

# Housing and Planning Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON THIRD READING

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

**Clause 54**

BARONESS WILLIAMS OF TRAFFORD

1★

Page 25, line 27, at end insert –

“( ) But a person is not a property manager for the purposes of this Part if the person engages in English property management work in the course of that person’s employment under a contract of employment.”

**Clause 73**

BARONESS WILLIAMS OF TRAFFORD

2★

Page 33, line 15, leave out subsections (2) and (3) and insert –

“(2) The terms and conditions of an agreement must include –

- (a) the amount of the reduction mentioned in subsection (1), and
- (b) any terms and conditions required by subsection (3) or (4).

(3) Where the agreement is with a local housing authority outside Greater London, it must include terms and conditions requiring the authority to ensure that at least one new affordable home is provided for each old dwelling.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

*As an amendment to Amendment 2*

3★

In subsection (3), after “dwelling” insert “in the same local plan area”

BARONESS WILLIAMS OF TRAFFORD

4★

Page 33, line 20, leave out “require” and insert “include terms and conditions requiring”

5★

Page 33, line 24, after “responsible” insert “by terms and conditions”

**Clause 73 - continued**

LORD KERSLAKE

6★ Page 33, line 25, at end insert –

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

BARONESS WILLIAMS OF TRAFFORD

7★ Page 33, line 26, after “subsection” insert “(3) or”

**Clause 80**

LORD BEECHAM

LORD KENNEDY OF SOUTHWARK

8★ Page 36, line 28, at end insert –

“( ) make provision for the level of household income, for the purposes of defining “high income”, to be increased every three years to reflect any increase in the consumer price index.”

**Clause 115**

BARONESS WILLIAMS OF TRAFFORD

9★ Page 53, line 39, leave out “means the objectives in” and insert “is to be read in accordance with”

**Clause 150**

BARONESS WILLIAMS OF TRAFFORD

10★ Page 77, line 27, leave out from beginning to end of line 6 on page 78 and insert –

“(4) 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.

But a development order may provide that, if the local planning authority so directs, permission in principle does not take effect until the date specified by the local planning authority in the direction.

(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;

**Clause 150 - continued**

- (c) a neighbourhood development plan takes effect when it is made by the local planning authority.
- (6) 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) Permission in principle granted by a development order ceases to have effect on the expiration of—
  - (a) five years beginning with the date on which it takes effect; or
  - (b) such other period (whether longer or shorter) beginning with that date as the local planning authority may direct.
- (8) Permission in principle granted by a local planning authority ceases to have effect on the expiration of—
  - (a) three years beginning with the date on which it takes effect; or
  - (b) such other period (whether longer or shorter) beginning with that date as the local planning authority may direct.
- (9) The Secretary of State may by regulations amend subsection (7)(a) or (8)(a) by substituting a shorter period for the period for the time being specified there.
- (10) A development order—
  - (a) 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;
  - (b) 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.
- (11) In exercising a power of direction conferred by virtue of subsection (4), or conferred by subsection (7)(b) or (8)(b), a local planning authority must have regard to the provisions of the development plan and any other material considerations.
- (12) 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.
- (13) In relation to an application for permission in principle which under any provision of this Part is made to, or determined by, the Secretary of State instead of the local planning authority, a reference in subsection (1) or (8) to a local planning authority has effect (as necessary) as a reference to the Secretary of State.””

**11★** Page 78, line 34, at end insert—

- “( ) In section 333 of that Act (regulations and orders), after subsection (3) insert—
  - “(3ZA) No regulations may be made under section 59A(9) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.””

**Clause 154**

BARONESS WILLIAMS OF TRAFFORD

- 12★ Page 81, line 11, after “area” insert “in England”

**Clause 181**

BARONESS WILLIAMS OF TRAFFORD

- 13★ Page 97, line 38, leave out subsection (4)

**Clause 196**

BARONESS WILLIAMS OF TRAFFORD

- 14★ Page 108, line 2, leave out “end of the period mentioned in section 52(4)” and insert “last day on which payment could have been made in accordance with section 52(4) or (4ZA)”

**Clause 214**

BARONESS WILLIAMS OF TRAFFORD

- 15★ Page 121, line 1, after “section” insert “68(8),”

**Schedule 7**

BARONESS WILLIAMS OF TRAFFORD

- 16★ Page 149, line 35, at end insert –  
“(dd) introductory tenancies of dwellings in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force;”
- 17★ Page 150, line 1, leave out “place” and insert “places”
- 18★ Page 150, line 1, at end insert –  
“““introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;””
- 19★ Page 150, line 12, leave out “5” and insert “10”
- 20★ Page 150, leave out line 16 and insert –  
“(b) no longer than the permitted maximum length.”
- 21★ Page 150, line 16, at end insert –  
“(1A) The permitted maximum length is 10 years, unless subsection (1B) applies.  
(1B) If the person granting the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –  
(a) beginning with the day on which the tenancy is granted, and  
(b) ending with the day on which the child will reach the age of 19.”

**Schedule 7 - continued**

- 22★** Page 150, line 18, at end insert –  
“( ) In deciding what length of tenancy to grant in a case to which this section applies a person must have regard to any guidance given by the Secretary of State.”
- 23★** Page 159, line 2, leave out “less than 2 or more than 5 years” and insert “–  
(a) less than 2 years, or  
(b) more than the permitted maximum length.”
- 24★** Page 159, line 2, at end insert –  
“(2BA) The permitted maximum length is 10 years, unless sub-paragraph (2BB) applies.  
(2BB) If the landlord has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –  
(a) beginning with the day on which the tenancy becomes a secure tenancy, and  
(b) ending with the day on which the child will reach the age of 19.  
(2BC) In deciding what length to specify in a notice under sub-paragraph (2A)(a) the landlord must have regard to any guidance given by the Secretary of State.”
- 25★** Page 159, line 8, at end insert –  
“*Landlord and Tenant Act 1985 (c. 70)*  
17A(1) Section 13 of the Landlord and Tenant Act 1985 is amended as follows.  
(2) After subsection (1A) insert –  
“(1AB) Section 11 also applies to a lease of a dwelling-house in England which is an introductory tenancy for a fixed term of seven years or more granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force.”  
(3) In subsection (1B) –  
(a) for “In subsection (1A)” substitute “In this section”, and  
(b) after the definition of “assured tenancy” insert –  
““introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;”.
- 26★** Page 159, leave out line 41 and insert –  
“(b) no longer than the permitted maximum length.”
- 27★** Page 159, line 41, at end insert –  
“(1A) The permitted maximum length is 10 years, unless subsection (1B) applies.

**Schedule 7 - continued**

- (1B) If the person entering into the tenancy has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –
- (a) beginning with the day on which the tenancy is entered into, and
  - (b) ending with the day on which the child will reach the age of 19.”

**28★** Page 160, line 3, at end insert –

- “( ) In deciding what length of tenancy to enter into in a case to which subsection (1) applies, the local housing authority or housing action trust must have regard to any guidance given by the Secretary of State.”

**29★** Page 162, line 20, leave out “more than five years” and insert “longer than the permitted maximum length”

**30★** Page 162, line 21, at end insert –

- “(3B) The permitted maximum length is 10 years, unless subsection (3C) applies.
- (3C) If the landlord has been notified in writing that a child aged under 9 will live in the dwelling-house, the permitted maximum length is the period –
- (a) beginning with the day on which the tenancy becomes a secure tenancy, and
  - (b) ending with the day on which the child will reach the age of 19.
- (3D) In deciding what length to specify in a notice under paragraph (3)(b) the landlord must have regard to any guidance given by the Secretary of State.”

**31★** Page 162, line 40, leave out “the definition of “flexible tenancy” in subsection (1),” and insert “in subsection (1) –

- (a) in the definition of “flexible tenancy”,

**32★** Page 162, line 42, at end insert –

- “(b) in the definition of “relevant social housing tenancy”, after paragraph (a) (but before the “or” at the end) insert –
- “(a) a secure tenancy of a dwelling-house in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force,
  - “(ab) an introductory tenancy of a dwelling-house in England granted on or after the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 comes fully into force,”;
  - (c) at the appropriate places insert –
    - ““introductory tenancy” has the same meaning as in Chapter 1 of Part 5 of the Housing Act 1996;”;
    - ““secure tenancy” has the meaning given by section 79 of the Housing Act 1985;”.

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*26 April 2016*

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