MANUSCRIPT

AMENDMENTS

TO BE MOVED

ON REPORT

[Supplementary to the Fourth Marshalled List]

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

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),”
AMENDMENTS TO BE MOVED ON REPORT

20 April 2016