PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

RENTERS (REFORM) BILL

Tenth Sitting

Tuesday 28 November 2023

(Afternoon)

CONTENTS

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not later than

Saturday 2 December 2023

The Committee consisted of the following Members:

Chairs: † Yvonne Fovargue, James Gray, Ian Paisley

† Aiken, Nickie *(Cities of London and Westminster)* (Con)
† Amesbury, Mike *(Weaver Vale)* (Lab)
† Bailey, Shaun *(West Bromwich West)* (Con)
† Britcliffe, Sara *(Hyndburn)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Firth, Anna *(Southend West)* (Con)
† Glindon, Mary *(North Tyneside)* (Lab)
† Hughes, Eddie *(Walsall North)* (Con)
McDonagh, Siobhain *(Mitcham and Morden)* (Lab)
† Mohindra, Mr Gagan *(South West Hertfordshire)* (Con)
† Morgan, Helen *(North Shropshire)* (LD)
† Pennycook, Matthew *(Greenwich and Woolwich)* (Lab)
Russell, Dean *(Watford)* (Con)
† Russell-Moyle, Lloyd *(Brighton, Kemptown)* (Lab/Co-op)
† Spencer, Dr Ben *(Runnymede and Weybridge)* (Con)
† Tracey, Craig *(North Warwickshire)* (Con)
† Young, Jacob *(Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities)*

Simon Armitage, Sarah Thatcher, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 28 November 2023

(Afternoon)

[Yvonne Fovargue *in the Chair*]

Renters (Reform) Bill

2 pm

Clause 62, as amended, ordered to stand part of the Bill.

Clause 63

Government policy on supported and temporary accommodation

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

The Chair: With this it will be convenient to consider the following:

Government amendments 112, 115 and 116.

Government new clause 20—*Decent homes standard.*

New clause 60—*Extension of Awaab's law to the private rented sector—*

"(1) Section 10A of the Landlord and Tenant Act 1985 is amended as follows.

(2) Omit subsections (1)(b) and (6).

(3) In subsection (7), omit the definitions of 'low-cost home ownership accommodation' and 'social housing'."

This new clause would require private landlords to deal with hazards affecting their properties.

Government new schedule 1—*Decent homes standard.*

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Jacob Young): It is a pleasure to see you in the Chair, Ms Fovargue.

Everyone deserves to live in a safe and decent home. It is completely unacceptable in this day and age that people are forced to live in homes that do not meet basic standards of decency. There is already a decent homes standard for social housing that has been successful in improving housing conditions. Since the standard was last updated in 2006, the level of non-decency in social housing has fallen from 29% to 10%, but there is no equivalent standard for the private rented sector, and homes in that sector are more likely to be non-decent.

Of the 4.6 million households that rent privately, 23% live in properties that would fail the decent homes standard that currently applies to social housing. That is around 1 million homes. That is why we committed in the levelling-up White Paper to halving the number of non-decent rented homes by 2030 and, in the "Fairer Private Rented Sector" White Paper, to introducing a legally binding decent homes standard in the private rented sector for the first time. It is also why we have tabled the Government amendments, which will allow Ministers to set a new standard to apply the private rented sector and for it to be enforced.

It is imperative that we get the content of the new standard right and that we ensure that it is both proportionate and fair. We are working closely with a range of stakeholders to co-design the standard and make sure the balance is right for landlords and tenants. For most PRS properties, our expectation is that the landlord will not need to do any additional work to meet the decent homes standard beyond what is needed to meet existing requirements and keep their properties in a good state of repair. We will provide further details on our proposals for the standard in due course.

Matthew Pennycook (Greenwich and Woolwich) (Lab): It is a pleasure to continue our deliberations with you in the Chair, Ms Fovargue.

Clause 63 is a short and straightforward clause that would require the Secretary of State to prepare a report that sets out the Government's policy on safety and quality standards in relation to supported housing and temporary accommodation and to publish it within one year of the day on which the measure comes into force. The group of Government amendments we are considering with the clause, which are intended to replace it entirely, will extend part 1 of the Housing Act 2004, which relates to housing conditions, to cover temporary accommodation, and provide for regulations to specify new requirements that will form part of a decent homes standard that applies to temporary accommodation, supported exempt accommodation and rented property more generally. We welcome both the intent and the design of the amendments.

The private rented sector is manifestly failing to provide safe and secure homes for all those who live in it. We fully accept that the absolute number and proportion of poor-quality private rented homes continues to fall—albeit steadily rather than drastically—as part of a half-century, if not longer, of improvement in housing standards. However, it remains the case that some of the worst standards in housing are to be found in the private rented sector. It should be a source of real shame for the Government that after they have been in office for 13 years, an estimated one in four homes in the private rented sector—the Minister made it clear that that equates to around a million properties—do not meet the decent homes standard, and one in 10 has a category 1 hazard that poses a risk of serious harm.

For the considerable number of private tenants who are forced to live in substandard properties—those who wake up every day to mould, vermin or dangerous hazards—what should be a place of refuge and comfort is instead a source of, at best, daily unease and, at worst, torment and misery. More must be done to bear down decisively on this problem. Measures designed to drive up standards in the sector should be enacted as a matter of urgency.

As I made clear during the debate on clause 52, the Government deserve appropriate credit for seeking to introduce a decent homes standard that covers the private rented sector through this Bill rather than through separate future legislation. We believe that Government new clause 20, new schedule 1 and the related amendments are well drafted and that they have the potential to tackle the blight of poor-quality homes in local communities and ensure that renters have safer and better homes to live in; however, I would like to take this opportunity to put to the Minister several questions about those provisions.

My first question concerns enforcement. A decent homes standard that covers the social rented sector has been in place since 2001, yet we know that far too many social tenants still live in damp, cold and mouldy properties that harm their health and their life chances. Indeed, that was one of the chief reasons why the Government felt it necessary to enact the Social Housing (Regulation) Act 2023. That demonstrates that over the 22 years of the decent homes standard's existence, although it has led to some improvements it has not been enforceable in the social rented sector. That experience suggests that introducing a decent homes standard covering the private rented sector will not achieve its objectives unless it is properly enforced.

Given that the Government intend, by means of new schedule 1, which amends part 1 of the Housing Act 2004, for enforcement of the new standard in the PRS to be undertaken using the same powers as the regime for the housing health and safety rating system, it should be a relatively straightforward matter for local authorities. However, local authorities' ability to do so successfully depends in practice on their capacity and capabilities. As we debated just prior to the break, in relation to clauses 58 to 61, a great many authorities are struggling when it comes to resources and skills. Will the Minister provide more detail on what steps, if any, the Government intend to take, in addition to the various proposals in the Bill, to ensure that local authorities can appropriately enforce the application of the decent homes standard to the private rented sector where it is not already being met?

My second issue concerns the nature of the standard itself. The Government consulted on the introduction and enforcement of a decent homes standard in the private rented sector in England late last year, and the responses to that consultation obviously fed into the Government amendments we are considering. However, the Government have also committed themselves to a more fundamental review of the standard at some unspecified point in the future. Will the Minister confirm whether that commitment remains in place? If so, will he give us some idea of when that more fundamental review, presumably across both the social rented and private rented sectors, might begin?

The third issue relates to the current enforcement regime for the housing health and safety rating system. The regime is primary means by which local authorities can tackle poor property conditions and compel prompt action from landlords who do not fulfil their responsibilities to provide homes free from dangerously hazardous conditions. We take it from the Government amendments that while the new decent homes standard for the private rented sector will be located in part 1 of the Housing Act 2004, it will not necessarily be the same thing as the HHSRS, which is also in part 1 of that Act. We will presumably need to wait for secondary legislation to work out how, if at all, the decent homes standard and the HHSRS differ, but their workings will need to complement each other.

In answer to a written question that I tabled on 2 May, the then Housing Minister confirmed that a review of the HHSRS, including the statutory operating and enforcement guidance, was under way. Given the obvious implications of that answer for the functioning of the new decent homes standard introduced by this group of Government amendments, will the Minister tell us whether that review has concluded, as the decent homes consultation suggested? If it has, when did it conclude, when will the results be published, and does it remain the Government's view that any changes will require further legislation? The status and outcome of the review of the HHSRS and its associated statutory, operating and enforcement guidance are important because that guidance is applied when local authorities consider using their statutory powers to remedy defective housing conditions, including and especially damp and mould.

That brings me to our new clause 60. When the Social Housing (Regulation) Act 2023 was on Report, the Government tabled and passed, with our support, amendments designed to force social landlords to investigate and fix damp and mould-related health hazards within specified timeframes, with the threat of legal challenge if they do not, owing to the insertion of an implied covenant into tenancy agreements. The provisions were termed Awaab's law because they were a direct response to the untimely death of two-year-old Awaab Ishak from respiratory arrest, as a result of prolonged exposure to mould in the rented Rochdale Boroughwide Housing property in which he and his family lived. Although enactment of the new requirements is dependent on secondary legislation, with the consultation having closed last week we are hopeful that the necessary statutory instrument will soon be forthcoming. We look forward to its enactment so that social landlords who continue to drag their feet over dangerous damp and mould will face the full force of the law.

New clause 60 would simply extend Awaab's law to the private rented sector by amending the relevant section of the Landlord and Tenant Act 1985, and the reasoning behind that is straightforward. The Government were right to introduce Awaab's law in the social housing sector, but the problem of debilitating damp and mould, and landlords who fail to investigate such hazards and make necessary repairs, is not confined to social rented homes.

A Citizens Advice report published in February made it clear that the private rented sector has widespread problems with damp, mould and cold, driven by the poor energy efficiency of privately rented homes—an issue that we are minded to raise later in the Bill's proceedings. The report went on to evidence the fact that 1.6 million children in England currently live in cold, damp or mouldy privately rented homes. In the face of such a pervasive problem, we can think of no justification whatsoever for restricting Awaab's law purely to the social housing sector. We hope that the Government will agree and accept new clause 60, because we can think of no reason whatsoever why they would resist doing so.

Before I conclude, I want to touch briefly on a final issue in relation to this group of amendments. We welcome the inclusion of supported exempt accommodation in a decent homes standard and part 1 of the Housing Act 2004. We believe that will resolve an issue of concern that we flagged in the Social Housing (Regulation) Bill Committee—namely, the loophole that exists, and is being exploited by unscrupulous providers, as a result of non-profit-making providers of supported exempt accommodation being able to let properties at market rents that are eligible for housing benefit support, on the basis that "more than minimal" care, support or supervision is being provided, without those properties coming within the scope of consumer regulation.

[Matthew Pennycook]

The inclusion of temporary accommodation is also welcome, but it is slightly more problematic, because local authorities are responsible both for enforcing part 1 of the Housing Act 2004 and for procuring sufficient temporary accommodation to meet their duty to prevent and relieve homelessness. As such, while there may not be a legal conflict of interest, there is certainly a potential practical conflict of interest, as local authorities will be forced to weigh the case for any potential enforcement action, outside the scope of the contract in question, against the need to retain private landlords as an ongoing source of desperately needed temporary accommodation. It is for precisely that reason that we tried to convince the Government, in the Social Housing (Regulation) Bill Committee, to have temporary accommodation regulated by a third party, such as the Regulator of Social Housing.

The Government amendments will undoubtedly help to improve the quality of some temporary accommodation, and the inclusion of temporary accommodation in a decent homes standard and part 1 of the Housing Act 2004 is to be welcomed for that reason. However, we encourage the Government to consider whether they might go further. For example—here, I again commend my hon. Friend the Member for Westminster North for her Homes (Fitness for Human Habitation) Act 2018—could the Government extend section 9A of the Landlord and Tenant Act 1985 to also cover properties occupied under licences as homelessness temporary accommodation? I would welcome the Minister's thoughts on that, and I look forward to his response to new clause 60 and all the other issues that I have raised regarding this group of amendments.

Jacob Young: Let me address the hon. Gentleman's point about local authorities and their ability to enforce. We will establish a new duty on landlords to ensure that their properties meet the decent homes standard. For landlords who fail to take reasonably practicable steps to keep their properties free of serious hazard, local councils will be able to issue fines of up to £5,000. That will encourage those landlords who do not already do so to proactively manage their properties, which will allow local councils to target their enforcement more effectively on a small minority of irresponsible and criminal landlords.

We will also explore requiring landlords to register compliance with the decent homes standard on the property portal. That will support local councils in identifying non-decent properties to target through their enforcement activity. As I have already said in response to different parts of the Bill, we will also do a full new burdens assessment for local authorities, and where there is a new burden, they will be resourced to fund that.

On the hon. Gentleman's questions about the HHSRS review, the simple answer is that we will publish that in due course. Secondary legislation obviously needs to coincide with that, so I do not have anything further to add at this point. However, I am happy to write to him in further detail on that. Similarly, I will commit to writing to him on on the DHS review too.

Mike Amesbury (Weaver Vale) (Lab): In what month is due course?

2.15 pm

Jacob Young: The hon. Member is trying to press me for a specific timeframe, but I am unable to give him that commitment today.

I thank the hon. Member for Greenwich and Woolwich for tabling new clause 60. The tragic case of Awaab Ishak's death has thrown into sharp relief the need for the Government to continue our mission to rebalance the relationship between landlords and tenants in this country. It is right that all tenants across both sectors should expect safe and decent homes from their landlords. However, our focus for the private rented sector is to strengthen the enforcement of standards by local housing authorities, as well as introducing new means of redress through the PRS ombudsman.

We do not consider it to be of interest to private rented sector tenants to introduce a further route for potential litigation and enforcement. Private tenants already have rights when it comes to repairs in their home and the safety of their home. Private landlords are required to make sure that their homes are free from the most serious health and safety hazards. If hazards are present, the local housing authority can issue an improvement notice requiring them to be remedied within a specific time. Landlords who fail to comply can be prosecuted or fined up to £30,000. Additionally, if tenants consider that their rented home is not fit for human habitation, they can seek remedy through the courts under the Homes (Fitness for Human Habitation) Act 2018, to which the hon. Member for Greenwich and Woolwich referred.

Our focus is on strengthening the new system through the Bill. As I have just set out, we intend to introduce a decent homes standard in the private rented sector for the first time. The Government's amendment to introduce the relevant provisions will place a stronger duty on landlords to keep their properties free from serious hazards, and allow local housing authorities to take enforcement action if private rented homes fail to meet decent homes standards. Through the Bill, we are also introducing a private rented sector ombudsman, which will be able to help private tenants to resolve repair issues quickly and for free if their landlord has not acted appropriately to remedy an issue within a reasonable timeframe.

Through existing legislation and new measures introduced by the Bill, private rented sector landlords will be held to account for providing safe and decent homes, and for providing timely repairs. We do not consider that it would be in the interest of private rented sector tenants to introduce a further route for potential litigation.

Ms Karen Buck (Westminster North) (Lab): Before the Minister sits down, will he deal with the issue of licences? Those of us who deal with a large number of people in homeless accommodation know that those in temporary accommodation, whose accommodation is held under licence, often endure the worst conditions of all, and very little of this legislation currently applies to them. Will he bring something forward?

Jacob Young: I am happy to have that conversation with the hon. Lady and the hon. Member for Greenwich and Woolwich at a later date. If there are specific points that I have not addressed, I am happy to write to her, but I ask the hon. Member for Greenwich and Woolwich to withdraw the new clause.

Matthew Pennycook: I welcome that response from the Minister. With regard to Government amendments, I thank him for what he said about the HHSRS and the more fundamental review of the decent homes standard across both tenures. If he has any further detail on that, I would welcome it. I particularly welcome the implied suggestion that the registration of a decent homes standard, when it is forthcoming, will form part of what is required for landlords to submit on the portal. That is a very good idea, and in that way we could help to drive up standards by making it part of the general information that needs to be submitted as part of registration with the database. That is very welcome.

On Awaab's law and new clause 60, I have to say to the Minister that he gave a particularly unconvincing answer. I entirely understand that when it comes to standards, the Government's focus is on the measures in the Bill. We all want to see local authorities able to enforce properly, and we all want to see the ombudsman provide a mechanism for redress. However, I still fail to understand—I do not think the Minister responded to this point—why the Government believe that Awaab's law is appropriate for the social rented sector, but not for the private rented sector.

Jacob Young *rose—*

Matthew Pennycook: I will just make this point. The Minister said that the Government do not think it is of interest to tenants; I would be very interested to know what surveys the Government have done of tenants to find out their views on this matter, because I am certainly not aware of any such evidence. I think it would be of real interest to tenants if their landlords could be forced to respond within specific timeframes to sufficiently serious cases of damp and mould, as Awaab's law provides for the social rented sector, with the threat of legal challenge as a stock response. I am happy to give way, but I find the Minister's arguments on this point quite unconvincing. If these measures are appropriate for the social rented sector, with all the other measures in place in that sector, they should be appropriate for the private rented sector.

Jacob Young: I simply say to the hon. Gentleman that there is an obvious difference between a large social housing sector landlord, which has maintenance teams that can quickly act to address an issue, and an individual landlord, who may have only one or two properties, and may not have a wealth of skill behind them to address such issues in the timeframes that we hope to set out for social landlords. As I said, local authorities can request timely changes to properties.

Matthew Pennycook: I thank the Minister for that answer. I fully accept that there is a difference between a large registered social landlord, and a mum-and-dad landlord, who might own only one or two buy-to-let properties. However, we should not therefore say that it is acceptable for the kinds of cases that Awaab's law would cover, if extended to the private sector, to go on unchallenged. I am not satisfied that there are existing powers to challenge those cases. If there were such powers in the social rented sector, the Government would not have needed to bring forward Awaab's law. Actually, if the Government were properly resourcing local authorities to enforce, Awaab's law might not be necessary, but the Government deemed it necessary in the social rented sector.

As the Bill demonstrates, the difference between the private rented sector and the social sector will break down to some extent, whether as a result of the ombudsman, who will cover both sectors, or other measures. We think the law should cover both sectors, and I find the Minister's response unconvincing. I will press new clause 60 to a Division.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): It is worth pointing out that the Minister himself said that the condition of the housing stock in the private rented sector was now considered to be worse than the condition of the housing stock in the social rented sector. Surely the Minister should therefore argue that we need tougher regulation, because regulation is failing more badly in the private sector than in the social sector, but he seems not to have followed through on his argument.

Matthew Pennycook: My hon. Friend is right. We know that standards in the social rented sector are inadequate; that is why the Government brought forward their recent legislation, which we supported. Things are worse in the private rented sector. I quoted the Citizens Advice statistic: 1.6 million children are in damp, mouldy or cold homes. If anything, there is a stronger case for Awaab's law applying to the private rented sector than to the social, but the Minister is trying to have it both ways, for the obvious reason that the Government do not want to accept our new clause. I encourage them to go away and think. We will press the new clause to a vote. If the measures are good enough for the social rented sector, surely they are good enough for tenants in the private rented sector; I have seen no evidence that those tenants are not interested in the tougher powers that Awaab's law would provide.

Finally, I would welcome any further detail from the Minister on whether there is a need to go further on licensed temporary accommodation properties.

Question put and negatived.

Clause 63 accordingly disagreed to.

Clause 54

Crown application

Amendments made: 97, in clause 54, page 55, line 15, leave out "(4), this Part" and insert "(4D), this Act".

This amendment provides for a default rule which will have the effect that, subject to any specific provision about them, the new clauses which make freestanding provision in the Bill will bind the Crown. This is intended to mean that the Crown will be bound by the new clauses containing prohibitions on discriminatory practices in relation to tenancies and (subject to exceptions in Amendment 98 for powers of entry) the new investigatory powers.

Amendment 98, in clause 54, page 55, line 30, at end insert—

"(4A) Sections (*Business premises: entry without warrant*), (*Requirements where occupiers are on business premises entered without warrant*), (*Business premises: warrant authorising entry*), (*Business premises: entry under warrant*), (*Power to require production of documents following entry*), (*Power to seize documents following entry*), (*Access to seized documents*), (*Appeal against detention of documents*), (*Suspected residential tenancy: entry without warrant*),

(*Requirements where occupiers are on residential premises entered without warrant*), (*Suspected residential tenancy: warrant authorising entry*), (*Suspected residential tenancy: entry under warrant*) and (*Powers of accompanying persons*) do not bind the Crown.

(4B) Nothing in section (*Offences*) makes the Crown criminally liable.

(4C) The High Court may declare unlawful any act or omission for which the Crown would be criminally liable under section (*Offences*) but for subsection (4B).

(4D) An amendment or repeal made by this Act binds the Crown to the extent that the provision amended or repealed binds the Crown (but in the case of an amendment of the 1988 Act, this is subject to the amendments made by section 13)."

This amendment provides that the new clauses conferring powers of entry do not bind the Crown. It also provides that the offences applying in relation to the new clauses about requiring information do not make the Crown criminally liable (but can lead to a declaration of unlawfulness) and deals with Crown application of amendments made by the Bill to other legislation.

Amendment 99, in clause 54, page 55, line 31, leave out

"Subsection (2) does not affect"

and insert

"Nothing in this section affects".—*(Jacob Young.)*

This amendment is consequential on Amendment 98.

Clause 54, as amended, ordered to stand part of the Bill.

Ordered,

That clause 54 be transferred to the end of line 30 on page 61. —*(Jacob Young.)*

This amendment is consequential on Amendment 97. It moves clause 54 into Part 5 of the Bill (general provisions). This is necessary because once clause 54 deals with the application to the Crown of new provisions added to the Bill, it will no longer relate only to Part 2, and therefore needs to be moved out of that Part.

Clause 55

Application to Parliament

Amendments made: 100, in clause 55, page 55, line 36, leave out "this Part" and insert

"Part 2 (and Part 3 so far as relating to Part 2)".

This amendment is consequential on the motion to transfer clause 55. It also makes it clear that the general provisions about enforcement action in Part 3 of the Bill apply in relation to any tenancies and licences referred to in clause 55.

Amendment 101, in clause 55, page 56, line 16, at end insert—

"(2) The following provisions do not apply in relation to premises that are occupied for the purposes of either House of Parliament—

(a) Chapter 2A of Part 1;

(b) sections (*Power of local housing authority to require information from relevant person*), (*Business premises: entry without warrant*), (*Requirements where occupiers are on business premises entered without warrant*), (*Business premises: warrant authorising entry*), (*Business premises: entry under warrant*), (*Power to require production of documents following entry*), (*Power to seize documents following entry*), (*Access to seized documents*), (*Appeal against detention of documents*), (*Suspected residential tenancy: entry without warrant*), (*Requirements where occupiers are on residential premises entered without warrant*), (*Suspected residential tenancy: warrant authorising entry*), (*Suspected residential tenancy: entry under warrant*) and (*Powers of accompanying persons*).

(3) Nothing in section (*Offences*) makes the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords criminally liable.

(4) The High Court may declare unlawful any act or omission for which the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords would be criminally liable under section (Offences) but for subsection (3).

(5) Nothing in this section affects the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996)."—*(Jacob Young.)*

This amendment provides that the new Chapter containing prohibitions on discriminatory practices in relation to tenancies and the new clauses on investigatory powers (except the power to require information from any person) do not apply in relation to premises occupied for the purposes of Parliament. It also provides that nothing in NC41 makes the Corporate Officers of the Houses criminally liable (though there can be a declaration of unlawfulness).

Clause 55, as amended, ordered to stand part of the Bill.

Ordered,

That clause 55 be transferred to the end of line 30 on page 61. —*(Jacob Young.)*

This amendment is consequential on Amendment 101. It moves clause 55 into Part 5 of the Bill (general provisions). This is necessary because once clause 55 deals with the application to Parliament of the new clauses relating to discriminatory practices and to investigatory powers, it will no longer relate only to Part 2 of the Bill.

Clause 56

Regulations

Amendments made: 102, in clause 56, page 56, line 18, leave out "Part" and insert "Act".

This amendment provides for the provisions about regulations in clause 56(1) to apply in relation to regulations under the new clauses expected to be added to the Bill.

Amendment 103, in clause 56, page 56, line 28, leave out "Part" and insert "Act".

This amendment provides for the provision for regulations to be made by statutory instrument to cover all the regulations under the Bill.

Amendment 104, in clause 56, page 56, line 29, after "section" insert

"(Power of the Secretary of State to amend Chapter 2A to protect persons of other descriptions),".

This amendment provides for regulations under the new clause inserted by NC15 to be subject to affirmative procedure in Parliament.

Amendment 105, in clause 56, page 56, line 33, leave out "Part" and insert

"Act made by the Secretary of State".

This amendment provides for a default rule that all regulations made by the Secretary of State under the Bill are to be subject to negative procedure in Parliament. The reference to the Secretary of State is included because under other amendments there are regulation-making powers for the Welsh Ministers which are to be subject to procedure in Senedd Cymru rather than Parliament.

Amendment 106, in clause 56, page 56, line 35, at end insert—

"(6) This section does not apply to regulations under section (*Power of Welsh Ministers to make consequential provision*) or this Part."—*(Jacob Young.)*

This amendment is consequential on the motion to transfer clause 56. It ensures that, once clause 56 is moved into Part 5 of the Bill by that amendment, the clause will apply only to the substantive regulation-making powers under the Bill and not to any regulations made under the general powers in Part 5 (Part 5 already contains specific provision about procedure etc in relation to the general powers).

Clause 56, as amended, ordered to stand part of the Bill.

Ordered,

That clause 56 be transferred to the end of line 30 on page 61. —*(Jacob Young.)*

This amendment is consequential on Amendments 102, 103, 104 and 105. It moves clause 56 into Part 5 of the Bill (general provisions). This is necessary because once clause 56 deals with regulations under provisions outside of Part 2 of the Bill, it will no longer relate only to that Part.

Clause 64

MEANING OF "THE 1988 ACT"

Amendment made: 107, in clause 64, page 61, line 30, after first "Act" insert—

"'local housing authority' means a district council, a county council in England for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;".—*(Jacob Young.)*

This amendment inserts a definition of "local housing authority" for the purposes of the Bill as a whole.

Clause 64, as amended, ordered to stand part of the Bill.

Clause 65

POWER TO MAKE CONSEQUENTIAL PROVISION

Amendments made: 108, in clause 65, page 62, line 1, at end insert—

"(2A) The power to make regulations under this section includes power to make—

(a) supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes."

This amendment allows regulations made by the Secretary of State containing provision that is consequential on the Bill to include supplementary or incidental provision and to make different provision for different purposes.

Amendment 109, in clause 65, page 62, line 2, leave out from "power", in the first place, to "for" in line 3 and insert—

"under subsection (2A)(a) to make transitional provision includes power to provide".—*(Jacob Young.)*

This amendment is consequential on Amendment 108.

Clause 65, as amended, ordered to stand part of the Bill.

Clause 66 ordered to stand part of the Bill.

Clause 67

COMMENCEMENT AND APPLICATION

2.30 pm

Matthew Pennycook: I beg to move amendment 169, in clause 67, page 62, line 21, at end insert—

", save that section 2(b) comes into force on the day on which this Act is passed only to the extent that it repeals section 21 of the Housing Act 1988; such repeal will not affect the validity of any notices served under that provision on or before the day on which this Act is passed and the provisions of that section will continue to apply to any claims issued in respect of such a notice".

This amendment would ensure that the abolition of section 21 evictions would come into force on Royal Assent, with saving provisions for any notices served before that date.

In opening the Committee's fifth sitting for the Opposition, I set out in exhaustive detail our concerns about the huge uncertainty that surrounds the implementation of chapter 1 of part 1 of the Bill as a result of the Government's recent decision to tie the implementation of the new tenancy system directly to ill-defined court improvements. As I argued, because of the Government's last-minute change of approach, private tenants have no idea when the new tenancy system will come into force. They do not even know what constitutes the requisite progress on court reform that Ministers deem necessary before the new system comes into force.

At that point in our proceedings, I put three questions to the Minister. First, do the Government believe that the county court system for resolving most disputes between landlords and tenants is performing so badly that reform is a necessary precondition of bringing chapter 1 of part 1 into force? Secondly, if the Government's view is that reform of the court system is absolutely necessary prior to chapter 1 coming into force, what is the precise nature of the improvements that are deemed to be required? Thirdly, what is the Government's implementation timeline for those court improvements? The Minister's terse response to the clause 1 stand part debate provided no convincing answers whatsoever to those questions; indeed, he failed to respond to almost all the detailed and cogent points of concern raised by Opposition Members in that debate. I hope that he will take the opportunity to respond to them in debate on this amendment, and thus provide the Committee with the assurances that were sought, but not secured, earlier in our proceedings.

Toward the end of the debate on clause 1 stand part, I put a question to the Minister about clause 67. I asked why the two-stage transition process that the clause provides for, with precise starting dates for new and existing tenancies to be determined by the Secretary of State, does not afford the Government enough time to make the necessary improvements to the courts. The Minister's reply was:

"We will come on to that point when we discuss clause 67."—[*Official Report, Renters (Reform) Public Bill Committee,* 21 November 2023; c. 159.]

Well, here we are, Minister, and we would still like to know not only why the Government believe that court reform is a necessary precondition of enacting chapter 1 of part 1, what improvements they believe are necessary, and the timeline for their implementation, but why the two-stage transition process that this clause facilitates is not sufficient to get the job done. We really do deserve some answers from the Government today.

I remind the Committee that clause 67 would give the Government an incredible amount of leeway on when the new system comes into force. It allows Ministers to determine an initial implementation date at any point after Royal Assent, after which all new tenancies will be periodic and governed by the new rules, and also to determine a second implementation date, which must be at least 12 months after the first, after which all existing tenancies will transition to the new rules. Although we want firm assurances that the two-stage process will not be postponed indefinitely pending unspecified court improvements, we take the view that the proposed two-stage process is the right approach. It would clearly not be sensible to enact the whole of chapter 1 of part 1 immediately on Royal Assent. Additional time will be required for, for example, new prescribed forms for the new grounds for possession.

However, landlords and tenants need certainty about precisely when the Government's manifesto commitment to abolish section 21 no-fault evictions will be enacted. Amendment 169 seeks to provide that certainty. It would ensure that section 21 of the Housing Act 1988 was repealed on the day that the Bill received Royal Assent, with saving provisions for any notices served before that date, so that they remain valid and of lawful effect. By ensuring that section 21 is repealed on the day the Act is formally approved, we would prevent a significant

[Matthew Pennycook]

amount of hardship, and the risk of private tenants being made homeless. We urge the Government to accept the amendment.

I want to press the Minister on a final point that I raised about clause 67 during our clause 2 stand part debate. As is clearly specified in guidance published by the Government, they propose a minimum period of 12 months between the first and second implementation dates, but there is no maximum period, so the Bill would allow for all new tenancies to become periodic, but then there could be an extensive period—perhaps even an indefinite one—before existing tenancies transitioned to the new rules.

We believe that the Bill should specify a maximum, as well as a minimum, amount of time between the first and second implementation dates. The Minister agreed to write to me on that issue, but unless I have missed some correspondence, that has not been directly addressed in any of the letters I have received thus far. I would be grateful if he could give me a commitment today that the Government will revisit this issue before Report. Otherwise, we will be minded to return to it then.

Jacob Young: On the hon. Gentleman's final point, I fully accept his desire for a maximum period. The reason we have not set a maximum is to give us as much flexibility as possible. There is no real incentive for a landlord today to try to get around the system. Were a landlord to introduce a new three-year fixed-term tenancy agreement to try to game the system and avoid the six or 12-month time limit, that would simply block the landlord, and they would not be able to use the powers that section 21 affords them currently. That would be restrictive to that landlord as well as to the tenant, so we do not see a situation where a landlord would try to subvert the rule.

Matthew Pennycook: That is an interesting point. Let me probe the Minister on it. There is no maximum period for the implementation of the second date—in other words, there is no period by which the Government have to have brought forward the date when all existing tenancies are converted. Is he saying that between the first implementation date and the second, when all existing tenancies remain as is, other measures in the Bill will apply to them? That is the logic of his argument about landlords not gaming the system. I do not think we are talking about landlords gaming the system; we are talking about the Government having too much leeway to postpone the conversion of existing tenancies to the new system.

Jacob Young: The vast majority of fixed-term tenancies will be a 12-month agreement, so they would naturally roll on to being a periodic tenancy at the end of that fixed-term agreement. It is unrealistic to expect there to be tenancy agreements that are longer than three years, so they would all naturally convert to this new system anyway. We want to create a gradual process for all tenancies to join the new system; otherwise, it would cause confusion and perhaps overload the portal. If that does not satisfy the hon. Gentleman, I am happy to write to him setting that out further.

On amendment 169, I understand that the hon. Gentleman's intention is to gain more clarity on the timeline for implementation of our reforms. However, the amendment would mean that on the day of Royal Assent, section 21 would be removed immediately. There would be no transition period; no time, once the final detail of the legislation was known, to make sure the courts were ready for the changes; and no time for the sector to prepare.

As we have said a number of times in Committee, these are the most significant reforms of the private rented sector in 30 years, and it is critical that we get them right. I am as wedded to ensuring that section 21 is abolished at the earliest opportunity as the hon. Member is, in order to provide vital security for tenants, but we have to ensure that the system is ready.

It might be helpful for me to explain how we are improving the courts, and what needs to happen to prepare the courts for the new tenancy system. Court rules and systems need updating to reflect the new law; there is no way that this can be avoided. Furthermore, we have already fully committed to a digital system that will make the court process more efficient and fit for the modern age. Let me reassure the Committee that we are doing as much as possible before the legislative process concludes. The design phase of our possession process digitisation project is under way, and has more than £1 million of funding. That will pave the way for the development and build of a new digital service.

We are also working to tackle concerns about bailiff delays, including by providing for automated payments for debtors. That will reduce the need for doorstep visits, so that bailiffs can prioritise possession enforcement. We are going further with the Ministry of Justice and His Majesty's Courts and Tribunals Service in exploring improvements to bailiff recruitment and retention policies; we touched on that. It would simply be a waste of taxpayers' money to spend millions of pounds building a new system when we do not have certainty on the legislation underpinning it. That is why we will set out more details and implementation dates in due course.

Let me be clear that this is not a delaying tactic. There are 2.4 million landlords. Urban and rural landlords, their representatives and business tell us that they have concerns about delays in the courts. We cannot simply ignore that. We have always been clear that implementation would be phased, so that the sector has time to adjust, and we committed to giving notice of the implementation dates in the White Paper last year.

Mike Amesbury: How many people and families does the Minister think will be evicted while they wait for reform of the courts, or wait for them to go digital by default? What is the timescale for digital by default? There are literally hundreds of families a day being evicted through section 21 no-fault evictions; the numbers are starting to go through the roof. That is a massive cost to the state and taxpayers.

Jacob Young: Of course it is, and I entirely accept the hon. Gentleman's point. However, every one of the 11 million renters in this country has a landlord. We have had representations from all the organisations representing the 2.4 million landlords in this country

saying that they are concerned about the courts. Trying to introduce a new system and overriding the concerns of landlords would be unwise.

Matthew Pennycook: The Minister says that this is not a delaying tactic. I take him at his word. Will he therefore explain why the two-stage transition process provided for by the clause does not provide the Government with enough time to make the necessary improvements? He said that the improvements are already under way, and that huge progress is being made in a number of areas. Why is that not enough time for him to say, "By the second implementation date, we will have got the courts to where they need to be, and we can give tenants the assurance that the new system will be in place at that point"?

Jacob Young: As I have outlined, we need to give time for the courts to improve. We need to give them the space to do that. I do not think that the measures in the Bill mentioned by the hon. Gentleman are adequate to do that. However, if there is another mechanism for us to ensure that the courts are prepared before the implementation of the Bill, I am happy to discuss that with him further. I remind all hon. Members that this is the biggest change to the sector in a generation; it is important that we take the time to get it right. The Government are ensuring that we have a smooth transition to the new system, and I therefore ask the hon. Gentleman to withdraw his amendment.

Matthew Pennycook: I thank the Minister for that response. That is probably the most detail we have had on what the Government see as the necessary court improvements, but, to be frank, it is not enough detail. There are no metrics in there by which we can measure the reform that he talked about.

The Minister mentioned that the Government want the reforms introduced at the earliest possible opportunity. We have heard that they are targeting bailiff delays, processes and the new digital system. I take it from his response that the implementation of an entirely new digital system relating to possession grounds is a prerequisite to enacting part 1 of chapter 1. However, there is still too much uncertainty about what constitutes a necessary reform, and we are not convinced that the two-stage transition process provided for by the Bill does not afford the Government enough time to get the courts to a point at which we can introduce the new system. Indeed, in the evidence sessions, we heard different points of view on whether we had not better introduce the measures in the Bill and then see how the courts respond to the new system before phasing it in, so we remain unconvinced.

There is a fundamental point of difference between us on the abolition of section 21. We are deeply concerned about the number of people put at risk of homelessness while the Government have delayed bringing the legislation forward. We are deeply concerned about the additional people who will be at risk of homelessness, and who will be made homeless, while the Government get on with court improvements that, frankly, should already have been delivered, so that the Bill could be ready to go. We very much feel that tenants and landlords need certainty about precisely when section 21 will be abolished, so I will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 8.

Division No. 13]

AYES

Amesbury, Mike	Morgan, Helen
Buck, Ms Karen	Pennycook, Matthew
Glindon, Mary	Russell-Moyle, Lloyd

NOES

Aiken, Nickie	Mohindra, Mr Gagan
Bailey, Shaun	Spencer, Dr Ben
Firth, Anna	Tracey, Craig
Hughes, Eddie	Young, Jacob

Question accordingly negatived.

2.45 pm

Amendments made: 110, in clause 67, page 63, line 19, leave out

"Chapter 2 of Part 1 comes"

and insert "The following come".

This amendment, together with Amendment 111, provides for the commencement two months after the Bill is passed of the new clauses relating to abandoned premises under assured shorthold tenancies and to investigatory powers for local housing authorities.

Amendment 111, in clause 67, page 63, line 20, at end insert—

"(a) Chapter 2 of Part 1;

(b) section (*Abandoned premises under assured shorthold tenancies*);

(c) sections (*Power of local housing authority to require information from relevant person*) to (*Client money protection schemes: investigatory powers of local authorities*)."

This amendment, together with Amendment 110, provides for the commencement two months after the Bill is passed of the new clauses relating to abandoned premises under assured shorthold tenancies and the new clauses relating to investigatory powers.

Amendment 112, in clause 67, page 63, line 23, at end insert—

"(ba) section (*Decent homes standard*) and Schedule (*Decent homes standard*), for the purposes of making regulations;".

This amendment provides for the powers to make regulations under NC20 and NS1 to come into force on Royal Assent.

Amendment 113, in clause 67, page 63, line 27, leave out

"Chapter 3 of Part 1"

and insert

"Chapter 2A of Part 1 and section 22".

This amendment provides for the new Chapter expected to be formed of new clauses relating to discriminatory practices in relation to the grant of tenancies to be commenced by regulations made by the Secretary of State. It also makes a change in consequence of the new clause relating to abandoned premises under assured shorthold tenancies, which is expected to be inserted into Chapter 3 of Part 1. Unlike clause 22, of which that Chapter currently consists, the new clause will not come into force by regulations (see Amendments 110 and 111).

Amendment 114, in clause 67, page 63, line 29, leave out "sections" and insert

"section 52 and Schedule 3 and sections (*Rent repayment orders*),".

This amendment provides for NC21 to be brought into force by regulations made by the Secretary of State. It also ensures that the Bill will continue to provide for clause 52 to be brought into force in that way once it is transposed from Part 2 to Part 3 of the Bill by the motion to transfer clause 52.

Amendment 115, in clause 67, page 63, line 30, leave out paragraph (d).

This amendment is consequential on the removal of clause 63 from the Bill.

Amendment 116, in clause 67, page 63, line 30, at end insert—

"(da) section (*Decent homes standard*) and Schedule (*Decent homes standard*), for purposes other than making regulations."

This amendment provides for regulations to bring NC20 and NS1 into force to the extent that they did not come into force on Royal Assent.

Amendment 125, in clause 67, page 63, line 30, at end insert—

"(10A) Chapter 2B comes into force on such day as the Welsh Ministers by order made by statutory instrument appoint."—*(Jacob Young.)*

This amendment provides for the new Chapter 2B expected to be formed of the clauses relating to discriminatory treatment of people with children and benefits claimants in Wales to be commenced by order of the Welsh Ministers.

Clause 67, as amended, ordered to stand part of the Bill.

Schedule 4

Application of Chapter 1 of Part 1 to existing tenancies: transitional provision

Amendments made: 117, in schedule 4, page 82, line 29, leave out "sections 9 and 11" and insert

"sections (*Duty of landlord and contractor to give statement of terms and other information*) and (*Other duties*)".

This amendment is consequential on NC3 and NC4. It updates section references to refer to the new clauses inserted by those amendments instead of existing clauses.

Amendment 118, in schedule 4, page 82, line 31, leave out "16F(1)" and insert "16H(1)".

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Amendment 119, in schedule 4, page 82, line 37, at end insert—

"(2A) Where a landlord referred to in sub-paragraph (2) has entered into a contract with a person which requires that person to ensure compliance with that sub-paragraph (whether or not it is referred to individually), sub-paragraph (2) also applies to that person, as it applies to the landlord."

This amendment is consequential on NC3. It makes provision for transitional cases corresponding to new section 16D(6) inserted by that clause.

Amendment 120, in schedule 4, page 83, line 3, leave out

"16D(3) of the 1988 Act (inserted by section 9)"

and insert

"16D(4) of the 1988 Act (inserted by section (*Duty of landlord and contractor to give statement of terms and other information*))".

This amendment is consequential on NC3. It updates section references to refer to the new clauses inserted by those amendments instead of existing clauses.

Amendment 121, in schedule 4, page 83, line 4, leave out "an assured tenancy" and insert

"the tenancy or on the day on which the tenancy begins".

This amendment is consequential on NC3. It ensures that the transitional modifications in Schedule 4 track the wording of the new clause inserted by that amendment.

Amendment 122, in schedule 4, page 83, line 16, leave out "16F or 16H" and insert "16H or 16J".

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Amendment 123, in schedule 4, page 83, line 17, leave out "16G" and insert "16I".

This amendment is consequential on NC4 and NC5. It updates the new section numbering to reflect the fact that those new clauses insert new sections earlier in the 1988 Act.

Amendment 124, in schedule 4, page 83, line 25, at end insert—

"*Schedule 1: redevelopment ground*

9A In relation to an existing tenancy, paragraph (ab) in Ground 6 in Schedule 2 to the 1988 Act is to be read as if for 'before the beginning of the tenancy or on the day on which it began' there were substituted 'before the extended application date (within the meaning given by section 67(4) of the Renters (Reform) Act 2024)'."—*(Jacob Young.)*

This amendment is consequential on Amendment 13. It makes corresponding provision for transitional cases.

Schedule 4, as amended, agreed to.

Clause 68

Transitional provision

Amendments made: 126, in clause 68, page 63, line 33, at end insert—

"(A1) The Welsh Ministers may by order made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of Chapter 2B of Part 1."

This amendment enables the Welsh Ministers by order to make transitional or saving provision in connection with the commencement of Chapter 2B expected to be formed of the new clauses relating to discriminatory treatment of people with children and benefits claimants in Wales.

Amendment 127, in clause 68, page 63, line 36, after "any" insert "other".

This amendment is consequential on Amendment 126. It removes the provision that the Welsh Ministers can make under that section from the ambit of the Secretary of State's power to make transitional or saving provision in connection with the rest of the Bill, so that there is no overlap between the powers of the Welsh Ministers and those of the Secretary of State.

Amendment 128, in clause 68, page 63, line 37, at end insert—

"(1A) The power to make an order under subsection (A1) includes power to provide for a provision of Chapter 2B to apply (with or without modifications) in relation to occupation contracts granted, renewed or continued, or advertising begun, before the date on which the provision comes into force."

This amendment is consequential on Amendment 126. It makes provision equivalent to subsection (2) of clause 68 in relation to the Welsh Ministers' power to make transitional or saving provision in connection with the new Chapter 2B as a result of that amendment.

Amendment 129, in clause 68, page 64, line 3, leave out

"power to make regulations under subsection (1) includes"

and insert

"powers under subsections (A1) and (1) include".—*(Jacob Young.)*

This amendment is consequential on Amendment 126. It ensures that subsection (3) of clause 68 applies in relation to the Welsh Ministers' power to make transitional or saving provision as a result of that amendment.

Clause 68, as amended, ordered to stand part of the Bill.

Clause 69 ordered to stand part of the Bill.

New Clause 1

FACTORS FOR COURT CONSIDERING GRANTING POSSESSION ORDER FOR ANTI-SOCIAL BEHAVIOUR

"In the 1988 Act, in section 9A—

(a) in subsection (2), after paragraph (c) insert—

'(d) whether the person against whom the order is sought has co-operated with any attempt by the landlord to encourage the conduct to cease.';

(b) after subsection (2) insert—

'(3) Where the person against whom the order is sought is a tenant occupying an HMO, in considering effects mentioned in subsection (2)(a) the court must have particular regard to the effect on other occupiers who share with that person accommodation or facilities within the HMO.

(4) For the purposes of subsection (3) occupiers of an HMO share accommodation or facilities if they are each entitled to use that accommodation or those facilities under the terms of a tenancy or licence to occupy.

(5) In subsection (3) "HMO" has the same meaning as in Part 2 of the Housing Act 2004 (see section 77 of that Act).'"—*(Jacob Young.)*

This new clause amends the factors for the court to take into account when considering whether to grant a possession order on the discretionary anti-social behaviour ground of possession. It adds co-operation with any engagement from the landlord as a factor and adds a requirement for the court to consider in particular effects on other tenants of the same HMO. It is expected to be inserted after clause 3.

Brought up, read the First and Second time, and added to the Bill.

New Clause 2

REPAYMENT OF RENT PAID IN ADVANCE

"In the 1988 Act, after section 14ZB (inserted by section 6 of this Act) insert—

'**14ZC Repayment of rent paid in advance**

(1) A person who paid rent in advance as a tenant under an assured tenancy is entitled to be repaid any part of that rent that relates to days falling after the end of the tenancy.

(2) Subsection (1) does not affect any other entitlement to payment arising at the end of an assured tenancy.'"—*(Jacob Young.)*

This new clause provides for rent paid in advance to be returned to the tenant at the end of an assured tenancy, to the extent that it relates to times at which the tenancy will not exist because it has ended. This overrides a common law rule that rent in advance cannot be apportioned on a time basis. The clause is expected to be inserted after clause 6.

Brought up, read the First and Second time, and added to the Bill.

New Clause 3

DUTY OF LANDLORD AND CONTRACTOR 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 and persons acting on their behalf

16D Duty of landlord and contractor to give statement of terms and other information

(1) This section applies to an assured tenancy other than—

(a) 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, or

(b) a tenancy granted by implication, after an implied surrender of a previous tenancy between the same parties, where the implied surrender and grant result from an agreement to vary the terms of the previous tenancy.

(2) The landlord under a tenancy to which this section applies must give 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, and

(b) 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;

(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 landlord may include in a statement under subsection (2) a statement of the landlord's wish to be able to recover possession on one or more of Grounds 1B, 2ZA, 2ZB, 4, 4A, 5 to 5G or 18 in Schedule 2 (for the consequences of specifying a ground mentioned in this subsection in a notice under section 8 where no statement under this subsection is so included, see section 16E(2)(e) and section 16H(1)(a)).

(4) Subject to subsection (5), the statement under subsection (2) must be given before the beginning of the tenancy or on the day on which the tenancy begins.

(5) Where a tenancy to which this section applies—

(a) arises by succession as mentioned in section 39(5), or

(b) is an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3,the statement under subsection (2) must be given within the period of 28 days beginning with the date on which the landlord acknowledges the tenant's right to a tenancy.

(6) Where a landlord has entered into a contract with a person which requires that person to ensure compliance with this section (whether or not this section is referred to individually), subsection (2) also applies to that person, as it applies to the landlord.

(7) Regulations under this section are to be made by statutory instrument.

(8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.'"—*(Jacob Young.)*

This new clause is intended to replace clause 9. It is different from clause 9 in that it applies to landlords' contractors as well as landlords, carves out certain tenancies by implication and contains modifications for certain tenancies.

Brought up, read the First and Second time, and added to the Bill.

New Clause 4

OTHER DUTIES

"In the 1988 Act, after section 16D (inserted by section (*Duty of landlord and contractor to give statement of terms and other information*) of this Act) insert—

'**16E Other duties**

(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.

(2) A relevant person must not, in relation to a tenancy to which this section applies—

(a) purport to let a dwelling-house on the tenancy for a fixed term (see section 4A),

(b) purport to bring the tenancy to an end orally or 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 but is not in the form prescribed under section 45(1) for the purposes of that provision,

(d) rely on a ground in Schedule 2 which the landlord is not entitled to rely on,

(e) where the tenancy is one to which section 16D applies, rely on one or more of Grounds 1B, 2ZA, 2ZB, 4, 4A, 5 to 5G or 18 in Schedule 2 if no statement was given to the tenant under section 16D(3) in respect of them, or

(f) if relying on one or more of Grounds 1, 1A and 6 in Schedule 2, specify in the notice under section 8, or purported notice under section 8, 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.

(3) Where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to a tenancy to which this section applies, the landlord must not, within the restricted period, let the dwelling-house on a tenancy for a term of 21 years or less.

(4) Where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to a tenancy to which this section applies, a relevant person in relation to that tenancy must not—

(a) within the restricted period, market the dwelling-house to let on a tenancy for a term of 21 years or less, or

(b) authorise another person to market the dwelling-house to let on a tenancy for a term of 21 years or less, so far as the authorisation would allow that other person to market it within the restricted period.

(5) Where a prohibition in subsection (3) or (4) applies to a person, it continues to apply to that person until the end of the restricted period, whether or not the tenancy continues during that period.

(6) For the purposes of this section—

(a) a person relies on a ground in Schedule 2 in relation to a tenancy where the person serves on the tenant a notice under section 8, or a purported notice under section 8, which specifies that ground;

(b) a landlord is entitled to rely on a ground in Schedule 2 where the landlord can establish the ground.

(7) A breach of subsection (2)(e) does not prevent a court from making an order for possession of the dwelling-house on the ground in question (but see section 16H(1)(a)).

(8) In this section—

"purported notice under section 8" means any document which is not a notice under section 8 but purports to bring an assured tenancy to an end;

"relevant person" , in relation to a tenancy to which this section applies, means—

(a) the landlord, or

(b) a person acting or purporting to act on behalf of the landlord;

"the restricted period", in relation to a tenancy in relation to which Ground 1 or 1A in Schedule 2 is relied on, means the period beginning with the date on which a notice under section 8, or a purported notice under section 8, is served which specifies that ground and ending—

(a) at the end of the period of three months beginning with the date specified in the notice, or

(b) if earlier, with the date on which any order for possession of the dwelling-house is made.

16F Interpretation of terms related to marketing in section 16E(1)

(1) For the purposes of section 16E a person markets a dwelling-house to let on a tenancy when—

(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.

(2) But subsection (1)(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.

(3) 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-house, or

(b) a person ("a prospective tenant") seeking to find a dwelling-house to let.

(4) However, "lettings agency work" does not include any of the following things when done by a person who does nothing else within subsection (3)—

(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;

(c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other.

(5) "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.

(6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.'"—*(Jacob Young.)*

This new clause is intended to replace clause 10. The key differences are that it applies to persons acting or purporting to act on behalf of landlords, as well as landlords themselves, makes clearer what the period is within which re-letting is prohibited following reliance on Ground 1 or 1A and contains provision consequential on NC3.

Brought up, read the First and Second time, and added to the Bill.

New Clause 5

LANDLORDS ACTING THROUGH OTHERS

"In the 1988 Act, after section 16F (inserted by section (*Other duties*) of this Act) insert—

'**16G Landlords acting through others**

Nothing in section 16D or 16E prevents a landlord from fulfilling or contravening an obligation through another person acting on their behalf.'"—*(Jacob Young.)*

This new clause is consequential on NC3 and NC4 and is expected to be inserted after NC4. It makes clear that the separate duties they impose on landlords' contractors and on people acting or purporting to act on behalf of landlords are not intended to displace the application of common law principles about agency.

Brought up, read the First and Second time, and added to the Bill.

New Clause 6

LIABILITY OF TENANTS UNDER ASSURED TENANCIES FOR COUNCIL TAX

"In section 6(6) of the Local Government Finance Act 1992, in the definition of 'material interest'—

(a) for 'or a' substitute ', a';

(b) after 'more' insert 'or a tenancy that is or was previously an assured tenancy within the meaning of the Housing Act 1988'."—*(Jacob Young.)*

This new clause makes tenants under an assured tenancy continue to be liable for council tax until the end of the tenancy even if they vacate the property and leave it unoccupied before the end of their tenancy. The new clause is expected to be inserted before clause 20.

Brought up, read the First and Second time, and added to the Bill.

New Clause 7

ACCOMMODATION FOR HOMELESS PEOPLE UNDER SECTION 199A OF THE HOUSING ACT 1996

"In section 209 of the Housing Act 1996 (interim accommodation in relation to which an assured tenancy will not normally arise), in subsection (1), after '190,' insert '199A,'."—*(Jacob Young.)*

This new clause is consequential on the insertion of section 199A of the Housing Act 1996 by the Homelessness Reduction Act 2017 and restricts the circumstances in which accommodation arranged in pursuance of that section can be an assured tenancy. The new clause is expected to be inserted into Chapter 2 of Part 1 of the Bill, after clause 21.

Brought up, read the First and Second time, and added to the Bill.

New Clause 8

PROHIBITION OF DISCRIMINATION RELATING TO CHILDREN

"(1) A relevant person must not, in relation to a dwelling that is to be let on a relevant tenancy—

(a) on the basis that a child would live with or visit a person at the dwelling if the dwelling were the person's home, prevent the person from—

(i) enquiring whether the dwelling is available for let,

(ii) accessing information about the dwelling,

(iii) viewing the dwelling in order to consider whether to seek to rent it, or

(iv) entering into a tenancy of the dwelling, or

(b) apply a provision, criterion or practice in order to make people who would have a child live with or visit them at the dwelling, if it were their home, less likely to enter into a tenancy of the dwelling than people who would not.

(2) Subsection (1) does not apply if—

(a) the relevant person can show that the conduct is a proportionate means of achieving a legitimate aim, or

(b) the relevant person can show that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—

(i) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and

(ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy from having a child live with or visit them at the dwelling or to restrict the circumstances in which such a tenant may have a child live with or visit them at the dwelling,

and the conduct is a means of preventing the insured from breaching that term.

(3) Conduct does not breach the prohibition in subsection (1) if it consists only of—

(a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—

(i) publishing advertisements or disseminating information;

(ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant;

(iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or

(b) 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."—*(Jacob Young.)*

This new clause bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who have children (or have children visit them) to obtain a relevant tenancy, as defined in NC17. This and other new clauses relating to discriminatory practices in relation to the grant of tenancies are expected to form a new Chapter 2A of Part 1 of the Bill. Other new clauses make similar provision for Wales.

Brought up, read the First and Second time, and added to the Bill.

New Clause 9

PROHIBITION OF DISCRIMINATION RELATING TO BENEFITS STATUS

"(1) A relevant person must not, in relation to a dwelling that is to be let on a relevant tenancy—

(a) on the basis that a person is a benefits claimant, prevent the person from—

(i) enquiring whether the dwelling is available for let,

(ii) accessing information about the dwelling,

(iii) viewing the dwelling in order to consider whether to seek to rent it, or

(iv) entering into a tenancy of the dwelling, or

(b) apply a provision, criterion or practice in order to make benefits claimants less likely to enter into a tenancy of the dwelling than people who are not benefits claimants.

(2) Subsection (1) does not apply if the relevant person can show that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—

(a) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and

(b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy from being a benefits claimant,

and the conduct is a means of preventing the prospective landlord from breaching that term.

(3) Conduct does not breach the prohibition in subsection (1) if it consists only of—

(a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—

(i) publishing advertisements or disseminating information;

(ii) providing a means by which a prospective landlord can communicate directly with a prospective tenant;

(iii) providing a means by which a prospective tenant can communicate directly with a prospective landlord, or

(b) 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."—*(Jacob Young.)*

This new clause bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who are on benefits to obtain a relevant tenancy. This and other new clauses relating to discriminatory practices in relation to the grant of tenancies are expected to form a new Chapter 2A of Part 1 of the Bill. Other new clauses make similar provision for Wales.

Brought up, read the First and Second time, and added to the Bill.

New Clause 10

Financial penalties

"(1) A local housing authority may impose a financial penalty under this subsection on a person if satisfied on the balance of probabilities that the person has breached a requirement imposed by section (*Prohibition of discrimination relating to children*) or section (*Prohibition of discrimination relating to benefits status*).

(2) More than one financial penalty may be imposed under subsection (1) on the same person 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

(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.

(3) Where a person applies a single provision, criterion or practice on more than one occasion in relation to the same dwelling, each application of that provision, criterion or practice is to be treated as the same conduct for the purposes of subsection (2).

(4) If—

(a) the local housing authority imposes a financial penalty under subsection (1) on a person, and

(b) within the period of five years ending with the date on which that penalty was imposed, a previous financial penalty under subsection (1) was imposed on that person in relation to a breach of the same section,

then the local housing authority may impose an additional financial penalty under this subsection on that person.

(5) 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.

(6) Neither subsection (2) nor subsection (4) enables a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.

(7) Where—

(a) a local housing authority is satisfied as mentioned in subsection (1) in relation to two or more persons, and

(b) the breaches in relation to which the local housing authority is so satisfied arise from the same conduct by one or more of the persons acting on behalf of the others,

the local housing authority may impose a financial penalty under that subsection on the persons (or some of them) jointly, and if the local housing authority does so, the persons on whom the penalty is imposed are jointly and severally liable to pay it.

(8) The Secretary of State may give guidance to local housing authorities about the exercise of their functions under this section.

(9) Local housing authorities must have regard to any guidance issued under subsection (8).

(10) The Secretary of State may by regulations amend the amount specified in subsection (5) to reflect changes in the value of money.

(11) For the purposes of this section—

(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."—*(Jacob Young.)*

This new clause makes provision for the enforcement of NC8 and NC9 by the imposition of financial penalties. See the explanatory statement relating to those amendments for more information.

Brought up, read the First and Second time, and added to the Bill.

New Clause 11

Discriminatory terms in a tenancy relating to children or benefits status

"(1) A term of a relevant tenancy or regulated tenancy is of no effect so far as the term makes provision (however expressed) prohibiting the tenant from having a child live with or visit them at the dwelling or restricting the circumstances in which the tenant may have a child do so.

(2) Subsection (1) does not apply if—

(a) the provision is a proportionate means of achieving a legitimate aim, or

(b) the landlord or a superior landlord is insured under a contract of insurance—

(i) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and

(ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit the tenant from having a child live with or visit them at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit them at the dwelling,

and the provision in the tenancy is a means of preventing the insured from breaching that term.

(3) A term of a relevant tenancy or regulated tenancy is of no effect so far as the term makes provision (however expressed) prohibiting the tenant from being a benefits claimant.

(4) Subsection (3) does not apply if the landlord or a superior landlord is insured under a contract of insurance—

(a) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and

(b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the tenant from being a benefits claimant,

and the provision in the tenancy is a means of preventing the insured from breaching that term."—*(Jacob Young.)*

This new clause provides for terms of a relevant or regulated tenancy to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Brought up, read the First and Second time, and added to the Bill.

New Clause 12

TERMS IN SUPERIOR LEASES RELATING TO CHILDREN OR BENEFITS STATUS

"(1) A term of a lease of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a tenant under that or any inferior lease to—

(a) prohibit a sub-tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or

(b) restrict the circumstances in which a sub-tenant under a relevant tenancy or regulated tenancy may have a child live with or visit them at the dwelling.

(2) Subsection (1) does not apply if—

(a) the provision is a proportionate means of achieving a legitimate aim, or

(b) the landlord under the lease or a superior landlord is insured under a contract of insurance—

(i) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and

(ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a sub-tenant from having a child live with or visit them at the dwelling or to restrict the circumstances in which a sub-tenant may have a child live with or visit them at the dwelling,

and the provision in the lease is a means of preventing the insured from breaching that term.

(3) A term of a lease of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a tenant under that or any inferior lease to prohibit a sub-tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.

(4) Subsection (3) does not apply if the landlord under the lease or a superior landlord is insured under a contract of insurance—

(a) to which section (*Terms in insurance contracts relating to children or benefits status*) does not apply, and

(b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a sub-tenant from being a benefits claimant,

and the provision in the lease is a means of preventing the insured from breaching that term.

(5) For the purposes of this section, the terms of a lease include—

(a) the terms of any agreement relating to the lease, and

(b) any document or communication from the landlord that gives or refuses consent for sub-letting under the lease to a category or description of person."—*(Jacob Young.)*

This new clause provides for terms of a superior lease to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Brought up, read the First and Second time, and added to the Bill.

New Clause 13

TERMS IN MORTGAGES RELATING TO CHILDREN OR BENEFITS STATUS

"(1) A term of a mortgage of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring the mortgagor to—

(a) prohibit a tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or

(b) restrict the circumstances in which a tenant under a relevant tenancy or regulated tenancy may have a child live with or visit them at the dwelling.

(2) A term of a mortgage of premises that consist of or include a dwelling is of no effect so far as the term makes provision (however expressed) requiring a mortgagor to prohibit a tenant under a relevant tenancy or regulated tenancy from being a benefits claimant."—*(Jacob Young.)*

This new clause provides for terms of a mortgage to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Brought up, read the First and Second time, and added to the Bill.

New Clause 14

TERMS IN INSURANCE CONTRACTS RELATING TO CHILDREN OR BENEFITS STATUS

"(1) A term of a contract of insurance to which this section applies is of no effect so far as the term makes provision (however expressed) requiring the insured to—

(a) prohibit a tenant under a relevant tenancy or regulated tenancy from having a child live with or visit them at the dwelling, or

(b) restrict the circumstances in which a tenant under a relevant tenancy or a regulated tenancy may have a child live with or visit them at the dwelling.

(2) A term of a contract of insurance to which this section applies is of no effect so far as the term makes provision (however expressed) requiring the insured to prohibit a tenant under a relevant tenancy or regulated tenancy from being a benefits claimant.

(3) This section applies to contracts of insurance which were entered into or whose duration was extended on or after the day on which this section comes into force."—*(Jacob Young.)*

This new clause provides for terms of an insurance contract to be ineffective so far as they would prohibit a tenant from having a child live with or visit them or from being a benefits claimant.

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

POWER OF THE SECRETARY OF STATE TO AMEND CHAPTER 2A TO PROTECT PERSONS OF OTHER DESCRIPTIONS

"The Secretary of State may by regulations amend this Chapter so as to make provision about tenancies of dwellings, in relation to persons of another description, corresponding, with or without modifications, to the provision made by this Chapter in relation to persons who would have a child live with or visit them or persons who are benefits claimants."—*(Jacob Young.)*

This new clause allows the Secretary of State by regulations to expand the new Chapter expected to be formed of new clauses relating to discriminatory practices in relation to the grant of tenancies to protect persons of other descriptions.

Brought up, read the First and Second time, and added to the Bill.

New Clause 16

NO PROHIBITION ON TAKING INCOME INTO ACCOUNT

"Nothing in this Chapter prohibits taking a person's income into account when considering whether that person would be able to afford to pay rent under a relevant tenancy."—*(Jacob Young.)*

This new clause confirms that it is not prohibited by anything in the new Chapter 2A to take a prospective tenant's income into account.

Brought up, read the First and Second time, and added to the Bill.

New Clause 17

INTERPRETATION OF CHAPTER 2A

"In this Chapter—

'benefits claimant' means a person who is entitled to payments under or by virtue of the Social Security Contributions and Benefits Act 1992 or the Welfare Reform Act 2012, or would be so entitled were a relevant tenancy to be granted to the person;

'child' means a person under the age of 18;

'dwelling' means a 'dwelling-house' within the meaning of Part 1 of the 1988 Act (see section 45 of that Act) in England;

'prospective landlord' means a person who proposes to let a dwelling on a relevant tenancy;

'prospective tenant' means a person seeking to find a dwelling to rent;

'regulated tenancy' has the same meaning as in the Rent Act 1977 (see section 18 of that Act);

'relevant person', in relation to a relevant tenancy, means—

(a) the prospective landlord;

(b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord;

'relevant tenancy' means an assured tenancy within the meaning of the 1988 Act, other than a tenancy that is—

(a) a tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008, or

(b) a tenancy of supported accommodation, within the meaning given by paragraph 12 of Schedule 2 to the 1988 Act."—*(Jacob Young.)*

This new clause contains definitions relevant to the new Chapter expected to be formed of new clauses relating to discriminatory practices in relation to the grant of tenancies.

3 pm

Brought up, read the First and Second time, and added to the Bill.

New Clause 18

ABANDONED PREMISES UNDER ASSURED SHORTHOLD TENANCIES

"In the Housing and Planning Act 2016, omit Part 3 (recovering abandoned premises under assured shorthold tenancies)."—*(Jacob Young.)*

This new clause repeals Part 3 of the Housing and Planning Act 2016. That Part provides for the recovery without a court order of premises let under an assured shorthold tenancy, where the premises have been abandoned. It has never been brought into force. The new clause is expected to be inserted into Chapter 3 of Part 1 of the Bill, after clause 22, and the title of Chapter 3 is expected to become "Miscellaneous".

Brought up, read the First and Second time, and added to the Bill.

New Clause 19

RENT REPAYMENT ORDERS FOR OFFENCES UNDER SECTIONS

"(1) The Housing and Planning Act 2016 is amended as follows.

(2) In section 40 (introduction and key definitions), at the end of the table in subsection (3) insert—

'8	Renters (Reform) Act 2024	section 27(1), (2) or (3)	Landlord redress schemes: continuing or repeat breaches
9		section 48(1)	Private rented sector database: provision of false or misleading information
10		section 48(2), (3) or (4)	Private rented sector database: continuing or repeat breaches'

section 27(1), (2) or (3)

section 48(1)

section 48(2), (3) or (4)

(3) In section 44 (amount of order: tenants), in the first column of the table in subsection (2)—

(a) in the first row, for 'or 2' substitute ', 2 or 9', and

(b) in the second row, for 'or 7' substitute ', 7, 8 or 10'.

(4) In section 45 (amount of order: local housing authorities), in the first column of the table in subsection (2)—

(a) in the first row, for 'or 2' substitute ", 2 or 9', and

(b) in the second row, for 'or 7' substitute ', 7, 8 or 10'."—*(Jacob Young.)*

This new clause combines the amendments of section 40 of the Housing and Planning Act 2016 previously contained in clauses 27(9) and 48(10) in a single amendment and adds consequential amendments of sections 44 and 45 of that Act. It is expected to be included in Chapter 4 of Part 2 of the Bill.

Brought up, read the First and Second time, and added to the Bill.

New Clause 20

DECENT HOMES STANDARD

"(1) The Housing Act 2004 is amended as follows.

(2) In section 1 (new system for assessing housing conditions and enforcing housing standards), after subsection (3) insert—

'(3A) This Part also provides—

(a) for regulations to specify requirements that must be met in England by qualifying residential premises, and

(b) for the enforcement of those requirements by local housing authorities in England.'

(3) In subsection (4) of that section, after paragraph (d) insert—

'(e) accommodation in England—

(i) the availability for occupation of which is secured under Part 7 of the Housing Act 1996 (homelessness), and

(ii) that is of a description specified by regulations made by the Secretary of State.'

(4) After section 2 insert—

'*Additional standards for certain housing in England*

2A Power to set standards for qualifying residential premises

(1) The Secretary of State may by regulations specify requirements to be met by qualifying residential premises.

(2) The matters which may be covered by the requirements include (but are not limited to) the following matters—

(a) the state of repair of the premises,

(b) things to be provided for use by, or for the safety, security or comfort of, persons occupying the premises, and

(c) the means of keeping the premises at a suitable temperature.

(3) The requirements are to consist of one or both of the following—

(a) requirements which the Secretary of State considers appropriate to be subject to enforcement under section 5 (duty of local housing authorities to take enforcement action), referred to in this Part as "type 1 requirements", and

(b) requirements which the Secretary of State considers appropriate to be subject to enforcement under section 7 (power of local housing authorities to take enforcement action), referred to in this Part as "type 2 requirements".

(4) The regulations may contain exceptions from the requirements.

2B Qualifying residential premises

(1) The following are "qualifying residential premises" for the purposes of this Part—

(a) a dwelling or HMO in England—

(i) which is let under a relevant tenancy, or

(ii) which is supported exempt accommodation,

except where the dwelling or HMO is social housing and the landlord under the tenancy, or the provider of the accommodation, is a registered provider of social housing,

(b) an HMO in England where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, except where the unit is social housing and the landlord under the tenancy is a registered provider of social housing,

(c) any accommodation falling within paragraph (e) of the definition of "residential premises" in section 1(4) (homelessness), except where the accommodation is social housing and the provider of the accommodation is a registered provider of social housing, and

(d) any common parts of a building in England containing one or more flats falling within paragraph (a), (b) or (c) of this subsection.

(2) In this Part—

"relevant tenancy" means—

(a) an assured tenancy within the meaning of the Housing Act 1988,

(b) an assured agricultural occupancy within the meaning of Part 1 of that Act, or

(c) a regulated tenancy within the meaning of the Rent Act 1977;

"social housing" has the same meaning as in Part 2 of the Housing and Regeneration Act 2008;

"supported exempt accommodation" has the same meaning as in the Supported Housing (Regulatory Oversight) Act 2023 (see section 12 of that Act).

(3) The Secretary of State may by regulations amend this section so as to change the meaning of "relevant tenancy" so as to add or remove a particular kind of—

(a) tenancy that is periodic or granted for a term of less than 21 years, or

(b) licence to occupy.'

(5) In Schedule (*Decent homes standard*), Part 1 contains amendments of the Housing Act 2004 and Part 2 contains amendments of other Acts."—*(Jacob Young.)*

This clause extends Part 1 of the Housing Act 2004 to cover temporary accommodation provided under homelessness duties of local housing authorities in England. It also provides for regulations to specify new requirements which will form part of the Decent Homes Standard and will apply to temporary accommodation, rented property and supported exempt accommodation. This clause and NS1 are expected to form a new Part of the Bill after the existing Part 2, and are intended to replace clause 63 of the Bill.

Brought up, read the First and Second time, and added to the Bill.

New Clause 21

RENT REPAYMENT ORDERS

"(1) The Housing and Planning Act 2016 is amended as follows.

(2) In section 40, for subsections (1) and (2) substitute—

'(1) This Chapter confers power on the First-tier Tribunal to make a rent repayment order where an offence to which this Chapter applies has been committed by—

(a) a landlord under a tenancy of housing in England, or

(b) any superior landlord in relation to such a tenancy.

(2) A rent repayment order is an order requiring the landlord to—

(a) pay a tenant an amount in respect of rent paid by or on behalf of the tenant, or

(b) pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy.'

(3) In section 43 (making of rent repayment order), at the end of subsection (3) insert—

'(d) section 46A (where an order is made against more than one landlord or there has been a previous order).'

(4) In section 44 (amount of order: tenants)—

(a) in subsection (2)—

(i) for 'during' substitute 'in respect of', and

(ii) for '12 months' (in both places) substitute '2 years', and

(b) in subsection (3), for 'repay' substitute 'pay'.

(5) In section 45 (amount of order: local housing authorities)—

(a) in subsection (2)—

(i) for 'during' substitute 'in respect of', and

(ii) for '12 months' (in both places) substitute '2 years', and

(b) in subsection (3)—

(i) for 'repay' substitute 'pay', and

(ii) omit 'that the landlord' (in the second place).

(6) After section 46 insert—

'**46A Amount of order: supplementary**

(1) A rent repayment order made against more than one landlord may—

(a) apportion liability for the amount due under the order between the landlords in such manner as the First-tier Tribunal considers appropriate, or

(b) provide for the landlords to be jointly and severally liable for the amount due under the order.

(2) If a rent repayment order ("the original order") has been made in respect of rent under a tenancy and another rent repayment order ("the new order") is made in respect of rent under the same tenancy, the new order may not require payment to be made in respect of any period in respect of which the original order required payment to be made.'"—*(Jacob Young.)*

In Jepsen and others v Rakusen [2023] UKSC 9 the Supreme Court decided that a rent repayment order could not be made under Chapter 4 of Part 2 of the Housing and Planning Act 2016 against a superior landlord. This new Clause, which is intended to be added to Part 3 of

the Bill, will allow such orders to be made against superior landlords, will extend the period that can be taken into account when calculating payments due under such orders and will make provision about how payments are to be calculated and made in cases where there are multiple landlords or multiple orders.

Brought up, read the First and Second time, and added to the Bill.

New Clause 22

ENFORCEMENT BY COUNTY COUNCILS WHICH ARE NOT LOCAL HOUSING AUTHORITIES: DUTY TO NOTIFY

"(1) A county council in England—

(a) which is not a local housing authority, and

(b) which proposes to take enforcement action in respect of a breach of, or an offence under, the landlord legislation,

must notify any local housing authority in whose area the breach or offence occurred.

(2) If the county council notifies a local housing authority under subsection (1) but does not take the action referred to in that subsection, it must notify the local housing authority of that fact.

(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 or offence unless the authority receives notification under subsection (2).

(4) Subsection (5) applies where—

(a) a county council in England which is not a local housing authority has imposed a financial penalty in respect of a breach of, or an offence under, the landlord legislation, and

(b) the final notice imposing the penalty has not been withdrawn.

(5) The county council must as soon as reasonably practicable notify any local housing authority in whose area the breach or offence occurred if—

(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) A county council in England—

(a) which is not a local housing authority, and

(b) which institutes proceedings against a person for an offence under the landlord legislation,

must as soon as reasonably practicable notify any local housing authority in whose area the offence occurred if the person is convicted of the offence."—*(Jacob Young.)*

This new clause requires county councils in England which are not local housing authorities to notify a local housing authority in relation to enforcement action taken in respect of a breach of, or an offence under, the landlord legislation which occurs in the area of the authority. It is expected to go into the Bill after clause 59.

Brought up, read the First and Second time, and added to the Bill.

New Clause 23

DUTY TO REPORT

"(1) A local housing authority, or a county council which is not a local housing authority, must report to the Secretary of State on the exercise of its functions under the landlord legislation.

(2) A report under subsection (1) must—

(a) be provided at such time and in such form as the Secretary of State requires, and

(b) contain such information as the Secretary of State requires."—*(Jacob Young.)*

This new clause requires a local housing authority, or a county council which is not a local housing authority, to report at the request of the Secretary of State on the exercise of its functions under the landlord legislation. It is expected to be inserted after NC22.

Brought up, read the First and Second time, and added to the Bill.

New Clause 24

POWER OF LOCAL HOUSING AUTHORITY TO REQUIRE INFORMATION FROM RELEVANT PERSON

"(1) An officer of a local housing authority may, for purposes connected with any function of the authority under or by virtue of legislation set out in the list in subsection (3), give a notice to a relevant person requiring the person to provide the local housing authority or an officer with the information specified in the notice.

(2) In this Chapter 'relevant person', in relation to a power under this Chapter, means a person who has, in the twelve months ending with the day on which the power is exercised—

(a) had an estate or interest in premises which consist of or include any relevant accommodation, otherwise than as a mortgagee not in possession,

(b) been a licensor of premises which consist of or include any relevant accommodation,

(c) acted or purported to act on behalf of a person within paragraph (a) or (b), or

(d) marketed any relevant accommodation for the purposes of creating a residential tenancy, within the meaning of Part 2 (see section 57).

(3) Here is the list—

sections 1 and 1A of the Protection from Eviction Act 1977;

Chapter 1 of Part 1 of the Housing Act 1988;

section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;

sections 21 to 23 of the Housing and Planning Act 2016;

Chapter 2A of Part 1 and Part 2 of this Act.

(4) A notice under this section must be in writing and must specify that it is given under this section.

(5) The notice may specify—

(a) the time within which and the manner in which the relevant person to whom it is given must comply with it;

(b) the form in which information must be provided.

(6) The notice may require—

(a) the creation of documents, or documents of a description, specified in the notice, and

(b) the provision of those documents to an enforcement authority or officer.

(7) The notice must include information about the possible consequences of not complying with a notice under this section.

(8) A requirement to provide information or create a document is a requirement to do so in a legible form.

(9) A notice under this section does not require a person to provide any information or create any documents which the person would be entitled to refuse to provide or produce in proceedings in the High Court on the grounds of legal professional privilege.

(10) In subsection (2) 'relevant accommodation' means any residential accommodation in England that is connected with the exercise or proposed exercise of the function in relation to which the power under this Chapter is exercised."—*(Jacob Young.)*

This new clause confers a power on local housing authorities to require information from property owners, their agents and others with a connection to the property for the purposes of certain functions that relate to the renting of "relevant accommodation" as defined. Together

with other new clauses relating to investigatory powers, it is expected to form a new Chapter in Part 3 of the Bill, the title of which is expected to become "Enforcement".

Brought up, read the First and Second time, and added to the Bill.

New Clause 25

POWER OF LOCAL HOUSING AUTHORITY TO REQUIRE INFORMATION FROM ANY PERSON

"(1) Where an officer of a local housing authority reasonably suspects that there has been a breach of, or an offence under, the rented accommodation legislation, the officer may for a purpose mentioned in subsection (2) give notice to any person requiring the person to provide the local housing authority or an officer with information specified in the notice.

(2) The purposes are—

(a) investigating whether there has been a breach of, or an offence under, the rented accommodation legislation, or

(b) determining the amount of a penalty under that legislation.

(3) In this Chapter 'the rented accommodation legislation' means—

sections 1 and 1A of the Protection from Eviction Act 1977;

Chapter 1 of Part 1 of the Housing Act 1988;

Parts 1 to 4 and 7 of the Housing Act 2004 so far as relating to qualifying residential premises within the meaning given by section 2B of that Act;

section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;

sections 21 to 23 of the Housing and Planning Act 2016;

Chapter 2A of Part 1 and Part 2 of this Act.

(4) A notice under this section must be in writing and must specify that it is given under this section.

(5) The notice may specify—

(a) the time within which and the manner in which the person to whom it is given must comply with it;

(b) the form in which information must be provided.

(6) The notice may require—

(a) the creation of documents, or documents of a description, specified in the notice, and

(b) the provision of those documents to an enforcement authority or officer.

(7) The notice must include information about the possible consequences of not complying with a notice under this section.

(8) A requirement to provide information or create a document is a requirement to do so in a legible form."—*(Jacob Young.)*

This new clause confers a power on local housing authorities to require information from any person for the purposes of investigating whether there has been a breach of, or an offence under, "the rented accommodation legislation", as defined in the clause, or determining the amount of a penalty under that legislation.

Brought up, read the First and Second time, and added to the Bill.

New Clause 26

ENFORCEMENT OF POWER TO REQUIRE INFORMATION FROM ANY PERSON

"(1) If a person fails to comply with a notice under section (Power to require information from any person), the local housing authority or an officer of the authority may make an application under this section to the court.

(2) If it appears to the court that the person has failed to comply with the notice, it may make an order under this section.

(3) An order under this section is an order requiring the person to do anything that the court thinks it is reasonable for the person to do, for any of the purposes for which the notice was given, to ensure that the notice is complied with.

(4) An order under this section may require the person to meet the costs of the application.

(5) If the person is a company, partnership or unincorporated association, the court in acting under subsection (4) may require an official who is responsible for the failure to meet the costs or expenses.

(6) In this section—

"the court" means—

(a) the High Court, or

(b) the county court;

"official" means—

(a) in the case of a company, a director, manager, secretary or other similar officer,

(b) in the case of a limited liability partnership, a member,

(c) in the case of a partnership other than a limited liability partnership, a partner, and

(d) in the case of an unincorporated association, a person who is concerned in the management or control of its affairs."—*(Jacob Young.)*

This new clause provides for a civil enforcement mechanism in relation to the power conferred by NC25.

Brought up, read the First and Second time, and added to the Bill.

New Clause 27

LIMITATION ON USE OF INFORMATION PROVIDED UNDER SECTION (*POWER OF LOCAL HOUSING AUTHORITY TO REQUIRE INFORMATION FROM ANY PERSON*)

"(1) In any criminal proceedings against a person who provides information in response to a notice under section (*Power of local housing authority to require information from any person*) (including information contained in a document created in response to such a notice)—

(a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and

(b) no question relating to the information may be asked by or on behalf of the prosecution.

(2) Subsection (1) does not apply if, in the proceedings—

(a) evidence relating to the information is adduced by or on behalf of the person providing it, or

(b) a question relating to the information is asked by or on behalf of that person.

(3) Subsection (1) does not apply if the proceedings are for an offence under section 5 of the Perjury Act 1911 (false statutory declarations and other false statements without oath)."—*(Jacob Young.)*

This new clause provides for limitations on the use of information obtained under the power conferred by NC26.

Brought up, read the First and Second time, and added to the Bill.

New Clause 28

BUSINESS PREMISES: ENTRY WITHOUT WARRANT

"(1) An officer of a local housing authority may, at any reasonable time, enter any premises in England if—

(a) the officer reasonably believes the premises to be occupied by a relevant person for the purposes of a rental sector business, and

(b) the officer considers it necessary to enter the premises in order to exercise the powers under section (*Power to require production of documents following entry) or (Power to seize documents following entry*) for purposes connected with any function of the authority under or by virtue of the rented accommodation legislation.

(2) Subsection (1) does not authorise entry into premises used wholly or mainly as residential accommodation.

(3) In the case of a routine inspection, the power in subsection (1) may only be exercised if a notice has been given to an occupier of the premises in accordance with the requirements in subsection (4), unless subsection (5) applies.

(4) Those requirements are that—

(a) the notice is in writing and is given by an officer of the local housing authority,

(b) the notice sets out why the entry is necessary and indicates the nature of the offences under section (*Offences*)(1) and (2), and

(c) there are at least 24 hours between the giving of the notice and the entry.

(5) A notice need not be given if the occupier (or one of the occupiers if there is more than one) has waived the requirement to give notice.

(6) In this section 'routine inspection' means an exercise of the power in subsection (1) other than where—

(a) the power is exercised by an officer who reasonably suspects a breach of, or an offence under, the rented accommodation legislation,

(b) the officer reasonably considers that to give notice in accordance with subsection (3) would defeat the purpose of the entry, or

(c) it is not reasonably practicable in all the circumstances to give notice in accordance with that subsection.

(7) An officer entering premises under subsection (1) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.

(8) An officer entering premises under subsection (1) may take photographs or make recordings.

(9) In this section 'rental sector business' means a business connected with—

(a) the letting of residential accommodation in England,

(b) the creation of licences to occupy such accommodation,

(c) the marketing of such accommodation for the purpose of creating a tenancy or licence to occupy, or

(d) the management of such accommodation when occupied under a tenancy or licence to occupy."—*(Jacob Young.)*

This new clause confers a power on local housing authorities to enter (without force) premises that are occupied for the purposes of a rental sector business in order to obtain documents for purposes connected with their functions under the "rented accommodation legislation" as defined in NC25.

Brought up, read the First and Second time, and added to the Bill.

New Clause 29

REQUIREMENTS WHERE OCCUPIERS ARE ON BUSINESS PREMISES ENTERED WITHOUT WARRANT

"(1) If an officer of a local housing authority enters premises under section (*Business premises: entry without warrant*)(1) and finds one or more occupiers on the premises, the officer must—

(a) produce evidence of the officer's identity and authority to that occupier or (if there is more than one) to at least one of them, and

(b) if the entry takes place otherwise than in the course of a routine inspection, provide to that occupier or (if there is more than one) to at least one of them a document that—

(i) sets out why the entry is necessary, and

(ii) indicates the nature of the offences under section (*Offences*)(1) and (2).

(2) An officer need not comply with subsection (1) if it is not reasonably practicable to do so.

(3) Proceedings resulting from the exercise of the power under section (*Business premises: entry without warrant*)(1) are not invalid merely because of a failure to comply with subsection (1)."—*(Jacob Young.)*

This new clause contains requirements that must be complied with where occupiers are on premises entered under NC28.

Brought up, read the First and Second time, and added to the Bill.

New Clause 30

BUSINESS PREMISES: WARRANT AUTHORISING ENTRY

"(1) A justice of the peace may issue a warrant authorising an officer of a local housing authority who is named in the warrant to enter premises in England that are specified in the warrant if the justice of the peace is satisfied, on written information on oath given by that officer—

(a) that the officer would, in entering the premises, be acting in the course of employment by, or on the instructions of, the local housing authority, and

(b) that there are reasonable grounds for believing that—

(i) the premises are occupied by a relevant person for the purposes of a rental sector business,

(ii) the premises are not used wholly or mainly as residential accommodation,

(iii) on the premises there are documents which an officer of the local housing authority could require a person to produce under section (*Power to require production of documents following entry*), or could seize under section (*Power to seize documents following entry*), and

(iv) condition A, B or C is met.

(2) Condition A is that—

(a) access to the premises has been or is likely to be refused, and

(b) notice of the local housing authority's intention to apply for a warrant under this section has been given to an occupier of the premises.

(3) Condition B is that it is likely that documents on the premises would be concealed or interfered with if notice of entry of the premises were given to an occupier of the premises.

(4) Condition C is that no occupier is present, and it might defeat the purpose of the entry to wait for their return.

(5) In this section "rental sector business" has the meaning given by section (*Business premises: entry without warrant*)(9)."—*(Jacob Young.)*

This new clause allows local housing authorities to obtain a warrant to enter by force premises that are occupied for the purposes of a rental sector business in order to obtain documents for purposes connected with their functions under the "rented accommodation legislation" as defined in NC25.

Brought up, read the First and Second time, and added to the Bill.

New Clause 31

BUSINESS PREMISES: ENTRY UNDER WARRANT

"(1) A warrant under section (*Business premises: warrant authorising entry*) authorises the officer named in the warrant to enter the premises at any reasonable time, using reasonable force if necessary.

(2) A warrant under that section does not authorise entry into premises used wholly or mainly as residential accommodation.

(3) A warrant under that section ceases to have effect at the end of the period of one month beginning with the day it is issued.

(4) An officer entering premises under a warrant under section (*Business premises: warrant authorising entry*) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.

(5) An officer entering premises under a warrant under section (*Business premises: warrant authorising entry*) may take photographs or make recordings.

(6) If, when the officer enters the premises, the officer finds one or more occupiers on the premises, the officer must produce the warrant for inspection to that occupier or (if there is more than one) to at least one of them.

(7) Subsection (8) applies if no occupier is present when the premises are entered.

(8) On leaving the premises the officer must—

(a) leave a notice on the premises stating that the premises have been entered under a warrant under section (*Business premises: warrant authorising entry*), and

(b) leave the premises as effectively secured against trespassers as the officer found them."—*(Jacob Young.)*

This new clause sets out the effect of a warrant issued under NC30.

Brought up, read the First and Second time, and added to the Bill.

New Clause 32

POWER TO REQUIRE PRODUCTION OF DOCUMENTS FOLLOWING ENTRY

"(1) An officer of a local housing authority who has entered premises under section (*Business premises: entry without warrant*)(1) or under a warrant under section (*Business premises: warrant authorising entry*) may, for the purposes mentioned in subsection (2), at any reasonable time—

(a) require a relevant person occupying the premises, or anyone on the premises acting on behalf of such a person, to produce any documents relating to the relevant business to which the person on the premises has access, and

(b) take copies of, or of any entry in, any such document.

(2) The purposes are—

(a) to ascertain whether there has been compliance with the rented accommodation legislation where an officer of the local housing authority reasonably suspects a breach of, or an offence under, that legislation;

(b) to ascertain whether the documents may be required as evidence in proceedings for such a breach or offence.

(3) The power in subsection (1) is available regardless of whether—

(a) the purpose for which the documents are required relates to the relevant person or some other person, or

(b) the proceedings referred to in subsection (2)(b) could be taken against the relevant person or some other person.

(4) That power includes power to require the person to give an explanation of the documents.

(5) Where a document required to be produced under subsection (1) contains information recorded electronically, the power in that subsection includes power to require the production of a copy of the document in a form in which it can easily be taken away and in which it is visible and legible.

(6) This section does not permit an officer to require a person to create a document other than as described in subsection (5).

(7) This section does not permit an officer to require a person to produce any document which the person would be entitled to refuse to produce in proceedings in the High Court on the grounds of legal professional privilege.

(8) In this section 'relevant business' means the business for the purposes of which the premises are occupied."—*(Jacob Young.)*

This new clause contains a power for an officer of a local housing authority who has entered premises under NC28, or under a warrant under NC30, to require the production of documents for certain purposes connected with the "rented accommodation legislation" as defined in NC25.

Brought up, read the First and Second time, and added to the Bill.

New Clause 33

POWER TO SEIZE DOCUMENTS FOLLOWING ENTRY

"(1) An officer of a local housing authority who has entered premises under section (*Business premises: entry without warrant*)(1) or under a warrant under section (*Business premises: warrant authorising entry*) may seize and detain documents which the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the rented accommodation legislation.

(2) If one or more occupiers are on the premises, an officer seizing documents under this section must provide to that occupier or (if there is more than one) to at least one of them evidence of the officer's identity and authority, before seizing the documents.

(3) The officer need not comply with subsection (2) if it is not reasonably practicable to do so.

(4) An officer seizing documents under this section must take reasonable steps to—

(a) inform the person from whom they are seized that they have been seized, and

(b) provide that person with a written record of what has been seized.

(5) In determining the steps to be taken under subsection (4), an officer exercising a power under this section must have regard to any relevant provision about the seizure of property made by a code of practice under section 66 of the Police and Criminal Evidence Act 1984.

(6) This section does not confer any power on an officer to seize from a person any document which the person would be entitled to refuse to produce in proceedings in the High Court on the grounds of legal professional privilege.

(7) For the purpose of exercising the power under this section, the officer may, to the extent that is reasonably necessary for that purpose—

(a) require a person with authority to do so to access any electronic device in which information may be stored or from which it may be accessed, and

(b) if such a requirement has not been complied with, access the electronic device.

(8) Documents seized under this section may not be detained—

(a) for a period of more than 3 months beginning with the day on which they were seized, or

(b) where the documents are reasonably required to be detained for a longer period by the local housing authority for the purposes of the proceedings for which they were seized, for longer than they are required for those purposes."—*(Jacob Young.)*

This new clause contains a power for an officer of a local housing authority who has entered premises under NC28, or under a warrant under NC30, to seize documents reasonably suspected to be required as evidence of a breach of, or an offence under, the "rented accommodation legislation" as defined in NC25.

Brought up, read the First and Second time, and added to the Bill.

New Clause 34

ACCESS TO SEIZED DOCUMENTS

"(1) This section applies where any document seized by an officer of a local housing authority under this Chapter is detained by the officer or authority.

(2) If a request for permission to be granted access to that document is made to the local housing authority by a person who had custody or control of it immediately before it was seized, the local housing authority must allow that person access to it under the supervision of an officer.

(3) If a request for a photograph or copy of that document is made to the local housing authority by a person who had custody or control of it immediately before it was seized, the local housing authority must—

(a) allow that person access to it under the supervision of an officer for the purpose of photographing or copying it, or

(b) photograph or copy it, or cause it to be photographed or copied.

(4) Where any document is photographed or copied under subsection (3), the photograph or copy must be supplied to the person who made the request within a reasonable time from the making of the request.

(5) This section does not require access to be granted to, or a photograph or copy to be supplied of, any document if the local housing authority has reasonable grounds for believing that to do so would prejudice the doing of anything for the purposes of which it was seized.

(6) A local housing authority may recover the reasonable costs of complying with a request under this section from the person by whom or on whose behalf it was made.

(7) References in this section to a person who had custody or control of a document immediately before it was seized include a representative of such a person."—*(Jacob Young.)*

This new clause makes provision about access to documents seized under NC33.

Brought up, read the First and Second time, and added to the Bill.

New Clause 35

APPEAL AGAINST DETENTION OF DOCUMENTS

"(1) Where documents are being detained as the result of the exercise of a power in this Chapter, a person with an interest in the documents may apply for an order requiring them to be released to that or another person.

(2) An application under this section may be made—

(a) to any magistrates' court in which proceedings have been brought for an offence as the result of the investigation in the course of which the documents were seized, or

(b) if no proceedings within paragraph (a) have been brought, by way of complaint to a magistrates' court.

(3) On an application under this section, the court may make an order requiring documents to be released only if satisfied that condition A or B is met.

(4) Condition A is that—

(a) no proceedings have been brought for an offence as the result of the investigation in the course of which the documents were seized, or

(b) the period of 6 months beginning with the date the documents were seized has expired.

(5) Condition B is that—

(a) proceedings of a kind mentioned in subsection (4)(a) have been brought, and

(b) those proceedings have been concluded.

(6) A person aggrieved by an order made under this section by a magistrates' court, or by the decision of a magistrates' court not to make such an order, may appeal against the order or decision to the Crown Court.

(7) An order made under this section by a magistrates' court may contain such provision as the court thinks appropriate for delaying its coming into force pending the making and determination of any appeal."—*(Jacob Young.)*

This new clause makes provision about appeals against detention of documents seized under NC33.

Brought up, read the First and Second time, and added to the Bill.

New Clause 36

SUSPECTED RESIDENTIAL TENANCY: ENTRY WITHOUT WARRANT

"(1) A specially authorised officer of a local housing authority may enter premises in England at any reasonable time, if—

(a) the officer reasonably suspects that the premises, or part of the premises, are subject to a residential tenancy within the meaning of Part 2 (see section 23), and

(b) the officer considers it necessary to inspect the premises for the purpose of investigating whether there has been, in relation to the premises—

(i) a breach of section 39(3),

(ii) an offence under subsection (1) of section 48,

(iii) an offence under subsection (2) of section 48 where the continuing conduct referred to in paragraph (b) of that subsection is a breach of section 39(3),

(iv) an offence under subsection (3) of section 48 where the different breach referred to in paragraph (b) of that subsection is a breach of section 39(3),

(v) an offence under subsection (4) of section 48 where the breach referred to in paragraph (b) of that subsection is a breach of section 39(3), or

(vi) an offence under section 1 of the Protection from Eviction Act 1977, and

(c) notice has been given in accordance with the requirements of subsection (2) to—

(i) an occupier of the premises, and

(ii) any person who has an estate or interest in the premises, other than a mortgagee not in possession and has supplied the local housing authority with an address for the purposes of this paragraph,

unless notice is not required as a result of subsection (3).

(2) The requirements referred to in subsection (1)(c) are that—

(a) the notice is in writing and is given by an officer of the local housing authority,

(b) the notice sets out why the entry is necessary and indicates the nature of the offences under section (*Offences*)(1) and (2) (obstruction), and

(c) there are at least 24 hours between the giving of the notice and the entry.

(3) A notice need not be given to a person who has waived the requirement to give notice.

(4) A specially authorised officer entering premises under subsection (1) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.

(5) A specially authorised officer entering premises under subsection (1) may take photographs or make recordings.

(6) A specially authorised officer must, if requested to do so, produce the officer's special authorisation for inspection by a person to whom notice is required to be given under this section or anyone acting on behalf of such a person.

(7) For the purposes of this section an officer of a local housing authority is "specially authorised" where the officer's authorisation by the local housing authority for the purposes of the power under subsection (1) (see section (*Investigatory powers: interpretation*)(2))—

(a) states the particular purpose for which the officer is authorised to exercise the power, and

(b) is given by the local housing authority acting through—

(i) a deputy chief officer of the authority whose duties include duties relating to a purpose within subsection (1)(b), or

(ii) an officer of the authority to whom such a deputy chief officer reports directly, or is directly accountable, as respects duties so relating."—*(Jacob Young.)*

This new clause confers a power on local housing authorities to enter (without force) premises that are reasonably suspected to be subject to a residential tenancy, in order to inspect the premises to investigate whether there has been certain kinds of unlawful conduct in relation to them.

Brought up, read the First and Second time, and added to the Bill.

New Clause 37

Requirements where occupiers are on residential premises entered without warrant

"(1) If an officer of a local housing authority enters premises under section (*Suspected residential tenancy: entry without warrant*)(1) and finds one or more occupiers on the premises, the officer must produce evidence of the officer's identity and special authorisation to that occupier or (if there is more than one) to at least one of them.

(2) An officer need not comply with subsection (1) if it is not reasonably practicable to do so.

(3) Proceedings resulting from the exercise of the power under section (*Suspected residential tenancy: entry without warrant*)(1) are not invalid merely because of a failure to comply with subsection (1).

(4) In this section 'special authorisation' has the same meaning as in section (*Suspected residential tenancy: entry without warrant*) (see subsection (7) of that section)."—*(Jacob Young.)*

This new clause contains requirements that must be complied with where occupiers are on premises entered under NC36.

Brought up, read the First and Second time, and added to the Bill.

New Clause 38

Suspected residential tenancy: warrant authorising entry

"A justice of the peace may issue a warrant authorising an officer of a local housing authority who is named in the warrant to enter premises in England that are specified in the warrant if the justice of the peace is satisfied, on written information on oath given by that officer—

(a) that the officer would, in entering the premises, be acting in the course of employment by, or on the instructions of, the local housing authority,

(b) that there are reasonable grounds for suspecting that the premises, or part of the premises, are subject to a residential tenancy within the meaning of Part 2 (see section 23),

(c) that it is necessary for the officer to inspect the premises for the purpose of investigating whether there has been, in relation to the premises, a breach or an offence mentioned in section (*Suspected residential tenancy: entry without warrant*)(1)(b),

(d) that—

(i) admission to the premises has been sought for the purposes of entry under section (*Suspected residential tenancy: entry without warrant*)(1) but has been refused,

(ii) that no occupier is present and it might defeat the purpose of the entry to await their return, or

(iii) that application for admission would defeat the purpose of the entry."—*(Jacob Young.)*

This new clause allows local housing authorities to obtain a warrant to enter by force premises reasonably suspected to be subject to a residential tenancy, in order to inspect the premises to investigate whether there has been certain kinds of unlawful conduct in relation to them.

Brought up, read the First and Second time, and added to the Bill.

New Clause 39

Suspected residential tenancy: entry under warrant

"(1) A warrant under section (*Suspected residential tenancy: warrant authorising entry*) authorises the officer named in the warrant to enter the premises at any reasonable time, using reasonable force if necessary.

(2) A warrant under that section ceases to have effect when the inspection of the premises has been completed.

(3) An officer entering premises under a warrant under section (*Suspected residential tenancy: warrant authorising entry*) may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary.

(4) An officer entering premises under section (*Suspected residential tenancy: warrant authorising entry*) may take photographs or make recordings.

(5) If, when the officer enters the premises, the officer finds one or more occupiers on the premises, the officer must produce the warrant for inspection to that occupier or (if there is more than one) to at least one of them.

(6) Subsection (7) applies if no occupier is present when the premises are entered.

(7) On leaving the premises the officer must—

(a) leave a notice on the premises stating that the premises have been entered under a warrant under section (*Suspected residential tenancy: warrant authorising entry*), and

(b) leave the premises as effectively secured against trespassers as the officer found them."—*(Jacob Young.)*

This new clause sets out the effect of a warrant issued under new clause 171.

Brought up, read the First and Second time, and added to the Bill.

New Clause 40

Powers of accompanying persons

"A person who accompanies an officer of a local housing authority entering premises under, or under a warrant under, this Chapter—

(a) has the same powers under this Chapter as the officer in relation to the premises, but

(b) must exercise those powers only in the company, and under the supervision, of the officer."—*(Jacob Young.)*

This new clause provides for the powers of persons who accompany officers of local housing authorities onto premises under other new clauses which authorise the entry of such persons onto premises.

Brought up, read the First and Second time, and added to the Bill.

New Clause 41

OFFENCES

"(1) A person commits an offence if the person—

(a) without reasonable excuse obstructs an officer of a local housing authority who is exercising or seeking to exercise in accordance with this Chapter a power under any provision of this Chapter other than section (*Power of local housing authority to require information from any person*),

(b) without reasonable excuse fails to comply with a requirement properly imposed by an officer of a local housing authority under any provision of this Chapter other than section (*Power of local housing authority to require information from any person*), or

(c) without reasonable cause fails to give an officer of a local housing authority any other assistance or information which the officer reasonably requires of the person for the purpose of exercising a power under this Chapter other than section (*Power of local housing authority to require information from any person*).

(2) A person commits an offence if, in giving information to an officer who is exercising or seeking to exercise a power under this Chapter, the person—

(a) makes a statement which the person knows is false or misleading in a material respect, or

(b) recklessly makes a statement which is false or misleading in a material respect.

(3) A person who is not an officer of a local housing authority commits an offence if the person purports to act as such under this Chapter.

(4) A person who is guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine.

(6) Nothing in this section requires a person to answer any question or give any information if to do so might incriminate that person."—*(Jacob Young.)*

This new clause provides for offences relating to the other new clauses that create investigatory powers for local housing authorities.

Brought up, read the First and Second time, and added to the Bill.

New Clause 42

INVESTIGATORY POWERS: INTERPRETATION

"(1) In this Chapter—

'document' includes information recorded in any form;

'give'—

(a) in relation to a notice to an occupier of premises, includes delivering or leaving it at the premises or sending it there by post, and 'given', in relation to such a notice, is to be read accordingly;

(b) in relation to a notice to a person referred to in section (*Suspected residential tenancy: entry without warrant*)(1)(c)(ii), includes delivering or leaving it at the address supplied by the person or sending it to that address by post, and 'given', in relation to such a notice, is to be read accordingly;

'occupier', in relation to premises, means any person an officer of a local housing authority reasonably suspects to be an occupier of the premises;

'premises' includes any stall, vehicle, vessel or aircraft;

'relevant person': see section (*Power of local housing authority to require information from relevant person*)(2);

'the rented accommodation legislation': see section (*Power of local housing authority to require information from any person*)(3).

(2) References in this Chapter to an officer—

(a) are to a person authorised in writing by a local housing authority to exercise powers under this Chapter, and

(b) in relation to a particular power only cover a particular officer if and to the extent that the officer has been authorised to exercise that power.

(3) References in this Chapter to the functions of a local housing authority by virtue of particular legislation include references to any function of the authority of investigating whether an offence has been committed under that legislation.

(4) A duty or power to process information that is imposed or conferred by, or by virtue of, this Chapter does not operate to authorise the processing of information which would contravene—

(a) the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation), or

(b) Parts 1 to 7 or Chapter 9 of the Investigatory Powers Act 2016.

(5) In subsection (4) 'the data protection legislation' has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act)."—*(Jacob Young.)*

This new clause contains definitions and other interpretive provision in relation to the other new clauses that create investigatory powers for local housing authorities, which are expected to form a new Chapter in Part 3 of the Bill.

Brought up, read the First and Second time, and added to the Bill.

New Clause 43

ADDITIONAL POWERS OF SEIZURE UNDER CRIMINAL JUSTICE AND POLICE ACT 2001

"In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001, at the end insert—

'*Renters (Reform) Act 2024*

73V Each of the powers of seizure conferred by section (Power to require production of documents following entry)(1)(b) and section (Power to seize documents following entry) of the Renters (Reform) Act 2024.'"

This new clause adds the powers conferred by NC32 and NC33 to Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001, which confers additional powers where these powers apply.—(Jacob Young.)

Brought up, read the First and Second time, and added to the Bill.

New Clause 44

USE BY LOCAL HOUSING AUTHORITY OF INFORMATION OBTAINED FOR OTHER STATUTORY PURPOSES

"(1) Section 212A of the Housing Act 2004 (tenancy deposit schemes: provision of information to local authorities) is amended in accordance with subsections (2) and (3).

(2) In subsection (5), after paragraph (a) (but before the 'or' at the end) insert—

'(aa) for a purpose connected with the exercise of the authority's functions under or by virtue of Part 7 in relation to any qualifying residential premises within the meaning given by section 2B,

(ab) for a purpose connected with the authority's functions under or by virtue of the following in relation to any premises—

sections 1 and 1A of the Protection from Eviction Act 1977,

Chapter 1 of Part 1 of the Housing Act 1988,

section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013,

sections 21 to 23, 41 and 133 to 135 of the Housing and Planning Act 2016,

Chapter 2A of Part 1 and Part 2 of the Renters (Reform) Act 2024.'.

(3) In subsection (5), in paragraph (b), for 'of those Parts in relation to any premises' substitute 'provision mentioned in paragraphs (a) to (ab) in relation to premises or qualifying residential premises (as the case may be)'.

(4) Section 237 of the Housing Act 2004 (use of housing benefit and council tax information for certain other statutory purposes) is amended in accordance with subsections (5) and (6).

(5) In subsection (1), after paragraph (a) (but before the 'or' at the end) insert—

"(aa) for any purpose connected with the exercise of any of the authority's functions under or by virtue of Part 7 in relation to any qualifying residential premises within the meaning given by section 2B,

(ab) for any purpose connected with any of the authority's functions under or by virtue of the following in relation to any premises—

sections 1 and 1A of the Protection from Eviction Act 1977,

Chapter 1 of Part 1 of the Housing Act 1988,

section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013,

sections 21 to 23, 41 and 133 to 135 of the Housing and Planning Act 2016,

Chapter 2A of Part 1 and Part 2 of the Renters (Reform) Act 2024.".

(6) In subsection (1), in paragraph (b), for 'of those Parts in relation to any premises' substitute 'provision mentioned in paragraphs (a) to (ab) in relation to premises or qualifying residential premises (as the case may be).'"—*(Jacob Young.)*

This new clause expands the purposes for which tenancy deposit scheme, housing benefit and council tax information can be used to cover purposes connected with certain legislation relating to renting.

Brought up, read the First and Second time, and added to the Bill.

New Clause 45

Investigatory powers under the Housing Act 2004

"(1) In section 235 of the Housing Act 2004 (power to require documents to be produced), in subsection (1)—

(a) after paragraph (a) (but before the 'or' at the end) insert—

'(aa) for any purpose connected with the exercise of any of the authority's functions under this Part in relation to any qualifying residential premises within the meaning given by section 2B,';

(b) in paragraph (b) for 'those Parts in relation to any premises' substitute 'Parts 1 to 4 in relation to any premises or under this Part in relation to any qualifying residential premises within the meaning given by section 2B'.

(2) In section 239 of that Act (powers of entry), after subsection (5) insert—

'(5A) In relation to any qualifying residential premises within the meaning given by section 2B, notice need not be given to a person who has waived the requirement to give notice.'"—*(Jacob Young.)*

This new clause expands the power to require documents under section 235 of the Housing Act 2004 so that it can be used for the purposes of functions under Part 7 of that Act in relation to qualifying residential premises as defined in the new clauses relating to the decent homes standard. It also provides that notice under section 239 of that Act can be waived in relation to such premises.

Brought up, read the First and Second time, and added to the Bill.

New Clause 46

Client money protection schemes: investigatory powers of local authorities

"In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert—

'regulations 5 and 8 of the Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019'."—*(Jacob Young.)*

This new clause gives investigatory powers to local authorities in connection with their existing duties to enforce requirements on property agents to be members of a client money protection scheme for protecting money they hold in connection with letting or managing rented homes. The new clause is expected to be inserted into Part 3 of the Bill in a new Chapter about investigatory powers.

Brought up, read the First and Second time, and added to the Bill.

New Clause 47

Power of Welsh Ministers to make consequential provision

"(1) The Welsh Ministers may by regulations made by statutory instrument make provision that is consequential on Part 1.

(2) Regulations under this section may amend, repeal or revoke provision made by or under—

(a) an Act or Measure of Senedd Cymru passed before this Act, or

(b) an Act passed—

(i) before this Act, or

(ii) later in the same session of Parliament as this Act.

(3) The power to make regulations under this section includes power to make—

(a) supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes.

(4) The power under subsection (3)(a) to make transitional provision includes power to provide for the regulations to apply (with or without modifications) in relation to occupation contracts granted, renewed or continued, or advertising begun, before the date on which the regulations come into force.

(5) Regulations under this section may only make provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

(6) A statutory instrument containing (whether alone or with other provision) regulations under this section that amend or repeal provision made by an Act or Measure of Senedd Cymru, or by an Act, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

(7) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru."—*(Jacob Young.)*

This new clause confers on the Welsh Ministers a power to make consequential amendments relating to Part 1 of the Bill (which will include the new clause about discriminatory practices in relation to the grant of occupation contracts in Wales). It is expected to be inserted into Part 5 of the Bill.

Brought up, read the First and Second time, and added to the Bill.

New Clause 48

PROHIBITION OF DISCRIMINATION RELATING TO CHILDREN OR BENEFITS STATUS: WELSH LANGUAGE TEXT

"(1) The Welsh language text of the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) is amended as follows.

(2) In section 1, after subsection (2), insert—

'(2A) Mae Rhan 2A yn ei gwneud yn drosedd i landlord neu berson sy'n gweithredu ar ran landlord neu'n honni ei fod yn gweithredu ar ran landlord wahaniaethu mewn perthynas â chontractau meddiannaeth yn erbyn personau a fyddai â phlant yn byw gyda hwy neu'n ymweld â hwy neu sy'n hawlyddion budd-daliadau, ac yn gwneud darpariaeth arall ynghylch gwahaniaethu o'r math hwnnw.'

(3) After section 8 insert—

'RHAN 2A

GWAHARDD GWAHANIAETHU

8A Gwahardd gwahaniaethu yn ymwneud â phlant

(1) Mae'n drosedd i berson perthnasol, mewn perthynas ag annedd sydd i fod yn destun contract meddiannaeth—

(a) ar y sail y byddai plentyn yn byw gyda pherson neu'n ymweld â pherson yn yr annedd pe bai'r annedd yn gartref i'r person, atal y person rhag—

(i) ymholi a yw'r annedd ar gael i'w rhentu,

(ii) cael mynediad at wybodaeth am yr annedd,

(iii) gweld yr annedd er mwyn ystyried a ddylai geisio ei rhentu, neu

(iv) sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau, neu

(b) cymhwyso darpariaeth, maen prawf neu arfer er mwyn peri bod pobl a fyddai â phlentyn yn byw gyda hwy neu'n ymweld â hwy yn yr annedd yn llai tebygol o sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu'n llai tebygol o sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau na phobl a fyddai heb blentyn yn byw gyda hwy neu'n ymweld â hwy.

(2) Mae'n amddiffyniad i'r person perthnasol brofi bod yr ymddygiad yn fodd cymesur o gyflawni nod dilys.

(3) Mae'n amddiffyniad i'r person perthnasol brofi bod darpar landlord yr annedd, neu berson a fyddai'n uwchlandlord mewn perthynas â'r annedd, wedi ei yswirio o dan gontract yswiriant—

(a) nad yw adran 8H yn gymwys iddo, a

(b) sy'n cynnwys teler sy'n ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd neu sy'n ei gwneud yn ofynnol i'r landlord gyfyngu'r amgylchiadau lle caniateir i ddeiliad contract wneud hynny,

a bod yr ymddygiad yn fodd i atal y darpar landlord rhag torri'r teler hwnnw.

(4) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8B Gwahardd gwahaniaethu yn ymwneud â statws o ran budd-daliadau

(1) Mae'n drosedd i berson perthnasol, mewn perthynas ag annedd sydd i fod yn destun contract meddiannaeth—

(a) ar y sail bod person yn hawlydd budd-daliadau, atal y person rhag—

(i) ymholi a yw'r annedd ar gael i'w rhentu,

(ii) cael mynediad at wybodaeth am yr annedd,

(iii) gweld yr annedd er mwyn ystyried a ddylai geisio ei rhentu, neu

(iv) sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu sicrhau bod contract o'r fath yn cael , ei adnewyddu neu ei barhau, neu

(b) cymhwyso darpariaeth, maen prawf neu arfer er mwyn peri bod hawlyddion budd-daliadau yn llai tebygol o sicrhau contract meddiannaeth mewn cysylltiad â'r annedd neu'n llai tebygol o sicrhau bod contract o'r fath yn cael ei adnewyddu neu ei barhau na phobl nad ydynt yn hawlyddion budd-daliadau.

(2) Mae'n amddiffyniad i'r person perthnasol brofi bod darpar landlord yr annedd, neu berson a fyddai'n uwchlandlord mewn perthynas â'r annedd, wedi ei yswirio o dan gontract yswiriant—

(a) nad yw adran 8H yn gymwys iddo, a

(b) sy'n cynnwys teler sy'n ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract ar yr annedd rhag bod yn hawlydd budd-daliadau,

a bod yr ymddygiad yn fodd i atal y darpar landlord rhag torri'r teler hwnnw.

(3) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8C Eithriad ar gyfer cyhoeddi hysbysiadau etc

Nid yw ymddygiad yn gyfystyr a throsedd o dan adran 8A(1) nac adran 8B(1) os nad yw ond yn cynnwys—

(a) un neu ragor o'r pethau a ganlyn a wneir gan berson nad yw'n gwneud dim mewn perthynas â'r annedd sydd heb ei grybwyll yn y paragraff hwn—

(i) cyhoeddi hysbysiadau neu ledaenu gwybodaeth;

(ii) darparu cyfrwng y gall darpar landlord gyfathrebu drwyddo yn uniongyrchol â darpar ddeiliad contract;

(iii) darparu cyfrwng y gall darpar ddeiliad contract gyfathrebu drwyddo yn uniongyrchol â darpar landlord, neu

(b) pethau o ddisgrifiad, neu bethau a wneir gan berson o ddisgrifiad, a bennir at ddibenion yr adran hon mewn rheoliadau.

8D Parhau i dorri gwaharddiad ar ôl cosb benodedig

(1) Mae person yn cyflawni trosedd—

(a) os oes hysbysiad cosb benodedig wedi ei roi i'r person o dan adran 13 am drosedd o dan y Rhan hon mewn perthynas ag annedd ac nad yw wedi ei dynnu'n ôl, a

(b) os yw'r ymddygiad y rhoddwyd yr hysbysiad cosb benodedig mewn cysylltiad ag ef yn parhau mewn perthynas â'r annedd honno ar ôl diwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y rhoddwyd yr hysbysiad o dan adran 13.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8E Ailadrodd tor gwaharddiad ar ôl cosb benodedig

(1) Mae person yn cyflawni trosedd—

(a) os oes hysbysiad cosb benodedig wedi ei roi i'r person o dan adran 13 am drosedd o dan y Rhan hon ac nad yw wedi ei dynnu'n ôl, a

(b) os yw'r person yn cyflawni trosedd arall o dan yr un adran o fewn y cyfnod o 5 mlynedd sy'n dechrau â'r dyddiad y rhoddwyd yr hysbysiad o dan adran 13.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

8F Telerau mewn uwchlesau yn ymwneud â phlant neu statws o ran budd-daliadau

(1) Nid yw teler mewn les ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i denant o dan y les honno neu unrhyw is-les—

(a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, neu

(b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd,

(ond mae'r les yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

(2) Nid yw is-adran (1) yn gymwys—

(a) os yw'r gofyniad yn fodd cymesur o gyflawni nod dilys, neu

(b) os yw'r landlord o dan y les neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—

(i) nad yw adran 8H yn gymwys iddo, a

(ii) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd neu gyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd,

a bod y gofyniad yn y les yn fodd i atal y sawl sydd wedi ei yswirio rhag torri'r teler hwnnw.

(3) Nid yw teler mewn les ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i denant o dan y les honno neu unrhyw is-les wahardd deiliad contract rhag bod yn hawlydd budd-daliadau (ond mae'r les yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

(4) Nid yw is-adran (3) yn gymwys os yw'r landlord o dan y les neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—

(a) nad yw adran 8H yn gymwys iddo, a

(b) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract rhag bod yn hawlydd budd-daliadau,

a bod y gofyniad yn y les yn fodd i atal y sawl sydd wedi ei yswirio rhag torri'r teler hwnnw.

(5) At ddibenion yr adran hon, mae telerau les yn cynnwys—

(a) telerau unrhyw gytundeb sy'n ymwneud â'r les, a

(b) unrhyw ddogfen neu gyfathrebiad oddi wrth y landlord sy'n rhoi neu'n gwrthod cydsyniad i isosod o dan y les i gategori neu ddisgrifiad o berson.

8G Telerau mewn morgeisi yn ymwneud â phlant neu statws o ran budd-daliadau

(1) Nid yw teler mewn morgais ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r morgeisiwr—

(a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd, neu

(b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd,

(ond mae'r morgais yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

(2) Nid yw teler mewn morgais ar fangre sy'n ffurfio annedd neu sy'n cynnwys annedd yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r morgeisiwr wahardd deiliad contract rhag bod yn hawlydd budd-daliadau (ond mae'r morgais yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

8H Telerau mewn contractau yswiriant yn ymwneud â phlant neu statws o ran budd-daliadau

(1) Nid yw teler mewn contract yswiriant y mae'r adran hon yn gymwys iddo yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio—

(a) gwahardd deiliad contract rhag bod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd sy'n destun contract meddiannaeth, neu

(b) cyfyngu'r amgylchiadau lle caniateir i ddeiliad contract fod â phlentyn yn byw gydag ef neu'n ymweld ag ef yn yr annedd sy'n destun contract meddiannaeth,

(ond mae'r contract yswiriant yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

(2) Nid yw teler mewn contract yswiriant y mae'r adran hon yn gymwys iddo yn rhwymo i'r graddau y byddai (oni bai am yr adran hon) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad contract annedd sy'n destun contract meddiannaeth rhag bod yn hawlydd budd-daliadau (ond mae'r contract yswiriant yn parhau, i'r graddau y bo hynny'n ymarferol, i gael effaith ym mhob cyswllt arall).

(3) Mae'r adran hon yn gymwys i gontractau yswiriant a wnaed neu yr estynnwyd eu cyfnod ar neu ar ôl y diwrnod y daw'r adran hon i rym.

8I Dim gwaharddiad ar roi ystyriaeth i incwm

Nid oes dim yn y Rhan hon yn gwahardd rhoi ystyriaeth i incwm person wrth ystyried a fyddai'r person hwnnw yn gallu fforddio talu rhent o dan gontract meddiannaeth.

8J Pŵer Gweinidogion Cymru i ddiwygio Rhan 2A

Caiff rheoliadau ddiwygio'r Rhan hon er mwyn gwneud darpariaeth, mewn perthynas â phersonau o ddisgrifiad arall, sy'n cyfateb, gydag addasiadau neu hebddynt, i'r ddarpariaeth a wneir gan y Rhan hon mewn perthynas â phersonau a fyddai â phlentyn yn byw gyda hwy neu'n ymweld â hwy neu bersonau sy'n hawlyddion budd-daliadau.

8K Dehongli Rhan 2A

Yn y Rhan hon—

mae i "contract meddiannaeth" ("occupation contract") yr un ystyr ag yn Neddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) (gweler adran 7 o'r Ddeddf honno);

ystyr "darpar ddeiliad contract" ("prospective contract-holder") yw person sy'n ceisio dod o hyd i annedd i'w rhentu o dan gontract meddiannaeth;

ystyr "darpar landlord" ("prospective landlord") yw person sy'n bwriadu gosod annedd o dan gontract meddiannaeth;

ystr "hawlydd budd-daliadau" ("benefits claimant") yw person sydd â hawl i gael taliadau o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 neu Ddeddf Diwygio Lles

2012 neu yn rhinwedd y deddfau hynny, neu a fyddai â hawl o'r fath pe bai'r person yn dod yn ddeiliad contract o dan gontract meddiannaeth;

ystyr "person perthnasol" ("relevant person"), mewn perthynas â chontract meddiannaeth, yw—

(a) y darpar landlord;

(b) person sy'n gweithredu'n uniongyrchol neu'n anuniongyrchol ar ran y darpar landlord neu sy'n honni ei fod yn gweithredu'n uniongyrchol neu'n anuniongyrchol ar ran y darpar landlord;

ystyr "plentyn" ("child") yw person o dan 18 oed.'

(4) In section 10(4)—

(a) after the opening words insert—

'(za) mewn cysylltiad â throsedd o dan Ran 2A—

(i) person sy'n landlord o dan gontract meddiannaeth neu sydd wedi bod yn landlord o dan gontract o'r fath;

(ii) person sy'n ddeiliad contract o dan gontract meddiannaeth neu sydd wedi bod yn ddeiliad contract o dan gontract o'r fath;

(iii) person sy'n berson perthnasol mewn perthynas â chontract meddiannaeth neu sydd wedi bod yn berson perthnasol mewn perthynas â chontract o'r fath;

(zb) mewn cysylltiad â throsedd o dan unrhyw ddarpariaeth arall o'r Ddeddf hon—';

(b) paragraphs (a) to (c) become paragraphs (i) to (iii) of paragraph (zb).

(5) After section 10(4) insert—

'(4A) Yn is-adran (4)—

mae i "contract meddiannaeth" ("occupation contract") yr un ystyr ag yn Neddf Rhentu Cartrefi (Cymru) 2016 (dccc 1) (gweler adran 7 o'r Ddeddf honno);

mae i "person perthnasol" ("relevant person") yr ystyr a roddir yn adran 8K.'

(6) In section 13(1) after '3' insert 'neu Ran 2A'.

(7) In section 17—

(a) after subsection (3) insert—

'(3A) At ddibenion y Rhan hon fel y mae'n ymwneud â throseddau o dan Ran 2A, mae awdurdod pwysau a mesurau lleol yn awdurdod gorfodi ychwanegol mewn perthynas â'r ardal y mae'n awdurdod pwysau a mesurau lleol ar ei chyfer.';

(b) in subsection (4) the words from 'ystyr' to the end become a definition;

(c) at the end of subsection (4) insert—

'mae i "awdurdod pwysau a mesurau lleol" yr ystyr a roddir i "local weights and measures authority" gan adran 69(2) o Ddeddf Pwysau a Mesurau 1985.'"

(8) In section 27(3) after 'adran 7,' insert 'adran 8C, adran 8J,'."—*(Jacob Young.)*

This new clause is expected to be part of a new Chapter 2B of Part 1 of the Bill and inserts a new Part 2A into the Welsh language text of the Renting Homes (Fees etc.) (Wales) Act 2019 which bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who have children (or have children visit them), or who are benefits claimants, to enter an occupation contract. Occupation contracts relate to Wales only and were provided for by the Renting Homes (Wales) Act 2016. Amendment NC49 amends the English language text. Other amendments make similar provision for England.

3.15 pm

Brought up, read the First and Second time, and added to the Bill.

New Clause 49

PROHIBITION OF DISCRIMINATION RELATING TO CHILDREN OR BENEFITS STATUS: ENGLISH LANGUAGE TEXT

"(1) The English language text of the Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) is amended as follows.

(2) In section 1, after subsection (2), insert—

'(2A) Part 2A makes it an offence for a landlord or person acting or purporting to act on a landlord's behalf to discriminate in relation to occupation contracts against persons who would have children live with or visit them or who are benefits claimants, and makes other provision about discrimination of that kind.'

(3) After section 8 insert—

'PART 2A

PROHIBITION OF DISCRIMINATION

8A Prohibition of discrimination relating to children

(1) It is an offence for a relevant person, in relation to a dwelling that is to be the subject of an occupation contract—

(a) on the basis that a child would live with or visit a person at the dwelling if the dwelling were the person's home, to prevent the person from—

(i) enquiring whether the dwelling is available for rent,

(ii) accessing information about the dwelling,

(iii) viewing the dwelling in order to consider whether to seek to rent it, or

(iv) obtaining the grant, renewal or continuance of an occupation contract in respect of the dwelling, or

(b) to apply a provision, criterion or practice in order to make people who would have a child live with or visit them at the dwelling less likely to obtain the grant, renewal or continuance of an occupation contract in respect of the dwelling than people who would not.

(2) It is a defence for the relevant person to prove that the conduct is a proportionate means of achieving a legitimate aim.

(3) It is a defence for the relevant person to prove that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—

(a) to which section 8H does not apply, and

(b) which contains a term which requires the insured to prohibit a contract-holder from having a child live with or visit them at the dwelling or requires the landlord to restrict the circumstances in which a contract-holder may do so,

and the conduct is a means of preventing the prospective landlord from breaching that term.

(4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8B Prohibition of discrimination relating to benefits status

(1) It is an offence for a relevant person, in relation to a dwelling that is to be the subject of an occupation contract—

(a) on the basis that a person is a benefits claimant, to prevent the person from—

(i) enquiring whether the dwelling is available for rent,

(ii) accessing information about the dwelling,

(iii) viewing the dwelling in order to consider whether to seek to rent it, or

(iv) obtaining the grant, renewal or continuance of an occupation contract in respect of the dwelling, or

(b) to apply a provision, criterion or practice in order to make benefits claimants less likely to obtain the grant, renewal or continuance of an occupation contract in respect of the dwelling than people who are not benefits claimants.

(2) It is a defence for the relevant person to prove that the prospective landlord of the dwelling, or a person who would be a superior landlord in relation to the dwelling, is insured under a contract of insurance—

(a) to which section 8H does not apply, and

(b) which contains a term which requires the insured to prohibit a contract-holder of the dwelling from being a benefits claimant,

and the conduct is a means of preventing the prospective landlord from breaching that term.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8C Exception for publication of advertisements etc

Conduct does not constitute an offence under section 8A(1) or section 8B(1) if it consists only of—

(a) one or more of the following things done by a person who does nothing in relation to the dwelling that is not mentioned in this paragraph—

(i) publishing advertisements or disseminating information;

(ii) providing a means by which a prospective landlord can communicate directly with a prospective contract-holder;

(iii) providing a means by which a prospective contract-holder can communicate directly with a prospective landlord, or

(b) things of a description, or things done by a person of a description, specified for the purposes of this section in regulations.

8D Continuing breach of prohibition after fixed penalty

(1) A person commits an offence if—

(a) a fixed penalty notice has been given to the person under section 13 for an offence under this Part in relation to a dwelling and has not been withdrawn, and

(b) the conduct in respect of which the fixed penalty notice was given continues in relation to that dwelling after the end of the period of 28 days beginning with the date on which the notice under section 13 was given.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8E Repeated breach of prohibition after fixed penalty

(1) A person commits an offence if—

(a) a fixed penalty notice has been given to the person under section 13 for an offence under this Part and has not been withdrawn, and

(b) the person commits another offence under the same section within the period of 5 years beginning with the date on which the notice under section 13 was given.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

8F Terms in superior leases relating to children or benefits status

(1) A term of a lease of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require a tenant under that or any inferior lease to—

(a) prohibit a contract-holder from having a child live with or visit them at the dwelling, or

(b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,

(but the lease continues, so far as practicable, to have effect in every other respect).

(2) Subsection (1) does not apply if—

(a) the requirement is a proportionate means of achieving a legitimate aim, or

(b) the landlord under the lease or a superior landlord is insured under a contract of insurance—

(i) to which section 8H does not apply, and

(ii) which contains a term which makes provision (however expressed) requiring the insured to prohibit a contract-holder from having a child live with or visit them at the dwelling or to restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,

and the requirement in the lease is a means of preventing the insured from breaching that term.

(3) A term of a lease of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require a tenant under that or any inferior lease to prohibit a contract-holder from being a benefits claimant (but the lease continues, so far as practicable, to have effect in every other respect).

(4) Subsection (3) does not apply if the landlord under the lease or a superior landlord is insured under a contract of insurance—

(a) to which section 8H does not apply, and

(b) which contains a term which makes provision (however expressed) requiring the insured to prohibit a contract-holder from being a benefits claimant,

and the requirement in the lease is a means of preventing the insured from breaching that term.

(5) For the purposes of this section, the terms of a lease include—

(a) the terms of any agreement relating to the lease, and

(b) any document or communication from the landlord that gives or refuses consent for sub-letting under the lease to a category or description of person.

8G Terms in mortgages relating to children or benefits status

(1) A term of a mortgage of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require the mortgagor to—

(a) prohibit a contract-holder from having a child live with or visit them at the dwelling, or

(b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling,

(but the mortgage continues, so far as practicable, to have effect in every other respect).

(2) A term of a mortgage of premises that consist of or include a dwelling is not binding to the extent that (but for this section) it would require the mortgagor to prohibit a contract-holder from being a benefits claimant (but the mortgage continues, so far as practicable, to have effect in every other respect).

8H Terms in insurance contracts relating to children or benefits status

(1) A term of a contract of insurance to which this section applies is not binding to the extent that (but for this section) it would require the insured to—

(a) prohibit a contract-holder from having a child live with or visit them at the dwelling subject to an occupation contract, or

(b) restrict the circumstances in which a contract-holder may have a child live with or visit them at the dwelling subject to an occupation contract,

(but the insurance contract continues, so far as practicable, to have effect in every other respect).

(2) A term of a contract of insurance to which this section applies is not binding to the extent that (but for this section) it would require the insured to prohibit a contract-holder of a dwelling that is subject to an occupation contract from being a benefits claimant (but the insurance contract continues, so far as practicable, to have effect in every other respect).

(3) This section applies to contracts of insurance which were entered into or whose duration was extended on or after the day on which this section comes into force.

8I No prohibition on taking income into account

Nothing in this Part prohibits taking a person's income into account when considering whether that person would be able to afford to pay rent under an occupation contract.

8J Power of the Welsh Ministers to amend Part 2A

Regulations may amend this Part so as to make, in relation to persons of another description, provision corresponding, with or without modifications, to the provision made by this Part in relation to persons who would have a child live with or visit them or persons who are benefits claimants.

8K Interpretation of Part 2A

In this Part—

"benefits claimant" ("ceisydd budd-daliadau") means a person who is entitled to payments under or by virtue of the Social Security Contributions and Benefits Act 1992 or the Welfare Reform Act 2012, or would be so entitled were the person to become a contract-holder under an occupation contract;

"child" ("plentyn") means a person under the age of 18;

"occupation contract" ("contract meddiannaeth") has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);

"prospective contract-holder" ("darpar ddeiliad contract") means a person seeking to find a dwelling to rent under an occupation contract;

"prospective landlord" ("darpar landlord") means a person who proposes to let a dwelling under an occupation contract;

"relevant person" ("person perthnasol"), in relation to an occupation contract, means—

(a) the prospective landlord;

(b) a person acting or purporting to act directly or indirectly on behalf of the prospective landlord.'

(4) In section 10(4)—

(a) after the opening words insert—

'(za) in respect of an offence under Part 2A—

(i) a person who is or has been a landlord under an occupation contract;

(ii) a person who is or has been a contract-holder under an occupation contract;

(iii) a person who is or has been a relevant person in relation to an occupation contract;

(zb) in respect of an offence under any other provision of this Act—';

(b) paragraphs (a) to (c) become paragraphs (i) to (iii) of paragraph (zb).

(5) After section 10(4) insert—

'(4A) In subsection (4)—

"occupation contract" ("contract meddiannaeth") has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);

"relevant person" ("person perthnasol") has the meaning given in section 8K.'

(6) In section 13(1) after '3' insert 'or Part 2A'.

(7) In section 17—

(a) after subsection (3) insert—

'(3A) For the purposes of this Part as it relates to offences under Part 2A, a local weights and measures authority is an additional enforcement authority in relation to the area for which it is the local weights and measures authority.';

(b) in subsection (4) the words from 'licensing' to the end become a definition;

(c) at the end of subsection (4) insert—

'"local weights and measures authority" has the meaning given by section 69(2) of the Weights and Measures Act 1985.'

(8) In section 27(3) after 'section 7,' insert 'section 8C, section 8J,'."—*(Jacob Young.)*

This new clause is expected to be part of a new Chapter 2B of Part 1 of the Bill and inserts a new Part 2A into the English language text of the Renting Homes (Fees etc.) (Wales) Act 2019 which bans landlords and those who act on their behalf or purport to do so from adopting certain discriminatory practices which make it harder for people who have children (or have children visit them), or who are benefits claimants, to enter an occupation contract. Occupation contracts relate to Wales only and were provided for by the Renting Homes (Wales) Act 2016. Amendment NC48 amends the Welsh language text. Other amendments make similar provision for England.

Brought up, read the First and Second time, and added to the Bill.

New Clause 50

AMENDMENT OF SHORT TITLE OF THE RENTING HOMES (FEES ETC.) (WALES) ACT 2019

"(1) Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019 may be cited as Deddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019.

(2) The Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2) may be cited as the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.

(3) In the Welsh language text of the following provisions, for 'Deddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019' substitute 'Deddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019'—

(a) section 41(2A) of the Housing (Wales) Act 2014 (anaw 7);

(b) in Schedule 9A to the Renting Homes (Wales) Act 2016 (anaw 1)—

(i) paragraph 5(1)(a);

(ii) paragraph 5(2)(a);

(c) in regulation 2 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022 (S.I. 2022/781 (W. 170)), paragraph (b) of the definition of 'rhent';

(d) in Schedule 2 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 (S.I. 2022/28 (W. 13)), in Part 3 of the model written statement, in term 68, paragraphs (1)(a) and (2)(a).

(4) In the Welsh language text of the following provisions, for 'Ddeddf Rhentu Cartrefi (Ffioedd etc.) (Cymru) 2019' substitute 'Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019'—

(a) in Schedule 9A to the Renting Homes (Wales) Act 2016 (anaw 1), the italic heading before paragraph 5;

(b) in Schedule 2 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 (S.I. 2022/28 (W. 13)), in Part 3 of the model written statement, in term 68, the heading.

(5) In the English language text of the following provisions, for 'Renting Homes (Fees etc.) (Wales) Act 2019' substitute 'Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019'—

(a) section 41(2A) of the Housing (Wales) Act 2014;

(b) in Schedule 9A to the Renting Homes (Wales) Act 2016—

(i) the italic heading before paragraph 5;

(ii) paragraph 5(1)(a);

(iii) paragraph 5(2)(a);

(c) in regulation 2 of the Renting Homes (Rent Determination) (Converted Contracts) (Wales) Regulations 2022, paragraph (b) of the definition of 'rent';

(d) in Schedule 2 to the Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022, in Part 3 of the model written statement, in term 68—

(i) the heading;

(ii) paragraphs (1)(a) and (2)(a).

(6) In section 31 of the Renting Homes (Fees etc.) (Wales) Act 2019—

(a) in the Welsh language text after 'Ffioedd' insert ', Gwahaniaethu';

(b) in the English language text after "Fees" insert ', Discrimination'."—*(Jacob Young.)*

This new clause is expected to form part of a new Chapter 2B of Part 1 of the Bill. It amends the short title of the Renting Homes (Fees etc.) (Wales) Act 2019 to reflect the changes made by the new clauses inserted by Amendments NC48 and NC49.

Brought up, read the First and Second time, and added to the Bill.

New Clause 51

Regulations under sections 8C and 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019

"Regulations under section 8C or 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 (as inserted by this Act) may only make provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd."—*(Jacob Young.)*

This new clause limits the regulation-making powers of the Welsh Ministers created by NC48 and NC49 so that they can only make provision within the legislative competence of Senedd Cymru.

Brought up, read the First and Second time, and added to the Bill.

New Clause 52

Amendments of the Renting Homes (Wales) Act 2016 regarding discrimination

"(1) The Welsh language text of the Renting Homes (Wales) Act 2016 (anaw 1) is amended as follows.

(2) In section 30, after paragraph (d) insert—

'(da) mae'n gwahardd landlordiaid rhag ymyrryd â hawl deiliaid contract i gael plant yn byw gyda hwy neu'n ymweld â hwy, neu i' hawlio budd-daliadau,'.

(3) After section 54 insert—

'Pennod 6A

Gwahardd gwahaniaethu yn erbyn pobl sydd â phlant neu sy'n hawlyddion budd-daliadau

54A Yr hawl i blant fyw yn yr annedd neu ymweld â hi

(1) Yn ddarostyngedig i is-adran (2), caniateir i ddeiliad y contract o dan gontract meddiannaeth ganiatáu i berson nad yw wedi cyrraedd 18 oed fyw yn yr annedd neu ymweld â hi.

(2) Ni chaniateir i'r landlord o dan gontract meddiannaeth ymyrryd â hawl deiliad y contract o dan is-adran (1) na chyfyngu ar arfer yr hawl honno, oni bai bod yr ymyrryd neu'r cyfyngu yn fodd cymesur o gyflawni nod dilys.

(3) Mae'r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract meddiannaeth, ac eithrio pan fo'r landlord neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—

(a) nad yw adran 8H o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019 yn gymwys iddo, a

(b) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd y deiliad contract rhag bod â pherson nad yw wedi cyrraedd 18 oed yn byw gydag ef neu'n ymweld ag ef yn yr annedd neu gyfyngu'r amgylchiadau lle caniateir i ddeiliad y contract fod â pherson o'r fath yn byw gydag ef neu'n ymweld ag ef yn yr annedd.

54B Yr hawl i hawlio budd-daliadau

(1) Ni chaniateir i'r landlord o dan gontract meddiannaeth wahardd deiliad y contract rhag hawlio taliadau o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992 neu Ddeddf Diwygio Lles 2012 neu yn rhinwedd y deddfau hynny.

(2) Mae'r adran hon yn ddarpariaeth sylfaenol sydd wedi ei hymgorffori fel un o delerau pob contract meddiannaeth, ac eithrio pan fo'r landlord neu uwchlandlord wedi ei yswirio o dan gontract yswiriant—

(a) nad yw adran 8H o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019 yn gymwys iddo, a

(b) sy'n cynnwys teler sy'n gwneud darpariaeth (sut bynnag y'i mynegir) yn ei gwneud yn ofynnol i'r sawl sydd wedi ei yswirio wahardd deiliad y contract rhag hawlio taliadau a grybwyllir yn is-adran (1).'

(4) In Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts), in Table 3 in Part 1, Table 4 in Part 2 and Table 5 in Part 3, at the appropriate place in each insert—

'Adran 54A	Rhaid i L beidio ag ymyrryd â hawl D-C i fod â phersonau o dan 18 oed yn ymweld â'r annedd neu'n byw yno
Adran 54B	Rhaid i L beidio â gwahardd D-C rhag hawlio budd-daliadau lles'.

(5) The English language text of the Renting Homes (Wales) Act 2016 (anaw 1) is amended as follows.

(6) In section 30, after paragraph (d) insert—

'(da) it prohibits landlords from interfering with contract-holders having children live with or visit them, or claiming benefits,'.

(7) After section 54 insert—

'CHAPTER 6A

PROHIBITION OF DISCRIMINATION AGAINST PEOPLE WITH CHILDREN AND BENEFITS CLAIMANTS

54A Right for children to live at or visit dwelling

(1) Subject to subsection (2), the contract-holder under an occupation contract may permit a person who has not reached the age of 18 to live in or visit the dwelling.

(2) The landlord under an occupation contract must not interfere with or restrict the exercise of the contract-holder's right under subsection (1), unless the interference or restriction is a proportionate means of achieving a legitimate aim.

(3) This section is a fundamental provision which is incorporated as a term of all occupation contracts, except where the landlord or a superior landlord is insured under a contract of insurance—

(a) to which section 8H of the Renting Homes (Fees, Discrimination etc) (Wales) Act 2019 does not apply, and

(b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from having a person who has not reached the age of 18 live with or visit them at the dwelling or to restrict the circumstances in which the contract-holder may have such a person live with or visit them at the dwelling.

54B Right to claim benefits

(1) The landlord under an occupation contract must not prohibit the contract-holder from claiming payments under or by virtue of the Social Security Contributions and Benefits Act 1992 or the Welfare Reform Act 2012.

(2) This section is a fundamental provision which is incorporated as a term of all occupation contracts, unless the landlord or a superior landlord is insured under a contract of insurance—

(a) to which section 8H of the Renting Homes (Fees, Discrimination etc) (Wales) Act 2019 does not apply, and

(b) which contains a term which makes provision (however expressed) requiring the insured to prohibit the contract-holder from claiming payments mentioned in subsection (1).'

(8) In Schedule 1 (overview of fundamental provisions incorporated as terms of occupation contracts), in Table 3 in Part 1, Table 4 in Part 2 and Table 5 in Part 3, at the appropriate place in each insert—

'Section 54A	L must not interfere with C-H's right to have persons under 18 visit or live at the dwelling
Section 54B	L must not prohibit C-H from claiming welfare benefits'."—*(Jacob Young.)*

This new clause is expected to form part of a new Chapter 2B of Part 1 of the Bill. It prohibits landlords in Wales from stopping a contract-holder from having children live with or visit them, or claiming benefits.

Brought up, read the First and Second time, and added to the Bill.

New Clause 53

RESTRICTION ON CONTRACTUAL EXCLUSION OR LIMIT OF RIGHTS OF TENANT UNDER THIS ACT

"(1) A covenant or agreement, whether contained in a lease to which this Act applies or in an agreement collateral to such a lease, is void in so far as it purports to exclude or limit the rights of the tenant as provided for by this Act unless such contract terms were previously authorised by a court.

(2) The court may, by order made with the consent of the parties, authorise the inclusion in a lease, or in an agreement collateral to a lease, of provisions excluding or modifying the rights of the tenant under this Act if it appears to the court that it is reasonable to do so, having regard to all the circumstances of the case, including the other terms and conditions of the lease."—*(Matthew Pennycook.)*

This new clause would ensure that tenants are protected from being forced by their landlord to agree in writing a shorter notice period than two months by requiring the court to authorise such agreements.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

I was going to apologise to the Committee for the slightly obscure nature of my new clause, but after all that, I think it is the Minister who should be apologising for tabling so many Government new clauses to the Government's own Bill. Perhaps he will do so when he stands up.

New clause 53 is very consciously a probing amendment, in so far as it seeks to ascertain whether there are any safeguards against what we believe might constitute a potential loophole in Bill that could be exploited by unscrupulous landlords.

Clause 14 sets out rules about the period of notice that a tenant can be required to provide when they wish to end an assured tenancy. Specifically, it provides that a tenant's notice to quit relating to an assured tenancy must be given not less than two months before the date on which the notice is to take effect. That two-month period is intended, rightly, to provide landlords with sufficient time to re-let the property as required. However, the two-month default period of notice can be set aside where both parties agree as much in writing, whether in the tenancy agreement or in a separate document.

There may be entirely legitimate reasons for individual landlords and tenants to agree a shorter notice period. However, we are concerned that some tenants might find themselves informally pressured to agree a shorter notice period in writing as a precondition of being granted a tenancy. For many landlords, there will be absolutely no incentive to agree a shorter notice period than the two-month default; after all, they are likely to need much of that time, if not all, to re-let their property. However, it is entirely conceivable that unscrupulous landlords, particularly in hot rental markets, would have every incentive to get a sitting tenant out as quickly as possible after the point at which that tenant had given a notice to quit, because they will have no trouble in rapidly re-letting their property, probably at a far higher rent level.

We are therefore worried that the freedom for landlords and tenants to agree notice periods shorter than two months in writing could be used to the detriment of tenants—particularly vulnerable tenants, who in all likelihood will not be aware that two months is the

default period and who might come under considerable pressure from their landlord to agree to a shorter period. New clause 53 seeks to protect such tenants by simply requiring the court to authorise any agreement in writing that provides for a notice period shorter than the two-month default. I look forward to the Minister's response.

Jacob Young: I apologise to members of the Committee for how long it took to get through all those new clauses. However, I do not apologise for the new clauses themselves, because they strengthen the Bill and give additional rights to tenants and landlords under it. I am very proud that we have been able to add them.

I thank the hon. Gentleman for moving new clause 53, which would prevent landlords and tenants from agreeing contract clauses that override statutory provisions protecting tenants' rights unless a court has preauthorised it.

Subsection (1) is an unnecessary provision. It is already the case that contractual clauses cannot affect statutory rights unless legislation expressly so allows. This is a long-standing principle of our legal system.

Subsection (2) would give the courts the power to authorise the waiver of tenants' statutory rights under the Bill. That could have unintended consequences. More importantly, subsection (2) would weaken tenants' rights. It would allow a judge to authorise the waiver of the rights that the Bill grants them. We do not think that this is appropriate or required.

Matthew Pennycook: I note the Minister's criticism of the new clause as drafted, but does he recognise the point it seeks to raise: the concern that vulnerable tenants might come under pressure from a landlord to agree in writing to a shorter notice period that they may not necessarily want but that comes as a precondition of the tenancy? Notwithstanding his concerns about our new clause, will the Government give some more thought to whether it is a potential weakness of the Bill and how that might be addressed?

Jacob Young: I am happy to give the matter more thought in conversation with the Opposition. We intend to give tenants as much information as possible about their rights. That has been discussed at numerous points during the Committee's consideration. I hope he will consider that assurance sufficient to withdraw his new clause.

Matthew Pennycook: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 56

EXTENDING DISCRETION OF COURT IN POSSESSION CLAIMS

"(1) The Housing Act 1988 is amended as follows.

(2) In Section 9 subsection (6)(a), after 'Schedule 2 to this Act' insert ', except for grounds 6A, 8 and 8A,'".—*(Matthew Pennycook.)*

This new clause would extend the discretion of the court to adjourn proceedings, and stay, suspend or postpone any orders made, to cases where possession is sought under grounds 6, 8, and 8A.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

In considering the replacement possession regime that the Bill will introduce, we have been at pains to convince the Government that the courts should be given a greater measure of discretion than the Bill currently provides for. Whether it is through allowing for a very limited amount of discretion in relation to mandatory grounds 1, 1A and 6A so that judges could consider whether the tenant would suffer greater hardship as a result of the possession order being granted, or through seeking to make new ground 8A entirely discretionary rather than mandatory, we believe in principle that we should be putting more trust in the judgment of the court to determine whether to make an award, taking into account all the circumstances that are pertinent in any given case.

In the Committee's proceedings, we have deliberately not made the case for every possession ground to be discretionary. We take the view that there are some limited circumstances in which it is appropriate for landlords to have the certainty of a mandatory ground to regain possession of their property. However, as things stand, we do not believe that the Government have the balance right when it comes to the amount of discretion that the courts have been afforded in relation to the new possession regime.

New clause 56 is a final attempt to convince the Government to incorporate an additional element of discretion into the new system. It would extend the discretion of the court to adjourn proceedings and to stay, suspend or postpone any orders made to cases where possession is sought under grounds 6, 8 and 8A. In so doing, it would give the courts appropriate flexibility to cater for the circumstances where the ground is already made out, but either it is right to give the tenant more time or there is a way to resolve the dispute that does not involve the tenant losing his or her home.

Currently, for all mandatory grounds for possession, once the ground is made out, the court has no choice but to make an order, and it takes effect 14 days after the date on which it is made. Judges have a limited ability to postpone an order, but only up to six weeks from the date made and only where there would otherwise be exceptional hardship as a result. In short, the court has extremely limited flexibility.

Yet there might be extremely compelling circumstances in relation to individual ground 6 possession proceedings, where a judge might want to make an order that takes effect at a date later than six weeks thence. Take, for example, circumstances in which a landlord could not start to develop until two or three months after the hearing. A judge with the discretion provided for by new clause 56 could postpone the order until around the time at which the development could begin, giving the tenant more time to find a new home and providing the landlord with additional rent or income.

Similarly, in individual ground 8 and 8A possession proceedings, the courts currently have no flexibility to make an order suspended. Providing them with that discretion, as new clause 56 would, would allow judges to suspend an order upon terms that might allow for the outstanding arrears to be repaid under an agreed realistic payment plan, and within a timely manner.

The court could not make such a suspended order on a whim or with the mere hope of repayment without any evidence to provide reasonable reassurance that the

[Matthew Pennycook]

rent would be repaid, as Liz Davies KC made plain in her evidence to the Committee on 16 November. By providing the courts with the discretion to suspend an order made in those circumstances, we would be helping both tenant and landlord: the tenant because they get to remain in their home rather than be evicted with four weeks' notice, and the landlord because the arrears owed would have been paid off. If the tenant were to break the terms, then the landlord would still have the right to arrange for bailiffs to start the eviction process.

New clause 56 would simply give the courts the opportunity to exercise a measure of discretion in circumstances in which they were convinced that that was the right course of action, rather than constraining them, as the Bill currently proposes, in relation to mandatory possession grounds. As James Prestwich of the Chartered Institute of Housing said in evidence to the Committee two weeks ago:

"It is important that we are able to trust judges to make informed decisions based on the evidence of the case".—[*Official Report, Renters (Reform) Public Bill Committee,* 14 November 2023; c. 74.]

That is all that this new clause seeks, in relation to a discrete number of mandatory grounds for possession. I do not hold out much hope, but I hope that the Minister will consider accepting it.

Jacob Young: I thank the hon. Member for moving new clause 56, which would allow the courts to adjourn a possession claim, stay or suspend enforcement of a possession order, or delay the enforcement of an order made under ground 6A, 8 or 8A.

Ground 6A covers situations in which evicting the tenants is the only way for the landlord to comply with enforcement measures such as banning orders; we have already discussed that issue at length earlier in our debates. Delaying enforcement action will therefore mean that the tenant continues to live in an unsafe or overcrowded property, or that the landlord fails to comply with the law. That is not an acceptable situation for either party.

Nor is it fair to ask landlords to bear significant arrears for longer, as applying the new clause to grounds 8 or 8A might. These mandatory grounds already set a high bar for eviction. Asking landlords to bear the cost of significant arrears for longer puts them under unsustainable financial pressure. The Government believe that the new clause strikes an unfair balance that will ultimately hurt tenants. I therefore ask the hon. Member to withdraw the motion.

Matthew Pennycook: I thank the Minister for his response. I do not intend to labour the point at any length, as we have discussed the matter on a number of occasions. I think that there is a clear difference of principle as to the amount of discretion that the courts are afforded regarding mandatory possession grounds. We think that they require a bit more flexibility to be able to exercise their judgment when there are compelling circumstances. The Government clearly do not, but I think we may return to the issue at a later stage. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 57

Extension of rent repayment orders

"(1) In Section 40(3) of the Housing and Planning Act 2016, at end of table insert—

8	Housing Act 1988	Section 16D, 16E	Duties on landlords and agents as regards information provision and prohibition on reletting
9	Renters (Reform) Act 2024	Sections 24	Landlord redress provisions
10	Renters (Reform) Act 2024	Section 39 (3)	Active landlord database entry"

—(Matthew Pennycook.)

This new clause would ensure that rent repayment orders can be made to the landlord under the relevant tenancy in any instance where a financial penalty or offence is made relating to clauses 9, 10, 24 or 27 of the Bill.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 7.

Division No. 14]

AYES

Amesbury, Mike	Pennycook, Matthew
Buck, Ms Karen	
Glindon, Mary	Russell-Moyle, Lloyd

NOES

Bailey, Shaun	Spencer, Dr Ben
Firth, Anna	Tracey, Craig
Hughes, Eddie	
Mohindra, Mr Gagan	Young, Jacob

Question accordingly negatived.

New Clause 58

Requirement to state the amount of rent when advertising residential premises

"(1) A landlord must not advertise or otherwise offer a tenancy of residential premises unless the amount of rent is stated in the advertisement or offer.

(2) A letting agent acting on behalf of a landlord must not advertise or otherwise offer a tenancy of residential premises unless the amount of rent is stated in the advertisement or offer."—*(Matthew Pennycook.)*

This new clause would require landlords or persons acting on their behalf to state the proposed rent payable in the advertisement for the premises.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 7.

Division No. 15]

AYES

Amesbury, Mike	Morgan, Helen
Buck, Ms Karen	Pennycook, Matthew
Glindon, Mary	Russell-Moyle, Lloyd

NOES

Bailey, Shaun	Spencer, Dr Ben
Firth, Anna	Tracey, Craig
Hughes, Eddie	
Mohindra, Mr Gagan	Young, Jacob

Question accordingly negatived.

New Clause 59

NOT INVITING OR ENCOURAGING BIDS FOR RENT

"(1) A landlord must not invite or encourage a prospective tenant or any other person to offer to pay an amount of rent for residential premises that exceeds the amount of rent stated as part of the advertisement or offer of the premises as required by section [requirement to state the amount of rent when advertising residential premises].

(2) A letting agent acting on behalf of a landlord must not invite or encourage a prospective tenant or any other person to offer to pay an amount of rent for residential premises that exceeds the amount of rent stated as part of the advertisement or offer of the premises as required by section [requirement to state the amount of rent when advertising residential premises].

(3) Subsection (1) does not prohibit a prospective tenant or other person from offering to pay an amount that exceeds the stated amount of rent."*—(Matthew Pennycook.)*

This new clause would prevent landlords or persons acting on their behalf from inviting or encouraging bids that exceed the amount stated as part of the advertisement or offer of the premises.

3.30 pm

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 7.

Division No. 16]

AYES

Amesbury, Mike	Morgan, Helen
Buck, Ms Karen	Pennycook, Matthew
Glindon, Mary	Russell-Moyle, Lloyd

NOES

Bailey, Shaun	Spencer, Dr Ben
Firth, Anna	Tracey, Craig
Hughes, Eddie	
Mohindra, Mr Gagan	Young, Jacob

Question accordingly negatived.

New Clause 60

EXTENSION OF AWAAB'S LAW TO THE PRIVATE RENTED SECTOR

"(1) Section 10A of the Landlord and Tenant Act 1985 is amended as follows.

(2) Omit subsections (1)(b) and (6).

(3) In subsection (7), omit the definitions of 'low-cost home ownership accommodation' and 'social housing'".*—(Matthew Pennycook.)*

This new clause would require private landlords to deal with hazards affecting their properties.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 7.

Division No. 17]

AYES

Amesbury, Mike	Morgan, Helen
Buck, Ms Karen	Pennycook, Matthew
Glindon, Mary	Russell-Moyle, Lloyd

NOES

Bailey, Shaun	Spencer, Dr Ben
Firth, Anna	Tracey, Craig
Hughes, Eddie	
Mohindra, Mr Gagan	Young, Jacob

Question accordingly negatived.

New Clause 61

ENDING BLANKET BANS ON RENTING TO FAMILIES WITH CHILDREN OR THOSE IN RECEIPT OF BENEFITS

"The Secretary of State may, by regulation, specify behaviour which, for the purposes of Part 4, Equality Act 2010, shall be considered unlawful discrimination unless the contrary is shown."*—(Matthew Pennycook.)*

This new clause would ensure that blanket bans on renting to families with children or those in receipt of benefits are presumed to be unlawful discrimination unless proved otherwise.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 7.

Division No. 18]

AYES

Amesbury, Mike	Morgan, Helen
Buck, Ms Karen	Pennycook, Matthew
Glindon, Mary	Russell-Moyle, Lloyd

NOES

Bailey, Shaun	Spencer, Dr Ben
Firth, Anna	Tracey, Craig
Hughes, Eddie	
Mohindra, Mr Gagan	Young, Jacob

Question accordingly negatived.

New Clause 62

LIMIT ON AMOUNT OF RENT THAT A RESIDENTIAL LANDLORD CAN REQUEST IN ADVANCE

"In Schedule 1 to the Tenant Fees Act 2019, after paragraph 1(8) insert—

'(9) Where rent is payable in advance, the maximum that may be charged is equivalent to the amount specified in paragraph 2(3).'"*—(Matthew Pennycook.)*

This new clause would ensure that the maximum amount of rent that could be lawfully requested by a residential landlord in advance of a tenancy commencing would be 5 weeks' rent for tenancies of less than £50,000 per annum and to 6 weeks' rent for tenancies over £50,000 per annum.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 7.

Division No. 19]

AYES

Amesbury, Mike	Morgan, Helen
Buck, Ms Karen	Pennycook, Matthew
Glindon, Mary	Russell-Moyle, Lloyd

NOES

Bailey, Shaun	Spencer, Dr Ben
Firth, Anna	Tracey, Craig
Hughes, Eddie	
Mohindra, Mr Gagan	Young, Jacob

Question accordingly negatived.

New Clause 67

REPEAL OF MANDATORY GROUNDS FOR POSSESSION

"(1) The Housing Act 1988 is amended as follows.

(2) In section 7 (Orders for possession)—

(a) omit subsection 7(3);

(b) in subsection 7(4), leave out "Part II" and insert "Part I".

(3) In Schedule 2—

(c) in the title of Part I, leave out 'must' and insert 'may';

(d) leave out the title of Part II."—*(Lloyd Russell-Moyle.)*

This new clause extends court discretion to all grounds for possession listed in Schedule 2 of the Housing Act 1988.

Brought up, and read the First time.

Lloyd Russell-Moyle: I beg to move, That the clause be read a Second time.

I am speaking to the new clause to push back a bit on the idea that the courts should not have discretion about some of the grounds. The harm caused to an individual by their being moved out of a property could be far greater than any advantage for someone moving into it. A relative of someone who is ill might have another house for a period of time, for example. Rather than there being two months' notice, the courts should be given the discretion to decide, "You're undergoing cancer treatment. Your relative has somewhere to live for six months, and that should be grounds for a delay of six months." Such discretion should be permitted to the courts. Discretion is permitted in some cases: courts can rule in favour of deferred possession in other areas, but not when it comes to issues involving the non-discretionary grounds.

We have had this debate before. The Minister will respond, but I hope he is open to thinking about how the courts can be involved in areas where there can clearly sometimes be exceptional circumstances. At the moment, it is just a case of the courts asking whether the form has been filled in correctly. That does not do justice to our judges and lawyers, who usually get these things right.

Jacob Young: New clause 67 would make all grounds discretionary. That would remove any certainty for landlords that they could regain possession if they were seeking to sell or move in. Even more seriously, landlords would not even be guaranteed possession if their tenant was in a large amount of arrears, or had committed serious crimes. That could fatally undermine landlords' confidence in the process for recovering possession.

In last week's debate, we talked about getting the balance right between tenant security and a landlord's ability to manage their properties. Where grounds are unambiguous and have a clear threshold, they are mandatory. That includes where a landlord has demonstrated their intention to sell, or a tenant has reached a certain threshold for rent arrears.

However, we completely agree that in more complex situations it is important that judges should have the discretion to decide whether possession is reasonable. Hon. Members talked last week about ground 14—the discretionary antisocial behaviour ground, which is one of those where judicial discretion is required and will remain so. The Government think the new clause strikes an unfair balance that will ultimately hurt tenants, and I ask the hon. Gentleman to withdraw it.

Lloyd Russell-Moyle: There remain many grounds that should involve more discretion. For example, rather than compliance with enforcement action being non-discretionary, there should be a discussion. If a landlord has been found guilty of not meeting the standards required, why should that automatically—just ticking the box—mean that the tenant is punished? Surely judges should be able to have some discretion on that ground.

Equally, there are many reasons why a wider discretion will be important when it comes to grounds for redevelopment; otherwise, there is a danger of abuse. I would like the Government to go away and think about how those thresholds are at least being met in respect of some of the grounds—not all of them, necessarily. How do we ensure that courts do not end up just going through a tick-box exercise? I totally understand the Government's concerns about security in the sector, so I will not press the new clause to a vote. However, I do expect the Government to come back with some greater clarity on the guidelines that they will be giving to courts to ensure that the provisions are not just tick-box exercises and therefore abused by landlords. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Schedule

DECENT HOMES STANDARD

"**PART 1**

AMENDMENTS OF HOUSING ACT 2004

1 The Housing Act 2004 is amended as follows.

2 (1) Section 1 (new system for assessing housing conditions and enforcing housing standards) is amended as follows.

(2) In subsection (3)(a), omit 'hazard'.

(3) In subsection (8), after 'This Part' insert ', except so far as it relates to the requirements specified by regulations under section 2A,'.

3 (1) Section 4 (inspections by local housing authorities) is amended as follows.

(2) For subsection (1) substitute—

'(1) If a local housing authority consider as a result of any matters of which they have become aware in carrying out their duty under section 3, or for any other reason, that it would be appropriate for any residential premises in their district to be inspected with a view to determining—

(a) whether any category 1 or 2 hazard exists on the premises, or

(b) in the case of qualifying residential premises, whether the premises meet the requirements specified by regulations under section 2A,

the authority must arrange for such an inspection to be carried out.'

(3) In subsection (2)—

(a) omit the 'or' at the end of paragraph (a), and

(b) after that paragraph insert—

'(aa) in the case of qualifying residential premises, that the premises may not meet the requirements specified by regulations under section 2A, or'

(4) After subsection (5) insert—

'(5A) Regulations made under subsection (4) by the Secretary of State may also make provision about the manner of assessing whether qualifying residential premises meet the requirements specified by regulations under section 2A.'

(5) In subsection (6)—

(a) omit the 'or' at the end of paragraph (a), and

(b) after that paragraph insert—

'(aa) that any qualifying residential premises in their district fail to meet the requirements specified by regulations under section 2A, or'

(6) In the heading, omit 'to see whether category 1 or 2 hazards exist'.

4 (1) Section 5 (general duty to take enforcement action) is amended as follows.

(2) For subsection (1) substitute—

'(1) If a local housing authority consider that—

(a) a category 1 hazard exists on any residential premises, or

(b) any qualifying residential premises fail to meet a type 1 requirement,

the authority must take the appropriate enforcement action in relation to the hazard or failure.'

(3) In subsection (2)(c), for 'a hazard' substitute 'an'.

(4) In subsections (3) to (6), after 'hazard' (in each place) insert 'or failure'.

(5) In the heading, after 'hazards' insert 'and type 1 requirements'.

5 In the heading to section 6 (how duty under section 5 operates in certain cases), omit 'Category 1 hazards'.

6 After section 6 insert—

'**6A Financial penalties relating to category 1 hazards or type 1 requirements**

(1) This section applies where—

(a) a local housing authority is required by section 5(1) to take the appropriate enforcement action in relation to—

(i) the existence of a category 1 hazard on qualifying residential premises other than the common parts of a building containing one or more flats, or

(ii) a failure by qualifying residential premises other than the common parts of a building containing one or more flats to meet a type 1 requirement, and

(b) in the opinion of the local housing authority it would have been reasonably practicable for the responsible person to secure the removal of the hazard or the meeting of the requirement.

(2) When first taking that action, the local housing authority may also impose on the responsible person a financial penalty under this section in relation to the hazard or failure.

(3) In subsections (1) and (2), "the responsible person" is the person on whom an improvement notice may be served in accordance with paragraphs A1 to 4 of Schedule 1 in relation to the hazard or failure.

(4) For the purposes of subsection (3)—

(a) it is to be assumed that serving such a notice in relation to the hazard or failure is a course of action available to the authority, and

(b) any reference in paragraphs A1 to 4 of Schedule 1 to "the specified premises" is, in relation to the imposition of a financial penalty under this section, to be read as a reference to the premises specified in the final notice in accordance with paragraph 8(c) of Schedule A1.

(5) In subsection (4)(b), "final notice" has the meaning given by paragraph 6 of Schedule A1.

(6) The amount of the penalty is to be determined by the authority but must not be more than £5,000.

(7) A penalty under this section may relate to—

(a) more than one category 1 hazard on the same premises,

(b) more than one failure to meet type 1 requirements by the same premises, or

(c) any combination of such hazards or failures on or by the same premises.

(8) The Secretary of State may by regulations amend the amount specified in subsection (6) to reflect changes in the value of money.

(9) Schedule A1 makes provision about—

(a) the procedure for imposing a financial penalty under this section,

(b) appeals against financial penalties under this section,

(c) enforcement of financial penalties under this section, and

(d) how local housing authorities are to deal with the proceeds of financial penalties under this section.'

7 (1) Section 7 (powers to take enforcement action) is amended as follows.

(2) In subsection (1), for 'that a category 2 hazard exists on residential premises' substitute 'that—

(a) a category 2 hazard exists on residential premises, or

(b) qualifying residential premises fail to meet a type 2 requirement.'.

(3) In subsection (2)(c), for 'a hazard' substitute 'an'.

(4) In subsection (3)—

(a) after 'hazard' (in the first place) insert 'or failure to meet a type 2 requirement', and

(b) after 'hazard' (in the second place) insert 'or failure'.

(5) In the heading, after 'hazards' insert 'and type 2 requirements'.

8 In section 8 (reasons for decision to take enforcement action), in subsection (5)(a), omit 'hazard'.

9 (1) Section 9 (guidance about inspections and enforcement action) is amended as follows.

(2) In subsection (1)(b), omit 'hazard'.

(3) After that subsection insert—

'(1A) The Secretary of State may give guidance to local housing authorities in England about exercising their functions under this Chapter in relation to—

(a) assessing whether qualifying residential premises meet the requirements specified by regulations under section 2A, or

(b) financial penalties.'.

10 In the heading of Chapter 2 of Part 1 (improvement notices, prohibition orders and hazard awareness notices), omit 'hazard'.

11 (1) Section 11 (improvement notices relating to category 1 hazards: duty of authority to serve notice) is amended as follows.

(2) For subsection (1) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 1 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 1 requirement, and

(b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

serving an improvement notice under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).'

(3) In subsection (2), after 'hazard' insert 'or failure'.

(4) In subsection (3)(a), after 'exists' insert ', or which fail to meet the requirement,'.

(5) In subsection (4)—

(a) after 'exists,' insert 'or which fail to meet the requirement,', and

(b) in paragraph (a), after 'hazard' insert 'or failure'.

(6) In subsection (5)(a), for the words from 'that' to 'but' substitute 'that—

(i) if the notice relates to a hazard, the hazard ceases to be a category 1 hazard;

(ii) if the notice relates to a failure by premises to meet a type 1 requirement, the premises meet the requirement; but'.

(7) In subsection (6), for the words from 'to' to the end substitute 'to—

(a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,

(b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or

(c) any combination of such hazards and failures—

(i) on or by the same premises, or

(ii) in or by the same building containing one or more flats.'

(8) In subsection (8)—

(a) after 'hazard' (in the first place) insert 'or failure', and

(b) after 'hazard' (in the second place) insert 'or secure that the premises meet the requirement'.

(9) In the heading, after 'hazards' insert 'and type 1 requirements'.

12 (1) Section 12 (Improvement notices relating to category 2 hazards: power of authority to serve notice) is amended as follows.

(2) For subsection (1) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 2 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 2 requirement, and

(b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

the authority may serve an improvement notice under this section in respect of the hazard or failure.'

(3) In subsection (2), after 'hazard' insert 'or failure'.

(4) In subsection (4), for the words from 'to' to the end substitute 'to—

(a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,

(b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or

(c) any combination of such hazards and failures—

(i) on or by the same premises, or

(ii) in or by the same building containing one or more flats.'

(5) In the heading, after 'hazards' insert 'and type 2 requirements'.

13 (1) Section 13 (Contents of improvement notices) is amended as follows.

(2) In subsection (2)—

(a) after 'hazard' (in each place) insert 'or failure',

(b) after 'hazards' insert 'or failures', and

(c) in paragraph (b), after 'exists' insert 'or to which it relates'.

(3) In subsection (5), after 'hazard' insert 'or failure'.

14 In section 16(3) (revocation and variation of improvement notices)—

(a) after 'hazards' (in the first place) insert 'or failures (or a combination of hazards and failures)', and

(b) in paragraph (a), after 'hazards' insert 'or failures'.

15 (1) Section 19 (change in person liable to comply with improvement notice) is amended as follows.

(2) For subsection (2) substitute—

'(2) In subsection (1), the reference to a person ceasing to be a "person of the relevant category"—

(a) in the case of an improvement notice served on a landlord or superior landlord under paragraph A1(2) of Schedule 1, is a reference to the person ceasing to hold the estate in the premises by virtue of which the person was the landlord or superior landlord, and

(b) in any other case, is a reference to the person ceasing to fall within the description of person (such as, for example, the holder of a licence under Part 2 or 3 or the person managing a dwelling) by reference to which the notice was served on the person.'

(3) In subsection (7), for 'or (9)' substitute ', (9) or (10)'.

(4) After subsection (9) insert—

'(10) If—

(a) the original recipient was served as a landlord or superior landlord under paragraph A1(2) of Schedule 1, and

(b) the original recipient ceases as from the changeover date to be a person of the relevant category as a result of ceasing to hold the estate in the premises by virtue of which the person was the landlord or superior landlord,

the new holder of the estate or, if the estate has ceased to exist, the reversioner, is the "liable person".'

16 (1) In section 20 (prohibition orders relating to category 1 hazards: duty of authority to make order) is amended as follows.

(2) For subsection (1) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 1 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 1 requirement, and

(b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

making a prohibition order under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).'

(3) In subsection (3)—

(a) in paragraph (a), after 'exists' insert ', or which fail to meet the requirement,', and

(b) for paragraph (b) substitute—

'(b) if those premises are—

(i) one or more flats, or

(ii) accommodation falling within paragraph (e) of the definition of 'residential premises' in section 1(4) (homelessness) that is not a dwelling, HMO or flat,

it may prohibit the use of the building containing the flat or flats or accommodation (or any part of the building) or any external common parts;'.

(4) In subsection (4)—

(a) after 'exists,' insert 'or which fail to meet the requirement,', and

(b) in paragraph (a), after 'hazard' insert 'or failure'.

(5) In subsection (5), for the words from 'to' to the end substitute 'to—

(a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,

(b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or

(c) any combination of such hazards and failures—

(i) on or by the same premises, or

(ii) in or by the same building containing one or more flats.'

(6) In the heading, after 'hazards' insert 'and type 1 requirements'.

17 (1) Section 21 (prohibition orders relating to category 2 hazards: power of authority to make order) is amended as follows.

(2) For subsection (1) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 2 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 2 requirement, and

(b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

the authority may make a prohibition order under this section in respect of the hazard or failure.'

(3) In subsection (4), for the words from 'to' to the end substitute 'to—

(a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,

(b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or

(c) any combination of such hazards and failures—

(i) on or by the same premises, or

(ii) in or by the same building containing one or more flats.'

(4) In the heading, after 'hazards' insert 'and type 2 requirements'.

18 (1) Section 22 (contents of prohibition orders) is amended as follows.

(2) In subsection (2)—

(a) after 'hazard' (in each place) insert 'or failure',

(b) after 'hazards' insert 'or failures', and

(c) in paragraph (b), after 'exists' insert 'or to which it relates'.

(3) In subsection (3)(b), after 'hazards' insert ', or failure or failures,'.

19 (1) Section 25 (revocation and variation of prohibition orders) is amended as follows.

(2) In subsection (1), for the words from 'that' to the end substitute 'that—

(a) in the case of an order made in respect of a hazard, the hazard does not then exist on the residential premises specified in the order in accordance with section 22(2)(b), and

(b) in the case of an order made in respect of a failure by premises so specified to meet a requirement specified by regulations under section 2A, the premises then meet the requirement.'

(3) In subsection (3)—

(a) after 'hazards' (in the first place) insert 'or failures (or a combination of hazards and failures)', and

(b) in paragraph (a), after 'hazards' insert 'or failures'.

20 In the italic heading before section 28, omit 'Hazard'.

21 (1) Section 28 (hazard awareness notices relating to category 1 hazards: duty of authority to serve notice) is amended as follows.

(2) For subsections (1) and (2) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 1 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 1 requirement, and

(b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

serving an awareness notice under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).

(2) An awareness notice under this section is a notice advising the person on whom it is served of—

(a) the existence of a category 1 hazard on, or

(b) a failure to meet a type 1 requirement by,

the residential premises concerned which arises as a result of a deficiency on the premises in respect of which the notice is served.'

(3) In subsection (3)(a), after 'exists' insert ', or which fail to meet the requirement,'.

(4) In subsection (4)—

(a) after 'exists,' insert 'or which fail to meet the requirement,', and

(b) in paragraph (a), after 'hazard' insert 'or failure'.

(5) In subsection (5), for the words from 'to' to the end substitute 'to—

(a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,

(b) more than one failure to meet type 1 requirements by the same premises or the same building containing one or more flats, or

(c) any combination of such hazards and failures—

(i) on or by the same premises, or

(ii) in or by the same building containing one or more flats.'

(6) In subsection (6)—

(a) after 'hazard' (in each place) insert 'or failure',

(b) after 'hazards' insert 'or failures', and

(c) in paragraph (a), after 'exists' insert 'or to which it relates'.

(7) In subsection (8), for 'a hazard' substitute 'an'.

(8) At the end insert—

'(9) A notice under this section in respect of residential premises in Wales is to be known as a "hazard awareness notice".'

(9) In the heading—

(a) omit 'Hazard', and

(b) after 'category 1 hazards' insert 'and type 1 requirements'.

22 (1) Section 29 (hazard awareness notices relating to category 2 hazards: power of authority to serve notice) is amended as follows.

(2) For subsections (1) and (2) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 2 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 2 requirement, and

(b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

the authority may serve an awareness notice under this section in respect of the hazard or failure.

(2) An awareness notice under this section is a notice advising the person on whom it is served of—

(a) the existence of a category 2 hazard on, or

(b) a failure to meet a type 2 requirement by,

the residential premises concerned which arises as a result of a deficiency on the premises in respect of which the notice is served.'

(3) In subsection (3), for 'a hazard' substitute 'an'.

(4) In subsection (4), for the words from 'to' to the end substitute 'to—

(a) more than one category 2 hazard on the same premises or in the same building containing one or more flats,

(b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or

(c) any combination of such hazards and failures—

(i) on or by the same premises, or

(ii) in or by the same building containing one or more flats.'

(5) In subsection (5)—

(a) after 'hazard' (in each place) insert 'or failure',

(b) after 'hazards' insert 'or failures', and

(c) in paragraph (a), after 'exists' insert 'or to which it relates'.

(6) In subsection (8), for 'a hazard' substitute 'an'.

(7) At the end insert—

'(9) A notice under this section in respect of residential premises in Wales is to be known as a "hazard awareness notice".'

(8) In the heading—

(a) omit 'Hazard', and

(b) after 'category 2 hazards' insert 'and type 2 requirements'.

23 (1) Section 30 (offence of failing to comply with improvement notice) is amended as follows.

(2) In subsection (2), after 'hazard' insert 'or failure'.

(3) In subsection (3), omit 'not exceeding level 5 on the standard scale'.

(4) in subsection (5), after 'hazard' insert 'or failure'.

24 In section 32 (offence of failing to comply with prohibition order etc), in subsection (2)(a), omit 'not exceeding level 5 on the standard scale'.

25 In section 35 (power of court to order occupier or owner to allow action to be taken on premises), for the definition of 'relevant person' in subsection (8) substitute—

'"relevant person" , in relation to any premises, means—

(a) a person who is an owner of the premises;

(b) a person having control of or managing the premises;

(c) the holder of any licence under Part 2 or 3 in respect of the premises;

(d) in the case of qualifying residential premises which are let under a relevant tenancy, the landlord under the tenancy and any person who is a superior landlord in relation to the tenancy.'.

26 (1) Section 40 (emergency remedial action) is amended as follows.

(2) For subsection (1) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 1 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 1 requirement, and

(b) they are further satisfied that the hazard or failure involves an imminent risk of serious harm to the health or safety of any of the occupiers of those or any other residential premises, and

(c) no management order is in force under Chapter 1 or 2 of Part 4 in relation to the premises mentioned in paragraph (a)(i) or (ii),

the taking by the authority of emergency remedial action under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).'

(3) In subsection (2), after 'hazard' insert 'or failure'.

(4) In subsection (4), for the words from 'of' to the end substitute 'of—

(a) more than one category 1 hazard on the same premises or in the same building containing one or more flats,

(b) more than one failure to meet type 2 requirements by the same premises or the same building containing one or more flats, or

(c) any combination of such hazards and failures—

(i) on or by the same premises, or

(ii) in or by the same building containing one or more flats.'

27 In section 41 (notice of emergency remedial action), in subsection (2)—

(a) after 'hazard' (in each place) insert 'or failure',

(b) after 'hazards' insert 'or failures', and

(c) in paragraph (a), after 'exists' insert 'or to which it relates'.

28 In section 43 (emergency prohibition notices), for subsection (1) substitute—

'(1) If—

(a) the local housing authority are satisfied that—

(i) a category 1 hazard exists on any residential premises, or

(ii) any qualifying residential premises fail to meet a type 1 requirement, and

(b) they are further satisfied that the hazard or failure involves an imminent risk of serious harm to the health or safety of any of the occupiers of those or any other residential premises, and

(c) no management order is in force under Chapter 1 or 2 of Part 4 in relation to the premises mentioned in paragraph (a)(i) or (ii),

making an emergency prohibition order under this section in respect of the hazard or failure is a course of action available to the authority in relation to the hazard or failure for the purposes of section 5 (category 1 hazards and type 1 requirements: general duty to take enforcement action).'

29 In section 44 (contents of emergency prohibition orders), in subsection (2)—

(a) after 'hazard' (in each place) insert 'or failure',

(b) after 'hazards' insert 'or failures', and

(c) in paragraph (a), after 'exists' insert 'or to which it relates'.

30 In section 49 (power to charge for certain enforcement action)—

(a) in subsection (1)(c), for 'a hazard' substitute 'an', and

(b) in subsection (2), for 'a hazard' substitute 'an'.

31 In section 50 (recovery of charge under section 49), in subsection (2)(b), for 'a hazard' substitute 'an'.

32 In section 54 (index of defined expressions: Part 1)—

(a) at the appropriate places insert—

'Qualifying residential premises	Section 2B(1)';
'Relevant tenancy	Section 2B(2)';
'Social housing	Section 2B(2)';
'Supported exempt accommodation	Section 2B(2)';
'Type 1 requirement	Section 2A(3)(a)';
'Type 2 requirement	Section 2A(3)(b), and
	Section 2B(1)';
	Section 2B(2)';
	Section 2B(2)';
	Section 2B(2)';
	Section 2A(3)(a)';
	Section 2A(3)(b)'

(b) in the entry for 'Hazard awareness notice', in the first column, omit 'Hazard' (and, accordingly, move the entry to the appropriate place).

33 (1) Section 250 (orders and regulations) is amended as follows.

(2) After subsection (2) insert—

'(2A) The power under subsection (2)(b) includes power—

(a) to provide for regulations under sections 2A and 2B(3) to apply (with or without modifications) in relation to tenancies or licences entered into before the date on which the regulations come into force;

(b) for regulations under section 2B(3)(b) to provide for Part 1 to apply in relation to licences with such modifications as may be specified in the regulations.'

(3) In subsection (6), before paragraph (a) insert—

'(za) regulations under sections 2A and 2B(3),'

34 Before Schedule 1 insert—

'SCHEDULE A1

PROCEDURE AND APPEALS RELATING TO FINANCIAL PENALTIES UNDER SECTION 6A

Notice of intent

1 Before imposing a financial penalty on a person under section 6A a local housing authority must give the person notice of the authority's proposal to do so (a "notice of intent").

2 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 evidence sufficient to require it to take the appropriate enforcement action under section 5(1) in relation to—

(a) the existence of the category 1 hazard, or

(b) the failure to meet the type 1 requirement.

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 penalty,

(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 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 ("the period for representations").

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 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.

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 premises—

(i) on which the authority considers a category 1 hazard exists;

(ii) which the authority considers fail to meet a type 1 requirement,

(d) the reasons for imposing the penalty,

(e) information about how to the pay the penalty,

(f) the period for payment of the penalty,

(g) information about rights of appeal, and

(h) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

9 (1) A local housing authority may at any time—

(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

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.

(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 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.

(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 of it, 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—

(a) signed by the chief finance officer of the authority which imposed the financial 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.

(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 6A, 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 Part 1 of this Act, the Renters (Reform) Act 2024 or otherwise in relation to the private rented sector.

13 Any proceeds of a financial penalty imposed under section 6A which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.

(1) In paragraph 12, the reference to 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,

(c) the activities of a landlord under a tenancy of residential premises in England,

(d) the activities of a superior landlord in relation to such a tenancy,

(e) 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

(f) 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' does not include social housing.

(3) For the purposes of this paragraph "tenancy" includes a licence to occupy.'

35 (1) Schedule 1 (procedure and appeals relating to improvement notices) is amended as follows.

(2) Before paragraph 1 insert—

'Service of improvement notices: qualifying residential premises which fail to meet type 1 and 2 requirements

A1 (1) This paragraph applies instead of paragraphs 1 to 3 where—

(a) the specified premises are qualifying residential premises by virtue of section 2B(1)(a), (b) or (c), and

(b) an improvement notice relates to a failure by the premises to meet a requirement specified by regulations under section 2A (whether or not the notice also relates to a category 1 or 2 hazard).

(2) Where the premises are let under a relevant tenancy, or are an HMO where at least one unit of accommodation which forms part of the HMO is let under a relevant tenancy, the notice must be served on the landlord under the tenancy unless—

(a) the tenancy is a sub-tenancy, in which case the notice may instead be served on a superior landlord in relation to the tenancy if, in the opinion of the local housing authority, the superior landlord ought to take the action specified in the notice;

(b) the premises are a dwelling which is licensed under Part 3 of this Act, or an HMO which is licensed under Part 2 or 3 of this Act, in which case the notice may instead be served on the holder of the licence if, in the opinion of the local housing authority, the holder ought to take the action specified in the notice.

(3) Where sub-paragraph (2) does not apply in relation to the premises and—

(a) the premises are supported exempt accommodation, the notice must be served on the authority or body which provides the accommodation;

(b) the premises are accommodation falling within paragraph (e) of the definition of "residential premises" in section 1(4) (homelessness), the notice must be served on any person who has an estate or interest in the premises and who, in the opinion the local housing authority, ought to take the action specified in the notice.'

(3) In paragraph 5(1), for '1 to' substitute 'A1 to'.

(4) In paragraph 12—

(a) in sub-paragraph (1), after 'hazard' insert 'or failure', and

(b) in sub-paragraph (2)(b), for 'a hazard' substitute 'an'.

(5) In paragraph 17, after 'hazard' (in each place) insert 'or failure'.

36 (1) Schedule 2 (procedure and appeals relating to prohibition orders) is amended as follows.

(2) In paragraph 1—

(a) after sub-paragraph (2) insert—

'(2A) Where the specified premises are qualifying residential premises which—

(a) are let under a relevant tenancy, or

(b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy,

the authority must also serve copies of the order on any other person who, to their knowledge, is the landlord under the tenancy or a superior landlord in relation to the tenancy.', and

(b) in sub-paragraph (3), after '(2)' insert 'or (2A)'.

(3) In paragraph 2—

(a) for sub-paragraph (1) substitute—

'(1) This paragraph applies to a prohibition order where the specified premises consist of or include—

(a) the whole or any part of a building containing—

(i) one or more flats, or

(ii) accommodation falling within paragraph (e) of the definition of "residential premises" in section 1(4) (homelessness) that is not a dwelling, HMO or flat, or

(b) any common parts of such a building.'

(b) after sub-paragraph (2) insert—

'(2A) Where the specified premises consist of or include qualifying residential premises which—

(a) are let under a relevant tenancy, or

(b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy,

the authority must also serve copies of the order on any other person who, to their knowledge, is the landlord under the tenancy or a superior landlord in relation to the tenancy.',

(c) in sub-paragraph (3), after '(2)' insert 'or (2A)', and

(d) in sub-paragraph (4), after '(2)' insert ', (2A)'.

(4) In paragraph 8—

(a) in sub-paragraph (1), after 'hazard' insert 'or failure', and

(b) in sub-paragraph (2)(b), for 'a hazard' substitute 'an'.

(5) In paragraph 12, after 'hazard' (in each place) insert 'or failure'.

(6) In paragraph 16(1)—

(a) omit the 'or' at the end of paragraph (b), and

(b) at the end of paragraph (c) insert ', or

(d) in the case of qualifying residential premises which—

(i) are let under a relevant tenancy, or

(ii) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy,

any person on whom copies of the improvement notice are required to be served by paragraph 1(2A) or 2(2A).'

37 (1) Schedule 3 (improvement notices: enforcement action by local housing authorities) is amended as follows.

(2) In paragraph 3, after 'hazard' (in each place) insert 'or failure'.

(3) In paragraph 4, after 'hazard' (in both places) insert 'or failure'.

Part 2

Amendments of other Acts

Land Compensation Act 1973

38 (1) Section 33D of the Land Compensation Act 1973 (loss payments: exclusions) is amended as follows.

(2) In subsection (4)—

(a) in paragraph (b), after 'hazard' insert 'or type 1 requirement', and

(b) in paragraph (c), after 'hazard' insert 'or type 2 requirement'.

(3) In subsection (5)—

(a) in paragraph (a), after 'hazard' insert 'or type 1 requirement', and

(b) in paragraph (b), after 'hazard' insert 'or type 2 requirement'.

Housing Act 1985

39 In section 269A of the Housing Act 1985 (appeals suggesting certain other courses of action), in subsection (2)(c), for 'a hazard' substitute 'an'.

Housing and Regeneration Act 2008

40 In section 126B of the Housing and Regeneration Act 2008 (functions of health and safety lead), in subsection (3)(b)(ii), after 'hazards' insert 'and type 1 and 2 requirements'.

Deregulation Act 2015

41 In section 33(13) of the Deregulation Act 2015 (preventing retaliatory eviction: definitions), in the definition of 'relevant notice'—

(a) in paragraph (a), after 'hazards' insert 'and type 1 requirements', and

(b) in paragraph (b), after 'hazards' insert 'and type 2 requirements'.

Housing and Planning Act 2016

42 In section 40(4) of the Housing and Planning Act 2016 (offences under sections 30(1) and 32(1) of the Housing Act 2004), after 'on' insert ', or a failure to meet a requirement by,'.

Tenant Fees Act 2019

43 In Schedule 3 to the Tenant Fees Act 2019 (financial penalties), in paragraph 12(1), after paragraph (c) insert—

'(ca) the activities of a superior landlord in relation to such a tenancy,'."—*(Jacob Young.)*

This new Schedule contains amendments of Part 1 of the Housing Act 2004 that provide for the enforcement of requirements imposed by regulations under new section 2A of that Act, inserted by NC20. The Schedule also allows financial penalties to be imposed for certain breaches of Part 1 of that Act, and makes consequential amendments of other Acts.

Brought up, read the First and Second time, and added to the Bill.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Jacob Young: Ms Fovargue, I would like to put on record my thanks to you and the other Chairs of this Bill Committee; to all the Clerks and parliamentary staff; and to the many other people who have worked hard on this Bill, including all my officials and my private office, who have had to get up to date with this Bill in a matter of weeks.

I thank all members of the Committee, including Opposition Members, for their constructive dialogue. We have had some robust debate on several measures, but I hope we can all agree that these are important reforms—the first in a generation—for landlords and tenants. I look forward to further engagement with all hon. Members as the Bill progresses through its remaining stages.

Matthew Pennycook: Ms Fovargue, may I take the opportunity to put on record our thanks to you and your colleagues in the Chair for overseeing our proceedings? I also thank our exemplary Clerks for all their assistance; the Doorkeepers and *Hansard* reporters for facilitating the Committee's work; and officials in the Department and our own staff for the support that they have provided. Finally, I thank the Minister—as well as the occasional Government Back Bencher who has defied the orders of the hon. Member for South West Hertfordshire and contributed to our debate. *[Laughter.]* There has been

[Matthew Pennycook]

the odd robust exchange, but none has been uncivil, and we appreciate the spirit in which consideration of the Bill has taken place.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

3.42 pm

Committee rose.

Written evidence reported to the House

RRB44 Unipol Student Homes
RRB45 Greater Manchester Combined Authority
RRB46 National Housing Federation
RRB47 StepChange Debt Charity
RRB48 Propertymark
RRB49 London Councils
RRB50 Chartered Institute of Environmental Health