession of” and insert “an occupier with an interest in”

128N Page 86, line 45, leave out “the person” and insert “the occupier”

128P Page 87, line 3, leave out “the person” and insert “the occupier”

128Q Page 87, line 11, at end insert—
“(3A) A counter-notice under sub-paragraph (1) has no effect if the notice to treat relating to the land is withdrawn or ceases to have effect before the date specified in the counter-notice.

(3B) A counter-notice under sub-paragraph (1) has no effect if it would require an acquiring authority to take possession of land at a time when either paragraph 4A of this Schedule or paragraph 5 of Schedule 2A to the Compulsory Purchase Act 1965 prohibit the authority from entering on and taking possession of the land.

(3C) If sub-paragraph (3B) applies, the authority must notify the occupier who served the counter-notice—
(a) that the counter-notice has no effect, and
(b) if the authority serve a notice under paragraph 4(1) of this Schedule as mentioned in paragraph 4A(2)(b) of this Schedule, of the date after which the authority could enter on and take possession of the land.

(3D) If a counter-notice served under sub-paragraph (1) has no effect because of sub-paragraph (3B), the occupier who served it may serve a further counter-notice.”

128R Page 87, line 13, leave out “person who is in possession of” and insert “occupier with the same interest in”

128S Page 87, line 14, leave out “person in possession” and insert “occupier with an interest in land”

Clause 171

BARONESS WILLIAMS OF TRAFFORD

128T Page 87, line 28, leave out “Secretary of State” and insert “appropriate national authority”

128U Page 87, line 29, at end insert—

“(1A) In subsection (1) “appropriate national authority” means—

(a) in relation to a claim for compensation for the compulsory acquisition of land in England, the Secretary of State;

(b) in relation to a claim for compensation for the compulsory acquisition of land in Wales, the Welsh Ministers.”

128V Page 88, leave out lines 1 to 3 and insert—

“(6) A statutory instrument containing regulations under subsection (1) is subject to annulment—

(a) in the case of an instrument made by the Secretary of State, in pursuance of a resolution of either House of Parliament;

(b) in the case of an instrument made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.”

After Clause 171

BARONESS WILLIAMS OF TRAFFORD

128W Insert the following new Clause—

“Compensation after withdrawal of notice to treat

(1) Section 31 of the Land Compensation Act 1961 (withdrawal of notices to treat) is amended in accordance with subsections (2) and (3).

(2) After subsection (3) insert—

“(3A) Where the acquiring authority withdraw a notice to treat under this section, the authority shall also be liable to pay a person compensation for any loss or expenses occasioned by the person as a result of the giving and withdrawal of the notice to treat if the person—

(a) acquired the interest to which the notice to treat relates before its withdrawal, and
(b) has not subsequently been given a notice to treat in relation to that interest.

(3) In subsection (4), after “(3)” insert “or (3A)”.

(4) In Schedule 18 to the Planning and Compensation Act 1991 (provisions under which compensation is payable with interest), in Part 1, in the entry relating to the Land Compensation Act 1961, after “section 31(3)” insert “or (3A)”.

Clause 172

BARONESS WILLIAMS OF TRAFFORD

128X Page 88, line 22, at end insert—
“(2A) In section 52ZC (land subject to mortgage: supplementary), for subsection (2) substitute—
“(2) Within 28 days of receiving a request for a payment under section 52ZA or 52ZB, the acquiring authority must—
(a) determine whether they have enough information to give effect to section 52ZA or, as the case may be, 52ZB, and
(b) if they need more information, require the claimant to provide it.””

128Y Page 88, line 25, leave out “Secretary of State” and insert “appropriate national authority”

THE EARL OF LYTTON

128YA Page 88, line 27, at end insert “provided—
(a) the owner, lessee or occupier would have been entitled to a notice to treat had the acquiring authority been aware of the existence of the owner, lessee or occupier, and
(b) the acquiring authority undertook reasonably diligent enquiries to ascertain the existence of those entitled to a notice to treat.”

BARONESS WILLIAMS OF TRAFFORD

128YAA Page 88, line 27, at end insert—
“(1A) In subsection (1) “appropriate national authority” means—
(a) in relation to a request relating to the compulsory acquisition of land in England, the Secretary of State;
(b) in relation to a request relating to the compulsory acquisition of land in Wales, the Welsh Ministers.”

128YAB Page 88, line 37, leave out from “pursuance” to end of line 38 and insert “—
(a) in the case of an instrument made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
(b) in the case of an instrument made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.””
Clause 173

BARONESS WILLIAMS OF TRAFFORD

128YAC  Page 89, leave out lines 7 to 14 and insert—

“(1A) In a case where the compulsory acquisition is one to which the Lands Clauses Consolidation Act 1845 applies, the acquiring authority may not make an advance payment if they have not taken possession of the land, but must do so if they have.

(1B) In all other cases, an acquiring authority must make an advance payment under subsection (1) if, before or after the request is made, the authority—

(a) give a notice of entry under section 11(1) of the Compulsory Purchase Act 1965, or

(b) execute a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of that land.”;

128YAD  Page 89, leave out lines 16 to 31 and insert—

“(4) An advance payment required by subsection (1A) must be made—

(a) before the end of the day on which the authority take possession of the land, or

(b) if later, before the end of the period of two months beginning with the day on which the authority—

(i) received the request for the advance payment, or

(ii) received any further information required under subsection (2A)(b).

(4ZA) An advance payment required by subsection (1B) must be made—

(a) before the end of the day on which the notice of entry is given or the general vesting declaration is executed, or

(b) if later, before the end of the period of two months beginning with the day on which the authority—

(i) received the request for the advance payment, or

(ii) received any further information required under subsection (2A)(b).”;

THE EARL OF LYTTON

128YAE  Page 89, line 31, at end insert—

“( ) after subsection (10) insert—

“(10A) If an acquiring authority fails to make an advance payment of compensation and the landowner has fulfilled all of the requirements to facilitate a payment, the acquiring authority may not take possession of the relevant land without the written permissions of the landowner or until an advance payment has been made.”;

BARONESS WILLIAMS OF TRAFFORD

128YAF  Page 89, line 38, after “52(1A)” insert “or (1B)”

128YAG  Page 90, line 1, after “52(1A)” insert “or (1B)”
Page 90, leave out lines 10 to 21 and insert —

“(3A) In a case where the compulsory acquisition to which the request relates is one to which the Lands Clauses Consolidation Act 1845 applies, the acquiring authority must make any payment under section 52ZA or 52ZB —

(a) before the end of the day on which the authority take possession of the land, or

(b) if later, before the end of the period of two months beginning with the day on which the authority —

(i) received the request under section 52ZA(3) or 52ZB(3), or

(ii) received any further information required under subsection (2).

(3B) In all other cases, the authority must make any payment under section 52ZA or 52ZB —

(a) before the end of the day on which the notice of entry is given or the general vesting declaration is executed, or

(b) if later, before the end of the period of two months beginning with the day on which the authority —

(i) received the request under section 52ZA(3) or 52ZB(3), or

(ii) received any further information required under subsection (2).”;

Clause 174

BARONESS WILLIAMS OF TRAFFORD

Page 90, line 36, after “52(1A)” insert “or (1B)”

THE EARL OF LYTTON

Page 90, line 39, at end insert —

“(1A) The rate of interest on compensation due to be paid in advance of entry, but paid late, shall be set at 8% above the Bank of England base rate.

(1B) Interest on compensation that is paid after entry, but was not due in advance of entry, shall be paid at 4% above Bank of England base rate.”

Page 91, leave out lines 5 to 11

Clause 175

BARONESS WILLIAMS OF TRAFFORD

Page 91, line 14, leave out subsection (2) and insert —

“(2) Section 52 (right to advance payment of compensation) is amended in accordance with subsections (2A) and (2B).

(2A) Omit subsection (5).

(2B) In subsection (9), for the words from “he disposes” to the end substitute —

“(a) the claimant’s interest in some or all of the land is acquired by another person, or

(b) the claimant creates an interest in some or all of the land in favour of a person other than the acquiring authority,”
the amount of the advance payment together with any amount paid under section 52A shall be set off against any sum payable by the authority to that other person in respect of the compulsory acquisition of the interest acquired or the compulsory acquisition or release of the interest created.”

128YAN Page 91, line 18, at end insert—
“(2C) After section 52 insert—

“52AZA Repayment by claimant etc.

(1) Where the amount or aggregate amount of any payments under section 52 made on the basis of the acquiring authority’s estimate of the compensation exceeds the compensation as finally determined or agreed, the excess is to be repaid.

(2) If after any payment under section 52 has been made to any person it is discovered that the person was not entitled to it, the person must repay it.

(3) If the notice to treat relating to an interest in land in relation to which an acquiring authority have made a payment to a claimant under section 52 is withdrawn or has ceased to have effect before the authority take possession of the land, the authority may by notice require the claimant to pay them an amount equal to the amount of the payment, unless another person has acquired the whole of the claimant’s interest in the land.

(4) Subsection (5) applies where—

(a) a payment made to a claimant has been registered as a local land charge in accordance with section 52(8A),

(b) the whole of the claimant’s interest in land has subsequently been acquired by another person (a “successor”),

(c) any notice to treat given in relation to the interest is withdrawn or ceases to have effect before the acquiring authority take possession of the land, and

(d) the authority notify the successor that they are not going to give the successor a notice to treat (or a further notice to treat) for the interest.

(5) The authority may by notice require the successor to pay them an amount equal to the amount of any payment made to the claimant under section 52.

(6) A notice under subsection (3) or (5) must specify the date by which the claimant or successor must pay the amount.

(7) The date mentioned in subsection (6) must be after the period of two months beginning with the day on which the authority give the notice under subsection (3) or (5).

(8) Neither subsection (3) nor subsection (5) affects a right to compensation under section 31(3) or (3A) of the Land Compensation Act 1961 or section 5(2C)(b) of the Compulsory Purchase Act 1965.”

128YAP Page 91, line 19, leave out subsection (3)
After Clause 175

BARONESS WILLIAMS OF TRAFFORD

128YQA

Insert the following new Clause—

“Repayment of payment to mortgagee if land not acquired

In the Land Compensation Act 1973, after section 52ZD (inserted by section 172 above) insert—

“52ZE Payment to mortgagee recoverable if notice to treat withdrawn

(1) Where an acquiring authority have made a payment to a mortgagee under section 52ZA or 52ZB in relation to an interest in land and notify the claimant that the notice to treat relating to the interest is withdrawn or has ceased to have effect before the authority take possession of the land, the authority may by notice require the claimant to pay them an amount equal to the amount of the payment, unless another person has acquired the whole of the claimant’s interest in the land.

(2) Subsection (3) applies where—

(a) a payment under section 52ZA or 52ZB has been registered as a local land charge in accordance with section 52(8A),
(b) the whole of a claimant’s interest in land has subsequently been acquired by another person (a “successor”),
(c) any notice to treat given in relation to the interest is withdrawn or ceases to have effect before the authority take possession of the land, and
(d) the acquiring authority notify the successor that they are not going to give the successor a notice to treat (or a further notice to treat) in relation to the interest.

(3) The authority may by notice require the successor to pay them an amount equal to the amount of the payment.

(4) A notice under subsection (1) or (3) must specify the date by which the claimant or successor must pay the amount.

(5) The date mentioned in subsection (4) must be after the period of two months beginning with the day on which the authority give the notice under subsection (1) or (3).

(6) Neither subsection (1) nor subsection (3) affects a right to compensation under section 31(3) or (3A) of the Land Compensation Act 1961 or section 5(2C)(b) of the Compulsory Purchase Act 1965.”

THE EARL OF LYTTON

128YAR

Insert the following new Clause—

“Duty of care

(1) The Secretary of State shall by 31 December 2016 make regulations establishing a duty of care upon acquiring authorities within the meaning of the Land Compensation Act 1973.

(2) The duty of care established in regulations made under subsection (1) must include but not be limited to specifications regarding the treatment by acquiring authorities of those losing land or property to compulsory purchase.”
After Clause 176

BARONESS WILLIAMS OF TRAFFORD

128YAS Insert the following new Clause—

“Objection to division of land: blight notices

(1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 153 (reference of objection to Upper Tribunal), after subsection (4) insert—

“(4A) Where the effect of a blight notice would be a compulsory purchase to which Part 1 of the Compulsory Purchase Act 1965 applies, the Upper Tribunal may uphold an objection on the grounds mentioned in section 151(4)(c) only if it is satisfied that the part of the hereditament or affected area proposed to be acquired in the counter-notice—

(a) in the case of a house, building or factory, can be taken without material detriment to the house, building or factory, or

(b) in the case of a park or garden belonging to a house, can be taken without seriously affecting the amenity or convenience of the house.”

(3) In section 166 (saving for claimant’s right to sell whole hereditament etc.)—

(a) in subsection (1) omit paragraph (b) (and the “or” before it);

(b) omit subsection (2).”

Schedule 17

BARONESS WILLIAMS OF TRAFFORD

128YAT Page 178, line 3, at end insert—

“1A This Part does not apply by virtue of a notice to treat that is deemed to have been served in respect of part only of a house, building or factory under section 154(5) of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).”

THE EARL OF LYTTON

128YAU Page 178, leave out lines 23 to 29 and insert “then the acquiring authority must not take possession of the land proposed to be acquired until—

(a) the date specified in the notice of entry, or

(b) 14 days after the date on which the acquiring authority served the owner with notice of their decision under paragraph 7 to accept the counter-notice or refer the counter-notice to the Upper Tribunal.”

BARONESS WILLIAMS OF TRAFFORD

128YAV Page 178, line 24, after “served” insert “on the owner”

128YAW Page 178, line 27, after “entry)” insert “on the owner”
THE EARL OF LYTTON

Page 179, leave out lines 4 to 12 and insert “the compulsory purchase order and the notice to treat are to have effect as if they include the owner’s interest in the whole of the land.

11 If the acquiring authority serve notice of a decision to accept the counter-notice in respect of the land proposed to be acquired, the acquiring authority may serve a notice of entry under section 11(1) in relation to the whole of the land and they have already served notice of entry in respect of the land proposed to be acquired, that notice has effect as if it were served in respect of the whole land.

11A If the acquiring authority serve notice of a decision to refer the counter-notice to the Upper Tribunal and have already served a notice of entry in respect of the land proposed to be acquired, the notice of entry has effect subject to paragraph 5.

11B If the acquiring authority serve notice of a decision to refer the counter-notice to the Upper Tribunal and they have not served a notice of entry, the acquiring authority may serve a notice of entry under section 11(1) in relation to the land proposed to be acquired.”

BARONESS WILLIAMS OF TRAFFORD

Page 179, line 11, after “11(1)” insert “on the owner”

Page 179, line 33, at end insert—

“13A This Part does not apply if the acquiring authority are deemed to have served a notice to treat in respect of the land proposed to be acquired under section 154(5) of the Town and Country Planning Act 1990 (deemed notice to treat in relation to blighted land).”

Page 180, line 32, after first “the” insert “owner’s interest in the”

Page 181, line 31, after “the” insert “owner’s interest in the”

Page 182, line 38, leave out “subsection (5)” substitute “subsections (5) and (5A)” and insert “Subsection (5) also applies” substitute “Subsections (5), (5A) and (5B) also apply”

Page 183, line 29, leave out “part only” and insert “the whole or part”

Page 183, leave out lines 35 to 37

Page 183, leave out lines 39 to 41

Page 183, leave out lines 42 and 43

Page 184, line 2, leave out “whole of the land” and insert “house, building or factory”

Page 184, line 4, leave out “whole of the land” and insert “house, building or factory”
128YBK  Page 184, line 25, leave out “whole of the land” and insert “house, building or factory”

128YBL  Page 185, line 1, leave out “land to which the counter-notice relates” and insert “house, building or factory”

128YBM  Page 185, line 4, leave out “land” and insert “house, building or factory”

128YBN  Page 185, line 8, leave out “land” and insert “house, building or factory”

128YBP  Page 185, line 11, leave out “the whole of the” and insert “that”

128YBQ  Page 185, line 38, leave out “1” and insert “A1”

Schedule 18

BARONESS WILLIAMS OF TRAFFORD

128YBR  Page 186, line 16, leave out “1” and insert “A1”

128YBS  Page 186, line 22, leave out “1” and insert “A1”

128YBT  Page 186, line 24, leave out from “treat),” to the of line 29 and insert “for subsection (1) substitute—

“(1) On the vesting date the provisions of—

(a) the Land Compensation Act 1961 (as modified by section 4 of the Acquisition of Land Act 1981),

(b) the Compulsory Purchase Act 1965, and

(c) Schedule A1 to this Act,

shall apply as if, on the date on which the general vesting declaration was executed, a notice to treat had been served on every person on whom, under section 5 of the Compulsory Purchase Act 1965, the acquiring authority could have served such a notice, other than any person entitled to a minor tenancy or a long tenancy which is about to expire.”’”

128YBU  Page 186, line 34, at end insert—

“4A In section 12 (divided land), for “Schedule 1” substitute “Schedules A1 and 1”.”

128YBV  Page 187, line 1, leave out “For Schedule 1 substitute—” and insert “Before Schedule 1 insert—”

128YBW  Page 187, line 2, leave out “1” and insert “A1”

128YBX  Page 187, line 30, at end insert—

““notice to treat” means a notice to treat deemed to have been served under section 7(1),””

128YBY  Page 188, line 38, leave out “28 days” and insert “3 months”
128YC  Page 189, line 35, leave out “determines” and insert “specifies in its determination”

128YCA  Page 189, line 37, after “land” insert “(“the specified land”)”

128YCB  Page 189, line 40, leave out “that additional” and insert “the specified”

128YCC  Page 190, line 1, leave out “additional” insert “specified”

128YCD  Page 190, line 7, leave out “determined” and insert “specified in its determination”

128YCE  Page 190, line 9, after “land” insert “(“the specified land”)”

128YCF  Page 190, line 12, leave out “additional” insert “specified”

128YCG  Page 190, line 14, leave out from “may” to end of line 17 and insert “, within the period of 6 weeks beginning with the day on which the Upper Tribunal made its determination, withdraw the notice to treat in relation to the land proposed to be acquired together with the specified land.”

128YCH  Page 190, line 26, at end insert—
“5A In Schedule 1 (divided land) omit Part 1 (buildings and gardens etc).”

128YCJ  Page 190, line 29, leave out “1” and insert “A1”

128YCK  Page 190, line 41, at end insert—
“8 In Schedule 6 to the Crossrail Act 2008 (acquisition of land shown within limits on deposited plans), in paragraph 11(3)(b), for “Schedule 1” substitute “Schedule A1”.”

Clause 179

BARONESS WILLIAMS OF TRAFFORD

128YCL  Page 93, line 8, at end insert “, and
(d) the building or maintenance work is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

128YCM  Page 93, line 12, leave out “a specified authority” and insert “the qualifying authority in relation to the land”

128YCN  Page 93, line 13, at end insert “, and
(d) the building or maintenance work is for purposes related to the purposes for which the land was vested in, or acquired or appropriated by, the qualifying authority in relation to the land.”
Page 93, line 29, at end insert “, and
(d) the use is for purposes related to the purposes for which the land was vested, acquired or appropriated as mentioned in paragraph (b).”

Page 93, line 33, leave out “a specified authority” and insert “the qualifying authority in relation to the land”

Page 93, line 35, at end insert “, and
(d) the use is for purposes related to the purposes for which the land was vested in, or acquired or appropriated by, the qualifying authority in relation to the land.”

Page 93, line 37, at end insert—
“(7A) Land currently owned by a qualifying authority is to be treated for the purposes of subsection (3)(c) or (6)(c) as if it were not currently owned by the authority.”

Page 93, line 41, at end insert—
“(9) Nothing in this section authorises—
(a) an interference with a relevant right or interest annexed to land belonging to the National Trust which is held by the National Trust inalienably, or
(b) a breach of a restriction as to the user of land which does not belong to the National Trust—
(i) arising by virtue of a contract to which the National Trust is a party, or
(ii) benefiting land which does belong to the National Trust.

(10) For the purposes of subsection (9)—
(a) “National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and
(b) land is held by the National Trust “inalienably” if it is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.”

Claude 180

BARONESS WILLIAMS OF TRAFFORD

Page 94, line 3, after “specified” insert “or qualifying”

Page 94, line 5, leave out “specified”

Page 94, line 6, at end insert—
“(3A) The specified or qualifying authority against which a liability is enforceable by virtue of subsection (3)(a) is the specified or qualifying authority in which the land to which the compensation relates was vested, or by which the land was acquired or appropriated, as mentioned in section 179.”
Page 94, line 7, leave out subsection (4) and insert—

“(4) Any dispute about compensation payable under this section may be referred to and determined by the Upper Tribunal.”

Clause 181

BARONESS WILLIAMS OF TRAFFORD

Page 95, line 7, at end insert—

“‘qualifying authority’ in relation to other qualifying land means the authority in which the land was vested, or which acquired or appropriated the land, as mentioned in the definition of “other qualifying land”;

Page 95, line 16, after “Act” insert—

“(ca) a body established by or under an Act or Measure of the National Assembly for Wales,”

After Clause 184

LORD TRUE

Insert the following new Clause—

“Local planning authority right to develop in the local interest

(1) Where a local planning authority has compiled a register under section 137 or has seen a report under section 184 and considers that a government department, Mayor of London or other public authority, transport undertaking or other statutory undertaking has not prepared, or declines to prepare, a plan for development of previously developed unused or underused land on the register in its possession within the local authority area, it may challenge the owner of the land to present planning proposals to the local planning authority within 6 months in conformity with the adopted plan or plans for the area concerned, unless the Secretary of State has certified such development as against the national interest.

(2) Where the owner declines to present such a plan in accordance with subsection (1) it must publish within the same 6-month period a response showing good reason why such previously used land in its ownership should not be developed in the local public interest.

(3) If the local planning authority considers the response not to show good reason why the land should not be developed, it may proceed to present its own proposals for development, to compulsorily purchase the land concerned and to exercise itself any planning consent that is then granted.

(4) The costs to the local planning authority of any compulsory purchase of the land and the net cost of its development will be remitted by the local planning authority without any profit element to the owner who has declined to develop, in arrears after the land is sold.

(5) This section does not apply to land within National Parks or the Royal Parks or designated as a site of special scientific interest.”
Clause 185

BARONESS WILLIAMS OF TRAFFORD

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 186

LORD TRUE

Leave out Clause 186

Clause 190

BARONESS WILLIAMS OF TRAFFORD

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

Page 100, line 15, at end insert—

“( ) regulations under section 13,”

LORD LISVANE
LORD KERSLAKE
LORD BEECHAM

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

Page 100, line 16, at end insert —

“( ) the first regulations under section 78,”

LORD BEECHAM
LORD KENNEDY OF SOUTHWARK

Page 100, line 16, at end insert—

“( ) regulations under section 77(2),”

BARONESS WILLIAMS OF TRAFFORD

Page 100, line 17, at end insert—

“( ) section (Reducing local authority influence over private registered providers),”

[Withdrawn]

Page 100, line 18, at end insert—

“( ) regulations under section (Electrical safety standards for properties let by private landlords),”
Page 100, line 18, at end insert—
“( ) regulations under section 145 that make provision of the kind referred to in section 145(2), (3), (4) or (6A)(b), section 147 or section 148,“

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

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
LORD FOSTER OF BATH

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

LORD TRUE

Page 101, line 11, leave out “135,“

LORD LISVANE
LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
LORD FOSTER OF BATH

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.”

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.”

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.”
Page 101, line 19, at end insert—

“(5) In respect of sections 161 and 163, and Schedule 15, different days may be appointed for different areas.”
REVISED
THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

15 April 2016