

Tenant Fees Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 5

BARONESS GRENDER

Page 4, line 32, at end insert—

- “(2) The Secretary of State must by regulations made by statutory instrument make further provision as to the procedure to be followed by a landlord or letting agent when receiving a holding deposit, which shall include a requirement to provide notification to the relevant person in a prescribed form concerning the treatment of the holding deposit.
- (3) Regulations under paragraph (2) must also make provision as to the procedure to be followed by a landlord or letting agent in relation to a decision not to repay a holding deposit on one of the grounds specified in paragraphs 7 to 11 of Schedule 2, which shall include a requirement to give notice in a prescribed form within a specified period, accompanied by evidence of the relevant ground.
- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Schedule 1

LORD SHIPLEY
BARONESS THORNHILL

Page 24, line 12, leave out “six” and insert “four”

Page 24, line 15, leave out paragraph (a) and insert—

“(a) “four weeks’ rent” means four times one week’s rent, and”

LORD SHIPLEY

Page 24, line 25, leave out sub-paragraphs (3) and (4) and insert—

- “(3) But if the amount of the holding deposit exceeds three days’ rent, the amount of the excess is a prohibited payment.

Schedule 1 - continued

- (4) In this paragraph “three days’ rent” means the amount of the annual rent payable in respect of the tenancy immediately after its grant, renewal or continuance divided by 365, and then multiplied by three.”

BARONESS GRENDER

Page 24, line 30, leave out paragraph 4 and insert—

“Certain default payments

- 4 (1) A payment that a tenant is required to make to cover a landlord’s or agent’s reasonable loss arising from a breach of a fair condition of the tenancy agreement by the tenant is a permitted payment.
- (2) In this paragraph a “fair condition” is one that relates to—
- (a) the replacement cost of a lost key or security device, or
 - (b) payment of the amount of late rent payments arising under or in connection with the tenancy and interest relating to those payments.
- (3) Paragraph 4(2)(a) does not apply if the condition in the tenancy agreement prescribes a fixed fee to be paid for each breach of this term.
- (4) Paragraph 4(2)(b) does not apply if—
- (a) the payment required pertains to rent that was paid within 14 days of the date due under the tenancy agreement, or
 - (b) the rate of interest on the rent from the day the rent was due to the day it was paid exceeds the Bank of England base rate.
- (5) This does not interfere with a landlord’s right to claim damages under common law.”

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30 October 2018
