

Secure Tenancies (Victims of Domestic Abuse) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Communities and Local Government, are published separately as HL Bill 76 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Bourne of Aberystwyth has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Secure Tenancies (Victims of Domestic Abuse) Bill [HL] are compatible with the Convention rights.

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Make provision about the granting of old-style secure tenancies in cases of domestic abuse.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to grant old-style secure tenancies: victims of domestic abuse

(1) Section 81B of the Housing Act 1985 (cases where old-style English secure tenancies may be granted) is amended as follows.

(2) After subsection (2) 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— 5

(a) the tenancy is offered to a person who is already a tenant of some other dwelling-house under a qualifying tenancy (whether as the sole tenant or as a joint tenant),

(b) the person has made an application to move, and 10

(c) the authority is satisfied that—

(i) the person or a member of the person’s household is or has been a victim of domestic abuse, and

(ii) granting the new tenancy will reduce the risk of the victim being further abused by the same abuser. 15

(2B) In subsection (2A)—

“abuse” means—

(a) violence,

(b) threatening, intimidating, coercive or controlling behaviour, or 20

(c) any other form of abuse, including emotional, financial, physical, psychological or sexual abuse;

“domestic abuse” is abuse where the victim is or has been—

(a) in the same family or household as the abuser, or

(b) in an intimate personal relationship with the abuser; 25

“qualifying tenancy” means a tenancy of a dwelling-house in England which is—

- (a) an old-style secure tenancy, or
- (b) an assured tenancy which is not an assured shorthold tenancy and which is granted by a private registered provider of social housing, by the Regulator of Social Housing or by a housing trust which is a charity.”

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- (3) In subsection (1)(b), after “(2)” insert “or (2A)”.

2 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) Section 1 of this Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) This section comes into force on the day on which this Act is passed.
- (4) This Act may be cited as the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

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To make provision about the granting of old-style secure tenancies in cases of domestic abuse.

Lord Bourne of Aberystwyth

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