EXPLANATORY MEMORANDUM TO

THE ASSURED AND PROTECTED TENANCIES (LETTINGS TO STUDENTS) (AMENDMENT) (ENGLAND) (No. 2) REGULATIONS 2013

2013 No. 1461

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument adds the companies UPP (Broadgate Park) Limited, UPP (Nottingham) Limited and UPP (Clifton) Limited to the list of specified institutions for the purposes of paragraph 8, Schedule 1 to the Housing Act 1988 ("the Act"). The effect is that tenancies granted by those companies to students will not fall within the definition of assured tenancy under the Act.

3. Matters of special interest to the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Paragraph 8 of Schedule 1 to the Housing Act 1988 ("the Act") excepts from the definition of "assured tenancy" in section 1 of the Act, a tenancy granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution. The tenancy must be granted either by that institution or by another specified institution or body of persons.

4.2 Regulation 5(b) of the Assured and Protected Tenancies (Lettings to Students) Regulations 1998 ("the Principal Regulations") provides that a body listed in Schedule 2 to the Principal Regulations will be specified institution for the purposes of paragraph 8 of Schedule 1 to the Act. This instrument amends Schedule 2 to the Principal Regulations to add to the list of specified institutions: UPP (Broadgate Park) Limited, UPP (Nottingham) Limited and UPP (Clifton) Limited.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Principal Regulations are intended to maintain and encourage turnover in rented student accommodation by exempting student lettings provided by certain educational institutions, housing associations and other specified bodies from the definition of assured tenancy under the Act. As a result, students are not able to claim security of tenure after the expiry of their tenancy, and so those bodies are able to re-let their accommodation to new students.

7.2 This instrument amends the Principal Regulations so that lettings provided by UPP (Broadgate Park) Limited, UPP (Nottingham) Limited and UPP (Clifton) Limited are exempt from the definition of assured tenancy under the Act. Residents of UPP (Broadgate Park) Limited are all students or pastoral staff of the University of Nottingham. Residents of UPP (Nottingham) and UPP (Clifton) are all students of Nottingham Trent University. The UPP group of companies build and manage large-scale student developments and have partnerships with 11 higher education institutions in the UK, managing approximately 20,000 study bedrooms on behalf of universities.

7.3 UPP want all their student residents to fall within the same legislative ambit, so that students who book their accommodation directly from UPP (Broadgate Park) Limited, UPP (Nottingham) Limited or UPP (Clifton) Limited will have the same status in law as the students who book their accommodation through their universities.

8. Consultation outcome

8.1 Given the minor nature of the changes, the Department has not consulted on this instrument.

9. Guidance

9.1 Guidance will not be issued as it is not necessary.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The instrument concerns UPP (Clifton) Limited which is a small business and UPP (Broadgate Park) Limited and UPP (Nottingham) Limited which are not. The effect of this instrument will be to reduce the administrative burden on the companies specified.

12. Monitoring & review

12.1 As the instrument only concerns UPP (Broadgate Park) Limited, UPP (Nottingham) Limited and UPP (Clifton) Limited, no monitoring or review is necessary.

13. Contact

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