

Tenant Fees Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD BOURNE OF ABERYSTWYTH

Page 2, line 10, leave out “the person” and insert “a relevant person”

Page 2, line 19, leave out “the person” and insert “a relevant person”

Page 2, line 38, at beginning insert “subject to subsection (10),”

Page 2, line 39, at end insert –

“(10) The reference in subsection (9)(b) to a person does not include –

- (a) a local housing authority within the meaning of the Housing Act 1985 (see section 1 of that Act),
- (b) the Greater London Authority, or
- (c) a person acting on behalf of an authority within paragraph (a) or the Greater London Authority.”

Clause 2

LORD BOURNE OF ABERYSTWYTH

Page 2, line 46, at end insert “the agent or”

Page 3, line 14, leave out “the person” and insert “a relevant person”

Page 3, line 20, leave out “the person” and insert “a relevant person”

Page 3, line 23, leave out “person’s”

Clause 4

LORD BOURNE OF ABERYSTWYTH

Page 4, line 21, leave out “the tenant” and insert “a relevant person”

Clause 4 - continued

Page 4, line 23, leave out “tenant” and insert “relevant person”

Page 4, line 24, leave out “the tenant” and insert “a relevant person”

Page 4, line 25, leave out “tenant” and insert “relevant person”

Clause 8

LORD BOURNE OF ABERYSTWYTH

Page 6, line 13, after “of” insert “paragraph 3 of”

Clause 10

LORD BOURNE OF ABERYSTWYTH

Page 7, line 33, after “breaching” insert “paragraph 3 of”

Clause 11

LORD BOURNE OF ABERYSTWYTH

Page 8, line 13, leave out “date” and insert “day”

Page 8, line 14, leave out “date” and insert “day”

Page 8, line 17, leave out “date” and insert “day”

Page 8, line 18, leave out “date” and insert “day”

Clause 26

LORD BOURNE OF ABERYSTWYTH

Page 17, line 27, at end insert –

““excluded licence” means a licence which is granted to a licensee by a licensor who resides in the housing where –

- (a) a charity or community interest company gives advice or assistance to the licensee or the licensor in connection with the grant, renewal or continuation of the licence, and
- (b) the only consideration for the grant, renewal or continuation of the licence is –
 - (i) the provision by the licensee of companionship to the licensor, or such provision together with the provision by the licensee of care or assistance (other than financial assistance) to the licensor, or

Clause 26 - continued

- (ii) provision of the kind referred to in sub-paragraph (i) together with one or more payments in respect of council tax, a utility, a communication service or a television licence;

Page 17, line 42, at end insert “unless it is an excluded licence”

Page 18, line 18, at end insert –

““television licence” has the meaning given by paragraph 9(2) of Schedule 1;”

Clause 28

LORD BOURNE OF ABERYSTWYTH

Page 20, line 30, after “tenant” insert “or a relevant person in relation to the tenant”

Page 20, line 35, leave out “the tenant” and insert “a relevant person”

Page 20, line 41, leave out “tenant” and insert “relevant person”

Page 21, line 2, leave out “tenant” and insert “relevant person”

Page 21, line 5, leave out “tenant” and insert “relevant person”

Page 21, line 10, leave out “tenant” and insert “relevant person”

Page 21, line 15, leave out “tenant” and insert “relevant person”

Page 21, line 20, leave out “tenant” and insert “relevant person”

Schedule 1

LORD BOURNE OF ABERYSTWYTH

Page 24, line 12, leave out “the amount of six weeks’ rent,” and insert “–

- (a) the amount of five weeks’ rent, where the annual rent in respect of the tenancy immediately after its grant, renewal or continuance is less than £50,000, or
- (b) the amount of six weeks’ rent, where the annual rent in respect of the tenancy immediately after its grant, renewal or continuance is £50,000 or more,”

Page 24, line 14, at end insert –

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

Page 24, line 20, leave out “A” and insert “Subject to sub-paragraphs (3) to (6), a”

Schedule 1 - continued

Page 24, line 25, leave out “But if” and insert “If”

Page 24, line 27, leave out “this paragraph” and insert “sub-paragraph (3)”

Page 24, line 29, at end insert –

- “(5) A payment of a holding deposit is not a permitted payment if –
- (a) the landlord or letting agent to whom the deposit was paid has previously received a holding deposit (“the earlier deposit”) in relation to the same housing,
 - (b) the landlord or letting agent has not repaid all or part of the earlier deposit, and
 - (c) none of paragraphs 5 to 11 of Schedule 2 have applied so as to permit the landlord or letting agent not to repay the earlier deposit or the part that has not been repaid.
- (6) The reference in sub-paragraph (5)(a) to a landlord or letting agent receiving a holding deposit does not include the landlord or letting agent doing so before the coming into force of Schedule 2 .”

Page 24, line 31, leave out “A” and insert “Subject to sub-paragraphs (3) to (8), a”

Page 24, line 31, after second “a” insert “relevant”

Page 24, line 33, after “paragraph” insert ““relevant”

Page 24, line 33, leave out from “means” to end of line 36 and insert “–

- (a) the loss of a key to, or other security device giving access to, the housing to which the tenancy relates, or
- (b) a failure to make a payment of rent in full before the end of the period of 14 days beginning with the date (“the due date”) on which the payment is required to be made in accordance with the tenancy agreement.”

Page 24, line 37, leave out “But if” and insert “If, in the case of a payment required to be made to a landlord or letting agent in respect of a relevant default within sub-paragraph (2)(a),”

Page 25, line 1, at end insert –

- “(4) If, in the case of a payment required to be made to a landlord or a letting agent in respect of a relevant default within sub-paragraph (2)(b), the amount of the payment exceeds the amount determined in accordance with sub-paragraph (5), the amount of the excess is a prohibited payment.

Schedule 1 - continued

- (5) The amount referred to in sub-paragraph (4) is the aggregate of the amounts found by applying, in relation to each day after the due date for which the rent remains unpaid, an annual percentage rate of 3% above the Bank of England base rate to the amount of rent that remains unpaid at the end of that day.
- (6) In sub-paragraph (5) “Bank of England base rate” means –
- (a) the percentage rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or
 - (b) where an order under section 19 of the Bank of England Act 1998 is in force, any equivalent percentage rate determined by the Treasury under that section.
- (7) If –
- (a) a landlord requires a relevant person to make a payment to the landlord in respect of a relevant default within sub-paragraph (2)(b), and
 - (b) a letting agent subsequently requires a payment to be made to the letting agent in respect of the same default,
- the payment referred to in paragraph (b) is a prohibited payment.
- (8) If –
- (a) a letting agent requires a relevant person to make a payment to the letting agent in respect of a relevant default within sub-paragraph (2)(b), and
 - (b) a landlord subsequently requires a payment to be made to the landlord in respect of the same default,
- the payment referred to in paragraph (b) is a prohibited payment.”

Page 25, line 1, at end insert –

“Payment of damages

A payment of damages for breach of a tenancy agreement or an agreement between a letting agent and a relevant person is a permitted payment.”

Page 26, line 14, leave out “paragraph” and insert “Act”

Schedule 2

LORD BOURNE OF ABERYSTWYTH

Page 27, line 7, leave out “before the deadline for agreement” and insert “relating to the housing”

Page 27, line 10, after “agreement” insert “relating to the housing”

Page 27, line 11, at end insert “relating to the housing”

Schedule 2 - continued

Page 27, line 13, leave out “The” and insert “If paragraph 3 applies, the”

Page 27, line 17, at end insert –

- “ (1) The person who received the holding deposit must repay it if –
- (a) that person believes that any of paragraphs 7 to 11 applies in relation to the deposit, but
 - (b) that person does not give the person who paid the deposit a notice in writing within the relevant period explaining why the person who received it intends not to repay it.
- (2) In sub-paragraph (1), “the relevant period” means –
- (a) where the landlord decides not to enter into a tenancy agreement before the deadline for agreement, the period of 7 days beginning with the date on which the landlord decides not to do so;
 - (b) where the landlord and tenant fail to enter into a tenancy agreement before the deadline for agreement, the period of 7 days beginning with the deadline for agreement.”

Page 27, line 44, leave out “incorrect” and insert “false”

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3 December 2018
