EXPLANATORY MEMORANDUM TO

THE ASSURED AND PROTECTED TENANCIES (LETTINGS TO STUDENTS) (AMENDMENT) (ENGLAND) REGULATIONS 2009

2009 No. 1825

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 Statutory Instrument will add Beach General Partner Limited and Beach Nominee Limited to Schedule 2 of the Assured and Protected Tenancies (Lettings to Students) Regulations 1998. The effect of specification is that a tenancy granted by a body included in Schedule 2 to a student at an educational institution specified in the 1998 Regulations is not an assured tenancy for the purposes of the Housing Act 1988

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

3.1 None

4. Legislative Context

4.1 Section 8 of the Rent Act 1977 and paragraph 8 of Schedule 1 to the Housing Act 1988 except from the definition of "protected tenancy" and "assured tenancy" in section 1 of the respective Acts 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 the educational institution or by an institution or body of persons, specified in regulations made by the Secretary of State. Schedule 2 of the Assured and Protected Tenancies (Letting to Students) Regulations 1998 specify the educational institutions and other bodies for the purposes of those provisions. New applicants for exempt status who satisfy the criteria are added to the list by means of a Statutory Instrument.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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 Assured and Protected Tenancies (Lettings to Students) Regulations 1998 (S.I. 1998/1967) are intended to maintain and encourage turnover in rented student accommodation by granting certain further and higher education institutions, housing

associations and specified other bodies in their lettings to students, exemption from the assured tenancy provision from the Housing Act 1988. As a result, students are not able to claim security of tenure after the expiry of their tenancy, and the bodies are able to re-let their accommodation to new students.

8. Consultation outcome

8.1 No consultation was carried out because it was not considered necessary.

9. Guidance

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

10. Impact

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

10.2 The impact on the public sector is minimal.

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

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As this instrument only concerns the named bodies, no monitoring or review is necessary.

13. Contact

Amerjit Basi at the Department for Business, Innovation and Skills Tel: 0114 259 1611 or email: amerjit.basi@bis.gsi.gov.uk can answer any queries regarding the instrument.