

SECURE TENANCIES (VICTIMS OF DOMESTIC ABUSE) BILL [HL]

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Secure Tenancies (Victims of Domestic Abuse) Bill [HL] as introduced in the House of Lords on 19 December 2017 (HL Bill 76).

- These Explanatory Notes have been prepared by the Department for Communities and Local Government in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

Table of Contents

Subject	Page of these Notes
Overview of the Bill	2
Policy background	2
Legal background	2
Territorial extent and application	2
Commentary on provisions of Bill	3
Clause 1: Duty to grant old-style secure tenancies: victims of domestic abuse	3
Clause 2: Extent, commencement and short title	3
Commencement	3
Financial implications of the Bill	3
Compatibility with the European Convention on Human Rights	3
Related documents	4
Annex A – Territorial extent and application in the United Kingdom	5

Overview of the Bill

- 1 The Secure Tenancies (Victims of Domestic Abuse) Bill [HL] contains measures to ensure that lifetime tenants of social homes (housing provided either by a housing association or a local authority) who need to leave or have left their home to escape domestic abuse are granted a further lifetime tenancy in their new home where they are being re-housed by a local authority.

Policy background

- 2 This is a Bill to require local authorities, when re-housing a person who has an existing secure “lifetime tenancy” of social housing who needs to move or has recently moved from their social home to escape domestic abuse, to grant such a person a lifetime tenancy in their new social home. The Bill applies to all lifetime tenants of social housing, whether the person being re-housed and offered a new tenancy has a tenancy agreement with a local authority or a Private Registered Provider of social housing (housing association).
- 3 The Bill delivers on a commitment given by the Government at Lords Report Stage of the Housing and Planning Act 2016 which was reiterated in the Conservative Party’s 2017 Manifesto.

Legal background

- 4 Currently, under the Housing Act 1985 (‘the 1985 Act’), local authority landlords may grant their tenants either secure periodic tenancies or secure flexible tenancies. Secure periodic tenancies have no fixed end date and can only be brought to an end by the landlord obtaining a possession order on one of the grounds for possession set out in Schedule 2 to the 1985 Act, which are mainly fault grounds. Flexible tenancies, which were introduced by the Localism Act 2011, are tenancies granted for a fixed term of no less than two years. It is for the landlord to decide which type of tenancy to grant.
- 5 Schedule 7 to the Housing and Planning Act 2016 (‘the HPA 2016’) amends the 1985 Act to prevent the creation in future of secure periodic tenancies (referred to in the HPA 2016 as ‘old-style secure tenancies’), except in limited circumstances. It also removes the power to grant new flexible tenancies and instead requires that new shorter term tenancies should generally be granted. The HPA 2016 includes a power for the Secretary of State to prescribe in regulations the circumstances in which a local authority may still grant an old-style secure tenancy.

Territorial extent and application

- 6 The Bill extends to England and Wales but applies to England only. There are no minor or consequential effects outside England and a legislative consent motion is not required.
- 7 The matters to which the provisions of the Bill relate would be within the legislative competence of the Northern Ireland Assembly if corresponding provisions in relation to Northern Ireland were included in an Act of the Northern Ireland Assembly as a transferred matter. They would be within the legislative competence of the Scottish Parliament if corresponding provisions in relation to Scotland were included in an Act of the Scottish Parliament, and within the legislative competence of the National Assembly for Wales if

These Explanatory Notes relate to the Secure Tenancies (Victims of Domestic Abuse) Bill [HL] as introduced in the House of Lords on 19 December 2017 (HL Bill 76)

corresponding provisions in relation to Wales were included in an Act of the National Assembly of Wales.

- 8 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Bill

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

- 9 This clause would amend the 1985 Act to provide that the limited exceptions where an old-style secure tenancy must still be offered by a local authority include a new exception for victims of domestic abuse. It also inserts a definition of "abuse" and "domestic abuse".

Clause 2: Extent, commencement and short title

- 10 This clause provides that the provisions of the Bill extend to England and Wales only. It also provides for commencement of the provisions of the Bill.
- 11 This clause also sets out the short title for the Bill on receiving Royal Assent as the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Commencement

- 12 Clause 2 comes into force on the day on which the Act is passed. Clause 1 comes into force on such day as the Secretary of State may by regulations appoint.

Financial implications of the Bill

- 13 The Bill imposes no significant costs on any public sector organisation and is not expected to represent any significant change to public service manpower and there are no tax implications.

Compatibility with the European Convention on Human Rights

- 14 Section 19 of the Human Rights Act 1998 requires the Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the provisions of the Bill with the Convention rights (as defined in section 1 of the Act).
- 15 In the opinion of the Minister for Faith (Lords), Lord Bourne of Aberystwyth, the provisions of the Bill are compatible with the Convention rights and he has made a statement to that effect.

Related documents

16 The following documents are relevant to the Bill and can be read at the stated locations:

- The Housing and Planning Act 2016 is available at:
<http://www.legislation.gov.uk/ukpga/2016/22/enacted>
- The Housing Act 1985 is available at:
<http://www.legislation.gov.uk/ukpga/1985/68/contents>

Annex A – Territorial extent and application in the United Kingdom

The Bill would form part of the law of England and Wales only, and the Bill provides that the provisions of the Bill would apply to England only. The provisions of the Bill have no effects outside England, minor or consequential.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Legislative Consent Motion needed?
Clause 1	Yes	No	No	No	No
Clause 2	Yes	No	No	No	No

SECURE TENANCIES (VICTIMS OF DOMESTIC ABUSE) BILL [HL]

EXPLANATORY NOTES

These Explanatory Notes relate to the Secure Tenancies (Victims of Domestic Abuse) Bill [HL] as introduced in the House of Lords on 19 December 2017 (HL Bill 76).

Ordered by the House of Lords to be printed, 19 December 2017

© Parliamentary copyright 2017

This publication may be reproduced under the terms of the Open Parliament Licence which is published at www.parliament.uk/site-information/copyright

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS