EXPLANATORY MEMORANDUM TO

THE ASSURED AND PROTECTED TENANCIES (LETTINGS TO STUDENTS) (AMENDMENT) (ENGLAND) REGULATIONS 2013

2013 No. 38

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 amends Schedule 2 to the Assured and Protected Tenancies (Letting to Students) Regulations 1998 ("the Principal Regulations"). The reference to "University of Leicester Students' Union" is being replaced with "Student Union Lettings Limited". This is to reflect the fact that lettings services previously provided by University of Leicester Students Union are now being provided by Student Union Lettings Limited, a joint venture between University of Leicester Students' Union and University of De Montfort Students' Union.

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 Principal Regulations provides that a body listed in Schedule 2 to the Principal Regulations will be specified for the purposes of paragraph 8 of Schedule 1 to the Act. This instrument amends Schedule 2 to the Principal Regulations to replace the reference to "University of Leicester Students' Union" with "Student Union Lettings 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 Student Union Lettings Limited are exempt from the definition of assured tenancy under the Act. Schedule 2 of the Principal Regulations is being amended to replace the reference to University of Leicester Students' Union with Student Union Lettings Limited. Student Union Lettings Limited is a joint venture between Leicester University Students' Union and De Montfort University Students' Union. It is owned and controlled by the two Students' Unions and the board consists of Student Officers, the Student Union CEOs and a Pro-Vice Chancellor from each of the two 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 impact the public sector is minimal.

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

11. Regulating small business

11.1 The instrument concerns Student Union Lettings limited which is a small business.

12. Monitoring & review

12.1 As the instrument only concerns Student Union Lettings limited, no monitoring or review is necessary.

13. Contact

Elizabeth Shirt at the Department for Business, Innovation and Skills Tel: 01142 075268 or email: elizabeth.shirt@bis.gsi.gov.uk can answer any queries regarding the instrument.