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Public Bill Committee

HOUSING AND PLANNING BILL

Eighth Sitting

Thursday 26 November 2015

(Morning)

CONTENTS

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STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: Mr James Gray, † Sir Alan Meale

† Bacon, Mr Richard *(South Norfolk)* (Con)
† Blackman-Woods, Dr Roberta *(City of Durham)* (Lab)
† Caulfield, Maria *(Lewes)* (Con)
† Dowd, Peter *(Bootle)* (Lab)
† Griffiths, Andrew *(Burton)* (Con)
† Hammond, Stephen *(Wimbledon)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Hollinrake, Kevin *(Thirsk and Malton)* (Con)
† Jackson, Mr Stewart *(Peterborough)* (Con)
† Jones, Mr Marcus *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Kennedy, Seema *(South Ribble)* (Con)
† Lewis, Brandon *(Minister for Housing and Planning)*
† Morris, Grahame M. *(Easington)* (Lab)
† Pearce, Teresa *(Erith and Thamesmead)* (Lab)
† Pennycook, Matthew *(Greenwich and Woolwich)* (Lab)
† Philp, Chris *(Croydon South)* (Con)
† Smith, Julian *(Skipton and Ripon)* (Con)
† Thomas, Mr Gareth *(Harrow West)* (Lab/Co-op)

Glen McKee, Katy Stout, Helen Wood, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 26 November 2015

(Morning)

[Sir Alan Meale *in the Chair*]

Housing and Planning Bill

11.30 am

Mr Gareth Thomas (Harrow West) (Lab/Co-op): On a point of order, Sir Alan. If everything remains equal, as I understand it, we will reach clauses 56 to 61—chapter 1 of part 4—on Tuesday morning. The chapter relates to the implementation of the voluntary right-to-buy deal. I spoke to the House of Commons Library yesterday lunchtime to find out whether any more information on the pace of negotiations between the Government and the National Housing Federation on the detail of the deal had been forthcoming. At that point the Library staff were not aware of any. I understand, however, through a tweet from the Minister and from some information that the Chancellor of the Exchequer made available in his statement yesterday, that five housing associations are proceeding with the deal. Have you, Sir Alan, been made aware of whether any more information will be forthcoming to the Committee on the detail of the right-to-buy deal, to put us in a better position to scrutinise it and the part 4 clauses that relate to it on Tuesday morning?

The Chair: That is not a route for the Chair to follow. It is a matter not for me, but for the normal channels and the Chairman of Ways and Means. However, you have listed the question in *Hansard* and I will take it on myself to make inquiries along those lines. I will advise you at a later date. Is that okay?

Mr Thomas: I appreciate it.

The Minister for Housing and Planning (Brandon Lewis): Further to that point of order, Sir Alan. To be helpful to the Committee, I suggest that the hon. Member for Harrow West looks at the National Housing Federation website, where the deal is published in full.

Clause 48, as amended, ordered to stand part of the Bill.

Clause 49

Recovering abandoned premises

Teresa Pearce (Erith and Thamesmead) (Lab): I beg to move amendment 110, in clause 49, page 22, line 10, at end insert—

'(e) the local housing authority responds to a request by the landlord confirming that they suspect the property to be abandoned."

This amendment would require the local housing authority to confirm that they also suspect that the property is abandoned before a landlord can recover the abandoned premises.

Part 3 of the Bill makes provision for private landlords to recover abandoned premises. We appreciate the need for some landlords to recover abandoned premises, but the proposed measures give landlords dangerous powers to evict tenants with speed and ease.

Tenancies are formal legal agreements and the Bill will give landlords the power to repossess homes from tenants without going through a court process. The turnover period for recovering abandoned premises is too short and the Bill does not provide safeguards for genuine cases of someone legitimately being away from the property, such as for a long holiday, a stay in hospital or a short period of working away.

The proposed measures will lead to further pressure on our already stretched social housing and local authority housing departments as evicted tenants turn to their local authorities after eviction. At the moment there is a timetable and a process for a local authority to help people avoid homelessness by trying to get them into another property, but the process in the Bill is too speedy and people will literally be turning up at the housing department having just been given a second letter.

As drafted, the measures go against the spirit of the Bill that we debated in our scrutiny on Tuesday, namely to crack down on rogue and criminal landlords with banning orders, the database and the fines and to drive up standards throughout the private rented sector. Instead, as they stand, the provisions create a way for some landlords to evict without recourse to the courts and with ease and speed.

Part 3 gives the impression of being put together at the last minute, without thought for the impact on existing legislation. In fact, the impact assessment, on page 43, indicates that the Government are unsure about how big the problem being dealt with even is, so we are concerned about the inclusion of the measure in the Bill. We are not alone in expressing concern.

Shelter and Crisis, two of the leading charities in the sector, released special briefings on those clauses in part 3, strongly opposing them and recommending that they be removed from the Bill completely. They were particularly concerned that vulnerable tenants could be unintentionally evicted, that tenants will be unable to challenge eviction effectively and that there is insufficient evidence that abandonment is a real problem. They also said that there is existing legal provision to deal with genuine cases of abandonment. In addition, they believe that by undermining the role of the courts in the eviction process, the changes will put more tenants at risk of homelessness.

Many representations made to the Committee in written and oral evidence noted concern about the proposals. In written evidence, Crisis highlighted that,

"The Bill creates a new 'fast-track' eviction process for landlords to reclaim possession of a property which"

they believe

"has been abandoned",

and that,

"There is no robust evidence to suggest that abandonment is significant or widespread".

Crisis cited the Bill and the Government's own impact assessment, which I just mentioned, in which landlords' associations representing approximately 1.4 million landlords estimated that only 1% of calls to their helplines

relate to abandonment. From that figure, the Government have extrapolated that only 1,750 tenancies are abandoned every year, which amounts to 0.04% of private rented households.

The Housing Law Practitioners Association also expressed concern in its written evidence, saying that the HLPA was unaware of any evidential basis suggesting the need for such a power and did not understand what was thought to be defective in existing law. Looking more closely at the legislation, the HLPA noted that the trigger rent arrears are plainly modelled on those in schedule 2 of the Housing Act 1988. If rent arrears are not paid, the landlord is already entitled to a mandatory possession order on ground 8 of the Act.

If the landlord already has a right to mandatory possession, why does he need a right to bypass the court? I would be interested to hear why the Minister believes that the clause is necessary, because it puzzles me. The HLPA also raised concerns about the reinstatement provisions, noting that if the landlord re-lets the property after recovering possession using the abandoned property route and the original tenants seek reinstatement, the court is very likely to refuse them, given that reinstatement would take effect as a concurrent tenancy but would not entitle the original tenant to resume occupation.

In addition to the written evidence, I remember clearly questioning Campbell Robb, chief executive of Shelter, in the evidence sessions. I remind the Committee of that discussion. To quote the transcript, Mr Robb mentioned

"potentially some unintended consequences of bringing"

these measures

"forward and of the lack of court oversight or local authority oversight in making sure that the proposals achieve what is wished but that they do not give a licence to some landlords to use them in a way that we would not support. I just want to put that on record."

Mr Robb also went on to highlight the danger that,

"without that due process, certain types of landlords may use this to create evictions"

and agreed that it might

"put additional pressure on local authority housing departments by people appearing evicted without due process".—*[Official Report, Housing and Planning Public Bill Committee,* 10 November 2015; c. 59, Q153-156.]

Although many have concerns about the proposals as they stand, others note that they are unnecessary. Crisis and Shelter reminded the Bill Committee in their briefing and in written evidence that there is already legal provision for cases of abandonment, in the form of the legal rule on implied surrender.

Mr Thomas: I wonder whether my hon. Friend thinks that an elderly person living alone, perhaps with early-onset Alzheimer's, might be a suitable example for highlighting the concerns about the clause. Such a person, whose Alzheimer's might not have been noticed, might inadvertently not pay their rent. An unscrupulous landlord would be able to exploit that fact to put that vulnerable person at risk, unless the local housing authority were aware of the situation and able to intervene to prevent the landlord from using an eviction process.

Teresa Pearce: I thank my hon. Friend for that intervention. That is exactly the sort of situation that I could envisage arising. We heard on Tuesday that there are 10,500 rogue landlords who are known about; I know that there are a fair number in my constituency. I hear many cases in which the landlord, rather than resort to the court, has intimidated tenants into moving out of a premises voluntarily. When the tenants go to the housing department, the housing department says, "You've made yourself voluntarily homeless, so we don't have a duty to house you." There are landlords like that out there; we know that from the discussions that we had on Tuesday.

It is from that sort of person that we seek to protect tenants. We believe that people who do not want to go to the cost and the bother of going to court will use this route, so it needs to be tightened up.

In its briefing, Crisis says that implied surrender

"is where a tenant behaves in a way that would make a landlord believe they wanted to end a tenancy such as emptying the property of all of its possessions or handing back the keys."

Crucially, there has to be evidence of actual abandonment—evidence that the tenant has gone for good. That can be evidence from neighbours or visual evidence that all possessions have been cleared. The landlord can accept that and then legally change the locks without any court proceedings being required.

Crisis notes that, in addition to the legal rule of implied surrender, the landlord can, outside the fixed term of the tenancy, use a section 21 notice to give a tenant two months' notice of eviction, under which they do not have to prove that the tenant is at fault. A common complaint about the section 21 route is that the court process can be slow, but if the tenant has genuinely abandoned the property, this route should be straightforward. For example, there will be no need for the landlord to go to court to seek a possession notice, because the tenant will no longer be in the property. There is no evidence to suggest that existing legal provision is ineffective in genuine cases of abandonment.

Mr Thomas: I wonder whether I can raise another example with my hon. Friend. If someone living on their own has a heart attack and is taken at a moment's notice to hospital, they may have to spend quite a time there recovering. As a result, they may not pay their rent for a couple of months. If it is not obvious that they are still living at the premises, they may fall victim to a rogue landlord or, indeed, to any landlord who is concerned about the arrears and who is not aware that the person has been hospitalised. Is that not a further reason for the Minister to take the amendment seriously?

Teresa Pearce: I thank my hon. Friend for that intervention. That is exactly the type of scenario we are talking about. I do not think that reputable landlords will use the provisions to get rid of tenants they do not want or to reclaim their property, but, as we know from our discussions on Tuesday, there are landlords out there who do not act in their tenants' best interests.

I hope the Minister will be able to comment on the rationale for these measures. As I mentioned, there are no real data to hand, and the impact assessment judges the number of households affected to be extremely small.

The measures give landlords dangerous powers to evict tenants with speed and ease. It is a puzzle why the clause is in the Bill, given that there is already a legal

[Teresa Pearce]

route for landlords to go down. That is why we have tabled amendment 110, among others, which would require the local housing authority, as an extra layer of protection, to confirm that it also suspects the property has been abandoned, before the landlord can recover it.

It is clear that we do not have a cohesive set of measures to adequately prove abandonment. One flaw is that they are open to abuse or error. Landlords could use them as they stand to evict tenants, just by writing them a couple of letters. They could also use the measures to evict someone as an act of revenge.

Kevin Hollinrake (Thirsk and Malton) (Con): First, I would like to draw the Committee's attention to the Register of Members' Financial Interests. I have some knowledge and experience of these matters. Are there not two sides to this coin? Are we not trying to be fair to the tenant and the landlord? A lot of very welcome measures in the Bill do tighten up on rogue landlords, but we also need to be fair to landlords. We are talking here about situations where tenants are at least eight weeks in arrears. Are these not just fair measures to allow a landlord to get a decent return on his investments?

Teresa Pearce: I thank the hon. Gentleman for his intervention. I know he has a lot of experience in this area. The charities that came forward were very upset about this proposal and wanted it removed altogether. However, we are trying to find out why it is thought to be necessary, given that there are already legal avenues that landlords can go down, and we have proposed ways to make it work better. Under the amendment, if a landlord suspects that a property has been abandoned, the local housing authority would have to agree. That is just an extra layer of protection. Given the small number of abandonments, that would not be an extra burden on local authorities; it is just a little safety net. As we all know, there are landlords out there—they are in the minority—who do not act in a proper way and who could abuse this measure. That is why we want the clause to be a little tighter.

11.45 am

Mr Thomas: I am grateful to the hon. Member for Thirsk and Malton for intervening, because he prompts me to remind the Committee of my entry on the Register of Members' Financial Interests.

I put to my hon. Friend another example of someone who might be vulnerable if this provision were introduced without the additional protections she suggests. Let us suppose that someone is rightly sent to prison and has to spend a few months there, in which time they do not pay their rent and—perhaps for understandable reasons—do not make their landlord aware of where they are residing for that short period. Is there not a danger that, without additional protections, a landlord might simply go ahead and seek to evict that person, making it even more difficult for them to be rehabilitated after their spell in prison?

Teresa Pearce: There are many scenarios in which that could happen. As I have stated, I believe the majority of landlords are good and proper citizens who would not do that, but we know there is a core of rogue landlords. The Minister's figure of 10,500 such landlords is, I think, an underestimation, because those are the ones we know about; there are plenty who we do not know about, but who we hear about it in our caseloads and surgeries. That is the reason we tabled the amendment—to try to ensure this proposal has a few safeguards. Landlords could use this measure to kick out a legitimate tenant who was away on business, in hospital or even in jail, as my hon. Friend suggested. Will the Minister outline what would happen in those situations?

What safeguards are in place for tenants if their landlord says a letter has been delivered? Will the letters have to be signed for, with recorded delivery? Many properties in my constituency have communal letterboxes, and people often do not get mail directed at them. A number of properties have external letterboxes, and it is not unusual for people to go along and steal post from those. How will the tenant be protected if the landlord says a letter has been delivered? Will it have to be signed for? What happens if a landlord says he sent a letter but the tenant never received it, or the tenant goes away for a couple of weeks and the landlord evicts them while they are away?

All the legislation requires is for the landlord to say a property is abandoned, rather than for it to actually be abandoned. It is clear that the proposals could be open to abuse. That is why we propose adding an extra layer to them through our amendment. The local housing authority would need to confirm that it also suspects a property is abandoned, which would ensure a landlord is unable to just say it is abandoned. Adding the voice of a local, respected body to the process would ensure the measures are not open to abuse.

Mr Thomas: Does my hon. Friend agree that many landlords would appreciate that additional requirement and the ability to check with a respected local body that has expertise in housing matters whether a property has been abandoned? I think most landlords would be horrified if they inadvertently evicted someone who was in hospital, having a short spell in prison or away caring for an elderly relative. Surely another argument for supporting the amendment is that it would help landlords to avoid inadvertently doing the wrong thing.

Teresa Pearce: I completely agree. The amendment would also give a heads-up to the local housing authority that there is the possibility of an eviction, enabling the authority to help that tenant into new premises and prevent them from ending up homeless.

It is estimated that these abandonments would arise on only 1,750 occasions a year, and with only 400 local authorities in the country, the amendment would be unlikely to place too much of a burden on them. It is clear that the clause needs amending if it is to work, to not be open to abuse and to be used appropriately on the rare occasions when a landlord is required to recover abandoned premises. The amendment would require the local housing authority to confirm, as an extra layer, that it also suspects that the property is abandoned before a landlord can recover the abandoned premises.

Grahame M. Morris (Easington) (Lab): I support the arguments made by my hon. Friend the Member for Erith and Thamesmead. My preference and that of the

Labour party would be that the Government remove the clause. There seems to be little in the way of evidence that additional regulations are required for landlords to recover abandoned properties. Quite often, the Minister's response to an amendment tabled by the Opposition is that it would create an additional level of bureaucracy that is unnecessary. I suspect that that is precisely what is happening now.

The Minister might correct me, but the Government's impact assessment suggests that only 1,750 tenancies are abandoned each year—it has been an issue for me with some of the former colliery properties. That is a fraction of a percentage of the total of private renting households. As my hon. Friend has indicated, there are well-established legal mechanisms by which landlords can recover properties that are genuinely abandoned through implied surrender, whereby a tenant has removed all their possessions or, indeed, handed back the keys.

I respectfully point out that Crisis noted in its evidence that when a tenant is outside of their fixed term, a landlord only has to provide two months' notice to take possession, and that, in cases where there is genuine abandonment, no court possession notice would be required as the tenant would already have left the property. I fear that the fast-track eviction process would leave those in receipt of housing benefit particularly vulnerable.

My hon. Friend the Member for Harrow West has given some examples of circumstances in which people could reasonably be adversely affected. With benefit delays and average waiting times of 22 days to process new claims, leaving tenants are at risk of falling foul of the definition of an abandoned property when, in fact, the delay may be an administrative one.

We also have issues with the universal credit system leaving tenants vulnerable to rent arrears—some have to wait at least six weeks until they receive their first payment. My contention is that the steps that we dealt with on Tuesday to tackle rogue landlords, including the maintained database, are commendable measures to address the worst practices of the private rented sector. However, to seek to exclude the courts and maintain a fair process for evictions, may leave vulnerable tenants at the mercy of unscrupulous landlords, with little or nothing in the way of redress.

Although I would prefer the Government to remove the clause, the amendment provides a vital safeguard and an extra layer of protection for vulnerable constituents. There is not sufficient evidence to suggest that we require additional regulations. Although I have raised concerns relating to vulnerable constituents, there is a level of scepticism about how useful the proposals would be for landlords. I note the comments of the hon. Member for Thirsk and Malton in that regard.

The question is, who will the proposals benefit? The Guild of Residential Landlords, which gave evidence to the Committee, noted that the new proposals would take

"almost as long as a section 8 notice would take to obtain a court order. At least with a court order, there is no risk of the tenant applying for reinstatement".

The existing arrangements may well afford more protection to landlords. The question of the benefits of the proposals for the tenant or the landlord needs a little further reflection.

Mr Thomas: I am concerned that if the clause is agreed to and our amendment is not, we may inadvertently place an additional burden on the taxpayer when people who still need accommodation are evicted, and that the cost of homelessness might rise. New universal credit claimants will be particularly vulnerable to accruing rent arrears, as it is likely to be six weeks before their first payment. If there is a delay in the post, that could easily rise to eight weeks, which falls within the scope of an eviction under the abandonment provisions.

Grahame M. Morris: Again, my hon. Friend makes a sensible point, and I hope the Minister will reflect on it. It reinforces my point that the new mechanism does not provide substantial benefits to either party—the tenant or the landlord—and does not improve on the existing arrangements. If the Government insist on pressing ahead with the clause, there is a danger that it could be used by rogue landlords to threaten and intimidate vulnerable tenants, such as those that my hon. Friend the Member for Erith and Thamesmead referred to and those in ill health, who my hon. Friend the Member for Harrow West referred to. At the very least, the Government should offer the additional safeguards that are proposed in our amendment.

Peter Dowd (Bootle) (Lab): It is a pleasure to serve under your chairmanship, Sir Alan. The hon. Member for Thirsk and Malton made a perfectly reasonable point about getting back a tenancy, but at the end of the day he is a perfectly reasonable person. The amendment is not about dealing with perfectly reasonable people; it is partly about dealing with rogue landlords. We welcome the proposals on rogue landlords that the Government and the Minister put into the Bill, but it is a shame that they are counterbalanced by the rogue landlords' ability to use the clause to kick people out of their own homes. Those people will not be able to resort to legal process, which is a fundamental capacity in this country.

Kevin Hollinrake: Does the hon. Gentleman concede that, as well as rogue landlords, there are also tenants who do not pay their rent? That is what the clause is trying to resolve.

Peter Dowd: Again, that is a perfectly reasonable point, but, as my hon. Friend the Member for Erith and Thamesmead said, perfectly reasonable landlords, or rogue landlords, for that matter, can already use legal measures—section 21 evictions, for example, take about three months. These proposals will take eight to 10 weeks, anyway. The difference between eight to 10 weeks and the three months it takes to go through a section 21 eviction is fairly minimal. People in that situation already have that capacity and the protection of the law. There is potentially going to be a post hoc recourse to law. How many of us would like to be in the position whereby if someone does something to us or takes something off us, we have to go to court to get it back? Who would want to go through that process and face those challenges?

Given the retrenchment in the legal aid budget, people will not have access to the courts. The Government have not taken action about that. I am not going to comment on legal aid—that is for another debate—but we are where we are. We should be trying to protect tenants

[Peter Dowd]

through due process in the way that we protect everybody else. In fact, the fundamental responsibility of this place is to protect people's rights in law. We want to protect the rights of tenants in law that already exists. Let us not introduce some cack-handed method that allows landlords to throw people out of their homes.

12 noon

On the question of who could be affected, my hon. Friend the Member for Erith and Thamesmead makes a perfectly reasonable point: in the main, vulnerable people will be affected. Someone might get a letter through the door that says, "You should do this or should do that. If you do not do it, I will come back in another four or five weeks and give you another letter." Who proves that the landlord has sent the letter? That is the point we are making, and the question has not been answered.

The reality is that there are housing benefit delays. They can be up to four, five or six weeks. Changing benefits can have an adverse effect on the period of time in which people get their housing benefit back. The proposal is really taking a hammer to crack a nut. It is the rain on the parade of the good proposals. It takes the shine off the proposals in relation to rogue landlords.

It has been identified that about 1,700 people are affected, or 0.04%. Even in the 36 metropolitan authorities, the figure comes out at about 38 people per local authority. If we extend that to all the other housing authorities, we could be talking about two or three people per area affected by the proposals, but that is two or three people's lives, homes and accommodation. That is too much. We should give people protection. People already have protection and we are taking it away from them. It would be different if we were here today to expand upon tenants' rights—there is a question about whether they should be expanded—but we are taking rights away from the people currently in accommodation, and that is not reasonable and it is not fair.

To reiterate the point, if a house has had the furniture removed, or if somebody hands the keys back, that is an implied surrender. We can use such measures without recourse to law, and that is perfectly reasonable under common law. What is the problem with that? If the Government will not consider removing that part of the Act, will they consider amendment 110? If they are not going to allow the courts a role unless it is post hoc, they should at least allow local authorities the opportunity to give their imprimatur to the fact that a landlord has taken reasonable action. Will the Minister and the Government reconsider, because the proposal will create terrible problems for a small number of people? As I said, it is a hammer to crack a nut.

Mr Thomas: I am grateful for the opportunity to speak in this debate, Sir Alan. I hope the hon. Member for Thirsk and Malton is tempted to catch your eye to say a little more in this debate. He makes a broadly reasonable point in saying that there needs to be a balance in law between the rights of the tenant and the rights of the landlord. However, I struggle to understand why he thinks there is not a sufficient balance in law at the moment. As my hon. Friend the Member for Bootle alluded to, there are already legal provisions to deal with tenants who get into substantial rent arrears and for cases of abandonment, and there is the legal rule of implied surrender. It is difficult, reflecting on the evidence sittings and all the submissions to the Bill Committee, to see what evidence there is to justify all the additional powers for landlords, which, as many hon. Members have suggested, could cause problems for vulnerable citizens.

I accept that the Government have gone some way to address those concerns with amendments 116 to 126. Nevertheless, I share the concern of my hon. Friends the Members for Erith and Thamesmead, for Easington and for Bootle that those amendments do not go quite far enough to deal with concerns about vulnerability.

A case in my constituency involved a woman who was a teaching assistant. She got into rent arrears because of problems with housing benefit and, worried about her housing situation, she chose, wrongly, not to answer her mail. As a result, her problems got worse. She was intimidated by the financial position that she was in. I worry that the provisions could make it easier to evict a person in that case than to help her sort out her finances.

Peter Dowd: The Minister proposes to amend clause 51 so that a third notice must be given. Does my hon. Friend agree that a third notice is fine, but that it would take the process virtually to the three-month period that would make it possible to get a section 21 eviction? Effectively, it would take the same time, but without recourse to law. That seems a bit inappropriate.

Mr Thomas: My hon. Friend makes a good point. If the hon. Member for Thirsk and Malton will forgive me, that is another reason why it would be good to hear his experience about why the additional provisions, albeit with the Government amendments, are necessary. We will no doubt hear from the Minister in due course.

Part of my concern is that tenants evicted under the new provisions will struggle to challenge their evictions. I asked on Tuesday about legal aid for someone wanting to make sure a rent repayment order would be available, and the Minister was going to reflect on that. Will he also reflect on whether legal aid will be available to a tenant who wants to challenge an eviction under the new provisions?

I am concerned that the clauses and Government amendments could lead to further illegal evictions, and part of the reason for that is that there are very few successful prosecutions at the moment for unlawful eviction by landlords. In 2011 there were only 13. The brutal truth is that illegal evictions are rarely investigated, and few landlords are prosecuted.

There are a number of reasons for that. There have been substantial cuts to many of the tenancy relations teams in housing associations, which have traditionally carried out that function—if, indeed, they still exist. Police forces often think that illegal eviction is a civil matter, so it is quite rare that they investigate. For someone who has been evicted illegally and is now homeless, finding accommodation is a much more urgent priority than launching a prosecution.

My hon. Friend the Member for Erith and Thamesmead is right to ask for an additional check and balance before a landlord can take action under the provisions.

The opportunity to go and ask a local housing authority whether it shares the view that a property has been abandoned is a check strongly worthy of consideration.

Mr Richard Bacon (South Norfolk) (Con): The hon. Gentleman made an interesting point that police forces often think that an illegal eviction is a civil matter. If such an eviction is actually a criminal matter subject to prosecution, does he agree that it ought to be relatively simple for the Government to make it clear to police forces that it is a criminal matter and should be dealt with as part of their responsibilities to protect the public from crime?

Mr Thomas: I am tempted to think that it ought to be relatively simple for Ministers to write to police forces urging them to check things carefully. If the Minister were to agree to that, I would certainly welcome it. I encourage the hon. Member for South Norfolk to consider the whole piece and all the reasons why it is unlikely that landlords who pursue unlawful evictions will be taken to task. The police issue is one thing, but I alluded to a series of other issues that prompt concern about the Bill's clauses, albeit there are potential amendments from the Minister.

Peter Dowd: Does my hon. Friend agree that we are in the territory of a person possibly being declared de facto homeless vicariously through three letters coming through their door? The person could in effect become homeless not because they want to or have caused it, but because someone has sent three letters. They would then face the challenge of finding alternative accommodation.

Mr Thomas: My hon. Friend makes a good point, and it will be useful to hear from the Minister on that.

Returning to a point I made in an intervention, the vast majority of landlords are not large buy-to-let companies. They are often individuals or families with just one or two properties who want to do the right thing by their tenants. The opportunity to talk to a body before taking a view that abandonment has happened gives them an additional safeguard and provides an additional opportunity for them to satisfy themselves that they are not making somebody homeless inadvertently. The amendment is pro-good-landlord just as much as it is anti-rogue-landlord, as my hon. Friend suggested.

I am sorry that the hon. Member for Peterborough is not in his place, because he very much—

Mr Bacon: He is!

Mr Thomas: I apologise to the hon. Gentleman. It is good to have him here. Indeed, he has arrived in time to allow me to draw his attention once again to the examples of rogue landlords that I mentioned on Tuesday. Mr Antoniades, Mr Ippolito, Stanley John Rodgers, Zuo Jun He, Andrew Panayi, Katia Goremsandu, and Ishak Hussein have all been convicted of appalling behaviour. One suspects that they are looking at the abandonment provisions in the Bill—the Minister has proposed amendments—and thinking that they are a further weapon in their armoury, if they need it, when behaving badly towards tenants for not doing exactly what they want in the time that they want them to do it.

I urge the Minister to understand the spirit with which my hon. Friend the Member for Erith and Thamesmead tabled the amendment, which is pro-good-landlord and anti-rogue-landlord and will strengthen the Bill. I hope the Minister embraces it.

12.15 pm

Helen Hayes (Dulwich and West Norwood) (Lab): I wish to speak about the concerns that Shelter and Crisis have expressed that the abandonment clauses are a disproportionate response to a problem that does not exist to any great extent. Of all the private sector tenancies in the country, it is estimated that 0.04% are affected by abandonment. I am therefore not convinced that the proposals in the Bill are necessary.

I want to say a little about the means that already exists for landlords to reclaim their property legitimately in cases where tenants are in breach of their tenancy, namely the section 21 process. My caseload is full of cases of tenants who have experienced unscrupulous evictions under the section 21 process, and I bear witness to the distress, anxiety and, ultimately, homelessness that is caused by its unscrupulous use. There are very many examples in my constituency and I would be happy to share some with the Minister in some detail, because the problems are real and prevalent.

Landlords complain that the section 21 process is cumbersome and causes delay. In my experience, such delay happens for two reasons. The first is that landlords often do not administer the process properly and are therefore defeated in the courts on technical grounds—that happens very frequently. The second is that there are great inefficiencies in the court system, so there are often long waits to get a date for a court hearing.

Those problems will not be made better by the current Government proposals to close many of our courts, including Lambeth county court, which serves many of my constituents and is the busiest housing court in the country. Its proposed closure will not help the landlords who are seeking legitimately to claim their property through the section 21 process, nor will it help give tenants the opportunity to receive just and fair treatment through that process. If the section 21 process is properly administered, and has a proper reason behind it—including, for example, abandonment—it should be relatively streamlined. It is subject to a court process, which gives tenants every recourse to justice. It is right and proper that they have that.

I support the amendment proposed by my hon. Friend the Member for Erith and Thamesmead. Requiring councils to support the view that a property has in fact been abandoned is important for three reasons, two of which relate to the relationship between local authorities and residents in their areas. First, local authorities administer housing benefit claims and are therefore in a good position to say whether a non-payment event, for example, is due to a claim that has not yet been processed—we know that the average processing time for a housing benefit claim is 22 days, and for universal credit it will be even longer, at up to six weeks.

Secondly, councils are often aware of the vulnerability of residents in their area. They interact with residents through social services, so will know whether, as in the examples highlighted by my hon. Friend the Member for Harrow West, someone is in the early stages of

[Helen Hayes]

Alzheimer's or has recently been in prison. There will be social services involvement with those families, so local authorities will know about any vulnerability and will be well placed to advise on whether it is a reason for apparent abandonment.

The third reason why local authority validation is important is simply that local authorities are a third party. In my short time as a Member of the House, I have dealt with many cases that concern complex interactions between tenants and landlords, particularly small-scale landlords, where often the relationships are complex and there are complicated behaviour issues on both sides. Having a third party that is independent of both landlord and tenant and can take an independent view on whether a property has been genuinely abandoned is a really important check and balance.

I do not believe that that would be a cumbersome addition to the process. I support the view of Shelter and Crisis that the abandonment proposals in the Bill are not necessary, because they are a disproportionate response to a very small problem for which effective processes are already in place. However, if the Government will not concede that point, local authority validation as a minimum requirement is vital.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): It is a pleasure to serve under your chairmanship once again, Sir Alan. We have had a full debate with a number of points raised by hon. Members on both sides. I will do my best to respond to as many of them as I can.

The amendment would require a landlord to obtain confirmation from the relevant local housing authority that a property had been abandoned before they could serve a notice on the tenant to bring an assured shorthold tenancy to an end and repossess the property. We have introduced a procedure for dealing with abandoned premises that will allow a landlord to recover a property that has been abandoned without the need to obtain a court order. We have introduced safeguards to ensure that a landlord can use the process only in circumstances in which a tenant has genuinely abandoned the property.

Mr Thomas: Will the Minister give way?

Mr Jones: I will make some more progress first. The landlord can recover a property only when warning notices have been served on the tenant. The first warning notice would not in practice be able to be served unless at least four consecutive weeks' rent is unpaid. The second warning notice may be served only when at least eight consecutive weeks' rent is unpaid. That second warning notice must be given at least two weeks, and no more than four weeks, after the first warning notice. Each warning notice must state that the landlord believes that the premises have been abandoned and that the tenant or named occupier must respond in writing before a specified date, which must be at least eight weeks after the first warning notice is given, if the premises have not been abandoned.

The landlord proposes to bring the tenancy to an end if either the tenant or a named occupier responds in writing before that date. Finally, if the tenancy has been brought to an end using the abandonment procedure, where a tenant has a good reason for failing to respond to the warning notices they may be able to apply to the county court for an order reinstating the tenancy.

It is clear that landlords must go through a lengthy and detailed process before they can regard a property as being abandoned. In addition to the requirement that at least eight consecutive weeks' rent remains unpaid, they must also serve a series of warning notices on that tenant and, where applicable, any other named occupiers.

Mr Thomas: Will the Minister give way now?

Mr Jones: I will in a moment. It would be disproportionate and an unnecessary extra burden on local authorities to impose the additional requirement that a local housing authority must also confirm that a property has, in their view, been abandoned. It may also be difficult for a local authority to determine whether a property has in fact been abandoned. To require them to do so could put them in an extremely difficult position.

Mr Thomas: Will the Minister set out a little more on the general rationale for the provisions? What evidence is there that abandonment is such a huge problem that all those provisions are needed? I do not think we heard any evidence that suggests a problem on the scale merited by the effort gone to by Ministers and civil servants with the clauses.

Mr Jones: I thank the hon. Gentleman for his question. As Labour Front Benchers have set out, there are 1,750 such cases a year and we need put that in context. He and Labour Members want protection for vulnerable people. I agree with that and I will go into more detail on how we will protect them, but there is also a significant number of vulnerable people who need to be housed. When there are abandoned premises that landlords cannot let, that reduces the stock of accommodation available to get those vulnerable people into settled accommodation.

Mr Thomas: I do not disagree with that proposition, but there are already legal provisions that deal with rent arrears and abandonment. What is the evidence that they are not working and that a slew of additional powers is needed?

Mr Jones: That brings me nicely to the points that were made about the section 21 notice, which landlords can use to retake possession of a property. It is important to point out that to recover possession under section 21, the landlord would need to obtain a possession order from the court, as has been pointed out, which would obviously involve additional time and the additional cost of going to court.

We need to bear it in mind that the Bill is about bringing forward proportionate measures to protect tenants. The golden thread running through all the measures on the private rented sector is that we are trying to improve the tenant's lot and tenant protection. At the same time, however, there is a balance between tenant protection and the needs of the landlord—the person who invests in property to house people. The hon.

Gentleman and the Labour party need to consider that the measures are a proportionate way to redress that balance, particularly where tenants are clearly not paying their rent and not living at the property.

Peter Dowd: I completely accept the spirit in which the Minister suggested that the burden on local authorities will be too great for them to become involved, but does he not agree that it would be even greater if the person was evicted? It is a case of a stitch in time saves nine in relation to the proposal.

Mr Jones: What the hon. Gentleman and several other Labour Members do not consider is that the measure is designed for a situation in which a property has been abandoned. It has not been put forward to allow landlords to try to fast-track the eviction of tenants who are living in a property or tenants who are paying their rent. It is important for the Committee to remember that.

Let me make another point about the section 21 process. To go back to my point about freeing up property that has been abandoned so that people can be housed, the section 21 process involves the landlord giving the tenant two months' notice. After that, however, the landlord would need to go to court to obtain a possession order. On average, that process takes four months, which seems an excessive amount of time to get a property that has clearly been abandoned back into use.

Teresa Pearce: The Minister mentioned that the clause would mean that landlords did not have to obtain a possession order. However, under the Protection from Eviction Act 1977, a possession order is needed to recover possession. Will the clauses override that legislation?

Mr Jones: That is a very good point, and I will cover it in a moment when I come to the 1977 Act, which is very pertinent to a number of the questions Opposition Members have raised.

First, however, I want to cover some of the other questions that have been raised. There was a question about warning notices. If a notice is not served on a tenant in person, it must be left at or sent to the premises and to every other address the landlord has for that tenant. In addition, it must be sent to any email address the landlord has for the tenant. If the tenant did not receive the letters, a claim could be brought for unlawful eviction, and the landlord would need to prove that the letters had been properly delivered. We will come on later to Government amendments that will further strengthen the process.

12.30 pm

That brings me to the question of what happens if rent is unpaid because of delays in housing benefit. The tenant may receive a warning notice of at least four weeks about unpaid rent. Provided they reply to the notice, the abandonment process will stop, and the process can continue only if the rent remains unpaid and the tenant fails to reply to notices. Let me reiterate that it is important that the property would have to be abandoned. If the tenant and their family still reside in the property and the local authority has not paid the housing benefit for whatever reason, that would not be an excuse for a landlord to remove them from the property under these provisions.

There is a point about universal credit, but the most vulnerable people who claim universal credit will still have their housing benefit paid directly to the landlord through the local authority. That will deal with some of the concerns raised by Opposition Members. To go back to my previous point, there is also the fundamental question of whether the tenant still lives in the property.

Grahame M. Morris: I am grateful to the Minister for answering the questions raised, but will he reflect on this? It is perfectly possible for a landlord to assume a property has been abandoned, but it may well be that the tenant is in ill health and not in a position to answer the door. I am not convinced the protections are sufficient to address that specific issue.

Mr Jones: It is clear that a landlord who knows the abandonment procedure will know they are going beyond the letter and spirit of the provisions if they do what the hon. Gentleman suggests. As we have identified, there is legislation in place, in particular the 1977 Act, which protects people in that sense.

As for the suggestion that the implied surrender process means that abandonment provisions are not required, there is an existing common-law route of implied surrender, but it can be used only where a landlord is clear that the tenant has definitely left the property—for example, when they have removed all their possessions and returned the keys to the property. Our abandonment procedure will help landlords where a tenant suddenly disappears and stops paying rent by providing a process for landlords to confirm whether the property has actually been abandoned.

That brings me to the Protection from Eviction Act 1977. Any landlord who abuses the process we are introducing by not giving proper warning and repossessing the property when they know that it has not been abandoned will be liable to prosecution under the 1977 Act. Again, the prosecuting authority will usually be the local housing authority, and the tenant can apply to the county court for damages.

Mr Thomas: I am grateful for what the Minister is saying. Will he clarify—if not now, then later in proceedings, or perhaps by letter—whether the tenant in that situation would be able to claim legal aid?

Mr Jones: The hon. Gentleman should recognise that action under the 1977 Act would be a criminal process, and would generally be driven by the local authority with responsibility for enforcing that legislation because it would be in a stronger position to do that than a potentially vulnerable tenant who had just been evicted illegally. The second route for the tenant, on the basis of the contract between the tenant and the landlord, would be a civil legal matter. To my knowledge, under both the current legal aid system and that operated by the previous Government, there was no provision for people to receive legal aid support for such civil matters. I hope that answers the hon. Gentleman's question sufficiently.

Teresa Pearce: As a general point, when someone enters into a tenancy, that is a legal document that is binding on both sides. Is the Minister not at all concerned that these provisions will do away with having an independent legal mind looking at whether the contract has been broken? Is he concerned that a landlord will be able decide whether a premises has been abandoned without someone independent looking at whether the underlying contract between the two parties still exists? I am not a lawyer, by the way.

Mr Jones: I agree with the hon. Lady that we should not get drawn into discussing that type of scenario. A tenant who has not paid their rent would, by implication, have already broken the terms of the tenancy, so the matter would not be as cut and dried as she suggests. Nevertheless, I appreciate her concern for tenants, which is why we have ensured that the abandonment provisions include measures that will create a significant process that any landlord who wants to recover their property under abandonment will have to follow properly. If they do not follow that process, there will be significant routes to rectify the position.

Later on, I am likely to make further comments demonstrating how, following the Bill's publication, we are strengthening the tenant's position further, but at this point, in the spirit of the comments I have made and the questions I have answered, I hope that the hon. Lady will withdraw the amendment.

Teresa Pearce: I thank the Minister for some of the reassurances he has given, but I still believe that having the local authority look at a claim of abandonment would be a good safety net in many ways. First, it would alert the local authority early on to the fact that someone was about to be evicted. Secondly, it would deter rogue landlords from using this route. Thirdly, it would mean that local authorities could get a better idea of what their private rented sector was like and whether there were not only rogue landlords but rogue tenants. It is important for local authorities to know that, so I will be pushing the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 11.

Division No. 4]

AYES

Blackman-Woods, Dr Roberta	Pearce, Teresa
Dowd, Peter	Pennycook, Matthew
Hayes, Helen	
Morris, Grahame M.	Thomas, Mr Gareth

NOES

Bacon, Mr Richard	Jones, Mr Marcus
Caulfield, Maria	Kennedy, Seema
Griffiths, Andrew	Lewis, Brandon
Hammond, Stephen	Philp, Chris
Hollinrake, Kevin	Smith, Julian
Jackson, Mr Stewart	

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Mr Jones: On the basis that I would just be rehearsing the arguments that I put forward in the debate on the previous amendment, may I suggest, Sir Alan, that we proceed to put the Question that clause 49 stand part?

The Chair: I agree: it was a full and frank debate.

Question put and agreed to.

Clause 49 accordingly ordered to stand part of the Bill.

Clause 50

The unpaid rent condition

Mr Jones: I beg to move amendment 116, in clause 50, page 22, line 20, at end insert—

'( ) If the unpaid rent condition has been met and a new payment of rent is made before the notice under section 49 is given, the unpaid rent condition ceases to be met (irrespective of the period to which the new payment of rent relates).'

This amendment ensures that a landlord cannot rely on old arrears of rent to recover premises if the tenant has since made a payment of rent.

The Chair: With this it will be convenient to discuss Government amendment 117.

Mr Jones: Clause 50 concerns the rent arrears that must have accrued before a landlord may serve a notice ending a tenancy under clause 49. The general rule is that at least eight weeks, or two months, of rent must be unpaid. That is known as the unpaid rent condition.

Amendments 116 and 117, which are in the name of my hon. Friend the Housing and Planning Minister, provide additional safeguards for tenants and landlords with regard to the unpaid rent condition. Amendment 116 will ensure that only if arrears continue to accrue after the landlord serves the first warning notice under clause 51 may the landlord terminate the tenancy under clause 49. This means that if the tenant makes a payment during the warning period, even in respect of historic arrears, the unpaid rent condition would not be met and the tenancy cannot be ended.

Amendment 117 provides that the unpaid rent condition can be met only if the unpaid rent is rent that was lawfully due. The amendment will ensure that a landlord cannot rely on arrears of rent where the rent is not treated as payable because the landlord has failed to comply with certain obligations.

Amendment 116 agreed to.

Amendment made: 117, in clause 50, page 22, line 20, at end insert—

'( ) In this section "rent" means rent lawfully due from the tenant.'—*(Mr Marcus Jones.)*

This is intended to exclude cases where, for example, rent has become due under the terms of a lease but it is unrecoverable because legislation provides that until certain requirements are met it is not to be treated as lawfully due.

Question proposed, That the clause, as amended, stand part of the Bill.

Mr Jones: The unpaid rent condition will be met if at the time the landlord ends a tenancy under the provisions in clause 49 the rent is in arrears by at least eight consecutive weeks if the rent is paid weekly or fortnightly, or by at least two consecutive months if the rent is

payable monthly. Those are the most common rental periods in assured shorthold tenancies. However, if the rent is payable quarterly, at least one quarter's rent must be in arrears by more than three months, while if the rent is payable yearly, at least three months' rent must be in arrears by more than three months.

12.45 pm

As set out in clause 51, the first warning notice may be given to the tenant before the unpaid rent condition is fully met, but the second warning notice may only be given once the unpaid rent condition is met. In practice, a tenant will therefore be more than eight weeks or two months in arrears by the time the tenancy is brought to an end. For the unpaid rent condition to be met, the rent must be lawfully due, and no rent at all must have been paid since the landlord served the first warning notice.

Question put and agreed to.

Clause 50, as amended, accordingly ordered to stand part of the Bill.

Clause 51

Warning notices

Mr Jones: I beg to move amendment 118, in clause 51, page 22, line 23, leave out

"the tenant and any named occupier two"

and insert "three"

This amendment requires a third warning notice to be given before a landlord can bring a tenancy to an end under clause 49. The third notice must be fixed to the premises (see amendment 119) and must be given towards the end of the warning period (see amendment 120). Amendment 121 gives power to specify the form of the third notice. Amendments 122, 123, 124 and 125 are consequential.

The Chair: With this it will be convenient to discuss Government amendments 119 to 126.

Mr Jones: Clause 51 concerns the warning notices that must be given to the tenant and any named occupiers before a tenancy can be terminated under clause 49. Amendment 118 introduces a requirement for a third warning notice to be given before a tenancy can be ended. Amendment 119 provides that the third notice must be fixed to a conspicuous part of the property, such as the front door. Amendment 120 requires the notice to be given at least five days before the end of the warning period, after which the landlord can terminate the tenancy under clause 49. Amendment 121 provides that the Secretary of State may, by regulations, specify the contents of the third warning notice. That will ensure the tenant knows what they must do next if the tenancy has not been abandoned. Amendments 122 to 125 are consequential to the introduction of the third notice requirement.

Amendment 126 introduces a requirement in clause 53 that the landlord must serve the first and second warning notices on the tenant, care of any person who has agreed with the landlord to guarantee the performance of the tenancy. As that person is likely to be close to the tenant and have a direct interest in ensuring that the tenancy is maintained and the rent payments kept up to date, they ought to be able to contact and encourage the tenant to respond to the warning notice if the tenancy has not been abandoned.

These important amendments ensure, together with other requirements in clause 51, that the tenant is given the greatest possible opportunity to respond to the landlord to confirm that the property has not been abandoned before the landlord is able to bring the tenancy to an end.

Amendment 118 agreed to.

Amendment made: 119, in clause 51, page 22, line 24, at end insert—

'( ) The first two warning notices must be given to the tenant and any named occupier using one of the methods in section 53(1) or (2).

( ) The third warning notice must be given by fixing it to some conspicuous part of the premises to which the tenancy relates."—*(Mr Marcus Jones.)*

See Member's explanatory statement for amendment 118.

Teresa Pearce: I beg to move amendment 108, in clause 51, page 22, line 32, leave out "8" and insert "12"

This amendment would extend the minimum amount of time needed to pass from 8 to 12 weeks before a landlord is able to recover an abandoned premises.

The Chair: With this it will be convenient to discuss amendment 109, in clause 51, page 22, line 38, leave out

"two weeks, and no more than 4 weeks"

and insert

"4 weeks, and no more than 8 weeks"

This amendment would extend the time periods of and between the two letters needed to evict a tenant suspected of abandoning the premises.

Teresa Pearce: These are probing amendments. Let me put it on record that I think the amendments we just agreed are actually quite good. [Hon. Members: "Hear, hear."] I still believe, however, that this whole part of the Bill is open to abuse. I hope that it will be reviewed at some point and that if such abuse occurs, regulations will be brought in. Clearly, I am not as optimistic as the Minister about the behaviour of some landlords, particularly the ones in my constituency who I have seen threaten and abuse tenants, and access properties at any time of the day or night. That sort of person will not look at the safeguards in this part of the Bill, but will see it as an opportunity to act in an even more irresponsible way than they already do.

Amendment 108 would extend the minimum period that would need to pass before a landlord is able to recover abandoned premises. Amendment 109 would extend the time period between the two letters—I believe it may now be three—that are needed to evict a tenant suspected of abandoning a premises. I am truly concerned about abuse of the provisions in this part of the Bill. Landlords could use the proposals to evict tenants simply by writing them letters. They could also use the measures to evict someone as an act of revenge. If a tenant moves into a property that is not fit to live in and asks for repairs, the landlord might think, "This tenant isn't going to be easy, so I'll use this process to try to get rid of them."

We appreciate the need for landlords to be able to recover truly abandoned premises and the fact that tenancy agreements are a two-way street. I appreciate the Minister's argument that if someone does not pay their rent, they have clearly already broken their tenancy agreement. I have seen instances of that: for example,

[Teresa Pearce]

someone in my area who had a property of her own got married and moved in with her husband. Rather than sell her property, she decided to let it out. For an entire year, the tenant paid no rent at all, but she still had to pay the mortgage on that property. I therefore completely understand that there are situations of that sort that need addressing. The measures in the Bill may make the situation easier for landlords in that sort of position, but my fear is they may also make it easier for rogue landlords.

I am pleased that the Minister has added a provision to the Bill that requires a third wave of letters for the process, but it is still important to safeguard against abuse. Extending the minimum amount of time that has to pass before a landlord is able to recover an abandoned premises will mean that those with legitimate reasons for absence will be able to respond. That will help to safeguard against potential abuse.

One concern about the proposals that has been raised with me is the possible pressure they will put on local housing authorities, which may have a duty to house tenants following eviction, even if only in emergency accommodation. Under the current system, when faced with someone who is about to be evicted, those local housing authorities have time to plan their resources, so that they know that if a resident is going to be evicted they will be able to house them adequately in emergency housing. Under the proposals in the Bill, residents could be evicted with haste, putting further pressure on already pressed local housing authorities. The amendments would insert a bit more time into the process for recovering abandoned premises, which would, I hope, ease the pressure on local housing authorities.

Amendment 109 would extend the time period between the letters. Currently it is two weeks and no more than four weeks; we propose extending it to four weeks and no more than eight. That would be advantageous for a number of reasons. It would safeguard against error. A landlord could use the measures to kick out a legitimate tenant who is away on business, in hospital or on holiday; extending the time period between the letters would mean that there was less chance of that happening. It would also safeguard against abuse. It would allow tenants more time to lodge a query with the landlord or seek housing advice. As there is no court involvement in the process, it would give the tenant more time to assess their options.

It is clear that the proposals in the Bill will have the power to affect all tenants in the private rental sector. All landlords will have these powers, open to abuse as they are, even though abandonment accounts for an estimated 1,750 occasions of tenancies ending a year. We hope that the rules will be got right, so that there are safeguards against abuse, and so that we allow landlords to recover abandoned premises where they need to, but do not allow them to evict tenants at their ease. That is the reason behind these probing amendments. I hope that the Minister will be able to give me some reassurance that those who could be abused will be protected by the law.

Mr Jones: The amendments seek to ensure that the minimum warning period before a landlord can recover an abandoned property would be 12 weeks and that a second warning notice would be served at least four weeks and no more than eight weeks after the service of the first.

I am happy to be able to reassure the hon. Lady and other members of the Committee that amendment 108 is unnecessary. It is already effectively the case under the Bill that the minimum period before a landlord can recover an abandoned property would be 12 weeks. The clauses are carefully drafted, but are complex, and, subject to Royal Assent, my Department will issue guidance for landlords to help them to understand the new process. It will therefore probably be helpful if I explain a little more to the Committee in that regard.

The process to recover an abandoned property takes at least 12 weeks because the second warning notice may be served only when at least eight weeks' consecutive rent is unpaid. This second warning notice must be served at least two weeks and no more than four weeks after the first warning notice. This means that in practice the first warning notice could not be served unless at least four weeks' rent was unpaid.

The first warning notice must specify the date of recovery of the property, which is at least eight weeks after the date when that notice is given. Given that the tenant will already have been at least four weeks in arrears, that provides a total period of at least 12 weeks from when the rent was last paid to the tenancy being brought to an end.

Amendment 109 would make changes to clause 51(6), which states:

> "The second warning notice must be given at least two weeks, and no more than 4 weeks, after the first warning notice."

The abandonment procedure that the Bill is introducing is intended to allow a landlord to recover a property that has been abandoned without the need to obtain a court order. As I have explained, we have introduced a number of safeguards to ensure that a landlord could use the process only if a tenant had genuinely abandoned the property.

A landlord will be able to recover a property only when warning notices have been served on the tenant, and a copy of the first, second and third warning notices have been sent, care of any guarantor. It will not be possible in practice for the first warning notice to be served unless at least four consecutive weeks' rent is unpaid; the second warning notice may be served only when at least eight weeks' consecutive rent is unpaid. The second warning notice will have to be given at least two weeks and no more than four weeks after the first warning notice.

It is clear that landlords will have to go through a lengthy and detailed process before they can regard a property as being abandoned. In addition to the requirement for at least eight consecutive weeks' rent to remain unpaid, they will also have to serve a series of notices on the tenant and, where applicable, any other named occupiers.

We have also sought to strike the right balance between ensuring that tenants are given adequate notice that the landlord believes the property may have been abandoned, with an opportunity to respond if they have not abandoned it, and ensuring that landlords do not have to wait an unreasonable time before being able to recover the property.

The requirement for a second warning notice to be served at least four weeks and no more than eight weeks after service of the first would introduce further delays into the process of recovering an abandoned property, depriving the landlord of an income and a family of the chance to occupy a property that would, by definition under the provisions in question, be empty. I hope that that explanation will help hon. Members and that the hon. Member for Erith and Thamesmead will agree to withdraw her amendment.

Teresa Pearce: I thank the Minister for the explanation. As I mentioned, this was a probing amendment. Therefore, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ordered, That further consideration be now adjourned. —*(Julian Smith.)*

12.58 pm

Adjourned till this day at Two o'clock.