

Tenant Fees Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 5

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

“Transferable deposits

The Secretary of State may by regulations made by statutory instrument amend paragraph 2 of Schedule 1 to make provision which enables a relevant person, at the conclusion of a tenancy, to transfer all or part of a tenancy deposit from the landlord or agent with whom that tenancy was held to a second landlord or agent.”

Clause 17

LORD KENNEDY OF SOUTHWARK

Page 12, line 38, at end insert—

- “() No section 21 notice may be given in relation to the tenancy until the end of a period six months from—
- (a) the day after the day on which the final notice in respect of the penalty for the breach was served; or
 - (b) the day after the day on which any appeal against the final notice is upheld or withdrawn.”

Clause 23

LORD KENNEDY OF SOUTHWARK

Page 15, line 23, at end insert—

- “(2A) The guidance under subsection (2) must be contained within regulations made by statutory instrument.
- (2B) A statutory instrument containing regulations under subsection (2A) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 28

LORD KENNEDY OF SOUTHWARK

Page 20, line 33, leave out “one year” and insert “six months”

Schedule 1

LORD KENNEDY OF SOUTHWARK

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

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

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

Page 24, line 24, at end insert –

“() But a payment in accordance with this paragraph, which relates to housing for which the landlord or letting agent already holds a holding deposit and for which the deadline for agreement as defined in Schedule 2 has not yet passed, is a prohibited payment.”

Page 24, line 29, at end insert –

“() Sub-paragraph (1) does not apply if the landlord or letting agent has not provided the relevant person with a draft tenancy agreement.”

Page 24, line 31, leave out paragraph 4 and insert –

“4 (1) Subject to sub-paragraphs (3), (4) and (5), a payment that a tenant is required to make in the event of a default by the tenant is a permitted payment if the tenant is required by the tenancy agreement to make the payment in the event of such a default.

(2) In this paragraph “default” means a failure by the tenant to –

- (a) perform an obligation, or
- (b) discharge a liability,

arising under or in connection with the tenancy.

(3) But if the amount of the payment exceeds the reasonable and proportionate value of the loss suffered by the landlord or letting agent as a result of the default, the amount of the excess is a prohibited payment.

(4) The Secretary of State must by regulations made by statutory instrument specify the circumstances in which a payment is to be considered a permitted payment in the event of a default within the meaning of sub-paragraph (1).

(5) Regulations under sub-paragraph (4) must also make provision as to the procedure to be followed by a landlord or letting agent in seeking to recover a payment under this paragraph, which may include a requirement to give notice of proposed recovery in a prescribed form accompanied by evidence of the loss sustained by reason of the relevant default.”

Schedule 1 - continued

Page 24, line 32, at end insert –

“() Sub-paragraph (1) does not apply to payments in respect of an act or default perpetrated by another tenant who is party to a joint tenancy agreement.”

Schedule 2

LORD KENNEDY OF SOUTHWARK

Page 28, line 19, at end insert –

“ Where paragraph 3(b) or (c) does not apply, the landlord or agent must set out the specific reasons for the exception in written correspondence to the tenant which must include –

- (a) the relevant paragraph under which the requirement to repay the holding deposit does not apply;
- (b) any information provided by the tenant that the landlord or letting agent believes to be false or misleading;
- (c) information about where the tenant can obtain the Government’s guidance to check if the decision is fair; and
- (d) information about how the tenant can challenge the decision.”

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27 November 2018
