

# Housing and Planning Bill

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## MANUSCRIPT

### AMENDMENTS

#### TO BE MOVED

#### ON REPORT

*[Supplementary to the Fourth Marshalled List]*

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Amendment  
No.

#### After Clause 121

BARONESS HAYTER OF KENTISH TOWN  
LORD PALMER OF CHILDS HILL

99B★

Insert the following new Clause—

#### **“Power to require property agents to join client money protection schemes**

- (1) The Secretary of State may by regulations require a property agent to be a member of—
  - (a) a client money protection scheme approved by the Secretary of State for the purpose of the regulations, or
  - (b) a government administered client money protection scheme that is designated by the Secretary of State for the purpose of the regulations.
- (2) The regulations may impose requirements about the nature of the membership that a property agent must obtain (for example, by requiring a property agent to obtain membership that results in a particular level of compensation being available).
- (3) The regulations shall—
  - (a) require a property agent to obtain a certificate confirming the property agent’s membership of the scheme;
  - (b) require the property agent to display or publish the certificate in accordance with the regulations;
  - (c) require the property agent to produce a copy of the certificate, on request, in accordance with the regulations.
- (4) In this section—

“client money protection scheme” means a scheme which enables a person on whose behalf a property agent holds money to be compensated if all or part of that money is not repaid in circumstances in which the scheme applies;

“government administered client money protection scheme” means a client money protection scheme that is administered by or on behalf of the Secretary of State;

**After Clause 121 - continued**

“property agent” means—  
 a person who engages in English letting agency work within the meaning of section 52, or  
 a person who engages in English property management work within the meaning of section 53,  
 other than a person who engages in that work in the course of the person’s employment under a contract of employment.”

**99C★** Insert the following new Clause—

**“Client money protection schemes: approval or designation**

- (1) The Secretary of State may by regulations make provision about the approval or designation of client money protection schemes for the purposes of regulations under section (*Power to require property agents to join client money protection schemes*).
- (2) The regulations may, in particular, make provision about—
  - (a) the making of applications for approval;
  - (b) conditions which must be satisfied before approval may be given or a scheme may be designated;
  - (c) conditions which must be complied with by administrators of approved or designated client money protection schemes (including conditions requiring the issue of certificates for the purposes of regulations under section (*Power to require property agents to join client money protection schemes*)(3) and about the form of those certificates);
  - (d) the withdrawal of approval or revocation of a designation.”

**99D★** Insert the following new Clause—

**“Enforcement of client money protection scheme regulations**

- (1) The Secretary of State may by regulations make provision about the enforcement of a duty imposed by regulations under section (*Power to require property agents to join client money protection schemes*).
- (2) The regulations may—
  - (a) confer functions on a local authority in England;
  - (b) require a property agent who fails to comply with a duty imposed by regulations under (*Power to require property agents to join client money protection schemes*) to pay a financial penalty (or more than one penalty in the event of a continuing failure).
- (3) The provision that may be made under subsection (2)(a) includes provision requiring a local authority in England, when carrying out functions under the regulations, to have regard to guidance given by the Secretary of State.
- (4) The provision that may be made under subsection (2)(b) 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;

**After Clause 121 - continued**

- (e) authorising a local authority in England to use sums paid by way of penalties for the purposes of any of its functions.
- (5) In this section “local authority in England” means—
- (a) a district council,
  - (b) a county council for an area for which there is no district council,
  - (c) a London borough council,
  - (d) the Common Council of the City of London, or
  - (e) the Council of the Isles of Scilly.”

**Clause 190**

BARONESS HAYTER OF KENTISH TOWN  
LORD PALMER OF CHILDS HILL

**135B★** Page 100, line 18, at end insert—

“( ) regulations under section (*Power to require property agents to join client money protection schemes*), (*Client money protection schemes: approval or designation*), or (*Enforcement of client money protection scheme regulations*),”

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*20 April 2016*

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