

Renters (Reform) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Levelling Up, Housing and Communities, are published separately as 308—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Michael Gove has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Renters (Reform) Bill are compatible with the Convention rights.

Renters (Reform) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

A

B I L L

TO

Make provision changing the law about rented homes, including provision abolishing fixed term assured tenancies and assured shorthold tenancies; imposing obligations on landlords and others in relation to rented homes and temporary and supported accommodation; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

TENANCY REFORM

CHAPTER 1

ASSURED TENANCIES

End of certain kinds of assured tenancy

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1 Assured tenancies to be periodic with rent period not exceeding a month

In the 1988 Act, before section 5 insert—

“4A Assured tenancies to be periodic with rent period not exceeding a month

- (1) Terms of an assured tenancy are of no effect so far as they provide for the tenancy to be a fixed term tenancy. 10
- (2) Where terms of an assured tenancy are of no effect by virtue of subsection (1), the tenancy has effect as a periodic tenancy under which the periods of the tenancy are the same as those for which rent is payable. 15
- (3) Terms of an assured tenancy which provide for the periods for which rent is payable (“rent periods”) are of no effect if they—
 - (a) provide for any rent period to exceed 28 days, and
 - (b) do so otherwise than by providing for monthly rent periods.

- (4) Where terms about rent periods are of no effect by virtue of subsection (3), the tenancy has effect as if it provided –
- (a) for successive rent periods of one month beginning with the first day of the tenancy, and
 - (b) for the rent for each such rent period –
 - (i) to be the amount calculated in accordance with the formula in subsection (5), and
 - (ii) to be due on the first day of the period.

- (5) The formula is –

$$\frac{R}{D} \times 30.42$$

where –

R is the rent that would have been due for the first rent period of the tenancy under the terms that are of no effect by virtue of subsection (3);

D is the number of whole days in that period.

- (6) Except as provided by subsections (1) and (3), nothing in this section limits any right of the landlord and the tenant to vary a term of the tenancy by agreement.
- (7) For the purposes of this section, terms of an assured tenancy provide for “monthly” rent periods if they provide for rent to be payable for successive periods of one month, disregarding any provision for the first period to be a different period not exceeding 30 days.”

2 Abolition of assured shorthold tenancies

In the 1988 Act –

- (a) omit section 6A (demotion to assured shorthold tenancy because of anti-social behaviour);
- (b) omit Chapter 2 of Part 1 (assured shorthold tenancies).

Changes to grounds for possession

3 Changes to grounds for possession

- (1) Schedule 1 contains amendments of Schedule 2 to the 1988 Act (grounds for possession of dwelling-houses let on assured tenancies).
- (2) In section 7 of the 1988 Act (orders for possession) –
- (a) in subsection (5A)(b), for “16” substitute “5C”;
 - (b) after subsection (5A) insert –
 - “(5B) If the only grounds for possession which the court is satisfied are established are either or both of Grounds 7A and 14 in

Schedule 2, the court may not make an order for possession to take effect within the period of 14 days beginning with the date of the service of the notice under section 8.”;

- (c) omit subsections (6), (6A), (6B) and (7).
- (3) In section 8 of the 1988 Act (notice of proceedings for possession) – 5
 - (a) in subsection (1)(a) for “(4B)” substitute “(4AA)”;
 - (b) in subsection (3)(b) for “(3A) to (4B)” substitute “(4) to (4AA)”;
 - (c) omit subsection (3A);
 - (d) in subsection (4) –
 - (i) for “Ground 14” substitute “either or both of Grounds 7A and 14”;
 - (ii) after “whether” insert “with or”;
 - (iii) omit “or with any ground other than Ground 7A”;
 - (e) for subsections (4A) and (4B) substitute –
 - “(4AA) If a notice under this section does not specify Ground 7A or 14 in Schedule 2, the date specified in the notice as mentioned in subsection (3)(b) must not be before the end of the longest period shown in the following table for any ground specified in the notice. 15

Ground specified in notice	Period	20
1, 1A, 1B, 2, 2ZA, 2ZB, 5, 5A, 5B, 5C, 5D, 6, 6A, 7, 9	two months beginning with the date of service of the notice	
5E, 5F, 5G, 8, 8A, 10, 11, 18	four weeks beginning with the date of the service of the notice	
4, 7B, 12, 13, 14ZA, 14A, 15, 17	two weeks beginning with the date of the service of the notice”;	25
- (f) After subsection (5) insert –
 - “(5A) A notice given by an intermediate landlord under Ground 2ZA is to be treated, when the superior tenancy ends, as a notice given by the person who became the landlord by virtue of section 18 under Ground 2ZB.”; 30
- (g) omit subsection (6).

4 Form of notice of proceedings for possession

In section 8 of the 1988 Act, after subsection (6) insert –

- “(7) Regulations made under section 45(1) by virtue of subsection (3) may – 35
 - (a) provide for the form to be published by the Secretary of State;
 - (b) provide that the form to be used is the version that has effect at the time the requirement applies.”

Rent and other terms

5 Statutory procedure for increases of rent

- (1) Section 13 of the 1988 Act (increases of rent) is amended in accordance with subsections (2) to (8).
- (2) In the heading for “periodic tenancies” substitute “tenancies other than relevant low-cost tenancies”. 5
- (3) For subsection (1) substitute –
 - “(1) This section applies to any assured tenancy other than a relevant low-cost tenancy.”
- (4) In subsection (2) – 10
 - (a) in paragraph (a), for “the minimum period” substitute “two months”;
 - (b) in paragraph (b) –
 - (i) for the words before sub-paragraph (i) substitute “either”;
 - (ii) after sub-paragraph (i) insert “or”;
 - (c) in paragraph (c) – 15
 - (i) in the words before sub-paragraph (i), after “below” insert “, either”;
 - (ii) after sub-paragraph (i) insert “or”.
- (5) Omit subsection (3).
- (6) In subsection (4) – 20
 - (a) in paragraph (a), for “by an application in the prescribed form refers the notice to the appropriate tribunal” substitute “applies to the appropriate tribunal under section 14(A3);
 - (b) in paragraph (b) for “variation of the rent which is different from” substitute “new rent which is lower than”. 25
- (7) After subsection (4) insert –
 - “(4A) The rent for a period of an assured tenancy to which this section applies may not be greater than the rent for the previous period except by virtue of –
 - (a) a notice under this section or an agreement under subsection (4)(b) following such a notice, 30
 - (b) a determination under section 14, or
 - (c) an agreement in writing between the landlord and the tenant varying the rent, following a determination by the appropriate tribunal under section 14, where the agreed rent is lower than the rent that would be payable under section 14ZA or 14ZB as a result of the determination; 35
 and any provision relating to an assured tenancy to which this section applies is of no effect so far as it provides that the rent for a particular period of the tenancy must or may be greater than the rent for the 40

- previous period otherwise than by virtue of a notice, determination or agreement mentioned in this subsection.
- (4B) Except as provided by subsection (4A), nothing in this section (or in sections 14 to 14ZB) affects the right of the landlord and the tenant under an assured tenancy to which this section applies to vary by agreement any term of the tenancy. 5
- (4C) In this section “relevant low-cost tenancy” means –
- (a) an assured tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008, where the landlord is a private registered provider of social housing, and 10
 - (b) any other assured tenancy of a description specified in regulations made by the Secretary of State.
- (4D) Regulations under subsection (4C)(b) are to be made by statutory instrument.
- (4E) A statutory instrument containing regulations under subsection (4C)(b) is subject to annulment in pursuance of a resolution of either House of Parliament.” 15
- (8) Omit subsection (5).
- (9) After section 13 of the 1988 Act insert –
- “13A Increases of rent under relevant low-cost tenancies 20**
- (1) This section applies to a relevant low cost tenancy within the meaning given by section 13(4C).
- (2) For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice, being a period beginning not earlier than – 25
- (a) one month after the date of the service of the notice, and
 - (b) in the case of an assured agricultural occupancy, the first anniversary of the date on which the first period of the tenancy began, and 30
 - (c) if the rent under the tenancy has previously been increased by virtue of a notice under this subsection or a determination under section 14, either –
- (i) in the case of an assured agricultural occupancy, the first anniversary of the date on which the increased rent took effect, or 35
 - (ii) in any other case, the appropriate date.
- (3) The appropriate date is – 40
- (a) in a case to which subsection (4) applies, the date that falls 53 weeks after the date on which the increased rent took effect;

- (b) in any other case, the date that falls 52 weeks after the date on which the increased rent took effect.
- (4) This subsection applies where—
 - (a) the rent under the tenancy has been increased by virtue of a notice under this section or a determination under section 14 on at least one occasion after the coming into force of the Regulatory Reform (Assured Periodic Tenancies)(Rent Increases) Order 2003, and 5
 - (b) the fifty-third week after the date on which the last such increase took effect begins more than six days before the anniversary of the date on which the first such increase took effect. 10
- (5) Where a notice is served under subsection (2), a new rent specified in the notice takes effect as mentioned in the notice unless, before the beginning of the new period specified in the notice— 15
 - (a) the tenant applies to the tribunal under section 14(A3), or
 - (b) the landlord and the tenant agree on a variation of the rent which is different from that proposed in the notice or agree that the rent should not be varied.
- (6) Nothing in this section (or in section 14) affects the right of the landlord and the tenant under a relevant low-cost tenancy within the meaning given by section 13(4C) to vary by agreement any term of the tenancy (including a term relating to rent).” 20

6 Challenging amount or increase of rent

- (1) Section 14 of the 1988 Act (determination of rent by tribunal) is amended in accordance with subsections (2) to (8). 25
- (2) Before subsection (1) insert—
 - “(A1) A tenant under an assured tenancy other than a relevant low-cost tenancy may make an application to the appropriate tribunal in the prescribed form for the purpose of challenging the rent payable under the tenancy. 30
 - (A2) No application may be made under subsection (A1) if—
 - (a) the rent payable under the tenancy is pursuant to a previous determination under this section, or
 - (b) more than six months have elapsed since the beginning of the tenancy. 35
 - (A3) A tenant under any assured tenancy may make an application to the appropriate tribunal in the prescribed form for the purpose of challenging a new rent proposed in a notice under section 13(2) or 13A(2).” 40
- (3) In subsection (1)—

- (a) for the words from the beginning to “that section,” substitute “Where an application is made under subsection (A1) or (A3),”;
- (b) for paragraphs (a) and (b) substitute –
 - “(a) which has the same periods as those of the tenancy to which the application relates; 5
 - (b) which begins –
 - (i) in the case of an application under subsection (A1), on the date of the application;
 - (ii) in the case of an application under subsection (A3), at the beginning of the new period specified in the notice; and”; 10
 - (c) in paragraph (c) for “notice” substitute “application”;
 - (d) omit paragraph (d) and the “and” before it.
- (4) In subsection (3) –
 - (a) in the words before paragraph (a) – 15
 - (i) omit the words from “in relation to” to “above,”;
 - (ii) for “notice”, in the second place it occurs, substitute “application”;
 - (b) in paragraphs (a) and (b) for “service of the notice” substitute “the application”. 20
- (5) In subsection (3A) –
 - (a) in the words before paragraph (a), for the words from “on” to “served,” substitute “of the application”;
 - (b) in paragraph (a), for “that notice was served” substitute “the application was made”. 25
- (6) Omit subsections (6) and (7).
- (7) In subsection (8) omit “of a rent for a dwelling-house”.
- (8) Omit subsection (9).
- (9) After section 14 of the 1988 Act insert –
 - “14ZA Effect of determination: rent payable 30**
 - (1) This section applies where the appropriate tribunal makes a determination on an application under section 14(A1) in relation to a tenancy.
 - (2) The rent payable under the tenancy as a result of the determination is – 35
 - (a) the amount of rent determined by the appropriate tribunal on the application, in accordance with section 14(1), and
 - (b) the appropriate amount (if any) in respect of rates.
 - (3) The rent payable under the tenancy as a result of the determination takes effect from the date that the appropriate tribunal directs. 40

- (4) The date must not be earlier than the date of the application.
- (5) In this section “the appropriate amount in respect of rates” means the amount of rent attributable to any rates borne as mentioned in section 14(5).

14ZB Effect of determination: proposed new rent 5

- (1) This section applies where the appropriate tribunal makes a determination on an application under section 14(A3) in relation to a tenancy.
- (2) The rent payable under the tenancy as a result of the determination is – 10
 - (a) the amount of rent determined by the appropriate tribunal on the application, in accordance with section 14(1), and
 - (b) the appropriate amount (if any) in respect of rates.
- (3) The rent payable under the tenancy as a result of the determination takes effect from – 15
 - (a) the beginning of the new period specified in the notice under section 13(2), or
 - (b) if it appears to the tribunal that that would cause undue hardship to the tenant, a date that the appropriate tribunal directs. 20
- (4) A date specified under subsection (3)(b) must not be later than the date of the determination.
- (5) In this section, “the appropriate amount in respect of rates” has the meaning given by section 14ZA(5).”
- (10) Omit sections 14A and 14B of the 1988 Act. 25

7 Right to request permission to keep a pet

- (1) In the Housing Act 1988, after section 16 insert –

“16A Requesting consent to keep a pet

- (1) It is an implied term of every assured tenancy to which this section applies that – 30
 - (a) a tenant may keep a pet at the dwelling-house if the tenant asks to do so in accordance with this section and the landlord consents;
 - (b) such consent is not to be unreasonably refused by the landlord;
 - (c) the landlord is to give or refuse consent in writing on or before 35
the 42nd day after the date of the request, except as provided by subsections (2) to (5).

- (2) Where the landlord reasonably requests further information from the tenant about the pet on or before the 42nd day after the date of the tenant's request –
- (a) if the tenant provides that information, the landlord may delay giving or refusing consent until the 7th day after the date on which the tenant provides any further information that the landlord requests; 5
 - (b) if the tenant does not provide that information, the landlord is not required to give or refuse consent.
- (3) Where – 10
- (a) the keeping of the pet at the dwelling-house would require the landlord to obtain the consent of a superior landlord under the terms of a superior tenancy, and
 - (b) the landlord seeks the consent of the superior landlord on or before the 42nd day after the date of the tenant's request, 15
- the landlord may delay giving or refusing consent until the 7th day after the date on which the landlord receives consent or refusal from the superior landlord.
- (4) Where the landlord and the tenant agree that the landlord may delay giving or refusing consent, the landlord may delay until whatever date is agreed between the landlord and the tenant. 20
- (5) Where more than one of subsections (2) to (4) apply, the landlord may delay until the latest date to which the landlord may delay giving or refusing consent under any of the subsections.
- (6) This section applies to every assured tenancy other than a tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008. 25

16B Requests for consent to keep a pet: further provision

- (1) For the purposes of section 16A, a tenant keeps a pet at a dwelling-house if the tenant permits the pet to live at the dwelling-house (whether or not the tenant is the owner of the pet). 30
- (2) Section 16A does not limit the terms that may be agreed in relation to the presence at the dwelling-house of pets which do not live there.
- (3) The tenant's request under section 16A must –
- (a) be in writing; 35
 - (b) include a description of the pet for which consent is sought.
- (4) The circumstances in which it is reasonable for a landlord to refuse consent include those in which –
- (a) the pet being kept at the dwelling-house would cause the landlord to be in breach of an agreement with a superior landlord; 40

- (b) an agreement between the landlord and a superior landlord prohibits the keeping of a pet at the dwelling-house without consent of the superior landlord, and the landlord has taken reasonable steps to obtain that consent but the superior landlord has not given it. 5
- (5) In proceedings in which a tenant alleges that the landlord has breached the implied term created by section 16A, the court may order specific performance of the obligation.

16C Indemnity and insurance for pets

- (1) It is an implied term of every assured tenancy to which section 16A applies that if, at the time of consenting to the tenant keeping a pet, the landlord informs the tenant in writing that one of the following is a condition of the consent – 10
- (a) that, in respect of the time the pet is at the dwelling-house, the tenant maintain insurance that covers the risk of pet damage to a level that is reasonable having regard to the pet and the dwelling-house in question, or 15
- (b) that the tenant pay the landlord’s reasonable costs of maintaining insurance that covers the risk of pet damage in respect of the time the pet is at the dwelling-house to a level that is reasonable having regard to the pet and the dwelling-house in question, 20
- then the tenant must comply with that condition.
- (2) The reasonable costs referred to in subsection (1)(b) – 25
- (a) may be the amount of –
- (i) the premium for an insurance policy that covers only pet damage, or
- (ii) an additional premium attributable to the pet damage element of an insurance policy that covers other risks as well; 30
- (b) if the premium under the insurance policy relates to a fixed period and it was reasonable for the landlord to choose that policy, may include any such premium payable by the landlord in respect of a time when the pet has not yet arrived at the dwelling-house or is no longer at the dwelling-house; 35
- (c) may include any such premium payable by the landlord in respect of a time when the pet is no longer at the dwelling-house, if the tenant had not informed the landlord that the pet is no longer at the dwelling-house;
- (d) may include any excess payable by the landlord under the insurance policy.” 40
- (2) In section 45(1) of the Housing Act 1988, in the appropriate place insert –
- ““pet” means an animal kept by a person mainly for –

- (a) personal interest,
 - (b) companionship,
 - (c) ornamental purposes, or
 - (d) any combination of paragraphs (a) to (c);
- “pet damage”, in relation to an assured tenancy of a dwelling-house, 5
means any damage that the tenant’s pet causes to –
- (a) the dwelling-house or any of the common parts, where
“common parts” has the same meaning as in Ground 13 in Part
2 of Schedule 2, or
 - (b) any of the landlord’s property that is in those places;” 10

8 Pet insurance

- (1) In the Tenant Fees Act 2019, in section 1(4)–
- (a) omit the “or” at the end of paragraph (a);
 - (b) after “tenant” in paragraph (b), insert “, or
 - (c) if the tenant is keeping a pet in the housing, insurance 15
that the landlord requires under an implied term of an
assured tenancy under section 16C(1) of the Housing
Act 1988 (insurance where landlord consents to keeping
of a pet).”

Duties of landlords etc 20

9 Duty to give statement of terms and other information

In the 1988 Act, after section 16C (inserted by section 7 of this Act) insert –

“Duties of landlords etc

16D Duty to give statement of terms and other information

- (1) This section applies to an assured tenancy other than a tenancy of 25
social housing (within the meaning of Part 2 of the Housing and
Regeneration Act 2008) under which the landlord is a private registered
provider of social housing.
- (2) The landlord under a tenancy to which this section applies must give 30
the tenant a written statement of –
- (a) such terms of the tenancy as are specified in regulations made
by the Secretary of State, whether in the form of an agreement
in writing between the landlord and tenant or a record of terms
otherwise agreed,
 - (b) where the landlord may wish to recover possession on any of 35
Grounds 1B, 2ZA, 2ZB, 4, 5 to 5G or 18 in Schedule 2, the
landlord’s wish to be able to recover possession on that ground,
and

-
- (c) any other information in writing about any of the following which is required to be given by regulations made by the Secretary of State –
- (i) the tenancy;
 - (ii) the dwelling-house let on the tenancy; 5
 - (iii) the tenant;
 - (iv) the landlord;
 - (v) the rights of the landlord or the tenant in relation to the tenancy or the dwelling-house let on it.
- (3) The statement under subsection (2) must be given before the beginning of the tenancy. 10
- (4) Regulations under this section are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.” 15

10 Other duties of landlords and former landlords

In the 1988 Act, after section 16D (inserted by section 9 of this Act) insert –

“16E Other duties of landlords and former landlords

- (1) This section applies to an assured tenancy other than a tenancy of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) under which the landlord is a private registered provider of social housing. 20
- (2) A landlord of a dwelling-house let on an assured tenancy to which this section applies must not –
- (a) purport to let the dwelling-house on that tenancy for a fixed term (see section 4A), 25
 - (b) purport to bring the tenancy to an end by service of a notice to quit (see section 5(1)),
 - (c) serve on the tenant a document which purports to be a notice under section 8(3) but is not in the form prescribed under section 45(1) for the purposes of that provision, 30
 - (d) serve on the tenant a notice under section 8(3), or another document purporting to bring the tenancy to an end (a “purported notice under section 8(3)”), which specifies any ground in Schedule 2 which the landlord is not entitled to rely on, 35
 - (e) serve on the tenant a notice under section 8(3), or a purported notice under section 8(3), which specifies any of Grounds 1B, 2ZA, 2ZB, 4, 5 to 5G or 18 in Schedule 2 even though no statement was given to the tenant under section 16D(2) in respect of that ground, or 40

- (f) serve on the tenant a notice under section 8(3), or a purported notice under section 8(3), which—
 - (i) specifies one or more of Grounds 1, 1A and 6 in Schedule 2, and
 - (ii) specifies a date earlier than 6 months after the beginning of the tenancy as the earliest date on which proceedings for possession of the dwelling-house would begin. 5
- (3) A person who obtains possession of a dwelling-house let on a tenancy to which this section applies as a result of service of a notice under section 8(3) which specifies Ground 1 or 1A in Schedule 2 must not, before the end of the period of three months beginning with the date specified in the notice under section 8(3)(b)— 10
 - (a) let the dwelling-house on a tenancy, or
 - (b) market the dwelling-house to let on a tenancy.
- (4) A person who obtains possession of a dwelling-house let on a tenancy to which this section applies as a result of service of a notice under section 8(3) which specifies Ground 1 or 1A in Schedule 2 must not authorise a letting agent to market the dwelling house, before the end of the period of three months beginning with the date specified in the notice under section 8(3)(b), to let on a tenancy. 15 20
- (5) For the purposes of subsections (3) and (4) a person obtains possession of a dwelling-house as a result of service of a notice under section 8(3) if—
 - (a) when notice was served on the tenant of the dwelling-house under that section, the person was the tenant’s landlord under the tenancy to which the notice related, and 25
 - (b) as a result of the notice the tenant surrenders the tenancy, without an order for possession of the dwelling-house being made.
- (6) For the purposes of subsections (3) and (4) a person markets a dwelling-house to let on a tenancy when— 30
 - (a) the person advertises that the dwelling-house is or may be available to let on a tenancy, or
 - (b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available. 35
- (7) But subsection (6)(a) does not apply in relation to a person who publishes an advertisement in the course of a business that does not involve lettings agency work if the advertisement has been provided by another person.
- (8) For the purposes of this section, “lettings agency work” means things done by a person in the course of a business in response to instructions received from— 40

-
- (a) a person (“a prospective landlord”) seeking to find another person to whom to let a dwelling-house, or
 - (b) a person (“a prospective tenant”) seeking to find a dwelling-house to let.
- (9) However, “lettings agency work” does not include any of the following things when done by a person who does nothing else within subsection (8) – 5
- (a) publishing advertisements or disseminating information;
 - (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or prospective landlord; 10
 - (c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other.
- (10) “Lettings agency work” also does not include things of a description, or things done by a person of a description, specified for the purposes of this section in regulations made by the Secretary of State by statutory instrument. 15
- (11) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.” 20

Landlords etc: financial penalties and offences

11 Landlords etc: financial penalties and offences

In the 1988 Act, after section 16E (inserted by section 10 of this Act) insert –

“Landlords: financial penalties and offences 25

16F Financial penalties

- (1) A local housing authority may impose a financial penalty on a person who is or was a landlord of a dwelling-house let on an assured tenancy if satisfied beyond reasonable doubt –
- (a) that the person contravened section 16D or any paragraph of section 16E(2) other than paragraph (d), or 30
 - (b) that –
 - (i) the person contravened paragraph (d) of section 16E(2), and
 - (ii) the tenant surrendered the tenancy as a result, without an order for possession of the dwelling-house being made. 35
- (2) More than one penalty may be imposed in relation to a contravention of section 16D(2) only if –

- (a) the contravention continues after the end of 28 days beginning with the day after that on which the previous penalty for the contravention was imposed, unless the person appeals against the decision to impose the penalty within that period, or
 - (b) if the person appeals against that decision within that period, the contravention continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned. 5
- (3) Subsection (2) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal. 10
- (4) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £5,000.
- (5) No financial penalty may be imposed under this section in respect of any conduct if – 15
 - (a) the person has been convicted of an offence under section 16G in respect of the conduct,
 - (b) criminal proceedings under that section have been instituted against the person in respect of the conduct and the proceedings have not been concluded, 20
 - (c) criminal proceedings under that section in respect of the conduct have been concluded and the person has not been convicted of the offence, or
 - (d) a financial penalty has been imposed under section 16H in respect of that conduct. 25
- (6) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.
- (7) Local housing authorities must have regard to any guidance issued under subsection (6). 30
- (8) For the purposes of this section and section 16G –
 - (a) a financial penalty is imposed under this section or section 16H on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by paragraph 6 of Schedule 2ZA. 35

16G Offences

- (1) A person who is a landlord of a dwelling-house let on an assured tenancy is guilty of an offence if –
 - (a) the person serves on the tenant a notice under section 8(3), or a purported notice under section 8(3) (within the meaning given by section 16E(2)(d)) – 40

-
- (i) specifying a ground in Schedule 2 knowing that they are not entitled to rely on that ground, or being reckless as to whether they are entitled to rely on it, or
 - (ii) specifying one or more of Grounds 1, 1A and 6 in Schedule 2 and specifying that the proceedings will not begin earlier than a date specified in the notice, knowing or being reckless as to the fact that the date is earlier than 6 months after the beginning of the tenancy, and
 - (b) the tenant surrenders the tenancy as a result, without an order for possession of the dwelling-house being made.
- (2) A person is guilty of an offence if the person contravenes section 16E(3) or (4). 5
- (3) A person is guilty of an offence if –
- (a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and 15
 - (b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with –
 - (i) the day after that on which the penalty was imposed on the person, or 20
 - (ii) if the person appeals against the final notice in respect of the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (4) A person is guilty of an offence if – 25
- (a) the person conducts themselves in a manner giving rise to liability to a financial penalty under section 16F, and
 - (b) within the period of five years ending with the day on which the conduct occurs –
 - (i) a relevant penalty has been imposed on the person for different conduct and the final notice imposing the penalty has not been withdrawn, or 30
 - (ii) the person has been convicted of an offence under this section for different conduct.
- (5) In subsections (3) and (4) “relevant penalty” means a financial penalty which is imposed under section 16F or 16H where – 35
- (a) the period for bringing an appeal against the penalty under paragraph 10(2) of Schedule 2ZA has expired without an appeal being brought,
 - (b) an appeal against the financial penalty under that paragraph has been withdrawn or abandoned, or 40
 - (c) the final notice imposing the penalty has been confirmed or varied on appeal.

- (7) A person may not be convicted of an offence under subsection (1), (2) or (4) in respect of any conduct if a financial penalty has been imposed under section 16F or 16H in respect of that conduct.
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine. 5

16H Financial penalties as an alternative to prosecution under section 16G

- (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person is guilty of an offence under section 16G.
- (2) No financial penalty may be imposed under this section in respect of any conduct if – 10
 - (a) the person has been convicted of an offence under section 16G in respect of the conduct,
 - (b) criminal proceedings under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or 15
 - (c) criminal proceedings under that section in respect of the conduct have been concluded and the person has not been convicted of the offence.
- (3) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £30,000. 20
- (4) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.
- (5) Local housing authorities must have regard to any guidance issued under subsection (4). 25

16I Financial penalties: supplementary and interpretation

- (1) *The Secretary of State may give financial assistance (by way of grant, loan guarantee or in any other form) or make other payments to a local housing authority in respect of the local housing authority's functions under or by virtue of sections 16F to 16H.* 30
- (2) The Secretary of State may by regulations amend the amount specified in section 16F(4) or 16H(3) to reflect changes in the value of money.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 35
- (5) Schedule 2ZA makes provision about –

- (a) the procedure for imposing financial penalties under sections 16F and 16H,
 - (b) appeals against financial penalties under sections 16F and 16H,
 - (c) enforcement of financial penalties under sections 16F and 16H, and 5
 - (d) how local housing authorities are to deal with the proceeds of financial penalties under sections 16F and 16H.
- (6) In sections 16F to 16H, this section and Schedule 2ZA “local housing authority” has the meaning given by section 1 of the Housing Act 1985.” 10

12 Financial penalties: procedure, appeals and enforcement

In the 1988 Act, after Schedule 2 insert—

“SCHEDULE 2ZA section 16I

FINANCIAL PENALTIES UNDER SECTIONS 16F AND 16H

Notice of intent 15

- 1 Before imposing a financial penalty on a person under section 16F or 16H a local housing authority must give the person notice of its proposal to do so (a “notice of intent”).
- 2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates. 20
 - (2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given— 25
 - (a) at any time when the conduct is continuing, or
 - (b) within the period of 6 months beginning with the last day on which the conduct occurs.
- 3 The notice of intent must set out— 30
 - (a) the date on which the notice of intent is given,
 - (b) the amount of the proposed financial penalty,
 - (c) the reasons for proposing to impose the financial penalty, and
 - (d) information about the right to make representations under paragraph 4. 35

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given (“the period for representations”). 5

Final notice

- 5 After the end of the period for representations the local housing authority must— 10
- (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to impose a financial penalty, decide the amount of the penalty.
- 6 If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty. 15
- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given. 20
- 8 The final notice must set out—
- (a) the date on which the final notice is given,
 - (b) the amount of the financial penalty,
 - (c) the reasons for imposing the penalty,
 - (d) information about how to pay the penalty, 25
 - (e) the period for payment of the penalty,
 - (f) information about rights of appeal, and
 - (g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time— 30
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce the amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given. 35

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—

- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice was given. 5
- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.
- (4) An appeal under this paragraph –
- (a) is to be a re-hearing of the local housing authority’s decision, 10
but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice. 15
- (6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

Recovery of financial penalty

- 11 (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay. 20
- (2) The local housing authority which imposed the financial penalty may recover the whole or part of the penalty on the order of the county court as if it were payable under an order of that court. 25
- (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is –
- (a) signed by the chief finance officer of the local housing authority which imposed the penalty, and
 - (b) states that the amount due has not been received by a date specified in the certificate, 30
- is conclusive evidence of that fact.
- (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (5) In this paragraph “chief finance officer” has the same meaning as in section 5 of the Local Government and Housing Act 1989. 35

Proceeds of financial penalties

- 12 Where a local housing authority imposes a financial penalty under this Act, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated 40

- with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector.
- 13 *Any proceeds of a financial penalty imposed under this Act which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.* 5
- 14 (1) In paragraph 12, “enforcement functions in relation to the private rented sector” means enforcement functions relating to—
- (a) residential premises in England that are let, or intended to be let, under a tenancy,
 - (b) the common parts of such premises, 10
 - (c) the activities of a landlord under a tenancy of residential premises in England,
 - (d) the activities of a person carrying on English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 in relation to such premises, or 15
 - (e) the activities of a person carrying on English property management work within the meaning of section 55 of the Housing and Planning Act 2016 in relation to such premises.
- (2) For the purposes of this paragraph “residential premises” has the meaning given by section 1 of the Housing Act 2004 except that it does not include social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008. 20
- (3) For the purposes of this paragraph “tenancy” includes a licence to occupy.”
- 13 No criminal liability of the Crown under Part 1 of the 1988 Act** 25
- In section 44 of the 1988 Act (application of Part 1 of that Act to Crown property)—
- (a) in subsection (1), for “subsection (2)” substitute “subsections (1A) and (2)”; 30
 - (b) after subsection (1) insert—
- “(1A) In Chapter 1—
- (a) section 16G does not bind the Crown;
 - (b) in section 16H(1) as it applies by virtue of subsection (1), the reference to a person being guilty of an offence under section 16G is to be read as a reference to the person— 35
 - (i) satisfying the conditions in paragraphs (a) and (b) of section 16G(1),
 - (ii) contravening section 16E(3) or (4), or
 - (iii) satisfying the conditions in paragraphs (a) and (b)(i) of section 16G(4). 40

- (1B) Subsection (1A)(a) does not affect the criminal liability of persons in the service of the Crown.”

Other changes

14 Notices to quit by tenants under assured tenancies: timing

- (1) Section 5 of the Protection from Eviction Act 1977 (notices to quit), is amended as follows. 5
- (2) In subsection (1), for paragraph (b) substitute—
- “(b) it satisfies subsection (1ZA).”
- (3) After subsection (1) insert—
- “(1ZA) A notice to quit satisfies this subsection— 10
- (a) where it is given by a tenant in relation to premises let under an assured tenancy, if it is given—
- (i) not less than any length of time before the date on which the notice is to take effect, not exceeding two months, that the landlord has agreed to in writing, or 15
- (ii) in the absence of agreement under sub-paragraph (i), not less than two months before the date on which the notice is to take effect;
- (b) otherwise, if it is given not less than four weeks before the date on which it is to take effect. 20
- But in relation to landlords under assured tenancies see section 5(1) of the Housing Act 1988 (notice to quit by landlord is of no effect).”

15 Notices to quit by tenants under assured tenancies: other

After section 5 of the Protection from Eviction Act 1977 insert—

- “5A Notices to quit by tenants under assured tenancies 25**
- (1) Any provision that would bind a tenant as to the means of giving a notice in writing to quit premises let under an assured tenancy is of no effect.
- (2) For the purposes of subsection (1) the “means of giving a notice in writing” is the mode by which the words of the notice are represented or reproduced in a visible form. 30
- (3) A notice by a tenant to quit premises let under an assured tenancy may be withdrawn before the date on which it takes effect by the tenant and landlord agreeing in writing to the withdrawal.”

16 Limitation on obligation to pay removal expenses 35

In section 11(1) of the 1988 Act (payment of removal expenses)—

- (a) after “tenancy” insert “in relation to which the landlord is a private registered provider of social housing.”;
- (b) in the heading, for “in certain cases” substitute “by private registered providers of social housing”.

17 Assured agricultural occupancies: grounds for possession 5

In section 25 of the 1988 Act (security of tenure in relation to assured agricultural occupancies) –

- (a) omit subsection (1);
- (b) in subsection (2) –
 - (i) for “Part II” substitute “Part 1”; 10
 - (ii) for “Ground 16” substitute “Grounds 2ZA, 2ZB, 5A and 5C”.

18 Accommodation for homeless people: duties of local authority

- (1) The Housing Act 1996 is amended as follows.
- (2) In section 193 (duty to persons with priority need who are not homeless intentionally) – 15
 - (a) in subsection (1A), omit paragraph (b) (exception for notice of refusal to co-operate) and the “or” before it;
 - (b) in subsection (6) omit paragraph (cc);
 - (c) in subsection (7AB) omit paragraph (c) and the “and” before it;
 - (d) in subsection (7AC) – 20
 - (i) in paragraph (a) omit “shorthold”;
 - (ii) at the end of paragraph (a) insert “and”;
 - (iii) omit paragraph (c) and the “and” before it.
- (3) In section 193C (consequences of deliberate and unreasonable refusal to co-operate) omit subsections (3) to (10) (homelessness relief duty). 25
- (4) Omit section 195A (duty to offer accommodation following re-application after private sector offer).

19 Tenancy deposit requirements

- (1) Chapter 4 of Part 6 of the Housing Act 2004 (tenancy deposit schemes) is amended as follows. 30
- (2) In section 212 –
 - (a) in subsection (1), for “shorthold” substitute “assured”;
 - (b) in subsection (2), for “shorthold” substitute “assured”;
 - (c) in subsection (8) –
 - (i) at the appropriate place insert – 35

““assured tenancy” means an assured tenancy within the meaning of Chapter 1 of Part 1 of the Housing Act 1988

- (for transitional provision see Schedule 4 to the Renters (Reform) Act 2023);”
- (ii) omit the definition of “shorthold tenancy”;
 - (iii) in the definition of “tenancy deposit”, for “a shorthold” substitute “an assured”; 5
 - (d) in subsection (9), in paragraph (a), for “shorthold” substitute “assured”.
- (3) In section 213, in each place it occurs, for “a shorthold” substitute “an assured”.
- (4) In section 214 –
- (a) in subsection (1) –
 - (i) for “a shorthold” substitute “an assured”; 10
 - (ii) omit “on or after 6 April 2007”;
 - (b) after subsection (1) insert –
 - “(1ZA) In relation to a tenancy that, immediately before the extended application date, was an assured shorthold tenancy, subsection (1) applies as if after “assured tenancy”, in the first place it occurs, there were inserted “on or after 6 April 2007”. 15
 - (1ZB) In subsection (1ZA) –
 - “assured shorthold tenancy” means an assured shorthold tenancy within the meaning of Chapter 2 of Part 1 of the Housing Act 1988 as it had effect before the amendments made by the Renters (Reform) Act 2023; 20
 - “the extended application date” has the meaning given by section 67(4) of the Renters (Reform) Act 2023.”;
 - (c) in subsection (5), for “a shorthold” substitute “an assured”.
- (5) For section 215 substitute – 25
- “215 Sanctions for non-compliance**
- (1) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if the tenancy deposit is being held in accordance with an authorised scheme. 30
 - (2) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if such requirements of the scheme as fell to be complied with by the landlord on receiving the tenancy deposit have been complied with (whether or not within the period mentioned by section 213(3)) in relation to the tenancy deposit. 35
 - (3) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if the requirements of section 213(5) and (6)(a) have been complied with. 40

- (4) Subsections (1) to (3) do not apply in relation to an order for possession made on Ground 7A or 14 in Schedule 2 to the Housing Act 1988 (whether or not any other grounds for possession are met).
- (5) Subsections (1) to (3) do not apply where –
- (a) the tenancy deposit has been returned to the tenant in full or with such deductions as are agreed between the landlord and tenant, or
 - (b) an application to the county court has been made under section 214(1) and has been determined by that court, withdrawn or settled by agreement between the parties.
- (6) If any deposit given in connection with an assured tenancy could not be lawfully required as a result of section 213(7), the court may not make an order for possession of the dwelling-house let on the assured tenancy until the property in question is returned to the person by whom it was given as a deposit.
- (7) In subsection (6) “deposit” has the meaning given by section 213(8).
- (8) In relation to an assured tenancy that –
- (a) was entered into before the commencement date (within the meaning given by section 67(4) of the Renters (Reform) Act 2023), and
 - (b) immediately before the extended application date, was an assured shorthold tenancy,
- subsection (2) is to be read as if the words “on or after 6 April 2007” were inserted after “assured tenancy” in the first place it occurs.
- (9) See also paragraph 9 of Schedule 4 to the Renters (Reform) Act 2023 (disapplication of amendments to this Chapter in relation to a tenancy that immediately before the extended application date was an assured tenancy other than an assured shorthold tenancy).
- (10) In this section –
- “assured shorthold tenancy” means an assured shorthold tenancy within the meaning of Chapter 2 of Part 1 of the Housing Act 1988 as it had effect before the amendments made by the Renters (Reform) Act 2023;
 - “the court” means a court having jurisdiction to make an order for possession of a dwelling-house let on an assured tenancy (see section 40 of the Housing Act 1988);
 - “dwelling-house” has the same meaning as in Part 1 of the Housing Act 1988 (see section 45 of that Act);
 - “the extended application date” has the meaning given by section 67(4) of the Renters (Reform) Act 2023.
- (6) Omit section 215A.
- (7) In section 215B –

- (a) in the title, for “Shorthold” substitute “Assured”;
 - (b) in subsection (1) –
 - (i) in paragraph (a) for “a shorthold” substitute “an assured”;
 - (ii) in paragraph (d) for “shorthold” substitute “assured”.
- (8) In Schedule 10 – 5
- (a) for “shorthold tenancies”, in each place it occurs, substitute “assured tenancies”;
 - (b) for “a shorthold tenancy”, in each place it occurs, substitute “an assured tenancy”.

Consequential amendments 10

20 Consequential amendments

Schedule 2 contains amendments in consequence of this Chapter.

CHAPTER 2

TENANCIES THAT CANNOT BE ASSURED TENANCIES

- 21 Tenancies of more than seven years not to be assured tenancies** 15
- (1) In Part 1 of Schedule 1 to the 1988 Act (tenancies which cannot be assured tenancies), after paragraph 3C insert –
- “Fixed term tenancies of more than seven years*
- 3D A fixed term tenancy of a term certain of more than seven years from the date of the grant of the tenancy.” 20
- (2) In paragraph 1 of Schedule 10 to the Local Government and Housing Act 1989 (security of tenure on ending of long residential tenancies), in sub-paragraph (1)(a) after “low rent” insert “and were not for a term of more than seven years”.
- (3) Where, immediately before the day on which this section comes into force, proceedings for an order for possession under section 8 of the 1988 Act in reliance on a valid notice given under that section of that Act have been commenced in relation to the tenancy and have not been concluded, or have not been commenced but have not become time-barred – 25
- (a) the tenancy remains an assured tenancy, and the notice remains valid, until any time when such proceedings in reliance on the notice become time-barred or are concluded, and 30
 - (b) until that time the amendments made by subsections (1) and (2) do not apply in relation to the tenancy.
- (4) For the purposes of subsection (3), proceedings are “time-barred” after the time limit mentioned in section 8(3)(c) of the 1988 Act. 35

CHAPTER 3

PENALTIES FOR UNLAWFUL EVICTION OR HARASSMENT OF OCCUPIER

22 Penalties for unlawful eviction or harassment of occupier

- (1) The Protection from Eviction Act 1977 is amended as follows.
- (2) In section 1, after subsection (6) insert— 5
 - “(7) A person may not be convicted of an offence under this section in respect of any conduct if a financial penalty has been imposed under section 1A in respect of that conduct.”
- (3) After section 1 insert— 10

“1A Financial penalty for offence under section 1

 - (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has committed an offence under section 1 in relation to premises in England.
 - (2) No financial penalty may be imposed in respect of any conduct amounting to an offence under section 1 if— 15
 - (a) the person has been convicted of an offence under that section in respect of the conduct,
 - (b) criminal proceedings for an offence under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or 20
 - (c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted of the offence.
 - (3) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £30,000. 25
 - (4) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.
 - (5) Local housing authorities must have regard to any guidance issued under subsection (4). 30
 - (6) Schedule A1 makes provision about— 35
 - (a) the procedure for imposing financial penalties,
 - (b) appeals against financial penalties,
 - (c) enforcement of financial penalties, and
 - (d) how local housing authorities are to deal with the proceeds of financial penalties.
 - (7) The Secretary of State may by regulations amend the amount specified in subsection (3) to reflect changes in the value of money.

- (8) Regulations under this section are to be made by statutory instrument.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) Before Schedule 1 insert – 5

“SCHEDULE A1

Section 1A

FINANCIAL PENALTY FOR OFFENCE UNDER SECTION 1

Notice of intent

- 1 Before imposing a financial penalty on a person under section 1A a local housing authority must give the person notice of its proposal to do so (a “notice of intent”). 10
- 2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates. 15
- (2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given –
- (a) at any time when the conduct is continuing, or
- (b) within the period of 6 months beginning with the last day on which the conduct occurs. 20
- 3 The notice of intent must set out –
- (a) the date on which the notice of intent is given,
- (b) the amount of the proposed financial penalty,
- (c) the reasons for proposing to impose the financial penalty, and 25
- (d) information about the right to make representations under paragraph 4.

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty. 30
- (2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given (“the period for representations”). 35

Final notice

- 5 After the end of the period for representations the local housing authority must –

- (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to impose a financial penalty, decide the amount of the penalty.
- 6 If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty. 5
- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given. 10
- 8 The final notice must set out –
 - (a) the date on which the final notice is served,
 - (b) the amount of the financial penalty,
 - (c) the reasons for imposing the penalty,
 - (d) information about how to pay the penalty, 15
 - (e) the period for payment of the penalty,
 - (f) information about rights of appeal, and
 - (g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time – 20
 - (a) withdraw a notice of intent or final notice, or
 - (b) reduce the amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given. 25

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against –
 - (a) the decision to impose the penalty, or
 - (b) the amount of the penalty. 30
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice was given.
- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned. 35
- (4) An appeal under this paragraph –
 - (a) is to be a re-hearing of the local housing authority’s decision, but

- (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.
- (6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than the local housing authority could have imposed. 5

Recovery of financial penalty

- 11 (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay. 10
- (2) The local housing authority which imposed the financial penalty may recover the whole or part of the penalty on the order of the county court as if it were payable under an order of that court.
- (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is— 15
- (a) signed by the chief finance officer of the local housing authority which imposed the penalty, and
- (b) states that the amount due has not been received by a date specified in the certificate, 20
- is conclusive evidence of that fact.
- (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (5) In this paragraph “chief finance officer” has the same meaning as in section 5 of the Local Government and Housing Act 1989. 25

Proceeds of financial penalties

- 12 Where a local housing authority imposes a financial penalty under this Act, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector. 30
- 13 *Any proceeds of a financial penalty imposed under this Act which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.*
- 14 (1) In paragraph 12, “enforcement functions in relation to the private rented sector” means enforcement functions relating to— 35
- (a) residential premises in England that are let, or intended to be let, under a tenancy,
- (b) the common parts of such premises,
- (c) the activities of a landlord under a tenancy of residential premises in England, 40

- (d) the activities of a person carrying on English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 in relation to such premises, or
 - (e) the activities of a person carrying on English property management work within the meaning of section 55 of the Housing and Planning Act 2016 in relation to such premises. 5
- (2) For the purposes of this paragraph “residential premises” has the meaning given by section 1 of the Housing Act 2004 except that it does not include social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008. 10
- (3) For the purposes of this paragraph, “tenancy” includes a licence to occupy.”

PART 2

RESIDENTIAL LANDLORDS

CHAPTER 1

MEANING OF “RESIDENTIAL LANDLORD”

23 Meaning of “residential landlord”

- (1) In this Part –
“residential landlord” means the landlord under a relevant tenancy of a dwelling in England that is not social housing; 20
“residential tenancy” and “residential tenant” are to be read accordingly.
- (2) In subsection (1) –
“dwelling” means a building or part of a building which is occupied or intended to be occupied as a separate dwelling;
“social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008. 25
- (3) In this section, “relevant tenancy” means –
(a) an assured tenancy within the meaning of the Housing Act 1988, or
(b) a regulated tenancy within the meaning of the Rent Act 1977.
- (4) The Secretary of State may by regulations amend this Chapter so as to – 30
(a) change the meaning of “residential landlord” in relation to an assured tenancy that is a sub-tenancy –
(i) so that in addition to the landlord under the relevant tenancy, it includes any or all superior landlords in relation to that tenancy, or 35
(ii) so that it does not include superior landlords added by virtue of this paragraph;
(b) change the meaning of “relevant tenancy” so as to add or remove a particular kind of –

- (i) tenancy of a dwelling that is periodic or granted for a term of less than 21 years, or
 - (ii) licence to occupy a dwelling;
- (c) change the meaning of “dwelling” –
 - (i) so that in addition to a building or part of a building occupied or intended to be occupied as a separate dwelling, it includes any other structure, vehicle or vessel so occupied or intended to be so occupied, or 5
 - (ii) so that it does not include anything added by virtue of this paragraph. 10
- (5) In subsection (4)(b) –
 - (a) the reference to a tenancy of a dwelling includes a tenancy under which the dwelling is occupied for the purposes of either House of Parliament, and
 - (b) the reference to a licence to occupy a dwelling includes such a licence under which the dwelling is occupied for the purposes of either House of Parliament. 15
- (6) The provision that may be made in regulations under subsection (4) by virtue of section 56(1)(a) includes provision amending section 57.
- (7) The provision that may be made in regulations under subsection (4) by virtue of section 56(1)(b) includes different provision for the purposes of different Chapters of this Part. 20

CHAPTER 2

LANDLORD REDRESS SCHEMES

Landlord redress schemes 25

24 Landlord redress schemes

- (1) The Secretary of State may make regulations requiring a residential landlord to be a member of a landlord redress scheme.
- (2) A “landlord redress scheme” means a scheme –
 - (a) which provides for a complaint made by or on behalf of a prospective, current or former residential tenant against a member of the scheme to be independently investigated and determined by an independent individual, and 30
 - (b) which is –
 - (i) approved by the Secretary of State for the purposes of regulations under subsection (1), or 35
 - (ii) administered by or on behalf of the Secretary of State and designated by the Secretary of State for those purposes.
- (3) In subsection (2)(a) “prospective residential tenant” means a person who –

- (a) offers to become a residential tenant of a dwelling that is marketed for the purpose of creating a residential tenancy, or
- (b) with a view to deciding whether to become a residential tenant of a dwelling that is marketed for that purpose—
 - (i) requests information about the dwelling from a person marketing it, or 5
 - (ii) visits or requests to visit such a dwelling by arrangement with a person marketing it.
- (4) Regulations under subsection (1) may—
 - (a) require a person to be a member of a landlord redress scheme before a dwelling is marketed for the purpose of creating a residential tenancy under which that person will be a residential landlord; 10
 - (b) prohibit a person from marketing a dwelling for the purpose of creating a residential tenancy unless the person who will be a residential landlord if the tenancy is granted is a member of a landlord redress scheme; 15
 - (c) require a person to remain a member of the scheme after ceasing to be a residential landlord, for a period specified in the regulations.
- (5) Before making regulations under subsection (1), the Secretary of State must be satisfied that all persons who are to be required to be a member of a landlord redress scheme will be eligible to join such a scheme before being so required (subject to any provision in the scheme about expulsion, as to which see section 25(2)(k)). 20
- (6) Nothing in this Chapter prevents a landlord redress scheme from providing (subject to regulations under section 25)— 25
 - (a) for membership to be open to persons who wish to join as voluntary members;
 - (b) for the investigation or determination of any complaints under a voluntary jurisdiction;
 - (c) for voluntary mediation services; 30
 - (d) for the exclusion from investigation and determination under the scheme of any complaint in such cases or circumstances as may be specified in or determined under the scheme.
- (7) In subsection (6)—
 - “complaints under a voluntary jurisdiction” means complaints in relation to which there is no duty to be a member of a landlord redress scheme, where the members against whom the complaints are made have voluntarily accepted the jurisdiction of the scheme over those complaints; 35
 - “voluntary mediation services” means mediation, conciliation or similar processes provided at the request of a member in relation to complaints made— 40
 - (a) against the member, or
 - (b) by the member against another person;

“voluntary members” means members who are not subject to a duty to be a member of a landlord redress scheme.

25 Approval and designation of landlord redress schemes

- (1) This section applies where the Secretary of State makes regulations under section 24(1). 5
- (2) The Secretary of State must by regulations set out conditions which are to be satisfied before a scheme is approved or designated under section 24(2)(b), which must include conditions requiring the scheme to include provision in accordance with the regulations –
 - (a) for the administrator to appoint an individual, having obtained the Secretary of State’s approval of the individual and the terms of the appointment, who is to be responsible for overseeing and monitoring the investigation and determination of complaints under the scheme, 10
 - (b) about the complaints that may be made under the scheme, which must include provision enabling the making of complaints about non-compliance with any codes of practice for residential landlords that are issued or approved by the Secretary of State, 15
 - (c) about the time to be allowed for scheme members to resolve matters before a complaint is accepted under the scheme in relation to those matters, 20
 - (d) about the circumstances in which a complaint may be rejected,
 - (e) about co-operation (which may include the joint exercise of functions) of an individual who is investigating or determining a complaint with persons who have functions under other redress schemes and with local housing authorities, 25
 - (f) about the provision of information to the persons mentioned in paragraph (e) and the Secretary of State,
 - (g) *if members are required to pay fees in respect of compulsory aspects of the scheme, about the level of those fees,* 30
 - (h) if there are voluntary aspects of the scheme –
 - (i) for fees to be payable in respect of those aspects of the scheme, and
 - (ii) for the fees to be set at a level that, taking one year with another, is sufficient to meet the costs incurred in the administration of those aspects of the scheme; 35
 - (i) for the individual determining a complaint to be able to require members to provide redress of the following types to the complainant –
 - (i) providing an apology or explanation,
 - (ii) paying compensation, and 40
 - (iii) taking such other actions in the interests of the complainant as the individual determining the complaint may specify,
 - (j) about the enforcement of the scheme and decisions made under the scheme,

- (k) for a person to be expelled from the scheme only –
 - (i) in circumstances specified in the regulations,
 - (ii) once steps to secure compliance that are specified in the regulations have been taken, and
 - (iii) once the decision to expel the person has been reviewed by an independent person in accordance with the regulations, 5
 - (l) for an expulsion to be revoked in circumstances specified in the regulations,
 - (m) prohibiting a person from joining the scheme when the person has been expelled from another landlord redress scheme and the expulsion has not been revoked, 10
 - (n) for circumstances in which the administration of the scheme is to be transferred to a different administrator, and
 - (o) about the closure of the scheme by the administrator.
- (3) Conditions set out in regulations under subsection (2) may include conditions requiring the administrator or proposed administrator of a scheme to undertake to do things on an ongoing basis following approval or designation. 15
- (4) Conditions set out in regulations under subsection (2)(n) may require an approved scheme to provide for the administration of that scheme to be transferred to the Secretary of State or a person acting on behalf of the Secretary of State in circumstances specified in the regulations. 20
- (5) Where conditions set out in regulations under subsection (2)(n) require an approved scheme to include the provision mentioned in subsection (4), the regulations may provide for a scheme whose administration is transferred as mentioned in that subsection to be treated as a designated scheme instead of an approved one. 25
- (6) The Secretary of State may by regulations make further provision about the approval or designation of landlord redress schemes under section 24(2)(b), including provision – 30
- (a) about the number of redress schemes that may be approved or designated (which may be one or more);
 - (b) about the making of applications for approval;
 - (c) about the period for which an approval or designation is valid;
 - (d) about the withdrawal of approval or revocation of designation;
 - (e) *authorising the approval or designation of a scheme which provides for fees payable by a compulsory member to be calculated by reference to the total of the costs incurred, or to be incurred, in the administration of the compulsory aspects of the scheme (including costs unconnected with the member in question).* 35
- (7) Regulations under this section may confer a discretion on the Secretary of State or require a scheme to do so. 40
- (8) In this section –

“compulsory aspects”, in relation to a scheme, means aspects of the scheme relating to complaints in relation to which there is a duty to be a member of a landlord redress scheme;

“compulsory member”, in relation to a scheme, means a member of the scheme who is subject to a duty to be a member of a landlord redress scheme; 5

“voluntary aspects”, in relation to a scheme, means aspects of the scheme that relate to—

- (a) complaints under a voluntary jurisdiction,
- (b) voluntary mediation services, or 10
- (c) voluntary members;

and terms used in this definition have the meanings given by section 24(7).

26 Financial penalties for breach of regulations

(1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has— 15

- (a) breached regulations under section 24(1) or (4), or
- (b) committed an offence under section 27.

(2) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than— 20

- (a) £5,000, if it is imposed under subsection (1)(a), or
- (b) £30,000, if it is imposed under subsection (1)(b).

(3) More than one penalty may be imposed in respect of the same conduct only if—

- (a) the conduct continues after the end of 28 days beginning with the day after that on which the final notice in respect of the previous penalty for the conduct was given to the person, unless the person appeals against that notice within that period, or 25
- (b) if the person appeals against that notice within that period, the conduct continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned. 30

(4) Subsection (3) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.

(5) No financial penalty may be imposed in respect of any conduct amounting to an offence under section 27 if— 35

- (a) the person has been convicted of an offence under that section in respect of the conduct,
- (b) criminal proceedings for an offence under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or 40

- (c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted.
- (6) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section. 5
- (7) Local housing authorities must have regard to any guidance issued under subsection (6).
- (8) The Secretary of State may by regulations amend the amounts specified in subsection (2) to reflect changes in the value of money.
- (9) For the purposes of this section and section 27 – 10
 - (a) a financial penalty is imposed under this section on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by paragraph 6 of Schedule 3.

27 Offences relating to breach of regulations

- (1) A person commits an offence if – 15
 - (a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and
 - (b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with –
 - (i) the day after that on which the penalty was imposed on the person, or 20
 - (ii) if the person appeals against the final notice in respect of the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.
- (2) A person commits an offence if – 25
 - (a) a relevant penalty has been imposed on the person in respect of a breach of regulations under section 24(1) or (4) and the final notice imposing the penalty has not been withdrawn, and
 - (b) the person engages in conduct which constitutes a different breach of such regulations within the period of five years beginning with the day on which the penalty was imposed. 30
- (3) A person commits an offence if –
 - (a) either –
 - (i) a relevant penalty has been imposed on the person in respect of an offence under this section and the final notice imposing the penalty has not been withdrawn, or 35
 - (ii) the person has been convicted of such an offence, and
 - (b) the person breaches regulations under section 24(1) or (4) within the period of five years beginning with the day on which the relevant penalty was imposed or the person was convicted. 40

-
- (4) In subsections (1) to (3) “relevant penalty” means a financial penalty which is imposed under section 26 where –
- (a) the period for bringing an appeal against the penalty under paragraph 10 of Schedule 3 has expired without an appeal being brought,
 - (b) an appeal against the financial penalty under that paragraph has been withdrawn or abandoned, or
 - (c) the final notice imposing the penalty has been confirmed or varied on appeal.
- (5) A person may not be convicted of an offence under subsection (2) or (3) if a financial penalty has been imposed under section 26 in respect of the same conduct.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (7) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (8) Where the affairs of a body corporate are managed by its members, subsection (6) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.
- (9) In section 40 of the Housing and Planning Act 2016 (introduction and key definitions), in subsection (3), in the table, after the last row insert –
- | | | | | |
|----|---------------------------|---------------------------|---|----|
| “8 | Renters (Reform) Act 2023 | section 27(1), (2) or (3) | Landlord redress schemes: continuing or repeat breaches”. | 25 |
|----|---------------------------|---------------------------|---|----|
-

28 Decision under a landlord redress scheme may be made enforceable as if it were a court order

- (1) The Secretary of State may by regulations make provision for, or in connection with, authorising the administrator of a landlord redress scheme to apply to a court or tribunal for an order that a determination made under the scheme and accepted by the complainant in question be enforced as if it were an order of a court.
- (2) Before making the regulations, the Secretary of State must consult –
- (a) one or more bodies appearing to the Secretary of State to represent the interests of residential landlords,
 - (b) one or more bodies appearing to the Secretary of State to represent the interests of residential tenants, and
 - (c) such other persons as the Secretary of State considers appropriate.

Guidance

29 Guidance for scheme administrator and local housing authority

- (1) The Secretary of State may from time to time issue or approve guidance for local housing authorities in England and the administrators of landlord redress schemes about cooperation between such local housing authorities and persons exercising functions under the schemes. 5
- (2) A local housing authority must have regard to any guidance issued or approved under this section.
- (3) The Secretary of State must exercise the powers in section 25 for the purpose of ensuring that the administrator of a redress scheme has regard to any guidance issued or approved under this section. 10

Interpretation

30 Interpretation of Chapter 2

- (1) In this Chapter –
 - “landlord redress scheme” has the meaning given by section 24(2); 15
 - “residential premises” has the meaning given by section 1 of the Housing Act 2004.
- (2) For the meanings of “residential landlord”, “residential tenancy” and “residential tenant” see section 23.

Related amendments affecting the social rented sector 20

31 Housing activities under social rented sector scheme

- (1) Schedule 2 to the Housing Act 1996 (social rented sector: housing complaints) is amended as follows.
- (2) In paragraph 1 –
 - (a) in sub-paragraph (1), after “housing activities” insert “other than private rented sector activities”; 25
 - (b) in sub-paragraph (3), at the end insert “, subject to paragraph 2A”.
- (3) In paragraph 4 of paragraph 2(1), after “scheme” insert “which must not include any private rented sector activities, except so far as the Secretary of State consents in writing to complaints about such activities being made under the scheme.” 30
- (4) After paragraph 2 insert –
 - “2A Criteria under paragraph 2(b) of paragraph 2(1) must include criteria preventing a person who –

- (a) is a residential landlord, within the meaning given by section 23 of the Renters (Reform) Act 2023, and
 - (b) is not a social landlord,
from becoming a member of the scheme.”
- (5) After paragraph 12 insert – 5
“Interpretation
- 13 In this Schedule “private rented sector activities” means activities carried on by a person as a residential landlord within the meaning given by section 23 of the Renters (Reform) Act 2023.”

CHAPTER 3

10

THE PRIVATE RENTED SECTOR DATABASE

The database and the database operator

32 The database

- (1) *The database operator must establish and operate a database containing –*
- (a) *entries in respect of persons who are, or intend to become, residential landlords,* 15
 - (b) *entries in respect of dwellings which are, or are intended to be, let under residential tenancies, and*
 - (c) *entries made under section 40 in respect of the following –*
 - (i) *persons against whom relevant banning orders have been made,* 20
 - (ii) *persons who have been convicted of, or on whom financial penalties have been imposed in relation to, relevant banning order offences, and*
 - (iii) *persons who have been convicted of offences, on whom financial penalties have been imposed or who have been subject to regulatory action, of a description prescribed by regulations under that section.* 25
- (2) In this Chapter –
- (a) “landlord entry” means an entry in the database in respect of a person mentioned in subsection (1)(a);
 - (b) “dwelling entry” means an entry in the database in respect of a dwelling mentioned in subsection (1)(b). 30
- (3) Landlord and dwelling entries may be either active or inactive: see sections 34(4) and 36.

33 The database operator

- (1) In this Chapter “database operator” means – 35
- (a) the Secretary of State, or

- (b) a person who the Secretary of State has arranged to be the database operator.
- (2) The arrangements—
 - (a) may include provision for payments by the Secretary of State;
 - (b) may include provision about bringing the arrangements to an end. 5
- (3) The Secretary of State may by regulations—
 - (a) require the database operator to ensure that the database has features and functionality specified in the regulations,
 - (b) confer on the database operator powers to enter into contracts and other agreements for the purpose of facilitating the operation of the database, 10
 - (c) provide for functions of the database operator specified in the regulations to be carried out by lead enforcement authorities, local housing authorities or others specified in the regulations instead of, or in addition to, being carried out by the database operator, and 15
 - (d) make transitional or saving provision which applies when there is a change of database operator.
- (4) Regulations under subsection (3)(d) may relate to a specific change of database operator or to changes that might arise from time to time.

Landlord and dwelling entries 20

34 Making entries in the database

- (1) The Secretary of State may by regulations make provision about the making of landlord and dwelling entries in the database.
- (2) The regulations may, in particular—
 - (a) provide for how, and by whom, a landlord or dwelling entry is to be made, 25
 - (b) require information or documents to be provided,
 - (c) *impose other requirements, including requirements for the payment of fees,* and
 - (d) allow an entry to be made before all of the requirements imposed by the regulations have been complied with, provided that any requirements not complied with by that time are complied with before the end of a period specified in the regulations. 30
- (3) The period specified as mentioned in subsection (2)(d) must not exceed the period of 28 days beginning with the day on which the entry is made. 35
- (4) A landlord or dwelling entry made in accordance with the regulations is an active entry from the time it is made until it becomes an inactive entry in accordance with regulations under section 36.

- (5) See section 43 for the power to make regulations specifying the information contained in active landlord and dwelling entries that is to be made available to the public by the database operator.

35 Requirement to keep active entries up-to-date

- (1) The Secretary of State may by regulations make provision requiring active landlord and dwelling entries in the database to be kept up-to-date. 5
- (2) The regulations may, in particular –
- (a) provide for how, and by whom, an active landlord or dwelling entry is to be kept up-to-date,
 - (b) require information or documents to be provided, 10
 - (c) impose other requirements, and
 - (d) specify the time by which the requirements must be complied with.
- (3) The requirements that may be imposed by regulations under this section do not include requirements for the payment of fees.

36 Circumstances in which active entries become inactive and vice versa 15

- (1) The Secretary of State may by regulations make provision about the circumstances in which an active landlord or dwelling entry in the database is to become an inactive entry, and vice versa.
- (2) The regulations may, in particular –
- (a) provide for an active landlord or dwelling entry to become inactive after a period specified in or determined in accordance with the regulations if requirements specified in the regulations are not met, 20
 - (b) provide for an active landlord or dwelling entry to become inactive in circumstances in which an active entry is no longer required in respect of the landlord or dwelling, and 25
 - (c) specify requirements that must be met for an inactive landlord or dwelling entry to become an active entry.
- (3) *The requirements that may be imposed by regulations under this section include requirements for the payment of fees.*

37 Verification, correction and removal of entries 30

- (1) The Secretary of State may by regulations make provision about –
- (a) the verification of landlord and dwelling entries in the database,
 - (b) the correction of errors in such entries, and
 - (c) the removal of such entries from the database.
- (2) The regulations may, in particular – 35
- (a) require a proportion of landlord and dwelling entries, and of anything required to be provided by regulations under section 34, 35 or 36,

- specified in or determined in accordance with the regulations to be verified by local housing authorities or others,
- (b) make provision about how that verification is to be carried out,
 - (c) authorise the correction of errors in landlord and dwelling entries and specify by whom such corrections may be made, and 5
 - (d) authorise the removal from the database of landlord and dwelling entries that appear to a person specified in the regulations not to meet requirements imposed by or under this Chapter for inclusion in the database.
- 38 Fees for landlord and dwelling entries** 10
- (1) *This section applies where regulations under section 34 or 36 require payment of a fee.*
 - (2) *The amount of any such fee is to be –*
 - (a) *specified in the regulations, or*
 - (b) *if the regulations so provide, determined by the database operator.* 15
 - (3) *The amount so specified or determined –*
 - (a) *may be calculated by reference to costs incurred, or likely to be incurred –*
 - (i) *in the establishment and operation of the database,*
 - (ii) *in the enforcement of requirements imposed by or under this Chapter, and* 20
 - (iii) *in the performance of any other functions of the database operator under this Chapter,**including costs unconnected with the fee-payer, and*
 - (b) *in the case of a fee charged for an entry in the database to become active again after becoming inactive as a result of provision made by virtue of section 36(2)(a), may be higher than the fee that would otherwise be charged had the entry remained active.* 25
 - (4) *The fees are to be payable to the database operator by such persons and in such circumstances as the regulations may provide.*
 - (5) *The Secretary of State may direct the database operator to pay to local housing authorities or into the Consolidated Fund the amount it receives in respect of the fees it charges, or any part of that amount.* 30
 - (6) *If the Secretary of State is the database operator –*
 - (a) *subsection (5) does not apply, and*
 - (b) *the Secretary of State may pay to local housing authorities the amount it receives in respect of fees it charges, or any part of that amount.* 35

Marketing, advertising and letting

39 Restrictions on marketing, advertising and letting dwellings

- (1) A person must not market a dwelling for the purpose of creating a residential tenancy unless –
- (a) there is an active landlord entry in the database in respect of the person who will be the residential landlord if the tenancy is granted, and
 - (b) there is an active dwelling entry in the database in respect of the dwelling. 5
- (2) A person who advertises a dwelling for the purpose of creating a residential tenancy must include in any written advertisement the unique identifiers allocated by the database operator to – 10
- (a) the person who will be the residential landlord if the tenancy is granted, and
 - (b) the dwelling.
- (3) A person who is a residential landlord in relation to a dwelling is under a duty to ensure that – 15
- (a) there is an active landlord entry in the database in respect of the person and an active dwelling entry in the database in respect of the dwelling, and
 - (b) any requirements relating to the entries imposed by regulations under section 35 are complied with. 20
- (4) The Secretary of State may by regulations specify cases or circumstances in which –
- (a) a person of a description specified in the regulations is to be subject to the duty in subsection (3) instead of the residential landlord; 25
 - (b) a duty imposed by this section, either does not apply at all or does not apply for a period specified in or determined in accordance with the regulations.
- (5) A breach of subsection (1), (2) or (3) does not affect the validity or enforceability of a residential tenancy or other contract by virtue of any rule of law relating to the validity or enforceability of contracts in circumstances involving illegality. 30

Entries relating to banning orders, offences, financial penalties, etc.

40 Entries relating to banning orders, offences, financial penalties, etc.

- (1) A local housing authority must make an entry in the database in respect of a person if – 35
- (a) a relevant banning order has been made against the person following an application by the authority,

- (b) the person has been convicted of a relevant banning order offence following the institution of criminal proceedings by the authority, or
 - (c) the authority has imposed a financial penalty on the person in relation to a relevant banning order offence.
- (2) A local housing authority may make an entry in the database in respect of a person if – 5
 - (a) the person has been convicted of a relevant banning order offence following the institution of criminal proceedings by a person other than a local housing authority, or
 - (b) a financial penalty has been imposed on the person in relation to a relevant banning order offence by a person other than a local housing authority. 10
- (3) The person who instituted the criminal proceedings or imposed the penalty must provide to the local housing authority such information as the authority requests for the purpose of making an entry under subsection (2). 15
- (4) The Secretary of State may by regulations impose a duty on local housing authorities to make entries in the database under subsection (2) in circumstances specified in the regulations.
- (5) An entry may be made under subsection (1) or (2) only if –
 - (a) the period for appealing against any order, conviction or penalty mentioned in those subsections has expired, and 20
 - (b) any such appeal has been finally determined, withdrawn or abandoned.
- (6) The Secretary of State may by regulations authorise or require local housing authorities to make an entry in the database in respect of a person –
 - (a) who is convicted of an offence, on whom a financial penalty is imposed or who is subject to regulatory action, of a description prescribed by the regulations, and 25
 - (b) where the offence, financial penalty or regulatory action relates to conduct which occurred at a time when the person was a residential landlord or marketing a dwelling for the purpose of creating a residential tenancy. 30
- (7) Regulations under subsection (6) may, in particular –
 - (a) describe an offence by reference to –
 - (i) the nature of the offence,
 - (ii) the characteristics of the offender, 35
 - (iii) the place where the offence is committed,
 - (iv) the circumstances in which it is committed,
 - (v) the court sentencing a person for the offence, or
 - (vi) the sentence imposed, and
 - (b) make provision for local housing authorities to obtain information from another person for the purpose of making an entry in the database under the regulations. 40

- (8) An entry made under this section must include—
- (a) the name of the person in respect of whom the entry is made,
 - (b) where the entry is made under subsection (1), the date the banning order was made and the date on which the person will cease to be subject to it, and 5
 - (c) such other information as may be prescribed by regulations made by the Secretary of State.
- (9) Regulations under subsection (8)(c) may, in particular, require an entry to include—
- (a) the person’s address or other contact details, 10
 - (b) details of any dwellings in relation to which the person is a residential landlord, and
 - (c) details of the offence, financial penalty or regulatory action to which the entry relates.
- (10) A local housing authority must take reasonable steps to ensure that any entry it has made in the database under this section is correct and up-to-date. 15
- (11) See section 43 for the power to make regulations specifying the information contained in entries under this section that is to be made available to the public by the database operator.
- (12) In this Chapter— 20
- “relevant banning order” means an order under Chapter 2 of Part 2 of the Housing and Planning Act 2016 that—
- (a) is made on or after the day on which this section comes into force,
 - (b) bans a person from letting housing (within the meaning of that Part of that Act) in England, and 25
 - (c) relates to an offence committed at a time when the person against whom the order was made was—
- (i) a residential landlord, or
 - (ii) marketing a dwelling for the purpose of creating a residential tenancy. 30
- “relevant banning order offence” means a banning order offence (as defined in Part 2 of the Housing and Planning Act 2016) committed—
- (a) on or after the day on which this section comes into force, and
 - (b) at a time when the person who committed the offence was— 35
- (i) a residential landlord, or
 - (ii) marketing a dwelling for the purpose of creating a residential tenancy.

Further duties of database operator

41 Allocation of unique identifiers

- (1) The database operator must allocate an identifier (referred to in this Chapter as a “unique identifier”) to each person in respect of whom, and dwelling in respect of which, an entry is made in the database under this Chapter. 5
- (2) The identifier must be a sequence of letters, numbers or both that enables the person or dwelling to be distinguished from any other person in respect of whom, or dwelling in respect of which, there is an entry in the database.
- (3) This section does not require the database operator to allocate a unique identifier to a person to whom, or dwelling to which, a unique identifier has previously been allocated. 10

42 Other duties

- (1) The database operator must—
 - (a) ensure that facilities are available for persons who are unable to use a computer or other electronic device, or do not wish to do so, to make and maintain landlord and dwelling entries in the database, 15
 - (b) ensure that local housing authorities are able to edit the database for the purpose of carrying out the functions conferred on them by or under this Chapter,
 - (c) ensure that facilities are available for breaches of any requirement imposed by section 39 to be reported to the database operator and that reports of such breaches are passed on to such local housing authorities as the database operator thinks appropriate, and 20
 - (d) publish advice and information explaining to residential landlords and residential tenants their rights and obligations under this Chapter. 25
- (2) The database operator must report to the Secretary of State on—
 - (a) the performance of the database, and
 - (b) any matters or trends relating to the database and the information contained in it that the database operator considers are appropriate to be brought to the attention of the Secretary of State. 30
- (3) Reports under subsection (2) are to be made at such times, and cover such matters—
 - (a) as may be agreed between the database operator and the Secretary of State, or
 - (b) in default of such agreement, as the Secretary of State may direct. 35
- (4) Subsection (2) does not apply if the Secretary of State is the database operator.

Access to and use of information in database

43 Access to the database

- (1) The Secretary of State may by regulations—
- (a) specify the information contained in active landlord and dwelling entries in the database, and in entries made in the database under section 40, which the database operator is to make available to the public, 5
 - (b) make provision requiring an active landlord entry and an entry made under section 40 in respect of the same person to be linked,
 - (c) in the case of an entry made by a local housing authority in respect of a person under section 40— 10
 - (i) specify the period after which information contained in the entry is to be made available to the public, which must be no less than 21 days beginning with the day on which the entry is made, 15
 - (ii) make provision for the person to be notified by the local housing authority of the period for the purpose of making representations to the authority about any errors in information contained in the entry, and
 - (iii) specify the circumstances in which information contained in such an entry is to cease to be available to the public, and 20
 - (d) specify the manner and form in which information is to be made available to the public by the database operator under the regulations.
- (2) The database operator must give access to information in the database to the following— 25
- (a) lead enforcement authorities,
 - (b) local housing authorities,
 - (c) local weights and measures authorities in England,
 - (d) mayoral combined authorities, as defined by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009, and 30
 - (e) the Greater London Authority.
- (3) If the Secretary of State is not the database operator, the database operator must give access to information in the database to the Secretary of State.

44 Disclosure by database operator etc

35

- (1) The database operator must not disclose restricted information from the database except—
- (a) in accordance with section 43(2), or
 - (b) where authorised by regulations under this section.

- (2) The Secretary of State may by regulations make provision authorising the disclosure from the database of restricted information where the disclosure is necessary –
- (a) to enable or facilitate compliance with a statutory requirement specified in the regulations, 5
 - (b) to enable or facilitate compliance with a requirement of a rule of law specified in the regulations, or
 - (c) to facilitate the exercise of statutory functions specified in the regulations.
- (3) The regulations may – 10
- (a) specify the manner and form in which the information may be disclosed, and
 - (b) impose restrictions on the use and further disclosure of information disclosed under the regulations.
- (4) A disclosure authorised by the regulations does not breach – 15
- (a) any obligation of confidence owed by the database operator, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (5) Nothing in this section or the regulations authorises the making of a disclosure that would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section and the regulations). 20
- (6) A person commits an offence if the person knowingly or recklessly discloses restricted information in contravention of –
- (a) subsection (1), or 25
 - (b) a restriction on further disclosure imposed by regulations under this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine.
- (8) In this section – 30
- “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “restricted information” means information that –
- (a) is not made available to the public by virtue of regulations under section 43, and 35
 - (b) relates to and identifies a particular person (including a body corporate).
- (9) For the purposes of subsection (8) information identifies a particular person if the identity of that person – 40
- (a) is specified in the information,
 - (b) can be deduced from the information, or

- (c) can be deduced from the information taken together with any other information.

45 Use of information from the database

- (1) A lead enforcement authority may only use information obtained from the database for purposes connected with the authority’s functions under this Part. 5
- (2) A local housing authority may only use information obtained from the database for purposes connected with the authority’s functions relating to housing, residential landlords or residential tenancies.
- (3) A local weights and measures authority may only use information obtained from the database for purposes connected with the authority’s functions of enforcing standards relating to housing. 10
- (4) A mayoral combined authority and the Greater London Authority may only use information obtained from the database for purposes connected with the authority’s functions relating to housing. 15

Removal of entries

46 Removal of entries from database

- (1) The database operator must remove a landlord or dwelling entry from the database if it has been an inactive entry throughout a continuous period of 5 years. 20
- (2) The database operator must remove an entry made under section 40 at the end of the period of 10 years beginning with the day on which the entry is made.
- (3) But if, in the case of an entry made in respect of a relevant banning order, the ban imposed by the order continues after the end of the period mentioned in subsection (2), that subsection does not apply and the database operator must remove the entry when the ban ends. 25

Enforcement

47 Financial penalties

- (1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has – 30
- (a) breached a requirement imposed by section 39(1), (2) or (3),
- (b) committed an offence under section 48.
- (2) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than – 35
- (a) £5,000, if it is imposed under subsection (1)(a), or

- (b) £30,000, if it is imposed under subsection (1)(b).
- (3) More than one financial penalty may be imposed under this section in respect of the same conduct only if—
- (a) the conduct continues after the end of 28 days beginning with the day after that on which the previous penalty in respect of the conduct was imposed on the person, unless the person appeals against the decision to impose the penalty within that period, or 5
 - (b) if the person appeals against the decision to impose the penalty within that period, the conduct continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned. 10
- (4) Subsection (3) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.
- (5) No financial penalty may be imposed under this section in respect of any conduct if— 15
- (a) the person has been convicted of an offence under section 48 in respect of the conduct,
 - (b) criminal proceedings for an offence under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or 20
 - (c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted.
- (6) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section. 25
- (7) Local housing authorities must have regard to any guidance issued under subsection (6).
- (8) The Secretary of State may by regulations amend the amounts specified in subsection (2) to reflect changes in the value of money.
- (9) For the purposes of this section and section 48— 30
- (a) a financial penalty is imposed under this section on the date specified in the final notice as the date on which the notice is given, and
 - (b) “final notice” has the meaning given by paragraph 6 of Schedule 3.

48 Offences

- (1) A person commits an offence if the person knowingly or recklessly provides information to the database operator which is false or misleading in a material respect in purported compliance with a requirement imposed by regulations under this Chapter. 35
- (2) A person commits an offence if—

- (a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and
 - (b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with—
 - (i) the day after that on which the penalty was imposed on the person, or
 - (ii) if the person appeals against the decision to impose the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned. 5
- (3) A person commits an offence if— 10
- (a) a relevant penalty has been imposed on the person in respect of a breach of a requirement imposed by section 39(1), (2) or (3) and the final notice imposing the penalty has not been withdrawn, and
 - (b) the person engages in conduct which constitutes a different breach of such a requirement within the period of five years beginning with the day on which the penalty was imposed. 15
- (4) A person commits an offence if—
- (a) either—
 - (i) a relevant penalty has been imposed on the person in respect of an offence under this section and the final notice imposing the penalty has not been withdrawn, or 20
 - (ii) the person has been convicted of such an offence, and
 - (b) the person breaches a requirement imposed by section 39(1), (2) or (3) within the period of five years beginning with the day on which the relevant penalty was imposed or the person was convicted. 25
- (5) In subsections (2) to (4) “relevant penalty” means a financial penalty which is imposed under section 47 where—
- (a) the period for bringing an appeal against the decision to impose the penalty under paragraph 10 of Schedule 3 has expired without an appeal being brought, 30
 - (b) an appeal against the decision to impose penalty under that paragraph has been withdrawn or abandoned, or
 - (c) the final notice imposing the penalty has been confirmed or varied on appeal.
- (6) A person may not be convicted of an offence under subsections (1), (3) or (4) if a financial penalty has been imposed under section 47 in respect of the same conduct. 35
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (8) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as 40

well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

- (9) Where the affairs of a body corporate are managed by its members, subsection (8) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate. 5

- (10) In section 40 of the Housing and Planning Act 2016 (introduction and key definitions), in subsection (3), in the table, after the eighth row (as inserted by section 26(9) of this Act) insert—

“9	section 48(1)	Private rented sector database: provision of false or misleading information	10
10	section 48(2), (3) or (4)	Private rented sector database: continuing or repeat breaches”.	

Final provisions 15

49 Power to direct database operator and local housing authorities

- (1) The Secretary of State may from time to time give directions—
(a) to the database operator about the manner in which it is to exercise its functions, and
(b) to local housing authorities about the manner in which they are to exercise the functions conferred on them by or under this Chapter. 20
- (2) Directions under subsection (1) may provide, in particular, that a function is only to be exercised—
(a) after consultation with the Secretary of State, or
(b) with the consent of the Secretary of State. 25
- (3) Subsection (1)(a) does not apply if the Secretary of State is the database operator.

50 Entries under section 40: minor and consequential amendments

- (1) The Housing and Planning Act 2016 is amended as follows.
- (2) In section 28 (database of rogue landlords and property agents), after subsection (3) insert—
“(4) In relation to rogue landlords, see also the database established under section 32 of the Renters (Reform) Act 2023.” 30

- (3) In section 29 (duty to include person with banning order), after subsection (2) insert—
- “(3) In this section, references to a “banning order” are to a banning order made—
- (a) before the day on which Chapter 3 of Part 2 of the Renters (Reform) Act 2023 comes into force, or 5
 - (b) on or after that day if—
 - (i) the order does not ban the person against whom it is made from letting housing in England, or
 - (ii) the order relates to an offence to which subsection (4) applies. 10
- (4) This subsection applies to an offence which was committed by a person who at the time was neither—
- (a) a residential landlord as defined in Part 2 of the Renters (Reform) Act 2023 (see sections 23 and 57(1) of that Act), nor 15
 - (b) marketing a dwelling for the purpose of creating a residential tenancy, as defined for the purposes of that Part of that Act (see section 57(2) to (6) of that Act).”
- (4) In section 30 (power to include person convicted of banning order offence), after subsection (7)— 20
- “(8) In this section, references to a “banning order offence” are to a banning order offence committed—
- (a) before the day on which Chapter 3 of Part 2 of the Renters (Reform) Act 2023 comes into force, or
 - (b) on or after that day if it is an offence to which subsection (9) applies. 25
- (9) This subsection applies to a banning order offence which was committed by a person who at the time was neither—
- (a) a residential landlord as defined in Part 2 of the Renters (Reform) Act 2023 (see sections 23 and 57(1) of that Act), nor 30
 - (b) marketing a dwelling for the purpose of creating a residential tenancy, as defined for the purposes of that Part of that Act (see section 57(2) to (6) of that Act).”

51 Interpretation of Chapter 3

- In this Chapter— 35
- “database” means the database established under section 32;
 - “lead enforcement authority” has the same meaning as in Part 3;
 - “relevant banning order” and “relevant banning order offence” have the meanings given by section 40;
 - “unique identifier” has the meaning given by section 41(1). 40

CHAPTER 4

PART 2: SUPPLEMENTARY PROVISION

52 Financial penalties under sections 26 and 47

Schedule 3 makes provision about—

- (a) the procedure for imposing a financial penalty under section 26 or 47, 5
- (b) appeals against financial penalties under those sections,
- (c) enforcement of financial penalties under those sections, and
- (d) how local housing authorities are to deal with the proceeds of financial penalties under those sections.

53 Financial assistance by Secretary of State 10

The Secretary of State may give financial assistance (by way of grant, loan guarantee or in any other form) or make other payments to a person who exercises functions under or by virtue of this Part.

54 Crown application

- (1) Subject to subsections (2) to (4), this Part and any regulations made under it bind the Crown. 15
- (2) Sections 27 and 48 do not bind the Crown.
- (3) In paragraph (b) of section 26(1) as it applies by virtue of subsection (1), the reference to a person committing an offence under section 27 is to be read as a reference to the person satisfying the conditions in subsection (1)(a) and (b), (2)(a) and (b), or (3)(a) and (b) of that section. 20
- (4) In paragraph (b) of section 47(1) as it applies by virtue of subsection (1), the reference to a person committing an offence under section 48 is to be read as a reference to the person either—
 - (a) knowingly or recklessly providing information to the database operator which is false or misleading in a material respect in purported compliance with a requirement imposed by regulations under Chapter 3, or 25
 - (b) satisfying the conditions in subsection (2)(a) and (b), (3)(a) and (b), or (4)(a) and (b) of section 48. 30
- (5) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

55 Application to Parliament

Where regulations under section 23(4)(b) provide for the meaning of “relevant tenancy” given by that section to include a tenancy or licence under which a dwelling is occupied for the purposes of either House of Parliament, this 35

Part has effect in its application in relation to such a tenancy or licence with the following modifications –

- (a) sections 27 and 48 do not apply;
- (b) in paragraph (b) of section 26(1), the reference to a person committing an offence under section 27 is to be read as a reference to the person satisfying the conditions in subsection (1)(a) and (b), (2)(a) and (b), or (3)(a) and (b) of that section; 5
- (c) in paragraph (b) of section 47(1), the reference to a person committing an offence under section 48 is to be read as a reference to the person either – 10
 - (i) knowingly or recklessly providing information to the database operator which is false or misleading in a material respect in purported compliance with a requirement imposed by regulations under Chapter 3, or
 - (ii) satisfying the conditions in subsection (2)(a) and (b), (3)(a) and (b), or (4)(a) and (b) of section 48. 15

56 Regulations

- (1) A power to make regulations under this Part includes power to make –
 - (a) consequential, supplementary, incidental, transitional or saving provision; 20
 - (b) different provision for different purposes or areas;
 - (c) the full provision to which the power extends or any less provision (whether by way of exception or otherwise).
- (2) The power under subsection (1)(a) to make transitional provision includes power to provide for regulations to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the regulations come into force. 25
- (3) Regulations under this Part are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under section 23, 24, 25, 39(4), 40(6), 43 or 44(2) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 30
- (5) Any other statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament. 35

57 Interpretation

- (1) In this Part –
 - “dwelling” has the meaning given by section 23(2);
 - “local housing authority” means a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; 40

“residential landlord” has the meaning given by section 23.

- (2) For the purposes of this Part, a person markets a dwelling for the purpose of creating a residential tenancy when—
 - (a) the person advertises that the dwelling is or may be available for let under a residential tenancy, or 5
 - (b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.
- (3) But subsection (2)(a) does not apply in relation to a person who publishes an advertisement in the course of a business that does not involve lettings agency work if the advertisement has been provided by another person. 10
- (4) For the purposes of this section, “lettings agency work” means things done by a person in the course of a business in response to instructions received from—
 - (a) a person (“a prospective landlord”) seeking to find another person to whom to let a dwelling, or 15
 - (b) a person (“a prospective tenant”) seeking to find a dwelling to rent.
- (5) However, “lettings agency work” does not include any of the following things when done by a person who does nothing else within subsection (4)—
 - (a) publishing advertisements or disseminating information;
 - (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or prospective landlord; 20
 - (c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other. 25
- (6) “Lettings agency work” also does not include things of a description, or things done by a person of a description, specified in regulations made by the Secretary of State.

PART 3

ENFORCEMENT AUTHORITIES 30

58 Enforcement by local housing authorities: general duty

- (1) *It is the duty of every local housing authority to enforce the landlord legislation in its area.*
- (2) But the duty in subsection (1) does not prevent a local housing authority from taking enforcement action in respect of a breach of the landlord legislation which occurs outside of its area. 35
- (3) The duty is also subject to sections 59(3) (enforcement by another local housing authority) and 62(4) (enforcement by the lead enforcement authority).
- (4) In this Part—

“local housing authority” means a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

“the landlord legislation” means—

- (a) Part 2 of this Act, 5
- (b) sections 1 and 1A of the Protection from Eviction Act 1977, and
- (c) Chapter 1 of Part 1 of the Housing Act 1988.

- (5) For the purposes of this Part, a reference to a local housing authority taking enforcement action is a reference to that authority— 10
 - (a) imposing a financial penalty, or
 - (b) instituting proceedings against a person for an offence, under the landlord legislation.

59 Enforcement by local housing authorities: duty to notify

- (1) Where a local housing authority (“LA1”) proposes to take enforcement action in respect of a breach of the landlord legislation which occurs (or which also occurs) in the area of another local housing authority (“LA2”), LA1 must notify LA2 that it proposes to do so. 15
- (2) If LA1 notifies LA2 under subsection (1) but does not take the action referred to in that subsection, LA1 must notify LA2 of that fact. 20
- (3) Where a local housing authority receives a notification under subsection (1), the authority is relieved of the duty under section 58(1) in relation to the breach unless the authority receives a notification under subsection (2).
- (4) Subsection (5) applies where—
 - (a) a local housing authority (“LA1”) has imposed a financial penalty under the landlord legislation, 25
 - (b) the breach to which the penalty relates occurred in the area of another local housing authority (“LA2”), and
 - (c) the final notice imposing the penalty has not been withdrawn.
- (5) LA1 must notify LA2 as soon as reasonably practicable if— 30
 - (a) the period for bringing an appeal against the penalty expires without an appeal being brought,
 - (b) an appeal against the penalty is withdrawn or abandoned, or
 - (c) the final notice imposing the penalty is confirmed or varied on appeal.
- (6) Subsection (7) applies where— 35
 - (a) a local housing authority (“LA1”) has instituted proceedings against a person for an offence under the landlord legislation, and
 - (b) the conduct to which the offence relates occurred in the area of another local housing authority (“LA2”).

- (7) LA1 must notify LA2 as soon as reasonably practicable if the person is convicted of the offence.

60 Lead enforcement authority

- (1) *The Secretary of State may make arrangements for a relevant person to be the lead enforcement authority for the purposes of any provisions of the landlord legislation.* 5
- (2) The arrangements may include arrangements—
(a) *for payments by the Secretary of State;*
(b) about bringing the arrangements to an end.
- (3) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision which applies when there is a change in the lead enforcement authority for any provisions of the landlord legislation. 10
- (4) The regulations may relate to a specific change in the lead enforcement authority or to changes that might arise from time to time.
- (5) In this Part—
“lead enforcement authority” means a relevant person which the Secretary of State has arranged to be a lead enforcement authority under subsection (1); 15
“relevant person” means—
(a) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, 20
(b) the Greater London Authority, or
(c) a local housing authority.
- (6) For the purposes of this Part, a lead enforcement authority is “responsible” for the provisions of the landlord legislation for the purposes of which it is such an authority under arrangements made under subsection (1). 25

61 General duties and powers of lead enforcement authority

- (1) A lead enforcement authority must oversee the operation of the provisions for which it is responsible.
- (2) A lead enforcement authority must provide—
(a) local housing authorities, and 30
(b) the public in England,
with information and advice about the operation of the provisions for which it is responsible, in such form and manner as the lead enforcement authority considers appropriate.
- (3) A lead enforcement authority may disclose information to a local housing authority for the purposes of enabling that authority to determine whether there has been a breach of, or an offence under, the provisions for which the lead enforcement authority is responsible. 35

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- (4) A lead enforcement authority may issue guidance to local housing authorities about the exercise of their functions under any of the provisions for which it is responsible.
- (5) Local housing authorities must have regard to any guidance issued under subsection (4). 5
- (6) A lead enforcement authority must keep under review and from time to time advise the Secretary of State about the following—
- (a) the operation of the landlord provisions for which it is responsible;
 - (b) social and commercial developments relating to tenancies in England, other than tenancies of social housing, so far as it considers those developments relevant to the provisions for which it is responsible. 10
- (7) The Secretary of State may give a lead enforcement authority directions as to the exercise of any of its functions.
- (8) A direction may relate to all or particular kinds of local housing authorities and may make different provision for different purposes. 15
- (9) In this section —
- “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008;
 - “tenancies” includes licences to occupy.
- 62 Enforcement by the lead enforcement authority** 20
- (1) A lead enforcement authority may —
- (a) take steps to enforce the provisions for which it is responsible where it considers it necessary or expedient to do so;
 - (b) for that purpose, exercise any powers that a local housing authority may exercise for the purpose of the enforcement of those provisions. 25
- (2) Where a lead enforcement authority proposes to take steps under subsection (1) in respect of a breach of, or an offence under, the provisions for which it is responsible, it must notify the local housing authority in whose area the breach or offence occurred that it proposes to do so.
- (3) If a lead enforcement authority notifies a local housing authority under subsection (2) but does not take the steps referred to in that subsection, the lead enforcement authority must notify the local housing authority of that fact. 30
- (4) Where a local housing authority receives a notification under subsection (2), the authority is relieved of the duty under section 58(1) in relation to the breach or offence unless the authority receives a notification under subsection (3). 35
- (5) But a lead enforcement authority may require a local housing authority to assist the lead enforcement authority in taking the steps referred to in subsection (1). 40

- (6) A local housing authority must report to a lead enforcement authority, whenever the lead enforcement authority requires and in such form and with such particulars as it requires, on the exercise of that local housing authority’s functions under the provisions for which the lead enforcement authority is responsible.

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PART 4

SUPPORTED AND TEMPORARY ACCOMMODATION

63 Government policy on supported and temporary accommodation

- (1) The Secretary of State must prepare a report setting out the Government’s policy in relation to –
- (a) the standards of safety and quality that should apply in relation to –
 - (i) supported exempt accommodation, as defined by section 12 of the Supported Housing (Regulatory Oversight) Act 2023, and
 - (ii) accommodation in England the availability for occupation of which is secured under Part 7 of the Housing Act 1996 (homelessness),
 - (b) how, and by whom, those standards should be developed, overseen and enforced, and
 - (c) the provision of information by and to local housing authorities about the exercise of their functions in relation to such accommodation.
- (2) The report must set out how the Secretary of State proposes to implement the policy referred to in subsection (1).
- (3) The report must be published and laid before Parliament before the end of the period of one year beginning with the day on which this section comes into force.
- (4) In this section “local housing authority” has the same meaning as in Part 2.

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PART 5

GENERAL

64 Meaning of “the 1988 Act”

In this Act “the 1988 Act” means the Housing Act 1988.

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65 Power to make consequential provision

- (1) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on this Act.
- (2) Regulations under this section may amend, repeal or revoke provision made by or under an Act passed –
- (a) before this Act, or

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- (b) later in the same session of Parliament as this Act.
- (3) The power to make regulations under this section includes power to make transitional or saving provision, including provision for the regulations to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the regulations come into force. 5
- (4) A statutory instrument containing (whether alone or with other provision) regulations under this section that amend or repeal provision made by an Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 10
- (5) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

66 Extent

- (1) This Act extends to England and Wales only, subject to subsection (2). 15
- (2) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.

67 Commencement and application

- (1) Chapter 1 of Part 1 comes into force on such day as the Secretary of State may by regulations appoint (“the commencement date”) and applies in accordance with subsection (2). 20
- (2) Chapter 1 of Part 1 applies (subject to any provision made by or under this Act) –
- (a) in relation to every assured tenancy that is entered into on or after the commencement date, and 25
- (b) on and after the extended application date, in relation to every assured tenancy that –
- (i) was entered into before the commencement date, and
- (ii) continues in effect on the extended application date, 30
- (and accordingly, on the extended application date any such tenancy becomes an assured tenancy to which section 4A of the 1988 Act, as inserted by section 1 of this Act, applies).
- (3) Schedule 4 contains transitional provision relating to the application of Chapter 1 of Part 1 to assured tenancies referred to in subsection (2)(b) (“existing tenancies”). 35
- (4) In paragraph (b) of subsection (2) “the extended application date” means –
- (a) in relation to any assured tenancy referred to in that paragraph that is converted to a periodic tenancy on or after the commencement date

- but before the date appointed under paragraph (b) of this subsection, the date on which it is so converted;
- (b) in relation to any other assured tenancy referred to in paragraph (b) of subsection (2), a date appointed by the Secretary of State by regulations. 5
- (5) For the purposes of subsection (4)(a) an assured tenancy is “converted to a periodic tenancy” if and when it becomes a periodic tenancy on the expiry of a fixed term.
- (6) For the purposes of the relevant provisions, a fixed term assured tenancy and a periodic tenancy that arises on its expiry by virtue of section 5 of the 1988 Act are to be treated as a single assured tenancy (a “deemed continuing tenancy”) which— 10
- (a) is entered into when the fixed term tenancy was entered into, and
- (b) becomes a periodic tenancy on the expiry of the fixed term.
- (7) In subsection (6), “the relevant provisions” means— 15
- (a) Part 1 of the Housing Act 1988 as amended by Chapter 1 of Part 1,
- (b) this section, and
- (c) Schedule 4.
- (8) Chapter 2 of Part 1 comes into force at the end of the period of two months beginning with the day on which this Act is passed. 20
- (9) The following come into force on the day on which this Act is passed—
- (a) Part 2, for the purposes of making regulations;
- (b) section 60;
- (c) this Part.
- (10) The following come into force on such day as the Secretary of State may by regulations appoint— 25
- (a) Chapter 3 of Part 1;
- (b) Part 2, for purposes other than making regulations;
- (c) sections 58, 59, 61 and 62;
- (d) Part 4. 30
- (11) Different days may be appointed under this section for different purposes.
- (12) Regulations under this section are to be made by statutory instrument.

68 Transitional provision

- (1) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision (in addition to the transitional and saving made by this Act) in connection with the coming into force of any provision of this Act. 35
- (2) The power to make regulations under subsection (1) includes power to provide for a provision of this Act to apply (with or without modifications) in relation

to tenancies or licences entered into, or advertising begun, before the date on which the provision comes into force.

- (3) The power to make regulations under subsection (1) includes power to make different provision for different purposes.

69 Short title

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This Act may be cited as the Renters (Reform) Act 2023.

SCHEDULES

SCHEDULE 1

Section 3

CHANGES TO GROUNDS FOR POSSESSION

Introductory

- 1 Schedule 2 to the 1988 Act (grounds for possession of dwelling-houses let on assured tenancies) is amended as follows. 5

Amendments of Ground 1: occupation by landlord or family

- 2 For Ground 1 (excluding the italic heading) substitute—
- “At the date specified in the notice under section 8, the current tenancy has existed for at least 6 months and the landlord who is seeking possession requires the dwelling-house as the only or principal home of any of the following— 10
- (a) the landlord;
 - (b) the landlord’s spouse or civil partner or a person with whom the landlord lives as if they were married or in a civil partnership; 15
 - (c) the landlord’s—
 - (i) parent;
 - (ii) grandparent;
 - (iii) sibling; 20
 - (iv) child;
 - (v) grandchild;
 - (d) a child or grandchild of a person mentioned in paragraph (b).

A relationship of the half-blood is to be treated as a relationship of the whole blood. 25

In the case of joint landlords seeking possession, references to “the landlord” in this ground are to be read as references to at least one of those joint landlords.”

New grounds for sale of dwelling-house 30

- 3 After Ground 1 insert—
- “Ground 1A
- The following conditions are met—
- (a) the landlord who is seeking possession intends to sell the dwelling-house; 35

- (b) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of Schedule 1 to the Rent Act 1977 or section 4 of the Rent (Agriculture) Act 1976;
- (c) at the date specified in the notice under section 8, either – 5
 - (i) the current tenancy has existed for at least 6 months, or
 - (ii) a compulsory purchase order which authorises purchase of the dwelling-house has become operative and the landlord intends to sell the dwelling-house to the person authorised by the compulsory purchase order to purchase it; 10
- (d) the landlord seeking possession is not –
 - (i) a non-profit registered provider of social housing,
 - (ii) a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act), 15
 - (iii) a housing trust, within the meaning of the Housing Associations Act 1985, which is a charity, or
 - (iv) where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing. 20

In paragraph (c)(ii), “sell” includes transfer.”

- 4 After Ground 1A (inserted by paragraph 3 of this Schedule) insert – 25
 “Ground 1B

The following conditions are met –

- (a) the landlord who is seeking possession intends to sell the dwelling-house;
- (b) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of Schedule 1 to the Rent Act 1977 or section 4 of the Rent (Agriculture) Act 1976; 30
- (d) the landlord who is seeking possession is a private registered provider of social housing; 35
- (e) the assured tenancy was entered into pursuant to a rent-to-buy agreement;
- (f) the period stated in that agreement has expired;
- (g) the landlord who is seeking possession has complied with –
 - (i) any provision of the rent-to-buy agreement requiring the landlord to offer the dwelling-house for sale to the tenant, and 40
 - (ii) any requirements in the agreement about such an offer.

- In this ground –
- “market rent” includes any amount payable by way of a service charge;
- “rent-to-buy agreement” means an agreement in writing which –
- (a) provides for the tenant to pay rent that is no higher than 80% of market rent, and 5
 - (b) gives notice that the landlord intends after a period stated in the agreement which is not less than 5 years or, for dwelling-houses in Greater London, 10 years from the beginning of the tenancy to offer the dwelling-house for sale to the tenant.” 10

Amendments of Ground 2: sale by mortgagee

- 5 In Ground 2 –
- (a) in the words before paragraph (a) omit “granted before the beginning of the tenancy”;
 - (b) omit paragraph (c) (and the “and” before it). 15

New ground for possession when superior lease ends

- 6 After Ground 2 insert –
- “Ground 2ZA
- The landlord who is seeking possession –
- (a) holds the interest in the dwelling-house under a superior tenancy where – 20
 - (i) the superior landlord has given a valid notice to terminate that tenancy, or
 - (ii) the superior tenancy is for a fixed term which will end within the period of 12 months beginning with the date of the service of the notice under section 8, and 25
 - (b) is, or, in the case of joint landlords seeking possession, at least one of them is –
 - (i) a private registered provider of social housing, 30
 - (ii) a tenant of the superior landlord under an agricultural tenancy within the meaning of the Agricultural Holdings Act 1986 or a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995, 35
 - (iii) a person who held the dwelling-house for the purpose of making it available for occupation as supported accommodation, or
 - (iv) a company of which a local authority owns at least 50% of the issued share capital.” 40

New ground for possession by superior landlord

7 After Ground 2ZA (inserted by paragraph 6 of this Schedule) insert—

“Ground 2ZB

The landlord who is seeking possession became the landlord by virtue of section 18 no more than 6 months before the date on which the possession proceedings were commenced, and the previous landlord under the assured tenancy was, or, in the case of previous joint landlords, at least one of them was— 5

- (a) a private registered provider of social housing,
- (b) a tenant of the superior landlord under an agricultural tenancy within the meaning of the Agricultural Holdings Act 1986 or a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995, 10
- (c) a person who held the dwelling-house for the purpose of making it available for occupation as supported accommodation, or 15
- (d) a company of which a local authority owns at least 50% of the issued share capital.”

Repeal of Ground 3: holiday accommodation

8 Omit Ground 3. 20

Amendments of Ground 4: student accommodation

9 In Ground 4—

- (a) omit the opening words;
- (b) omit paragraph (a) (together with the final “and”);
- (c) paragraph (b) becomes an unnumbered paragraph. 25

Amendment of Ground 5: ministers of religion

10 In Ground 5 omit paragraph (a) (together with the final “and”).

New ground for possession for occupation by agricultural worker

11 After Ground 5 insert—

“Ground 5A 30

The landlord seeking possession requires the dwelling-house for the purpose of housing a person who will be employed by the landlord, or in the case of joint landlords seeking possession, by at least one of those landlords, in agriculture as a seasonal or permanent employee. 35

For the purposes of this ground, “agriculture” has the same meaning as in the Rent (Agriculture) Act 1976 (see section 1 of that Act).”

New ground for possession for occupation by person who meets employment requirements

12 After Ground 5A (inserted by paragraph 11 of this Schedule) insert—

“Ground 5B

The landlord seeking possession—

- (a) is a private registered provider of social housing, 5
- (b) holds the dwelling-house for the purpose of accommodating persons who meet requirements connected with their employment, and
- (c) requires the dwelling-house to let it under a new tenancy to a person who meets those requirements, 10

and the tenant in possession does not fulfil those requirements.”

Ground 16 to be renumbered as Ground 5C and to be a mandatory ground for possession

13 (1) Ground 16 in Part 2 of Schedule 2, together with the italic heading before it, moves to after Ground 5B (inserted by paragraph 12 of this Schedule) and becomes Ground 5C in Part 1 of that Schedule. 15

(2) For the first paragraph of the new Ground 5C substitute—

“The dwelling-house was let to the tenant in consequence of the tenant’s employment—

- (a) by the landlord seeking possession,
- (b) in the case of joint landlords seeking possession, by at least one of them, 20
- (c) by a previous landlord under the tenancy, or
- (d) pursuant to an agreement between any of those landlords and the employer,

and either— 25

- (a) the tenant has ceased to be in that employment, or
- (b) the tenancy was granted for the purpose of providing the tenant with accommodation during the early period of their employment, that purpose has been fulfilled and the landlord seeking possession intends to let the dwelling-house to another current or future employee of the employer. 30

In this ground, “the employer” means the tenant’s employer at the time the tenant entered the tenancy.”

(3) In the italic heading, for “16” substitute “5C”.

New ground for possession for end of employment requirements 35

14 After Ground 5C (as renumbered by paragraph 13 of this Schedule) insert—

“Ground 5D

The landlord seeking possession is a private registered provider of social housing, the tenancy agreement includes a requirement

connected with the tenant’s employment and the tenant no longer fulfils that requirement.”

New ground for possession for occupation as supported accommodation

15 After Ground 5D (inserted by paragraph 14 of this Schedule) insert –

“Ground 5E

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The landlord seeking possession requires possession of the dwelling-house to let it as supported accommodation where –

- (a) the landlord holds the dwelling-house for the purpose of making it available for occupation as supported accommodation, and
- (b) the tenant did not enter the assured tenancy for the purpose of receiving care, support or supervision at the dwelling-house.”

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New grounds for possession of dwelling-house occupied as supported accommodation

16 (1) After Ground 5E (inserted by paragraph 15 of this Schedule) insert –

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“Ground 5F

The dwelling-house was supported accommodation when the tenancy was granted and any of the following applies –

- (a) the tenancy was granted for the purpose of providing the tenant with support services for a limited time in order to enable the tenant to be able to live in other accommodation in the future and the period for which those support services were to be provided has ended;
- (b) a person other than the landlord provides or provided support services to the tenant, but –
 - (i) the support services have come to an end or the person is not fulfilling their obligations under the arrangements for the provision of those services, and
 - (ii) where the dwelling-house is not managed accommodation, the landlord has used reasonable endeavours to find another person to provide support services to the tenant but has not been able to do so;
- (c) where the accommodation or support services were funded wholly or partly by someone other than the landlord or the tenant –
 - (i) that funding is no longer being provided,
 - (ii) where the dwelling-house is not managed accommodation, the landlord has used reasonable endeavours to identify alternative funding but has not been able to do so, and
 - (iii) it would not be reasonable for the landlord to continue to provide accommodation or for the person

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- who provided support services to continue that provision without that funding;
- (d) the tenant does not need the level of support services that are provided at the dwelling-house;
 - (e) the tenant does not need any support services; 5
 - (f) the support services that are provided at the dwelling-house do not meet the tenant’s needs;
 - (g) the dwelling-house has physical features intended to enable persons with needs for particular support services to live more independently than they could do so without those features and those physical features are not needed by the tenant; 10
 - (h) the dwelling-house is physically unsuitable for a person with the tenant’s needs for support services to live in.
- In this ground, references to the “landlord” are to the landlord who is seeking possession.” 15
- (2) After Ground 17 insert –
- “Ground 18
- The tenancy is of supported accommodation and the tenant has unreasonably refused to co-operate with the person providing support services with regard to those services.” 20

New ground for possession for tenancy granted for homelessness duty

- 17 After Ground 5F (inserted by paragraph 16 of this Schedule) insert –
- “Ground 5G
- The grant of the tenancy was in pursuance of a local housing authority’s duty to the tenant under section 193 of the Housing Act 1996 and – 25
- (a) the local housing authority has notified the landlord that the tenancy is no longer required for the purposes of that duty, and 30
 - (b) the date specified in the notice under section 8 is no more than 12 months after the date on which the local housing authority notified the landlord as mentioned in paragraph (a).
- In this ground “local housing authority” has the meaning given by section 1 of the Housing Act 1985.” 35

Amendments of Ground 6: redevelopment

- 18 (1) Ground 6 is amended as follows.
- (2) In the first unnumbered paragraph, for the words from the beginning to “superior landlord” substitute “A relevant landlord”. 40

(3) After paragraph (a) insert—

“(aa) either—

- (i) the assured tenancy began at least 6 months before the date specified in the notice under section 8, or
- (ii) a compulsory purchase order was made authorising the landlord who is seeking possession to purchase the dwelling-house and the dwelling-house was transferred to that landlord within the period of one year ending with the date specified in the notice under section 8, and”

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(4) Omit paragraph (b) (together with the final “and”).

(5) Omit the unnumbered paragraph after paragraph (c).

(6) For the final unnumbered paragraph substitute—

“For the purposes of this ground, a “relevant landlord” is—

(a) if the landlord who is seeking possession is—

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- (i) a non-profit registered provider of social housing,
- (ii) a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act),
- (iii) a housing trust, within the meaning of the Housing Associations Act 1985, which is a charity, or
- (iv) where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing,

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a superior landlord;

(b) otherwise—

- (i) the landlord who is seeking possession, or
- (ii) if the landlord who is seeking possession is the unit-holder of a commonhold unit comprising or containing the dwelling-house and in relation to which the commonhold association exercises functions, a commonhold association.

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In this ground “commonhold association”, “commonhold unit” and “unit-holder” have the meanings given by Part 1 of the Commonhold and Leasehold Reform Act 2002 (see sections 11 to 13 and 34 of that Act).”

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New ground for possession to allow compliance with enforcement action

19 (1) After Ground 6 insert—

“Ground 6A

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Any of the following situations has occurred—

- (a) letting the dwelling-house causes the landlord to breach a banning order under section 16 of the Housing and Planning Act 2016, or would do so if the landlord were to continue to let the dwelling-house;
 - (b) an improvement notice under section 11 or 12 of the Housing Act 2004 –
 - (i) specifies the dwelling-house or premises in which the dwelling-house is contained as requiring remedial action, and
 - (ii) specifies overcrowding as the deficiency giving rise to the hazard in respect of which that remedial action is to be taken;
 - (c) a prohibition order under section 20 or 21 of the Housing Act 2004 prohibits use of –
 - (i) the dwelling-house,
 - (ii) the common parts, or
 - (iii) any part of the dwelling-house or of the common parts,either for all purposes or for any purpose that is incompatible with continued occupation by the tenant;
 - (d) the dwelling-house is or is in an HMO which is required to be licensed under section 61 of the Housing Act 2004, and –
 - (i) the landlord applied for a licence under section 63 of the Housing Act 2004 and the local housing authority refused to grant a licence, or
 - (ii) the landlord held a licence but the licence has been revoked;
 - (e) the dwelling-house is or is in a house which is required to be licensed under section 85 of the Housing Act 2004, and –
 - (i) the landlord applied for a licence under section 87 of the Housing Act 2004 and the local housing authority refused to grant a licence, or
 - (ii) the landlord held a licence but the licence has been revoked;
 - (f) the dwelling-house is or is in an HMO which is licensed under Part 2 of the Housing Act 2004 or a house which is licensed under Part 3 of that Act and that HMO or house is occupied by more than the maximum number of households or persons specified in the licence.
- In this ground –
- “common parts” has the same meaning as in Ground 13;
- “house” has the same meaning as in Part 3 of the Housing Act 2004 (see section 99 of that Act);
- references to the “landlord” are to the landlord who is seeking possession or, in the case of joint landlords seeking possession, to at least one of them;

“local housing authority” has the meaning given in section 261 of the Housing Act 2004.”

Amendments of Ground 7: death of tenant

- 20 In Ground 7—
- (a) in the first unnumbered paragraph—
 - (i) omit the words from “is a periodic” to “England, which”;
 - (ii) for “twelve” substitute “24”;
 - (b) omit the third unnumbered paragraph.

Amendments of Ground 8: rent arrears

- 21 In Ground 8—
- (a) omit paragraphs (c) and (d);
 - (b) at the end insert—
 - “When calculating how much rent is unpaid for the purpose of this ground, if the tenant is entitled to receive an amount for housing as part of an award of universal credit under Part 1 of the Welfare Reform Act 2012, any amount that was unpaid only because the tenant had not yet received the payment of that award is to be ignored.”

New ground for possession for repeated rent arrears

- 22 After Ground 8 insert—
- “Ground 8A
- Within a three year period ending with the date of service of the notice under section 8—
- (a) if rent is payable monthly, at least two months’ rent was unpaid for at least a day on at least three separate occasions, or
 - (b) if rent is payable for a period shorter than a month, at least eight weeks’ rent was unpaid for at least a day on at least three separate occasions.
- For the purposes of this ground, occasions are “separate” if in between those occasions the amount of the unpaid rent reduced to less than the amount mentioned in sub-paragraph (a) or sub-paragraph (b) (whichever is applicable) for at least one day.
- When calculating how much rent is unpaid for the purpose of this ground, if the tenant is entitled to receive an amount for housing as part of an award of universal credit under Part 1 of the Welfare Reform Act 2012, any amount that was unpaid only because the tenant had not yet received the payment of that award is to be ignored.

For the purposes of this ground, “rent” means rent lawfully due from the tenant.”

Amendments of Ground 14: anti-social behaviour

- 23 In Ground 14, in each of paragraphs (a) and (aa), for “likely to cause” substitute “capable of causing”. 5

Power to amend Schedule 2 and new interpretation provisions

- 24 After Part 4 of Schedule 2 to the 1988 Act insert—

“PART 5

INTERPRETATION

- 12 In this Schedule— 10
- “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981 (see section 2 of that Act);
- “HMO” has the same meaning as in Part 2 of the Housing Act 2004 (see section 77 of that Act); 15
- “housing association” has the meaning given by section 1 of the Housing Associations Act 1985;
- “managed accommodation” means supported accommodation—
- (a) into which a tenant has been admitted in order to meet a need for care, support or supervision, and 20
- (b) where the care, support or supervision is provided otherwise than by the landlord or a person acting on behalf of the landlord;
- “support services” in relation to a tenant in supported accommodation, means care, support or supervision; 25
- “supported accommodation” means a dwelling-house—
- (a) let by—
- (i) a housing association,
- (ii) a private registered provider of social housing, 30
- (iii) a registered charity, or
- (iv) a voluntary organisation, and
- (b) where a tenant receives care, support or supervision provided either— 35
- (i) by the landlord or a person acting on behalf of the landlord, or
- (ii) by someone else, if the tenant has been admitted into the accommodation in order

to meet a need for care, support or supervision.

PART 6

POWERS TO AMEND GROUNDS 2ZA, 2ZB, 5C AND 6A AND DEFINITION

- 13 (1) The Secretary of State may by regulations amend this Schedule so as to—
- (a) amend Ground 2ZA to change the descriptions of the landlord who may use the ground;
 - (b) amend Ground 2ZB to change the descriptions of previous landlord mentioned in it;
 - (c) provide for Ground 5C to apply only where the landlord seeking possession or the employer is of a particular description;
 - (d) add other situations to the list in the first paragraph of Ground 6A in which that ground may be relied on or remove any situations added by virtue of this sub-paragraph;
 - (e) amend the definition of “supported accommodation” or “managed accommodation” in paragraph 12.
- (2) Regulations under this paragraph may—
- (a) make consequential, supplementary, incidental, transitional or saving provision;
 - (b) make different provision for different purposes.
- (3) Regulations under this paragraph are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

SCHEDULE 2

Section 20 30

CONSEQUENTIAL AMENDMENTS RELATING TO CHAPTER 1 OF PART 1

Housing Act 1988

- 1 The 1988 Act is amended as follows.
- 2 In section 1A (application of Chapters 1, 2 and 3 of Part 1 to dwelling in Wales), in subsection (3), after “tenancy” insert “, without the amendments made by the Renters (Reform) Act 2023”.
- 3 In section 5 (security of tenure)—

- (a) in subsection (1)–
 - (i) in paragraph (a)(i) omit “or 21”;
 - (ii) omit paragraphs (b) and (c) (but not the “or” after them);
 - (iii) in the words after paragraph (d), for “a periodic” substitute “an”;
 - (b) omit subsections (2) to (7).
- 4 Omit section 6.
- 5 In section 9 (extended discretion of court in possession claims), in subsection (6), omit paragraph (b) and the “or” before it.
- 6 In section 10A (power to order transfer of tenancy in certain cases) omit subsection (8). 10
- 7 In section 24 (assured agricultural occupancies), in subsection (2)(a) omit “which is not an assured shorthold tenancy”.

Housing Act 1996

- 8 The Housing Act 1996 is amended as follows. 15
- 9 In section 175 (homelessness and threatened homelessness) omit subsection (5).
- 10 In section 188 (referral of case to another local housing authority) omit subsection (1A).
- 11 In section 193A(4) (consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage) – 20
 - (a) in paragraph (a) omit “shorthold”;
 - (b) at the end of paragraph (a) insert “and”;
 - (c) omit paragraph (c) and the “and” before it.
- 12 In section 195 (duties in cases of threatened homelessness) omit subsection (6). 25
- 13 In section 209 (discharge of interim duties: arrangements with private landlord), in subsection (2), in the words after paragraph (b), for the words from “assured shorthold tenancy” (in the first place it occurs) to the end substitute “assured tenancy”. 30
- 14 In section 218 (index of defined expressions: Part 7), in the entry for assured tenancy and assured shorthold tenancy, omit “and assured shorthold tenancy”.

Renting Homes (Wales) Act 2016 (anaw 1)

- 15 In Schedule 12 to the Renting Homes (Wales) Act 2016– 35
 - (a) in the Welsh text, after paragraph 29 insert –
 - “29A At ddibenion paragraffau 28 a 29, mae Deddf Tai 1988 yn gymwys heb y diwygiadau a wnaed gan Ddeddf Cartrefi Rhent 2023 (p.).”;

(b) in the English text, after paragraph 29 insert –

“29A For the purposes of paragraphs 28 and 29, the Housing Act 1988 applies without the amendments made by the Renters (Reform) Act 2023 (c.).”

SCHEDULE 3

Section 52 5

FINANCIAL PENALTIES

Notice of intent

- 1 Before imposing a financial penalty on a person under section 26 or 47, a local housing authority must give the person notice of its proposal to do so (a “notice of intent”). 10
- 2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.
- (2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given – 15
 - (a) at any time when the conduct is continuing, or
 - (b) within the period of 6 months beginning with the last day on which the conduct occurs.
- 3 The notice of intent must set out – 20
 - (a) the date on which the notice of intent is given,
 - (b) the amount of the proposed financial penalty,
 - (c) the reasons for proposing to impose the penalty, and
 - (d) information about the right to make representations under paragraph 4. 25

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the authority about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period of 28 days beginning with the day after the day on which the notice of intent was given to the person (“the period for representations”). 30

Final notice

- 5 After the end of the period for representations the enforcement authority must – 35
 - (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to do so, decide the amount of the penalty.

- 6 If the local housing authority decides to impose a financial penalty on the person, it must give a notice to the person (a “final notice”) imposing that penalty.
- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given. 5
- 8 The final notice must set out—
- (a) the date on which the final notice is given,
 - (b) the amount of the financial penalty,
 - (c) the reasons for imposing the penalty,
 - (d) information about how to pay the penalty, 10
 - (e) the period for payment of the penalty,
 - (f) information about rights of appeal, and
 - (g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time— 15
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce an amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals 20

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—
- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice is given to the person. 25
- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.
- (4) An appeal under this paragraph— 30
- (a) is to be a re-hearing of the authority’s decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under this paragraph the First-tier Tribunal may quash, confirm or vary the final notice. 35
- (6) The final notice may not be varied under sub-paragraph (5) so as to impose a financial penalty of more than the local housing authority could have imposed.

Recovery of financial penalty

- 11 (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.
- (2) The local housing authority which imposed the financial penalty may recover the penalty or part on the order of the county court as if it were payable under an order of that court. 5
- (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is – 10
- (a) signed by the chief finance officer of the authority which imposed the penalty, and
- (b) states that the amount due has not been received by a date specified in the certificate,
- is conclusive evidence of that fact.
- (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved. 15
- (5) In this paragraph “chief finance officer” has the same meaning as in section 5 of the Local Government and Housing Act 1989.

Proceeds of financial penalties

- 12 Where a local housing authority imposes a financial penalty under section 26 or 47, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector. 20
- 13 *Any proceeds of a financial penalty imposed under section 26 or 47 which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.* 25
- 14 (1) In paragraph 13, “enforcement functions in relation to the private rented sector” means enforcement functions relating to – 30
- (a) residential premises in England that are let, or intended to be let, under a tenancy,
- (b) the common parts of such premises,
- (c) the activities of a landlord under a tenancy of residential premises in England,
- (d) the activities of a person carrying on English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 in relation to such premises, or 35
- (e) the activities of a person carrying on English property management work within the meaning of section 55 of the Housing and Planning Act 2016 in relation to such premises.
- (2) For the purposes of this paragraph “residential premises” has the meaning given by section 1 of the Housing Act 2004 except that it does not include 40

social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.

- (3) For the purposes of this paragraph, “tenancy” includes a licence to occupy.

SCHEDULE 4

Section 67(3)

APPLICATION OF CHAPTER 1 OF PART 1 TO EXISTING TENANCIES: TRANSITIONAL PROVISION 5

Section 1: start of deemed rent period for existing tenancies

- 1 In relation to an existing tenancy, section 4A of the 1988 Act (inserted by section 1) is to be read as if—
- (a) in subsection (3)— 10
 - (i) in the words before paragraph (a), after “effect” there were inserted “, so far as relating to rent periods beginning on or after the extended application date (within the meaning given by section 67(2)(b) of the Renters (Reform) Act 2023),”; 15
 - (ii) in paragraph (a), after “rent period” there were inserted “beginning on or after the extended application date”; 15
 - (b) in subsection (4), for paragraph (a) (and the “and” following it) there were substituted—
 - “(a) for successive rent periods of one month beginning— 20
 - (i) if the extended application date is a date on which a rent period would, but for subsection (3), have begun, with the extended application date, or 20
 - (ii) otherwise, with the day after the last day of the rent period within which the extended application date falls, and”; 25
 - (c) in subsection (5), for “R is the rent that would have been due for the first rent period of the tenancy under the terms that are of no effect by virtue of subsection (3)” there were substituted “R is the rent due for the rent period before the first rent period provided for by subsection (4)(a)”. 30

Section 2: application in relation to a deemed continuing tenancy

- 2 The amendments made by Chapter 1 of Part 1 do not apply in relation to a deemed continuing tenancy until immediately after it is converted to a periodic tenancy. 35

Section 2: tenancy remains an assured shorthold tenancy until disposal of section 21 notice given prior to application date

- 3 Where, immediately before the extended application date, proceedings for an order for possession under section 21 of the 1988 Act in reliance on a valid notice given under that section of that Act have been commenced in relation to an assured shorthold tenancy and have not been concluded, or have not been commenced but have not become time-barred – 5
- (a) the tenancy remains an assured shorthold tenancy, and the notice remains valid, until any time when such proceedings in reliance on the notice become time-barred or are concluded, and 10
 - (b) until that time the amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy.

In this paragraph “time-barred” means prohibited by section 21(4D) or (4E) of the 1988 Act.

Section 3(2)(c): saving of section 7(7) in relation to tenancies where fixed term ends before application date 15

- 4 Section 7(7) of the 1988 Act continues to apply after the extended application date, despite section 3(2)(c), in relation to an existing tenancy that was a fixed term tenancy before the extended application date.

Section 5: no effect on rent increases before application date 20

- 5 The amendments made by section 5 do not affect the validity of any increase in rent under an existing tenancy, before the extended application date, in reliance on a provision –
- (a) which was at the time binding on the tenant, and
 - (b) under which the rent for a particular period of the tenancy would or might be greater than the rent for an earlier period. 25

Sections 9 and 11: provision of information in writing

- 6 (1) Where an existing tenancy is wholly or partly in writing –
- (a) section 16D and 16E(2)(e) of the 1988 Act (inserted by sections 9 and 11) do not apply; 30
 - (b) section 16F(1) of that Act (inserted by section 11) is to be read as if for “contravened section 16D” there were substituted “contravened paragraph 6(2) of Schedule 4 to the Renters (Reform) Act 2023”.
- (2) The landlord under any existing tenancy that is wholly or partly in writing must give the tenant any information in writing about the changes made by this Act which is required to be given by regulations made by the Secretary of State. 35
- (3) Regulations under sub-paragraph (2) may –
- (a) provide for the information to be given in the form of a document produced by the Secretary of State; 40

- (b) provide that the document to be given is the version that has effect at the time the requirement applies.
- (4) Where an existing tenancy is wholly oral, section 16D(3) of the 1988 Act (inserted by section 9) is to be read as if, for “before the beginning of an assured tenancy” there were substituted “before the extended application date (within the meaning given by section 67(2)(b) of the Renters (Reform) Act 2023)”. 5
- (5) Regulations under sub-paragraph (2) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament. 10

Section 11: no liability in respect of conduct before application date

- 7 Conduct engaged in, in relation to an existing tenancy, before the extended application date –
 - (a) does not give rise to liability to a financial penalty under section 16F or 16H of the 1988 Act (inserted by section 11), and 15
 - (b) does not constitute an offence under section 16G (as so inserted).

Section 14: no effect on notice to quit given before application date

- 8 The amendment made by section 14 does not affect the validity of any notice given under section 5 of the Protection from Eviction Act 1977 in relation to an existing tenancy before the extended application date. 20

Section 19: tenancy deposits

- 9 The amendments made by section 19 do not apply in relation to an existing tenancy that, immediately before the extended application date, was an assured tenancy other than an assured shorthold tenancy. 25

Interpretation

- 10 In this Schedule –
 - “the commencement date” has the meaning given by section 67(1);
 - “converted to a periodic tenancy” has the meaning given by section 67(5); 30
 - “deemed continuing tenancy” has the meaning given by section 67(6);
 - “the extended application date” has the meaning given by section 67(4).

Renters (Reform) Bill

[AS INTRODUCED]

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B I L L

TO

Make provision changing the law about rented homes, including provision abolishing fixed term assured tenancies and assured shorthold tenancies; imposing obligations on landlords and others in relation to rented homes and temporary and supported accommodation; and for connected purposes.

*Presented by Secretary Michael Gove
supported by the Prime Minister,
the Chancellor of the Exchequer,
Secretary Mel Stride, Secretary Lucy Frazer and
Rachel Maclean.*

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