

Renters' Rights Act 2025

CHAPTER 26

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Renters' Rights Act 2025

CHAPTER 26

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Renters' Rights Act 2025

2025 CHAPTER 26

An Act to make provision changing the law about rented homes, including provision abolishing fixed term assured tenancies and assured shorthold tenancies; imposing obligations on landlords and others in relation to rented homes and temporary and supported accommodation; and for connected purposes. [27th October 2025]

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

PART 1

TENANCY REFORM

CHAPTER 1

ASSURED TENANCIES

End of certain kinds of assured tenancy

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

In the 1988 Act, before section 5 insert—

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

(1) Terms of an assured tenancy are of no effect so far as they provide—

(a) for a tenancy to be a fixed term tenancy, or

(b) for periods of the tenancy to be different from the periods for which rent is payable ("rent periods").

(2) Where terms of an assured tenancy are of no effect by virtue of subsection (1)(a) or (b), the tenancy has effect as a periodic tenancy under which the periods of the tenancy are the same as the rent periods.

(3) Terms of an assured tenancy which provide for the rent periods are of no effect unless each rent period is—

(a) a period of 28 days or shorter, or

(b) a monthly rent period.

(4) Those terms may provide for different rent periods at different times during the assured tenancy (but each rent period must be permitted by subsection (3)).

(5) Where terms of an assured tenancy are of no effect by virtue of subsection (3), the tenancy has effect as if it provided—

(a) for successive rent periods of one month beginning with the first day of the tenancy, and

(b) for the rent for each such rent period—

(i) to be the amount calculated in accordance with the formula in subsection (6), and

(ii) to be due on the first day of the period.

(6) The formula is—

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

where—

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

D is the number of whole days in that period.

(7) Except as provided by subsections (1) and (3), nothing in this section limits any right of the landlord and the tenant to vary a term of a tenancy by agreement.

(8) For the purposes of this section, terms of an assured tenancy provide for "monthly" rent periods if they provide for rent to be payable for successive periods of one month, disregarding any provision for the first period to be a different period not exceeding 30 days."

2 Abolition of assured shorthold tenancies

In the 1988 Act—

(a) omit section 6A (demotion to assured shorthold tenancy because of anti-social behaviour);

(b) omit Chapter 2 of Part 1 (assured shorthold tenancies).

Grounds for possession

3 Changes to grounds for possession

(1) Schedule 1 contains amendments of Schedule 2 to the 1988 Act (grounds for possession of dwelling-houses let on assured tenancies).

(2) In section 7 of the 1988 Act (orders for possession)—

(a) in subsection (3), for "subsections (5A) and (6)" substitute "the following provisions of this section";

(b) in subsection (4) omit ", subject to subsections (5A) and (6) below,";

(c) in subsection (5) omit the words from "and Part IV" to the end";

(d) after subsection (5) insert—

"(5ZA) The court may not make an order for possession of a dwelling-house on any of Grounds 1 to 5H or Ground 6A where—

(a) a smallholding was previously let to the tenant under a tenancy to which the Agricultural Holdings Act 1986 applies ("the agricultural tenancy"),

(b) the agricultural tenancy came to an end as a result of the operation of a notice to quit given in case A in Part 1 of Schedule 3 to that Act ("case A"),

(c) the assured tenancy was granted immediately after the agricultural tenancy came to an end, and

(d) the dwelling-house is let under the assured tenancy—

(i) by the person who was the landlord under the agricultural tenancy ("the former agricultural landlord"), or

(ii) by another person pursuant to a contract or other agreement entered into with the former agricultural landlord under which—

(A) the dwelling-house is to be let as suitable alternative accommodation for the purposes of paragraph (b) of case A, and

(B) this subsection is to apply.

(5ZB) The court may not make an order for possession of a dwelling-house let on an assured tenancy on any of Grounds 1 to 5H or Ground 6A where, on the basis of the proposed let of the dwelling-house on that tenancy, the dwelling-house was deemed to be suitable alternative accommodation under paragraph 1(c) of Part 4 of Schedule 2 to the Housing Act 1985 for the purposes of section 84(2)(b) and (c) of that Act.";

(e) in subsection (5A)—

(i) in paragraph (a), for ", 2, 5" substitute "to 5H, 6A, 6B"

(ii) omit paragraph (b) (but not the "and" at the end).

(f) after subsection (5A) insert—

"(5B) The court may not make an order for possession of a dwelling-house let on an assured tenancy granted in accordance with section 554(3)(c) (before its repeal) or (ca) of the Housing Act 1985 on any of Grounds 1 to 5H or Ground 6A.

(5C) In relation to the making of an order for possession of a dwelling-house let on an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989, Ground 6 is to apply as if—

(a) in paragraph (b), the words ", but only in a case where section 7(5ZA) applies in relation to the tenancy" were omitted;

(b) in the general redevelopment conditions, paragraph (f) was omitted;

(c) in the landlord's acquisition condition, in paragraph (a), the reference to the grant of the tenancy is a reference to the grant of the long residential tenancy which existed immediately before the assured periodic tenancy arose.

(5D) If the only grounds for possession which the court is satisfied are established are either or both of Grounds 7A and 14 in Schedule 2, the court may not make an order for possession to take effect within—

(a) the period of 14 days beginning with the date of service of the notice under section 8; or

(b) where the court has exercised the power conferred by section 8(1)(b), the period of 14 days beginning—

(i) if a purported notice of possession (within the meaning given by section 16M) was served on the tenant and the court considers it just and equitable, with the date on which the notice was served;

(ii) otherwise, with the date on which the proceedings for possession began.

(5E) In subsection (5C), a reference to a "long residential tenancy" is a reference to a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies."

(g) omit subsections (6), (6A), (6B) and (7).

(3) In section 8 of the 1988 Act (notice of proceedings for possession)—

(a) in subsection (1)(a) for "(4B)" substitute "(4AA)";

(b) in subsection (3)(b) for "(3A) to (4B)" substitute "(4) to (4AA)";

(c) omit subsection (3A);

(d) in subsection (4)—

(i) for "Ground 14" substitute "either or both of Grounds 7A and 14";

(ii) after "whether" insert "with or";

(iii) omit "or with any ground other than Ground 7A";

(e) for subsections (4A) and (4B) substitute—

"(4AA) If a notice under this section does not specify Ground 7A or 14 in Schedule 2, the date specified in the notice as mentioned in subsection (3)(b) must not be before the end of the longest period shown in the following table for any ground specified in the notice.

Ground specified in notice	Period
1, 1A, 1B, 2, 2ZA, 2ZB, 2ZC, 2ZD, 4A, 6, 6A, 6B	four months beginning with the date of service of the notice
5, 5A, 5B, 5C, 5D, 5H, 7, 9	two months beginning with the date of service of the notice
5E, 5F, 5G, 8, 10, 11, 18	four weeks beginning with the date of service of the notice
4, 7B, 12, 13, 14ZA, 14A, 15, 17	two weeks beginning with the date of service of the notice";

(f) after subsection (5) insert—

"(5A) A notice given by an intermediate landlord under Ground 2ZA is to be treated, when the superior tenancy ends, as a notice given by the person who became the landlord by virtue of section 18 under Ground 2ZC.

(5B) A notice given by an intermediate landlord under Ground 2ZB is to be treated, when the superior tenancy ends, as a notice given by the person who became the landlord by virtue of section 18 under Ground 2ZD.";

(g) omit subsection (6).

(4) After section 8 of the 1988 Act insert—

"8ZA Disapplication of conditions where notice dispensed with

(1) This section applies where the court exercises the power conferred by section 8(1)(b) in proceedings relating to Ground 4A, 5G or 6 in Schedule 2.

(2) The court may, if it considers it just and equitable to do so—

(a) where the proceedings relate to Ground 4A, disapply paragraph (d) of the ground;

(b) where the proceedings relate to Ground 5G, disapply paragraph (b) of the ground;

(c) where the proceedings relate to Ground 6, disapply paragraph (aa)(ii)(B) of the ground.

(3) References in this section to grounds in Schedule 2 are to those grounds read in accordance with paragraph 12(2) of that Schedule."

(5) After section 11 of the 1988 Act insert—

"11A Possession on ground 6B: compensation of tenant

(1) This section applies where a court makes an order for possession of a dwelling-house let on an assured tenancy on Ground 6B in Schedule 2 to this Act (whether or not the order is also made on any other ground).

(2) The court may order the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order for possession.

(3) In deciding whether to make an order under this section, and what compensation to order, the court must (in particular) take into account the circumstances which led to Ground 6B being available as a ground for making an order for possession (including any conduct by the tenant which caused or contributed to Ground 6B being available)."

4 Possession for anti-social behaviour: relevant factors

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)."

5 Form of notice of proceedings for possession

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

"(7) Regulations made under section 45(1) by virtue of subsection (3) may—

(a) provide for the form to be published by the Secretary of State;

(b) provide that the form to be used is the version that has effect at the time the requirement applies."

Rent and other terms

6 Statutory procedure for increases of rent

(1) Section 13 of the 1988 Act (increases of rent) is amended in accordance with subsections (2) to (8).

(2) In the heading for "periodic tenancies" substitute "tenancies other than relevant low-cost tenancies".

(3) For subsection (1) substitute—

"(1) This section applies to any assured tenancy other than a relevant low-cost tenancy."

(4) In subsection (2)—

(a) in paragraph (a), for "the minimum period" substitute "two months";

(b) in paragraph (b)—

(i) for the words before sub-paragraph (i) substitute "either";

(ii) after sub-paragraph (i) insert "or";

(c) in paragraph (c)—

(i) in the words before sub-paragraph (i), after "below" insert ", either";

(ii) after sub-paragraph (i) insert "or".

(5) Omit subsection (3).

(6) In subsection (4)—

(a) in paragraph (a), for "by an application in the prescribed form refers the notice to the appropriate tribunal" substitute "applies to the appropriate tribunal under section 14(A3)";

(b) in paragraph (b) for "variation of the rent which is different from" substitute "new rent which is lower than".

(7) After subsection (4) insert—

"(4A) The rent for a period of an assured tenancy to which this section applies may not be greater than the rent for the previous period except by virtue of—

(a) a notice under this section or an agreement under subsection (4)(b) following such a notice,

(b) a determination under section 14, or

(c) an agreement in writing between the landlord and the tenant varying the rent, following a determination by the appropriate tribunal under section 14, where the agreed rent is lower than the rent that would be payable under section 14ZA or 14ZB as a result of the determination;

and any provision relating to an assured tenancy to which this section applies is of no effect so far as it provides that the rent for a particular period of the tenancy must or may be greater than the rent for the previous period otherwise than by virtue of a notice, determination or agreement mentioned in this subsection.

(4B) Except as provided by subsection (4A), nothing in this section (or in sections 14 to 14ZB) limits any right of the landlord and the tenant under an assured tenancy to which this section applies to vary any term of the tenancy by agreement.

(4C) In this section "relevant low-cost tenancy" means—

(a) an assured tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008, where the landlord is a private registered provider of social housing, and

(b) any other assured tenancy of a description specified in regulations made by the Secretary of State.

(4D) Regulations under subsection (4C)(b)—

(a) may make different provision for different purposes;

(b) are to be made by statutory instrument.

(4E) A statutory instrument containing regulations under subsection (4C)(b) is subject to annulment in pursuance of a resolution of either House of Parliament."

(8) Omit subsection (5).

(9) After section 13 of the 1988 Act insert—

"13A Increases of rent under relevant low-cost tenancies

(1) This section applies to a relevant low-cost tenancy within the meaning given by section 13(4C).

(2) For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice, being a period beginning not earlier than—

(a) one month after the date of the service of the notice, and

(b) in the case of an assured agricultural occupancy, the first anniversary of the date on which the first period of the tenancy began, and

(c) if the rent under the tenancy has previously been increased by virtue of a notice under this subsection or a determination under section 14, either—

(i) in the case of an assured agricultural occupancy, the first anniversary of the date on which the increased rent took effect, or

(ii) in any other case, the appropriate date.

(3) The appropriate date is—

(a) in a case to which subsection (4) applies, the date that falls 53 weeks after the date on which the increased rent took effect;

(b) in any other case, the date that falls 52 weeks after the date on which the increased rent took effect.

(4) This subsection applies where—

(a) the rent under the tenancy has been increased by virtue of a notice under this section or a determination under section 14 on at least one occasion after the coming into force of the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003, and

(b) the fifty-third week after the date on which the last such increase took effect begins more than six days before the anniversary of the date on which the first such increase took effect.

(5) Where a notice is served under subsection (2), a new rent specified in the notice takes effect as mentioned in the notice unless, before the beginning of the new period specified in the notice—

(a) the tenant applies to the tribunal under section 14(A3), or

(b) the landlord and the tenant agree on a variation of the rent which is different from that proposed in the notice or agree that the rent should not be varied.

(6) Nothing in this section (or in section 14) affects the right of the landlord and the tenant under a relevant low-cost tenancy within the meaning given by section 13(4C) to vary by agreement any term of the tenancy (including a term relating to rent).

13B Challenge to validity of notice to increase rent

Where a tenant under an assured tenancy makes an application to the appropriate tribunal, the tribunal may determine whether a notice served on the tenant under section 13(2) or 13A(2) is valid."

7 Challenging amount or increase of rent

(1) Section 14 of the 1988 Act (determination of rent by tribunal) is amended in accordance with subsections (2) to (9).

(2) In the title, after "of" insert "open-market".

(3) Before subsection (1) insert—

"(A1) A tenant under an assured tenancy other than a relevant low-cost tenancy may make an application to the appropriate tribunal for the purpose of challenging the rent payable under the tenancy.

(A2) No application may be made under subsection (A1) if—

(a) the rent payable under the tenancy is pursuant to a previous determination under this section, or

(b) more than six months have elapsed since the beginning of the tenancy.

(A3) A tenant under any assured tenancy may make an application to the appropriate tribunal for the purpose of challenging a new rent proposed in a notice under section 13(2) or 13A(2)."

(4) In subsection (1)—

(a) for the words from the beginning to "that section," substitute "Where an application is made under subsection (A1) or (A3),";

(b) for paragraphs (a) and (b) substitute—

"(a) which has the same periods as those of the tenancy to which the application relates;

(b) which begins—

(i) in the case of an application under subsection (A1), on the date of the application;

(ii) in the case of an application under subsection (A3), at the beginning of the new period specified in the notice; and";

(c) in paragraph (c) for "notice" substitute "application";

(d) omit paragraph (d) and the "and" before it.

(5) In subsection (3)—

(a) in the words before paragraph (a)—

(i) omit the words from "in relation to" to "above,";

(ii) for "notice", in the second place it occurs, substitute "application";

(b) in paragraphs (a) and (b) for "service of the notice" substitute "the application".

(6) In subsection (3A)—

(a) in the words before paragraph (a), for the words from "on" to "served," substitute "of the application";

(b) in paragraph (a), for "that notice was served" substitute "the application was made".

(7) Omit subsections (6) and (7).

(8) In subsection (8) omit "of a rent for a dwelling-house".

(9) Omit subsection (9).

(10) After section 14 of the 1988 Act insert –

"14ZA Effect of determination: rent payable

(1) This section applies where the appropriate tribunal makes a determination on an application under section 14(A1) in relation to a tenancy.

(2) The rent payable under the tenancy following the determination is –
(a) the new rent amount, and
(b) the appropriate amount (if any) in respect of rates.

(3) The rent payable under the tenancy following the determination takes effect from the date that the appropriate tribunal directs.

(4) The new rent amount is –
(a) the open-market rent, if lower than the tenancy rent, and
(b) otherwise, the tenancy rent.

(5) The date must not be earlier than the date of the application.

(6) In this section –
"the appropriate amount in respect of rates" means the amount of rent attributable to any rates borne as mentioned in section 14(5);
"the open-market rent" means the amount of rent determined by the appropriate tribunal on the application, in accordance with section 14(1);
"the tenancy rent" means the rent payable under the tenancy immediately before the determination is made, excluding the appropriate amount in respect of rates (if any).

14ZB Effect of determination: proposed new rent

(1) This section applies where the appropriate tribunal makes a determination on an application under section 14(A3) in relation to a tenancy.

(2) The rent payable under the tenancy following the determination is –
(a) the new rent amount, and
(b) the appropriate amount (if any) in respect of rates.

(3) The rent payable under the tenancy following the determination takes effect from –
(a) the beginning of the new period specified in the notice under section 13(2) or 13A(2), if that date is on or after the date of the determination,

(b) the beginning of the first new period of the tenancy which begins on or after the date of the determination, if the beginning of the new period specified in the notice under section 13(2) or 13A(2) is before the date of the determination, or

(c) if it appears to the tribunal that applying paragraph (a) or (b) would cause undue hardship to the tenant, a date that the appropriate tribunal directs.

(4) A date specified under subsection (3)(c) must fall before the end of the period of two months beginning with the date of the determination.

(5) The new rent amount is—

(a) the open-market rent, if lower than the proposed rent, and

(b) otherwise, the proposed rent.

(6) The Secretary of State may by regulations make provision so as to substitute, in relation to relevant tenancies, a different date as the effective date.

(7) The effective date may not be earlier than the beginning of the new period specified in the notice served on the tenant under section 13(2) or 13A(2).

(8) Regulations under subsection (6)—

(a) may amend this section;

(b) may make different provision for different purposes;

(c) may make supplemental, consequential, incidental, transitional, transitory or saving provision;

(d) are to be made by statutory instrument.

(9) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(10) In this section—

"the appropriate amount in respect of rates" has the meaning given by section 14ZA(6);

"the effective date" means a date for the time being specified in subsection (3)(b) as the date from which the rent payable takes effect;

"the open-market rent" has the meaning given by section 14ZA(6);

"the proposed rent" means the amount of rent specified in the notice under section 13(2) or 13A(2), excluding the appropriate amount in respect of rates (if any);

"relevant tenancies" means tenancies in relation to which an application under section 14(A3) is made on or after the date on which the regulations under subsection (6) come into force."

(11) Omit sections 14A and 14B of the 1988 Act.

8 Prohibition of rent in advance after lease entered into (except initial rent)

In the 1988 Act, after section 4A (inserted by section 1 of this Act) insert—

"4B Assured tenancy: prohibition of rent in advance (except initial rent)

(1) Terms of an assured tenancy which provide for when rent is due are of no effect so far as they provide for rent to be due in advance.

(2) But subsection (1) does not apply—

(a) to a tenancy entered into before the commencement date (which has the same meaning as in section 146(3) of the Renters' Rights Act 2025),

(b) to an excepted tenancy, or

(c) to terms of any other assured tenancy so far as they provide for initial rent to be due during the permitted pre-tenancy period.

(3) Where terms of an assured tenancy providing for when the rent for a rent period is due are of no effect by virtue of this section, the tenancy has effect as if it provided for the rent for that rent period to be due on the substitute rent day for that rent period.

(4) In a case where the terms of the tenancy (after taking account of section 4A) are such that—

(a) one or more of the periods of the tenancy will be compliant rent periods, and

(b) the compliant rent periods have a regular pattern,

the regular rent day which falls during a rent period is the "substitute rent day" for the rent period.

(5) In any other case, the first day of a rent period is the "substitute rent day" for the rent period.

(6) The compliant rent periods of a tenancy "have a regular pattern" if those periods meet the following two conditions—

(a) all of the compliant rent periods will be the same length (and, for this purpose, all periods of one month are the same length);

(b) the rent for all of the compliant periods will be due—

(i) on the same day during each of the periods (such as the same day of the week in a weekly period or the same date in the month in a monthly period), or

(ii) on the same description of day during each of the periods (such as the last day, or first weekday, of a period);

and that day, or day of that description, is the "regular rent day".

(7) The condition in subsection (6)(a) is met even if the first period of the tenancy is of a different length from all the other compliant periods;

and, in such a case, the condition in subsection (6)(b) is met even if the rent for the first period of the tenancy is due on a different day, or description of day, from all the other compliant periods.

(8) For provision enabling a holding deposit to be used to pay initial rent due during the permitted pre-tenancy period, see Schedule 2 to the Tenant Fees Act 2019.

(9) The Secretary of State may, by regulations, amend this section for the purpose of making provision about the descriptions of rent due in advance to which subsection (1) does not apply.

(10) Regulations under subsection (9)—
(a) may make different provision for different purposes;
(b) are to be made by statutory instrument.

(11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(12) In this paragraph—
"compliant rent period": a rent period is a compliant rent period if the rent for the period is due during the period — and, in determining this, the effect of this section on when rent is due must be disregarded;
"due in advance", in relation to rent, means due before the rent period for which it is payable;
"excepted tenancy" means—
(a) an assured tenancy of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) if the landlord is a private registered provider of social housing;
(b) an assured tenancy granted pursuant to Part 7 of the Housing Act 1996 (homelessness);
"initial rent" means rent that is payable for—
(a) the first rent period, or
(b) any later rent period which ends during the initial 28 day period;
and here "initial 28 day period" means the period of 28 days beginning with the first day of the first rent period;
"permitted pre-tenancy period" means the period that—
(a) begins when the tenancy is entered into, and
(b) ends with the day before the first day of the tenancy;
"regular rent day" has the meaning given in subsection (6)(b);
"rent period" means a period for which rent is payable under the assured tenancy;
"substitute rent day" means the day determined in accordance with subsection (4) or (5)."

9 Prohibition of rent in advance before lease entered into

(1) Schedule 1 to the Tenant Fees Act 2019 (permitted payments) is amended in accordance with subsections (2) and (3).

(2) After paragraph 1(1) (rent is a permitted payment) insert—

"(1A) But a payment of rent is a prohibited payment if—

(a) it is payable before the tenancy is entered into, and

(b) the tenancy is an assured tenancy.

(1B) This paragraph is subject to paragraph 1A."

(3) For sub-paragraph (2) of paragraph 1 substitute—

"Increased rent

1A (1) If the amount of rent payable in respect of any relevant period ("P1") is more than the amount of rent payable in respect of any later relevant period ("P2"), the additional amount payable in respect of P1 is a prohibited payment.

(2) That is subject to the following provisions of this paragraph."

(4) After section 5 of the Tenant Fees Act 2019 insert—

"Other provision about rent in advance

5A Pre-tenancy payments of rent: prohibitions

(1) A landlord must not—

(a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to the landlord in connection with an assured tenancy of housing in England,

(b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to the landlord in connection with an assured tenancy of housing in England, or

(c) accept from a relevant person a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.

(2) A landlord must not—

(a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England,

(b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England, or

(c) accept from a third party a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.

(3) A letting agent must not—

(a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to the letting agent in connection with an assured tenancy of housing in England,

(b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to the letting agent in connection with an assured tenancy of housing in England, or

(c) accept from a relevant person a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.

(4) A letting agent must not—

(a) invite or encourage a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England,

(b) accept an offer from a relevant person to make a prohibited pre-tenancy payment of rent to a third party in connection with an assured tenancy of housing in England, or

(c) accept from a third party a prohibited pre-tenancy payment of rent in connection with an assured tenancy of housing in England.

(5) The Secretary of State may, by regulations made by statutory instrument, amend this section for the purpose of making provision about the descriptions of rent due in advance to which any provision of subsection (1), (2), (3) or (4) applies.

For this purpose "rent due in advance" means rent due before the period for which it is payable.

(6) Regulations under subsection (5)—

(a) may make different provision for different purposes;

(b) may make supplemental, incidental, consequential, transitional, transitory or saving provision;

(c) are to be made by statutory instrument.

(7) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(8) In this section "prohibited pre-tenancy payment of rent" means a payment of rent that is prohibited by paragraph 1(1A) of Schedule 1.

5B Effect of a breach of section 5A

(1) A term of an agreement between a letting agent and a relevant person which breaches section 5A is not binding on a relevant person.

(2) Where a term of an agreement is not binding on a relevant person as a result of this section, the agreement continues, so far as practicable, to have effect in every other respect."

(5) The Tenant Fees Act 2019 is further amended as follows—

(a) in section 6 (enforcement by local weights and measures authorities)—

(i) in subsection (1), in paragraph (b) omit "and" and after that paragraph insert—

"(ba) section 5A (pre-tenancy payments of rent: prohibitions), and";

(ii) in subsection (3), for "or 2" substitute ", 2 or 5A";

(b) in section 7 (enforcement by district councils), in subsection (1), for "and 2" substitute ", 2 and 5A";

(c) in section 8 (financial penalties), in subsection (1), for "or 2" substitute ", 2 or 5A";

(d) in section 10 (recovery by enforcement authority of amount paid)—

(i) in subsection (1)(a), for "or 2" substitute ", 2 or 5A";

(ii) after subsection (2) insert—

"(2A) But that obligation to pay the amount, or remaining part, of the prohibited payment is subject to subsection (3), unless it is a case where the payment is prohibited by paragraph 1(1A) of Schedule 1 (pre-tenancy payment of rent).";

(iii) in subsection (3), for "But subsection (2) does not apply in relation to a prohibited payment" substitute "Subsection (2) does not apply in relation to the prohibited payment";

(e) in section 15 (recovery by relevant person of amount paid), in subsection (1)(a), for "or 2" substitute ", 2 or 5A".

10 Repayment of rent paid for days after end of tenancy

In the 1988 Act, after section 14ZB (inserted by section 7 of this Act) insert—

"14ZC Repayment of rent paid for days after end of tenancy

(1) A person who paid rent 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."

11 Right to request permission to keep a pet

(1) In the 1988 Act, after section 16 insert—

"16A Requesting consent to keep a pet

(1) It is an implied term of every assured tenancy to which this section applies that—

(a) a tenant may keep a pet at the dwelling-house if the tenant asks to do so in accordance with this section and the landlord consents;

(b) such consent is not to be unreasonably refused by the landlord;

(c) the landlord is to give or refuse consent in writing on or before the 28th day after the date of the request, except as provided by subsections (2) to (5).

(2) Where the landlord reasonably requests further information from the tenant about the pet on or before the 28th day after the date of the tenant's request—

(a) if the tenant provides that information, the landlord may delay giving or refusing consent until the 7th day after the date on which the tenant provides any further information that the landlord requests;

(b) if the tenant does not provide that information, the landlord is not required to give or refuse consent.

(3) Where—

(a) the keeping of the pet at the dwelling-house would require the landlord to obtain the consent of a superior landlord under the terms of a superior tenancy, and

(b) the landlord seeks the consent of the superior landlord on or before the 28th day after the date of the tenant's request,

the landlord may delay giving or refusing consent until the 7th day after the date on which the landlord receives consent or refusal from the superior landlord.

(4) Where the landlord and the tenant agree that the landlord may delay giving or refusing consent, the landlord may delay until whatever date is agreed between the landlord and the tenant.

(5) Where more than one of subsections (2) to (4) apply, the landlord may delay until the latest date to which the landlord may delay giving or refusing consent under any of the subsections.

(6) This section applies to every assured tenancy other than a tenancy of social housing, within the meaning of Part 2 of the Housing and Regeneration Act 2008.

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

(1) For the purposes of section 16A, a tenant keeps a pet at a dwelling-house if the tenant permits the pet to live at the dwelling-house (whether or not the tenant is the owner of the pet).

(2) Section 16A does not limit the terms that may be agreed in relation to the presence at the dwelling-house of pets which do not live there.

(3) The tenant's request under section 16A must—
  (a) be in writing;
  (b) include a description of the pet for which consent is sought.

(4) The circumstances in which it is reasonable for a landlord to refuse consent include those in which—
  (a) the pet being kept at the dwelling-house would cause the landlord to be in breach of an agreement with a superior landlord;
  (b) an agreement between the landlord and a superior landlord prohibits the keeping of a pet at the dwelling-house without consent of the superior landlord, and the landlord has taken reasonable steps to obtain that consent but the superior landlord has not given it.

(5) In proceedings in which a tenant alleges that the landlord has breached the implied term created by section 16A, the court may order specific performance of the obligation."

(2) In section 45(1) of the 1988 Act, in the appropriate place insert—

""pet" means an animal kept by a person mainly for—
  (a) personal interest,
  (b) companionship,
  (c) ornamental purposes, or
  (d) any combination of paragraphs (a) to (c);"

Duties of landlords etc

12 Duty of landlord and contractor to give statement of terms etc

In the 1988 Act, after section 16B (inserted by section 11 of this Act) insert—

"Duties of landlords and persons acting on their behalf

16D Duty of landlord and contractor to give statement of terms etc

(1) This section applies to an assured tenancy other than a tenancy granted by implication, after an implied surrender of a previous assured 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 to 2ZD, 4, 5 to 5H, 6A 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(1)(f) and section 16I(1)(a)).

(4) Subject to subsections (5) to (7), the statement under subsection (2) must be given before the tenancy is entered into.

(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 tenancy becomes a tenancy to which this section applies by virtue of section 143C(3) of the Housing Act 1996 (demoted tenancies: change of landlord), the statement under subsection (2) must be given within the period of 28 days beginning with the date on which the new landlord becomes the landlord under the tenancy.

(7) In any other case where a tenancy becomes a tenancy to which this section applies, the statement under subsection (2) must be given within the period of 28 days beginning with the date on which the tenancy becomes an assured tenancy.

(8) 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.

(9) Regulations under this section—

(a) may make different provision for different purposes;

(b) are to be made by statutory instrument.

(10) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

13 Other duties

(1) In the 1988 Act, after section 16D (inserted by section 12 of this Act) insert—

"16E Other duties

(1) A relevant person must not, in relation to an assured tenancy—

(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 by service of a notice to quit (see section 5(1)),

(c) purport to bring the tenancy to an end, or require that it is brought to an end, orally,

(d) serve on the tenant a purported notice of possession,

(e) rely on a ground in Schedule 2 where the person does not reasonably believe that the landlord is, will or may be able to obtain an order for possession on that ground, or

(f) where the tenancy is one to which section 16D applies, rely on one or more of Grounds 1B, 2ZA to 2ZD, 4, 5 to 5H, 6A or 18 in Schedule 2 if no statement was given to the tenant under section 16D(3) in respect of them.

(2) Subject to section 16F, where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to an assured tenancy, the landlord must not, within the restricted period—

(a) let the dwelling-house on a tenancy for a term of 21 years or less, or

(b) permit a person to occupy the dwelling-house—

(i) under a licence to occupy, and

(ii) for monetary consideration.

(3) Subject to section 16F, where a relevant person relies on Ground 1 or 1A in Schedule 2 in relation to an assured tenancy, 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,

(b) within the restricted period, market the dwelling-house to be occupied—
  (i) under a licence to occupy, and
  (ii) for monetary consideration,
(c) 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, or
(d) authorise another person to market the dwelling-house to be occupied—
  (i) under a licence to occupy, and
  (ii) for monetary consideration,

so far as the authorisation would allow that other person to market it within the restricted period.

(4) Where a prohibition in subsection (2) or (3) 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.

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

16F Exceptions from letting and marketing prohibitions

(1) Section 16E(2) (prohibition on letting and licensing within restricted period) does not apply where—
(a) the relevant person relies on Ground 1 and—
  (i) the tenant or licensee is a person mentioned in paragraphs (a) to (d) of that ground, or
  (ii) a person mentioned in paragraphs (a) to (d) of Ground 1 also occupies the dwelling-house and does so as their only or principal home;
(b) the relevant person relies on Ground 1A and—
  (i) the licensee has agreed to purchase the landlord's interest in the dwelling-house and the licence to occupy is granted in anticipation of that purchase, or
  (ii) the licensee has agreed to the landlord granting the licensee a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord, and the licence to occupy is granted in anticipation of the grant of that lease, or

(2) Section 16E(3) (prohibition on marketing within restricted period) does not apply where the marketing is in connection with letting, or occupation under a licence, which is permitted as a result of subsection (1).

(3) Subsection (4) applies where the relevant person relies on Ground 1A and—

(a) before the assured tenancy was entered into, a relevant person had given the tenant under the assured tenancy ("T") a written statement that the landlord under that tenancy ("L") is a shared owner of the dwelling-house and that section 16E(2) or (3) might not apply to a subsequent letting, or grant of a licence, of the dwelling-house (because of this subsection and subsection (4)),

(b) when the assured tenancy was entered into, L was a shared owner of the dwelling-house, and

(c) before the date specified in the notice as mentioned in section 8(3)(b), a relevant person had given the landlord under the shared ownership lease of the dwelling-house a written statement that L intends to assign L's interest under that shared ownership lease.

(4) Section 16E(2) or (3) does not prohibit a relevant person from carrying out a controlled activity if—

(a) before the relevant person carries out that activity—

(i) the dwelling-house has been valued by a member of the Royal Institution of Chartered Surveyors in connection with the assignment of L's interest under the shared ownership lease, or

(ii) L has advertised, or made an arrangement under which another person has advertised, that the dwelling-house is or may be available for acquisition by way of the assignment of L's interest under the shared ownership lease, and

(b) when the relevant person carries out that activity, L is a shared owner of the dwelling-house.

(5) In subsections (3) and (4)—

"controlled activity" means an activity that would (if subsection (4) did not apply) be prohibited by section 16E(2) or (3);

"shared owner", in relation to a dwelling-house, means a person—

(a) who is the tenant of the dwelling-house under a shared ownership lease, and

(b) whose share in the premises demised by the lease is less than 100%;

and for this purpose, the tenant's share in the premises demised is the tenant's initial share in those premises, plus any additional share or shares in those premises which the tenant has acquired;

"shared ownership lease" means a lease—

(a) granted on payment of a premium calculated by reference to a percentage of the value of the premises

demised by the lease or of the cost of providing them, or

(b) under which the tenant (or the tenant's personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of those premises.

16G Interpretation of terms related to marketing in section 16E

(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) For the purposes of section 16E a person markets a dwelling-house to be occupied under a licence when—

(a) the person advertises that the dwelling-house is or may be available to be occupied under a licence, or

(b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.

(3) But subsections (1)(a) and (2)(a) do 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.

(4) For the purposes of this section, "lettings agency work" means things done by a person in the course of a business in response to instructions received from—

(a) a person ("a prospective landlord") seeking to find another person to occupy a dwelling-house, or

(b) a person ("a prospective occupier") seeking to find a dwelling-house to occupy.

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

(a) publishing advertisements or disseminating information;

(b) providing a means by which a prospective landlord or a prospective occupier can, in response to an advertisement or dissemination of information, make direct contact with a prospective occupier or prospective landlord;

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

(6) "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.

(7) Regulations under this section—

(a) may make different provision for different purposes;

(b) 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."

(2) The Secretary of State may, by regulations, repeal section 16F(3) to (5) of the 1988 Act.

14 Landlords acting through others

In the 1988 Act, after section 16G (inserted by section 13 of this Act) insert—

"16H 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."

Landlords etc: financial penalties and offences

15 Landlords etc: financial penalties and offences

In the 1988 Act, after section 16H (inserted by section 14 of this Act) insert—

"Landlords etc: financial penalties and offences

16I Financial penalties

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

(a) that the person contravened section 16D or any paragraph of section 16E(1) other than paragraph (e), or

(b) that—

(i) the person contravened paragraph (e) of section 16E(1), and

(ii) the tenant surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made.

(2) Where a landlord fulfils the requirement in section 16D, a local housing authority may not impose a financial penalty on a person who contravenes section 16D only by virtue of subsection (8) of that section.

(3) More than one penalty may be imposed on the same person in relation to a contravention of section 16D only if—

(a) the contravention continues after the end of 28 days beginning with the day after that on which the previous penalty for the contravention was imposed, unless the person appeals against the decision to impose the penalty within that period, or

(b) if the person appeals against that decision within that period, the contravention continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.

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

(5) Where a local housing authority has imposed a financial penalty on a person in relation to a contravention of paragraph (b) or (d) of section 16E(1), the local housing authority may not impose a financial penalty in relation to a contravention of the other of those two paragraphs arising from the same conduct.

(6) 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 £7,000.

(7) Where—

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

(b) the contraventions 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 this section 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) No financial penalty may be imposed under this section in respect of any conduct if—

(a) the person has been convicted of an offence under section 16J in respect of the conduct,

(b) criminal proceedings under that section have been instituted against the person in respect of the conduct and the proceedings have not been concluded,

(c) criminal proceedings under that section in respect of the conduct have been concluded and the person has not been convicted of the offence, or

(d) a financial penalty has been imposed under section 16K in respect of that conduct.

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

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

(11) For the purposes of this section and section 16J—

(a) a financial penalty is imposed under this section or section 16K on the date specified in the final notice as the date on which the notice is given, and

(b) "final notice" has the meaning given by paragraph 6 of Schedule 2ZA.

16J Offences

(1) A relevant person is guilty of an offence if, in relation to an assured tenancy—

(a) the person relies on a ground in Schedule 2, knowing that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so, and

(b) the tenant surrenders the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made.

(2) A person is guilty of an offence if the person contravenes section 16E(2) or (3) but it is a defence for a person who contravenes section 16E(3) otherwise than as a landlord to show that they took all reasonable steps to avoid contravening it.

(3) A person is guilty of an offence if—

(a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and

(b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with—

(i) the day after that on which the penalty was imposed on the person, or

(ii) if the person appeals against the final notice in respect of the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.

(4) A person is guilty of an offence if—

(a) the person conducts themselves in a manner giving rise to liability to a financial penalty under section 16I, and

(b) within the period of five years ending with the day on which the conduct occurs—

(i) a relevant penalty has been imposed on the person for different conduct and the final notice imposing the penalty has not been withdrawn, or

(ii) the person has been convicted of an offence under this section for different conduct.

(5) In subsections (3) and (4) "relevant penalty" means a financial penalty which is imposed under section 16I or 16K where—

(a) the period for bringing an appeal against the penalty under paragraph 10(2) of Schedule 2ZA has expired without an appeal being brought,

(b) an appeal against the financial penalty under that paragraph has been withdrawn or abandoned, or

(c) the final notice imposing the penalty has been confirmed or varied on appeal.

(6) A person may not be convicted of an offence under subsection (1), (2) or (4) in respect of any conduct if a financial penalty has been imposed under section 16I or 16K in respect of that conduct.

(7) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

(8) Where an offence under subsection (2) committed by a body corporate is proved to be attributable to any neglect on the part of an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

(9) Where the affairs of a body corporate are managed by its members, subsections (7) and (8) apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

(10) A person guilty of an offence under this section is liable on summary conviction to a fine.

16K Financial penalties as an alternative to prosecution under section 16J

(1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person is guilty of an offence under section 16J.

(2) No financial penalty may be imposed under this section in respect of any conduct if—

(a) the person has been convicted of an offence under section 16J in respect of the conduct,

(b) criminal proceedings under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or

(c) criminal proceedings under that section in respect of the conduct have been concluded and the person has not been convicted of the offence.

(3) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £40,000.

(4) Where—

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

(b) the offences 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 this section 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.

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

(6) Local housing authorities must have regard to any guidance issued under subsection (5).

16L Financial penalties: supplementary and interpretation

(1) The Secretary of State may give financial assistance (by way of grant, loan guarantee or in any other form) or make other payments to a local housing authority in respect of the local housing authority's functions under or by virtue of sections 16I to 16K.

(2) The Secretary of State may by regulations amend the amount specified in section 16I(6) or 16K(3) to reflect changes in the value of money.

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

(4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Schedule 2ZA makes provision about—

(a) the procedure for imposing financial penalties under sections 16I and 16K,

(b) appeals against financial penalties under sections 16I and 16K,

(c) enforcement of financial penalties under sections 16I and 16K, and

(d) how local housing authorities are to deal with the proceeds of financial penalties under sections 16I and 16K."

16 Financial penalties: procedure, appeals and enforcement

In the 1988 Act, after Schedule 2 insert—

"SCHEDULE 2ZA section 16L

FINANCIAL PENALTIES UNDER SECTIONS 16I AND 16K

Notice of intent

1 Before imposing a financial penalty on a person under section 16I or 16K a local housing authority must give the person notice of its proposal to do so (a "notice of intent").

2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.

(2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given—

(a) at any time when the conduct is continuing, or

(b) within the period of 6 months beginning with the last day on which the conduct occurs.

3 The notice of intent must set out—

(a) the date on which the notice of intent is given,

(b) the amount of the proposed financial penalty,

(c) the reasons for proposing to impose the financial penalty, and

(d) information about the right to make representations under paragraph 4.

Right to make representations

4 (1) A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty.

(2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given ("the period for representations").

Final notice

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

(a) decide whether to impose a financial penalty on the person, and

(b) if it decides to impose a financial penalty, decide the amount of the penalty.

6 If the authority decides to impose a financial penalty on the person, it must give the person a notice (a "final notice") imposing that penalty.

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 reasons for imposing the penalty,

(d) information about how to pay the penalty,

(e) the period for payment of the penalty,

(f) information about rights of appeal, and

(g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

9 (1) A local housing authority may at any time—

(a) withdraw a notice of intent or final notice, or

(b) reduce the amount specified in a notice of intent or final notice.

(2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

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

(a) the decision to impose the penalty, or

(b) the amount of the penalty.

(2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice was given.

(3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

(4) An appeal under this paragraph—

(a) is to be a re-hearing of the local housing authority's decision, but

(b) may be determined having regard to matters of which the authority was unaware.

(5) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.

(6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

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 whole or part of the penalty on the order of the county court as if it were payable under an order of that court.

(3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—

(a) signed by the chief finance officer of the local housing authority which imposed the penalty, and

(b) states that the amount due has not been received by a date specified in the certificate,

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 this Act, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector.

13 Any proceeds of a financial penalty imposed under this Act which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.

14 (1) In paragraph 12, enforcement functions "in relation to the private rented sector" means enforcement functions relating to—

(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" has the meaning given by section 1 of the Housing Act 2004 except that it does not include social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.

(3) For the purposes of this paragraph "tenancy" includes a licence to occupy."

Landlords etc: supplementary

17 Duties of landlords etc, penalties and offences: interpretation

In the 1988 Act, after section 16L (inserted by section 15 of this Act) insert—

"Duties of landlords etc, penalties and offences: interpretation

16M Duties of landlords etc, penalties and offences: interpretation

(1) In sections 16D to 16L, Schedule 2ZA and this section—

"legal representative" means a person carrying on a legal activity, within the meaning of the Legal Services Act 2007, in the course of a business, where the person—

(a) is an authorised person in relation to a reserved legal activity for the purposes of that Act, or

(b) is of a description specified for the purposes of this section in regulations made by the Secretary of State;

"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 (in its capacity as a local authority) or the Council of the Isles of Scilly;

"purported notice of possession" means any written document which is not in accordance with section 8 but which (however expressed)—

(a) purports to be a notice under section 8, or

(b) purports to bring an assured tenancy to an end or to require that it is brought to an end (by reference to a ground in Schedule 2 or otherwise),

and is not a claim form or a document produced pursuant to proceedings in the court for possession of the dwelling-house;

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

(a) the landlord,

(b) a person acting on behalf of the landlord otherwise than as a legal representative, or

(c) a person purporting to act on behalf of the landlord.

(2) For the purposes of 16D to 16L a person relies on a ground in Schedule 2 in relation to a tenancy where the person—

(a) serves on the tenant a notice under section 8, or a purported notice of possession, asserting that the landlord is, will or may be able to obtain an order for possession on that ground, or

(b) having not done anything within paragraph (a) in relation to the ground, files a claim form or particulars of claim with the court, for the purpose of beginning proceedings for possession on that ground.

(3) In section 16E "the restricted period" is to be read in accordance with subsections (4) to (7).

(4) Subject to subsections (5) to (7) "the restricted period" means—

(a) in relation to a relevant person relying on Ground 1 or 1A in a notice under section 8 or a purported notice of possession (see subsection (2)(a)), the period—

(i) beginning with the date on which the notice or purported notice is served, and

(ii) ending with the last day of the period of twelve months beginning with the date specified in the notice or purported notice as the earliest date on which proceedings for possession will begin;

(b) in relation to a relevant person relying on Ground 1 or 1A in a claim form or particulars of claim (see subsection (2)(b)), the period of twelve months beginning with the date on which the claim form or particulars of claim are filed with the court for the purpose of bringing proceedings for possession.

(5) Where subsection (6) applies, the reference in subsection (4)(a)(ii) to the date specified in the notice or purported notice as the earliest date on which proceedings for possession will begin is to be read as a reference to the earliest date that could have been validly so specified in a notice under section 8, served on the same date, specifying Ground 1 or 1A alone.

(6) This subsection applies—

(a) where (because it also specifies Ground 7A or 14) a notice under section 8 specifies, as the earliest date on which proceedings for possession will begin, an earlier date than the

earliest date that could have been validly so specified in a notice under section 8 specifying Ground 1 or 1A alone;

(b) where a purported notice of possession—

(i) does not specify a date as the earliest date on which proceedings will begin, or

(ii) specifies as the earliest date on which proceedings will begin a date that could not have been specified in a valid notice under section 8 served on the same date, specifying Ground 1 or 1A alone.

(7) Where, before the end of the restricted period, the court makes an order for possession of the dwelling-house on a ground other than Ground 1 or 1A, the restricted period ends with the day on which the order is made.

(8) Regulations under this section—

(a) may make different provision for different purposes;

(b) are to be made by statutory instrument.

(9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

18 No criminal liability of the Crown under Part 1 of 1988 Act

In section 44 of the 1988 Act (application of Part 1 of that Act to Crown property)—

(a) in subsection (1), for "subsection (2)" substitute "subsections (1A) and (2)";

(b) after subsection (1) insert—

"(1A) In Chapter 1—

(a) section 16J does not bind the Crown;

(b) in section 16K(1) as it applies by virtue of subsection (1), the reference to a person being guilty of an offence under section 16J is to be read as a reference to the person—

(i) being a landlord under an assured tenancy, or acting or purporting to act on behalf of such a landlord, and (in relation to that tenancy) satisfying the condition in paragraph (a) of section 16J(1) where the condition in paragraph (b) of section 16J(1) is also satisfied,

(ii) contravening section 16E(2) or (3),

(iii) satisfying the conditions in paragraphs (a) and (b) of section 16J(3), or

(iv) satisfying the conditions in paragraphs (a) and (b)(i) of section 16J(4),

and section 16K(4) is to be read accordingly.

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

19 Guarantor not liable for rent payable after tenant's death

In the 1988 Act, after section 16M (inserted by section 17 of this Act) insert—

"Guarantors

16N Guarantor not liable for rent payable after tenant's death

(1) This section applies where—

(a) an individual (the "guarantor") is a party to an arrangement (the "guarantee") under which the individual guarantees payment by the tenant of rent under an assured tenancy ("guaranteed rent"), and

(b) the guarantor became a party to the guarantee on or after the commencement date.

(2) If—

(a) only one person is the tenant under the assured tenancy, and

(b) that person dies,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the death of that person.

(3) If—

(a) two or more persons are the tenant under the assured tenancy, and

(b) all of those persons die,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the deaths of those persons (if they all die on the same day) or beginning with the death of the last of those persons to die (if they do not all die on the same day).

(4) If—

(a) two or more persons are the tenant under the assured tenancy,

(b) the guarantor is a family member of only one of those persons, and

(c) that family member of the guarantor dies,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the death of that family member.

(5) If—

(a) two or more persons are the tenant under the assured tenancy,

(b) the guarantor is a family member of more than one of those persons, and

(c) all of those family members of the guarantor die,

the guarantee is of no effect if, or to the extent that, it guarantees payment of guaranteed rent for the period beginning with the deaths of those family members (if they all die on the same day) or beginning with the death of the last of those family members to die (if they do not all die on the same day).

(6) For the purposes of this section, the guaranteed rent for the period beginning with the death of a person, or with the deaths of two or more persons, is—

(a) guaranteed rent which—

(i) is for the rent period during which the person dies or persons die (the "relevant rent period"), and

(ii) is attributable to the time after the death of the person or persons, and

(b) guaranteed rent for every rent period after the relevant rent period.

(7) For that purpose, the guaranteed rent for the relevant rent period which is attributable to the time after the death of the person or persons is the amount calculated in accordance with this formula—

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

where—

D is the total number of days in the relevant rent period which fall on and after the day of the death of the person or persons;

T is the total number of days in the relevant rent period;

R is the guaranteed rent for the relevant rent period.

16P Section 16N: application and interpretation

(1) Section 16N applies to a guarantee—

(a) whether or not it is in writing;

(b) if it is in writing, whether or not it is in the lease;

(c) whether or not it also guarantees the payment of any sum other than the rent.

(2) In section 16N and this section—

"commencement date" has the meaning given by section 146(3) of the Renters' Rights Act 2025;

"family member" is to be read in accordance with subsections (3) and (4);

"rent period" means a period for which rent is payable.

(3) For the purposes of section 16N, the guarantor is a family member of the following persons—

(a) the spouse, civil partner or co-habitee of the guarantor;

(b) a person who is—

(i) a child,

(ii) a grandchild,

(iii) a parent,

(iv) a grandparent,

(v) a sibling,

(vi) a niece or nephew,

(vii) an aunt or uncle, or

(viii) a cousin,

of the guarantor or of the spouse, civil partner or co-habitee of the guarantor;

(c) a person who is the spouse, civil partner or co-habitee of a person falling within paragraph (b).

(4) If, in accordance with subsection (3), a person (F)—

(a) is a family member of the guarantor when the guarantee is entered into, or

(b) becomes a family member of the guarantor after the guarantee is entered into,

F is to be regarded as being a family member of the guarantor at all times afterwards (regardless of whether F continues to be so in accordance with subsection (3)).

(5) For the purposes of this section—

(a) one person (C) is the "co-habitee" of another person (P) if P lives with C as if they were married or in a civil partnership;

(b) a "niece or nephew" of a person (P) is a child—

(i) of a sibling of P, or

(ii) of a person who is the spouse, civil partner or co-habitee of a sibling of P;

(c) an "aunt or uncle" of a person (P) is a sibling of a parent of P;

(d) a "cousin" of a person (P) is a child—

(i) of an aunt or uncle of P, or

(ii) of a person who is the spouse, civil partner or co-habitee of an aunt or uncle of P;

(e) "sibling" includes a sibling of the half-blood and a step-sibling."

Other changes

20 Notices to quit by tenants under assured tenancies: timing

(1) Section 5 of the Protection from Eviction Act 1977 (notices to quit) is amended as follows.

(2) In subsection (1), for paragraph (b) substitute –

"(b) it satisfies subsection (1ZA)."

(3) After subsection (1) insert –

"(1ZA) A notice to quit satisfies this subsection –

(a) where it is given by a tenant in relation to premises let under an assured tenancy, if it is given –

(i) not less than any length of time before the date on which the notice is to take effect, not exceeding two months, that the landlord has agreed to in writing, or

(ii) in the absence of agreement under sub-paragraph (i), not less than two months before the date on which the notice is to take effect;

(b) otherwise, if it is given not less than four weeks before the date on which it is to take effect.

But in relation to landlords under assured tenancies see section 5(1) of the Housing Act 1988 (notice to quit by landlord is of no effect).

(1ZB) In the case of a joint assured tenancy, an agreement under subsection (1ZA)(a)(i) is not valid unless it is made between the landlord and all of the tenants.

(1ZC) That does not affect the validity of any notice to quit premises let under a joint assured tenancy that is given by only one or some of the tenants.

(1ZD) In this section "joint assured tenancy" means an assured tenancy where two or more persons are tenants under the tenancy."

21 Notices to quit by tenants under assured tenancies: other

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

"5A Notices to quit by tenants under assured tenancies

(1) Any provision that would bind a tenant as to the means of giving a notice in writing to quit premises let under an assured tenancy is of no effect.

(2) For the purposes of subsection (1) the "means of giving a notice in writing" is the mode by which the words of the notice are represented or reproduced in a visible form.

(3) A notice by a tenant to quit premises let under an assured tenancy may be withdrawn before the date on which it takes effect by the tenant and landlord agreeing in writing to the withdrawal.

(4) In the case of a joint assured tenancy, an agreement under subsection (3) is not valid unless it is made between the landlord and all of the tenants.

(5) That does not affect the validity of any notice to quit premises let under a joint assured tenancy that is given by only one or some of the tenants.

(6) In this section "joint assured tenancy" means an assured tenancy where two or more persons are tenants under the tenancy."

22 Limitation on obligation to pay removal expenses

(1) Section 11 of the 1988 Act (payment of removal expenses) is amended as follows.

(2) In the heading, after "expenses" insert "by social landlords".

(3) Before subsection (1) insert—

"(A1) This section applies to a dwelling-house let on an assured tenancy if—

(a) the landlord is a relevant social landlord, and

(b) the dwelling-house is social housing."

(4) In subsection (1), for "a dwelling-house let on an assured tenancy on Ground 6 or Ground 9" substitute "the dwelling-house on Ground 6, 6A or 9".

(5) After subsection (1) insert—

"(1A) If the court makes the order for possession on Ground 6 in circumstances where—

(a) the additional RSL condition is met, and

(b) that condition is met in case B (alternative accommodation provided temporarily until other alternative accommodation becomes available),

the landlord must also pay to the tenant a sum equal to the reasonable expenses likely to be incurred by the tenant in removing from the alternative accommodation provided temporarily."

(6) In subsection (2), after "(1)" insert "or (1A)".

(7) After subsection (3) insert—

"(4) In this section—

"relevant social landlord" means—

(a) a private registered provider of social housing,

(b) a body registered as a social landlord in the register maintained under section 1 of the Housing Act 1996,

(c) a body registered as a social landlord in the register kept under section 20(1) of the Housing (Scotland) Act 2010, or

(d) a housing trust, within the meaning of the Housing Associations Act 1985, which is a charity;

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

23 Assured agricultural occupancies: grounds for possession

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

(a) omit subsection (1);

(b) in subsection (2)—

(i) for "Part II" substitute "Part 1";

(ii) for "Ground 16" substitute "Grounds 2ZA to 2ZD, 5A and 5C".

24 Assured agricultural occupancies: opting out etc

(1) The 1988 Act is amended as follows.

(2) In section 24 (assured agricultural occupancies), after subsection (1) insert—

"(1A) Subsection (1) has effect subject to section 24A(1) (opting out)."

(3) In subsection (2)(a) of that section omit "which is not an assured shorthold tenancy".

(4) In subsection (3) of that section, for "shall be treated as if it were such a tenancy" substitute ", and every opted-out tenancy, is to be treated as if it were an assured tenancy".

(5) After that section insert—

"24A Opting out

(1) A tenancy that would otherwise be an assured agricultural occupancy for the purposes of this Part is not such an occupancy for those purposes if—

(a) before the tenancy is entered into, an opt-out notice (see subsection (2)) is served by the person who is to be the landlord on the person who is to be the tenant, and

(b) the tenancy is not the continuation of an existing occupancy (see subsection (3)).

(2) An opt-out notice is a notice, in such form as may be prescribed, stating that the tenancy is not to be an assured agricultural occupancy.

(3) A tenancy is the continuation of an existing occupancy if—

(a) the person to whom the tenancy is granted or, as the case may be, at least one of the persons to whom it is granted was, immediately before it was granted, a tenant under an assured agricultural occupancy, and

(b) the person by whom it is granted or, as the case may be, at least one of the persons by whom it is granted was, immediately before it was granted, a landlord under the assured agricultural occupancy referred to in paragraph (a).

(4) In this Chapter "opted-out tenancy" means a tenancy that, but for this section, would be an assured agricultural occupancy."

25 Accommodation for homeless people: duties of local authority

(1) The Housing Act 1996 is amended as follows.

(2) In section 193 (duty to persons with priority need who are not homeless intentionally)—

(a) in subsection (1A), omit paragraph (b) (exception for notice of refusal to co-operate) and the "or" before it;

(b) in subsection (6) omit paragraph (cc);

(c) in subsection (7AB) omit paragraph (c) and the "and" before it;

(d) in subsection (7AC)—

(i) in paragraph (a) omit "shorthold";

(ii) at the end of paragraph (a) insert "and";

(iii) omit paragraph (c) and the "and" before it.

(3) In section 193C (consequences of deliberate and unreasonable refusal to co-operate) omit subsections (3) to (10) (homelessness relief duty).

(4) Omit section 195A (duty to offer accommodation following re-application after private sector offer).

26 Tenancy deposit requirements

(1) Chapter 4 of Part 6 of the Housing Act 2004 (tenancy deposit schemes) is amended as follows.

(2) In section 212—

(a) in subsection (1), for "shorthold" substitute "assured";

(b) in subsection (2), for "shorthold" substitute "assured";

(c) in subsection (8)—

(i) at the appropriate place insert—

""assured tenancy" means an assured tenancy within the meaning of Chapter 1 of Part 1 of the Housing Act 1988 (for transitional provision see Schedule 6 to the Renters' Rights Act 2025);"

(ii) omit the definition of "shorthold tenancy";

(iii) in the definition of "tenancy deposit", for "a shorthold" substitute "an assured";

(d) in subsection (9), in paragraph (a), for "shorthold" substitute "assured".

(3) In section 213, in each place it occurs, for "a shorthold" substitute "an assured".

(4) In section 214—

(a) in subsection (1)—

(i) for "a shorthold" substitute "an assured";

(ii) omit "on or after 6 April 2007";

(b) after subsection (1) insert—

"(1ZA) In relation to a tenancy that, immediately before the commencement date, was an assured shorthold tenancy, subsection (1) applies as if after "assured tenancy", in the first place it occurs, there were inserted "on or after 6 April 2007".

(1ZB) In subsection (1ZA)—

"assured shorthold tenancy" means an assured shorthold tenancy within the meaning of Chapter 2 of Part 1 of the Housing Act 1988 as it had effect before the amendments made by the Renters' Rights Act 2025;

"the commencement date" has the meaning given by section 146(3) of the Renters' Rights Act 2025.";

(c) in subsection (5), for "a shorthold" substitute "an assured".

(5) For section 215 substitute—

"215 Sanctions for non-compliance

(1) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if the tenancy deposit is being held in accordance with an authorised scheme.

(2) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if such requirements of the scheme as fell to be complied with by the landlord on receiving the tenancy deposit have been complied with (whether or not within the period mentioned by section 213(3)) in relation to the tenancy deposit.

(3) Where a tenancy deposit has been paid in connection with an assured tenancy, the court may make an order for possession of the dwelling-house let on the assured tenancy only if the requirements of section 213(5) and (6)(a) have been complied with.

(4) Subsections (1) to (3) do not apply in relation to an order for possession made on Ground 7A or 14 in Schedule 2 to the Housing Act 1988 (whether or not any other grounds for possession are met).

(5) Subsections (1) to (3) do not apply where—

(a) the tenancy deposit has been returned to the tenant in full or with such deductions as are agreed between the landlord and tenant, or

(b) an application to the county court has been made under section 214(1) and has been determined by that court, withdrawn or settled by agreement between the parties.

(6) If any deposit given in connection with an assured tenancy could not be lawfully required as a result of section 213(7), the court may not make an order for possession of the dwelling-house let on the assured tenancy until the property in question is returned to the person by whom it was given as a deposit.

(7) In subsection (6) "deposit" has the meaning given by section 213(8).

(8) In relation to an assured tenancy that was entered into before the commencement date, subsection (2) is to be read as if the words "on or after 6 April 2007" were inserted after "assured tenancy" in the first place it occurs.

(9) See also paragraph 11 of Schedule 6 to the Renters' Rights Act 2025 (disapplication of amendments to this Chapter in relation to a tenancy that immediately before the commencement date was an assured tenancy other than an assured shorthold tenancy).

(10) In this section—

"assured shorthold tenancy" means an assured shorthold tenancy within the meaning of Chapter 2 of Part 1 of the Housing Act 1988 as it had effect before the amendments made by the Renters' Rights Act 2025;

"the commencement date" has the meaning given by section 146(3) of the Renters' Rights Act 2025;

"the court" means a court having jurisdiction to make an order for possession of a dwelling-house let on an assured tenancy (see section 40 of the Housing Act 1988);

"dwelling-house" has the same meaning as in Part 1 of the Housing Act 1988 (see section 45 of that Act)."

(6) Omit section 215A.

(7) In section 215B—

(a) in the title, for "Shorthold" substitute "Assured";

(b) in subsection (1)—

(i) in paragraph (a) for "a shorthold" substitute "an assured";

(ii) in paragraph (d) for "shorthold" substitute "assured".

(8) Omit section 215C.

(9) In Schedule 10—

(a) for "shorthold tenancies", in each place it occurs, substitute "assured tenancies";

(b) for "a shorthold tenancy", in each place it occurs, substitute "an assured tenancy".

27 Tenant fees

(1) The Tenant Fees Act 2019 is amended as follows.

(2) Omit section 17.

(3) In section 28(1) (interpretation)—

(a) for the definition of "assured shorthold tenancy" substitute—

""assured tenancy" means an assured tenancy within the meaning of Chapter 1 of Part 1 of the Housing Act 1988 (for transitional provision see Schedule 6 to the Renters' Rights Act 2025);";

(b) omit the definition of "long lease";

(c) in the definition of "tenancy", for paragraph (a) substitute—

"(a) an assured tenancy other than a tenancy of social housing,".

(4) In section 32 (Crown application), in subsection (3)(b), for "assured shorthold tenancy" substitute "assured tenancy".

(5) In Schedule 3 (financial penalties etc), in paragraph 12(3)(a), for "assured shorthold tenancy" substitute "assured tenancy".

Other amendments

28 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".

29 Other amendments

Schedule 2 contains amendments relating to this Chapter.

Powers of Secretary of State

30 Powers of Secretary of State in connection with Chapter 1

(1) The Secretary of State may by regulations amend provision made by or under an Act passed before or later in the same session as this Act so that the provision has effect in relation to periodic assured tenancies in a manner that

corresponds or is similar to the manner in which it had effect immediately before the commencement date in relation to—

(a) fixed term assured tenancies, or

(b) assured shorthold tenancies.

(2) The Secretary of State may by regulations amend provision made by or under an Act passed before or later in the same session as this Act so that the provision has effect, in relation to a ground in Schedule 2 to the 1988 Act as amended by this Act, in a manner that corresponds or is similar to the manner in which it had effect immediately before the commencement date in relation to any ground in that Schedule.

(3) The amendments that may be made under subsection (1)(b) include any to ensure that provision applying immediately before the commencement date in relation to notices under section 21 of the 1988 Act applies on and after that day, with or without modifications, in relation to notices under section 8 of that Act.

(4) The transitional provision that may be included in regulations under subsection (1) or (2) by virtue of section 140(1)(a) includes provision for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of the regulations to—

(a) have effect with specified modifications, or

(b) cease to have effect (in whole or in part).

(5) For the purposes of subsection (4)—

(a) "pre-application instrument" means an agreement or other instrument entered into—

(i) before the regulations come into force, or

(ii) when or after they come into force under a contract entered into before then or by the acceptance of an offer made before then;

(b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of regulations under subsection (1) or (2) include (but are not limited to) those in which—

(i) as a result of any provision of the regulations, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;

(ii) as a result of any provision of the regulations, it is unclear what the effect is of provision made by the instrument;

(iii) as a result of any provision of the regulations, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;

(iv) the instrument makes direct or indirect reference to any enactment as it had effect before being amended by the regulations.

(6) Regulations made by virtue of subsection (4) must provide that they do not prevent—

(a) the variation or revocation of provision modified by the regulations, or

(b) the re-making of provision that has ceased to have effect as a result of the regulations.

(7) Regulations made by virtue of subsection (4) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the commencement date.

(8) Nothing in this Chapter limits the provision that may be made by regulations under this section.

(9) Nothing in this section limits the provision that may be made in regulations under Part 5.

(10) In this section—

"assured shorthold tenancy" is to be read in accordance with Part 1 of the 1988 Act as it had effect immediately before the commencement date;

"the commencement date" has the meaning given by section 146(3).

CHAPTER 2

TENANCIES THAT CANNOT BE ASSURED TENANCIES

31 Long tenancies and financial services products

(1) In Part 1 of Schedule 1 to the 1988 Act (tenancies which cannot be assured tenancies), after paragraph 3C insert—

"Fixed term tenancies of more than 21 years

3D A fixed term tenancy of a term certain of more than 21 years from the date of the grant of the tenancy.

Fixed term tenancies of 7 to 21 years granted before the Renters' Rights Act 2025

3E (1) A tenancy of a term certain of—

(a) 21 years or less, but

(b) more than 7 years,

from the date of the grant of the tenancy.

(2) This paragraph applies only to tenancies entered into—

(a) before the day on which the Renters' Rights Act 2025 was passed,

(b) during the period of two months beginning with that day, or

(c) after the end of that period under a contract entered into before the end of that period.

Regulated home purchase plans

3F (1) A tenancy which, when it is granted, forms part of a regulated home purchase plan.

(2) In this paragraph "regulated home purchase plan" has the same meaning that it has from time to time in regulation 63F(3)(a) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).

(3) The Secretary of State may, by regulations, amend this paragraph in consequence of an order made under section 22 of the Financial Services and Markets Act 2000.

(4) Regulations under this paragraph—

(a) may make different provision for different purposes;

(b) are to be made by statutory instrument.

(5) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

(2) In section 133 of the 1988 Act (consent required for certain subsequent disposals), in subsection (11)(f), for "4" substitute "3D".

(3) In the Landlord and Tenant Act 1985—

(a) in section 9B (leases to which section 9A of that Act applies), in subsection (1)(b)—

(i) after "subsection (1A)" insert ", (1AA)";

(ii) for the words from "leases" to "more" substitute "certain leases to which section 11 applies";

(b) in section 13 (leases to which section 11 of that Act applies: general rule)—

(i) after subsection (1) insert—

"(1AZA) But that is subject to subsections (1ZA) to (1ZC).";

(ii) in subsection (1ZA), for "But in" substitute "In";

(iii) after subsection (1ZB) insert—

"(1ZC) Section 11 does not apply to a lease of a dwelling-house in England which—

(a) was an assured tenancy immediately before the commencement date (which has the meaning given by section 146(3) of the Renters' Rights Act 2025), and

(b) was granted—

(i) for a term of seven years or more, and

(ii) by a person other than a private registered provider of social housing.";

(iv) in subsection (1A) omit paragraph (b) and the word "or" preceding it;

(v) after subsection (1A) insert—

"(1AA) Section 11 also applies to a lease of a dwelling-house in England granted on or after the day on which section 166 of the Localism Act 2011 came into force which is a tenancy for a fixed term of more than seven years that—

(a) would be an assured tenancy if it were not for a term of more than seven years,

(b) is not a shared ownership lease, and

(c) is granted by a private registered provider of social housing.";

(vi) in subsection (1B), for "In subsection (1A)" substitute "In this section".

(4) In paragraph 1 of Schedule 10 to the Local Government and Housing Act 1989 (security of tenure on ending of long residential tenancies), in sub-paragraph (1)(a) after "low rent" insert "and were not for a term of more than seven years".

(5) Where, immediately before the day on which this section comes into force, proceedings for an order for possession under section 8 of the 1988 Act in reliance on a valid notice given under that section of that Act have been commenced in relation to a tenancy and have not been concluded, or have not been commenced but have not become time-barred—

(a) the tenancy remains an assured tenancy, and the notice remains valid, until any time when such proceedings in reliance on the notice become time-barred or are concluded, and

(b) until that time the amendments made by subsections (1) and (4) do not apply in relation to the tenancy.

(6) For the purposes of subsection (5), proceedings are "time-barred" after the time limit mentioned in section 8(3)(c) of the 1988 Act.

32 Accommodation for homeless people or students

(1) 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,".

(2) In Schedule 1 to the 1988 Act, paragraph 8 (lettings to students that are not assured tenancies) is amended as follows—

(a) for sub-paragraph (1) substitute—

"(1) A tenancy which is granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution if—

(a) the tenancy is granted—

(i) by that institution,

(ii) by another specified educational institution, or

(iii) by a specified body of persons, or

(b) either of the following is a member of a specified housing management code of practice—

(i) a person appointed to act on the landlord's behalf in respect of the tenancy;

(ii) a person appointed to discharge management functions in respect of the building which comprises the dwelling-house or in which the dwelling-house is situated.

(1A) Subsection (1) is subject to sub-paragraphs (2B) to (2D) and (5) to (7).";

(b) after sub-paragraph (2) insert—

"(2A) Regulations under sub-paragraph (2) may, in particular, specify as a body of persons—

(a) the members, or

(b) a class of the members,

from time to time of a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (2).

(2B) The Secretary of State may by regulations made by statutory instrument—

(a) specify a class of building, and

(b) provide that a tenancy—

(i) does not fall within this paragraph if the dwelling-house is in a building of the specified class, or

(ii) falls within this paragraph only if the dwelling-house is in a building of the specified class.

(2C) The Secretary of State may by regulations made by statutory instrument—

(a) specify a student landlord or a class of student landlord,

(b) specify a class of building in relation to the specified student landlord or specified class of student landlord, and

(c) provide that, where the landlord is the specified student landlord, or a student landlord of the specified class, the tenancy—

(i) does not fall within this paragraph if the dwelling-house is in the specified class of building, or

(ii) falls within this paragraph only if the dwelling-house is in the specified class of building.

(2D) The Secretary of State may by regulations made by statutory instrument—

(a) specify a person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management functions in respect of the building or a class of such persons,

(b) specify a class of building in relation to the specified person or specified class of persons, and

(c) provide that a tenancy—

(i) does not fall within this paragraph if the dwelling-house is in the specified class of building and there is a person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management functions in respect of the building who is specified or is in the specified class of such persons, or

(ii) falls within this paragraph only if the dwelling-house is in the specified class of building and there is a person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management functions in respect of the building who is specified or is in the specified class of such persons.

(2E) Regulations under sub-paragraph (2B)(a) or (2C)(b) or (2D)(b) may, in particular, specify as a class of building—

(a) the buildings, or

(b) a class of the buildings,

from time to time subject to a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (1)(b), (2B)(a) or (2C)(b).

(2F) Regulations under sub-paragraph (2C)(a) may, in particular, specify as a class of student landlord—

(a) the members, or

(b) a class of the members,

from time to time of a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (2C)(a).";

(c) in sub-paragraph (3), for "the power conferred by sub-paragraph (2) above" substitute "a power conferred by this section";

(d) after sub-paragraph (3) insert—

"(4) Regulations under this paragraph—

(a) may make different provision for different purposes;

(b) may make supplemental, consequential, incidental, transitional, transitory or saving provision.

(5) The question of whether or not a tenancy is within this paragraph is to be determined by reference to the circumstances at the time when the tenancy is granted.

(6) A change in the circumstances after that time does not affect whether or not a tenancy is within this paragraph, except in a case where—

(a) the tenant is entitled to possession of the dwelling-house at a time after the tenancy was granted, and

(b) at the time when the tenant is entitled to possession—

(i) condition A is met (see sub-paragraph (8)),

(ii) condition B is met (see sub-paragraphs (9) and (10)), or

(iii) both of those conditions are met.

(7) In such a case, the tenancy ceases to fall within this paragraph (and accordingly this paragraph ceases to prevent the tenancy from being an assured tenancy) at the time when the tenant is entitled to possession.

(8) Condition A is met if—

(a) the tenancy was exempt solely by reference to a code of practice, but

(b) at the time when the tenant is entitled to possession of the dwelling-house, the landlord's interest under the lease does not attract the exemption under this paragraph.

(9) Condition B is met if—

(a) at the time when the tenancy was granted—

(i) regulations under sub-paragraph (2B), (2C) or (2D) were in force, but

(ii) those regulations did not prevent the tenancy from being within this paragraph, but

(b) at the time when the tenant is entitled to possession of the dwelling-house—

(i) regulations under sub-paragraph (2B), (2C) or (2D) are in force, and

(ii) those regulations prevent the tenancy from being within this paragraph.

(10) But condition B is not met in any circumstances that are specified, or are of a description specified, for this purpose by regulations made by the Secretary of State.

(11) For the purposes of this paragraph—

(a) "management functions" in respect of a building includes functions relating to—

(i) the provision of services, or

(ii) the repair, maintenance, improvement or insurance of the building;

(b) "student landlord" means an institution or body of persons specified, or of a class specified, for the purposes of this paragraph (see sub-paragraph (2));

(c) "housing management code of practice" means a code of practice approved by the Secretary of State under section 233 of the Housing Act 2004 (codes relating to the management of HMOs or excepted accommodation);

(d) a building is "subject to" a housing management code of practice if it—

(i) is a particular building subject to the code, or

(ii) is of a class of buildings subject to the code;

(e) a reference to—

(i) a class of the buildings from time to time subject to a housing management code of practice, or

(ii) a class of the members from time to time of a housing management code of practice,

includes the buildings or members that are from time to time in a class provided for in the code of practice;

(f) a tenancy is "exempt solely by reference to a code of practice" if—

(i) the tenancy was granted by a body of persons who were, at the time of the grant, a specified landlord solely by reference to a code of practice, or

(ii) at the time of the grant, sub-paragraph (1)(b) applied to the tenancy but sub-paragraph (1)(a) did not apply to the tenancy;

(g) a reference to the landlord's interest under the lease not attracting the exemption under this paragraph is a reference to—

(i) a case where the landlord is not a student landlord and there is no person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management functions in respect of the relevant building; or

(ii) a case where the landlord is not a student landlord and there is a person appointed to act on the landlord's behalf in respect of the tenancy or to discharge management functions in respect of the relevant building, but that person is not a member of a specified housing management code of practice;

and for that purpose the "relevant building" is the building which the dwelling-house comprises or in which the dwelling-house is situated;

(h) a body of persons are "a specified landlord solely by reference to a code of practice" if they—

(i) are a member of a housing management code of practice that is specified by regulations under sub-paragraph (2A), and

(ii) are not specified by regulations under sub-paragraph (2) as a body of persons otherwise than as a member of that code of practice."

CHAPTER 3

DISCRIMINATION IN THE RENTAL MARKET: ENGLAND

Discrimination and discriminatory terms: children and benefits status

33 Discrimination relating to children

(1) A relevant person must not, in relation to a dwelling that is to be let on an agreement which may give rise to a relevant tenancy—

(a) on the basis that a child would or may 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 38 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.

34 Discrimination relating to benefits status

(1) A relevant person must not, in relation to a dwelling that is to be let on an agreement which may give rise to a relevant tenancy—

(a) on the basis that a person is or may be 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 38 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 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.

35 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 38 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 38 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.

36 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 38 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 38 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.

37 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.

38 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.

Discrimination and discriminatory terms: power to protect others

39 Power of the Secretary of State to protect others

(1) If the Secretary of State is satisfied that—

(a) a discriminatory rental practice exists in relation to dwellings that are to be let on agreements which may give rise to relevant tenancies ("relevant rental dwellings"), and

(b) because of that discriminatory rental practice, the victims of that practice are significantly less likely to enter into relevant tenancies of dwellings than other people,

the Secretary of State may make regulations prohibiting that discriminatory rental practice.

(2) A "discriminatory rental practice" exists in relation to relevant rental dwellings if some or all relevant persons—

(a) on the basis that people are members of a particular group, prevent those people from—

(i) enquiring whether relevant rental dwellings are available for let,

(ii) accessing information about relevant rental dwellings,

(iii) viewing relevant rental dwellings in order to consider whether to seek to rent them, or

(iv) entering into tenancies of relevant rental dwellings, or

(b) apply a provision, criterion or practice in order to make a particular group of people less likely to enter into tenancies of relevant rental dwellings than people not in that group.

(3) The "victims" of a discriminatory rental practice are—

(a) where a particular group of people are prevented from doing the things mentioned in subsection (2)(a), the people in that group;

(b) where a provision, criterion or practice is applied in order to make a particular group of people less likely to enter into tenancies as mentioned in subsection (2)(b), the people in that group.

(4) Regulations "prohibiting" a discriminatory rental practice are regulations relating to—

(a) the discriminatory rental practice, and

(b) the persons who are the victims of it,

which make provision corresponding to the other anti-discrimination legislation in this Chapter

(5) The "other anti-discrimination legislation in this Chapter" is—

(a) sections 33 and 34, except for sections 33(3)(b) and 34(3)(b), and

(b) sections 35 to 38;

but regulations under this section may make provision corresponding to the provision that may be made under section 33(3)(b) or 34(3)(b).

(6) Before making regulations prohibiting a discriminatory rental practice, the Secretary of State must consult such of the following persons as the Secretary of State considers appropriate—

(a) victims of the discriminatory rental practice or one or more representatives of such persons;

(b) landlords and prospective landlords under relevant tenancies or one or more representatives of such persons;

(c) landlords under regulated tenancies or one or more representatives of such persons;

(d) other landlords and prospective landlords under leases of premises that consist of or include a dwelling or one or more representatives of such persons;

(e) mortgagees of dwellings or one or more representatives of such persons;

(f) insurers of dwellings or one or more representatives of such persons;

(g) local housing authorities or one or more representatives of local housing authorities.

(7) For that purpose a "representative" of persons of a particular kind, or of local housing authorities, is a body or other person which appears to the Secretary of State to represent the interests of persons of that kind, or of local housing authorities.

Discrimination: financial penalties

40 Financial penalties for breach of anti-discrimination provisions

(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—

(a) section 33 or 34, or

(b) provision in regulations made under section 39.

(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 or provision in regulations made under section 39,

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 £7,000.

(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 5.

Supplementary

41 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.

42 Interpretation of Chapter 3

(1) In this Chapter—

"benefits claimant" means a person who—

(a) is entitled to payments (including payments made directly to a landlord) 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,

(b) is entitled to payments (including payments made directly to a landlord) under or by virtue of the Jobseekers Act 1995, the State Pension Credit Act 2002, the Tax Credits Act 2002, the Welfare Reform Act 2007 or the Pensions Act 2014,

(c) is in receipt of a reduction in the amount of council tax payable in respect of the person's current home under a scheme made by a billing authority under or by virtue of section 13A of the Local Government Finance Act 1992, or

(d) would be entitled to a reduction in the amount of council tax payable in respect of the dwelling in question under a scheme made by the billing authority in whose area the dwelling is situated under or by virtue of section 13A of the Local Government Finance Act 1992, if the person were to—

(i) rent the dwelling on a relevant tenancy, and

(ii) if an application is a precondition of entitlement, apply to the billing authority for a reduction under the scheme;

"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 an agreement which may give rise to 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.

(2) In this Chapter a reference to doing something on the basis of particular facts includes reference to doing it on the basis of a belief in those facts.

CHAPTER 4

DISCRIMINATION IN THE RENTAL MARKET: WALES

Prohibitions of discrimination

43 Discrimination relating to children or benefits status: Welsh language

(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, neu y gallai plentyn fyw gyda pherson neu 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 person sydd wedi ei yswirio 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 neu y gallai fod 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 person sydd wedi ei yswirio 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 Dehongli Rhan 2A

(1) 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;

ystyr "hawlydd budd-daliadau" ("*benefits claimant*") yw person—

(a) sydd â hawl i gael taliadau (gan gynnwys taliadau a wneir yn uniongyrchol i landlord) 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,

(b) sydd â hawl i gael taliadau (gan gynnwys taliadau a wneir yn uniongyrchol i landlord) o dan neu yn rhinwedd Deddf Ceiswyr Gwaith 1995, Deddf Credyd Pensiwn y Wladwriaeth 2002, Deddf Credydau Treth 2002, Deddf Diwygio Lles 2007 neu Ddeddf Pensiynau 2014,

(c) sy'n cael gostyngiad yn swm y dreth gyngor sy'n daladwy mewn perthynas â chartref presennol y person o dan gynllun a wneir gan awdurdod bilio o dan neu yn rhinwedd adran 13A o Ddeddf Cyllid Llywodraeth Leol 1992, neu

(d) a fyddai â'r hawl i gael gostyngiad yn swm y dreth gyngor sy'n daladwy mewn perthynas â'r annedd o dan sylw o dan gynllun a wneir gan yr awdurdod bilio y mae'r annedd yn ei ardal o dan neu yn rhinwedd adran 13A o Ddeddf Cyllid Llywodraeth Leol 1992, pe bai'r person—

(i) yn rhentu'r annedd o dan gontract meddiannaeth, a

(ii) os yw gwneud cais yn rhagamod ar gyfer hawlio gostyngiad, yn gwneud cais i'r awdurdod bilio am ostyngiad o dan y cynllun;

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.

(2) Yn y Rhan hon, mae cyfeiriad at wneud rhywbeth ar sail ffeithiau penodol yn cynnwys cyfeiriad at wneud hynny ar sail cred yn y ffeithiau hynny."

(4) In section 10(4)—

(a) after the opening words insert—

"(za) mewn perthynas â throsedd o dan Ran 2A neu o dan reoliadau o dan adran 47 neu 48 o Ddeddf Hawliau Rhentwyr 2025—

(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 perthynas 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 8J."

(6) In section 13(1) after "3" insert "neu Ran 2A o'r Ddeddf hon neu o dan reoliadau o dan adran 47 neu 48 o Ddeddf Hawliau Rhentwyr 2025".

(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 neu o dan reoliadau o dan adran 47 neu 48 o

Ddeddf Hawliau Rhentwyr 2025, mae awdurdod pwysau a mesurau lleol yn awdurdod gorfodi ychwanegol mewn perthynas â'r ardal y mae'n awdurdod pwysau a mesurau 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,".

44 Discrimination relating to children or benefits status: English language

(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 or may 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 insured 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 or may be 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 insured 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 Interpretation of Part 2A

(1) In this Part—

"benefits claimant" ("*ceisydd budd-daliadau*") means a person who—

(a) is entitled to payments (including payments made directly to a landlord) 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,

(b) is entitled to payments (including payments made directly to a landlord) under or by virtue of the Jobseekers Act 1995, the State Pension Credit Act 2002, the Tax Credits Act 2002, the Welfare Reform Act 2007 or the Pensions Act 2014,

(c) is in receipt of a reduction in the amount of council tax payable in respect of the person's current home under a scheme made by a billing authority under or by virtue of section 13A of the Local Government Finance Act 1992, or

(d) would be entitled to a reduction in the amount of council tax payable in respect of the dwelling in question under a scheme made by the billing authority in whose area the dwelling is situated under or by virtue of section 13A of the Local Government Finance Act 1992, if the person were to—

(i) rent the dwelling under an occupation contract, and

(ii) if an application is a precondition of entitlement, apply to the billing authority for a reduction under the scheme;

"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.

(2) In this Part a reference to doing something on the basis of particular facts includes reference to doing it on the basis of a belief in those facts."

(4) In section 10(4)—

(a) after the opening words insert—

"(za) in respect of an offence under Part 2A or under regulations under section 47 or 48 of the Renters' Rights Act 2025—

(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 8J."

(6) In section 13(1) after "3" insert "or Part 2A of this Act or under regulations under section 47 or 48 of the Renters' Rights Act 2025".

(7) In section 17—

(a) after subsection (3) insert—

"(3A) For the purposes of this Part as it relates to offences under Part 2A or under regulations under section 47 or 48 of the Renters' Rights Act 2025, 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,".

45 Amendment of short title of 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) 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 (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—

(i) the heading;

(ii) paragraphs (1)(a) and (2)(a).

(4) 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).

(5) 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".

Discriminatory terms

46 Amendments of 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 bod yn hawlydd budd-daliadau o fewn yr ystyr a roddir gan adran 8J o Ddeddf Rhentu Cartrefi (Ffioedd, Gwahaniaethu etc.) (Cymru) 2019.

(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 being a benefits claimant within the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.

(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".	

Supplementary

47 Power of Welsh Ministers to protect others

(1) If the Welsh Ministers are satisfied that—

(a) a discriminatory rental practice exists in relation to dwellings that may be the subject of occupation contracts ("relevant rental dwellings"), and

(b) because of that discriminatory rental practice, the victims of that practice are significantly less likely to obtain the grant, renewal or continuance of occupation contracts than other people,

the Welsh Ministers may make regulations prohibiting that discriminatory rental practice.

(2) A "discriminatory rental practice" exists in relation to relevant rental dwellings if some or all relevant persons—

(a) on the basis that people are members of a particular group, prevent those people from—

(i) enquiring whether relevant rental dwellings are available for rent,

(ii) accessing information about relevant rental dwellings,

(iii) viewing relevant rental dwellings in order to consider whether to seek to rent them, or

(iv) obtaining the grant, renewal or continuance of occupation contracts in respect of relevant rental dwellings, or

(b) apply a provision, criterion or practice in order to make a particular group of people less likely to obtain the grant, renewal or continuance of occupation contracts of relevant rental dwellings than people not in that group.

(3) The "victims" of a discriminatory rental practice are—

(a) where a particular group of people are prevented from doing the things mentioned in subsection (2)(a), the people in that group;

(b) where a provision, criterion or practice is applied in order to make a particular group of people less likely to obtain the grant, renewal or continuance of occupation contracts as mentioned in subsection (2)(b), the people in that group.

(4) Regulations "prohibiting" a discriminatory rental practice are regulations relating to—

(a) the discriminatory rental practice, and

(b) the persons who are the victims of it,

which make provision corresponding to the relevant anti-discrimination legislation.

(5) The relevant anti-discrimination legislation is—

(a) Part 2A of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019, except for section 8C(b), and

(b) Chapter 6A of Part 3 of the Renting Homes (Wales) Act 2016;

but regulations under this section may make provision corresponding to the provision that may be made under section 8C(b) of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.

(6) Before making regulations prohibiting a discriminatory rental practice, the Welsh Ministers must consult such of the following persons as the Welsh Ministers consider appropriate—

(a) victims of the discriminatory rental practice or one or more representatives of such persons;

(b) landlords and prospective landlords under occupation contracts or one or more representatives of such persons;

(c) other landlords and prospective landlords under leases of premises that consist of or include a dwelling or one or more representatives of such persons;

(d) mortgagees of dwellings or one or more representatives of such persons;

(e) insurers of dwellings or one or more representatives of such persons;

(f) local housing authorities or one or more representatives of local housing authorities.

(7) For that purpose a "representative" of persons of a particular kind, or of local housing authorities, is a body or other person which appears to the Welsh Ministers to represent the interests of persons of that kind, or of local housing authorities.

(8) Regulations under this section may amend, repeal or revoke provision made from time to time by or under the relevant anti-discrimination legislation.

(9) In this section—

"benefits claimant" has the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019;

"local housing authority" means the council for a county or county borough in Wales;

"occupation contract" has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act);

"relevant person" has the meaning given by section 8J of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019.

48 Power of Secretary of State to protect others

The Secretary of State may by regulations make provision that the Welsh Ministers could make under section 47 but for the limitation in section 49.

49 Regulations

Regulations under section 8C of the Renting Homes (Fees, Discrimination etc.) (Wales) Act 2019 (as inserted by this Act) or section 47 of this Act may only make provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

CHAPTER 5

DISCRIMINATION IN THE RENTAL MARKET: SCOTLAND

Discrimination and discriminatory terms: children and benefits status

50 Discrimination relating to children or benefits status

(1) The Private Housing (Tenancies) (Scotland) Act 2016 (asp 19) is amended in accordance with subsections (2) to (4).

(2) After section 6 insert—

"PART 1A

CHOICE OF TENANT

6A Offence of discriminating in relation to children

(1) It is an offence for a relevant person to, in relation to a property that is to be let on an agreement which may give rise to a private residential tenancy—

(a) prevent a person, on the basis that the relevant person believes that the property would or may be used by a child if the property were the person's home, from—

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

(ii) accessing information about the property,

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

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

(b) apply a provision, criterion or practice in order to make people who would allow the property to be used by a child less likely to enter into a tenancy of the property than people who would not.

(2) It is a defence for the relevant person to show—

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

(b) that the property is insured under an excluded contract of insurance and the conduct is a means of preventing the insured from breaching the term which causes the contract to be an excluded contract of insurance.

(3) Conduct does not constitute an offence under subsection (1) if it consists only of—

(a) things done by a person who does nothing in relation to the property other than one or more of the following things—

(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 Scottish Ministers.

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

(5) For the purpose of this section—

(a) a property is used by a child if a child lives with or visits a person at the property,

(b) a contract of insurance is an excluded contract of insurance if—

(i) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and

(ii) it contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a private residential tenancy from allowing a child to use the property, or to restrict the circumstances in which such a tenant may allow a child to do so.

6B Offence of discriminating in relation to benefits status

(1) It is an offence for a relevant person to, in relation to a property that is to be let on an agreement which may give rise to a private residential tenancy—

(a) prevent a person, on the basis of the person's benefits status, from—

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

(ii) accessing information about the property,

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

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

(b) apply a provision, criterion or practice in order to make people who are or who, if the property were their home, may become benefits claimants less likely to enter into a tenancy of the property than people who are not.

(2) It is a defence for the relevant person to show that the property is insured under an excluded contract of insurance and the conduct is a means of preventing the insured from breaching the term which causes the contract to be an excluded contract of insurance.

(3) Conduct does not constitute an offence under subsection (1) if it consists only of—

(a) things done by a person who does nothing in relation to the property other than one or more of the following things—

(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 Scottish Ministers.

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

(5) For the purpose of this section—

(a) something is done on the basis of a person's benefits status if it is done on the basis that the relevant person believes that the person is, or may be or, if the property were the person's home, may become a benefits claimant,

(b) a contract of insurance is an excluded contract of insurance if—

(i) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and

(ii) it contains a term which makes provision (however expressed) requiring the insured to prohibit a tenant under a private residential tenancy from being a benefits claimant.

6C Discriminatory terms relating to children or benefits status

(1) A term of a private residential tenancy is of no effect so far as the term makes provision (however expressed)—

(a) prohibiting the tenant from having a child live with or visit the tenant at the property or restricting the circumstances in which the tenant may have a child do so, or

(b) prohibiting the tenant from being a benefits claimant.

(2) But—

(a) subsection (1)(a) does not apply if the provision is a proportionate means of achieving a legitimate aim,

(b) subsection (1)(a) and (b) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the

landlord from breaching the term which causes the contract to be an excluded contract of insurance.

(3) For the purpose of subsection (2)(b), a contract of insurance is an excluded contract of insurance if—

(a) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and

(b) it contains a term which makes provision (however expressed) requiring the landlord—

(i) to prohibit the tenant from having a child live with or visit the tenant at the property or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the property, or

(ii) to prohibit the tenant from being a benefits claimant.

6D 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 a private residential tenancy.

6E Interpretation of Part 1A

In this Part—

"benefits claimant" means a person who—

(a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or

(b) is entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),

"benefits and welfare legislation" means—

(a) the Social Security Contributions and Benefits Act 1992,

(b) the Jobseekers Act 1995,

(c) the State Pension Credit Act 2002,

(d) the Tax Credits Act 2002,

(e) the Welfare Reform Act 2007,

(f) the Welfare Reform Act 2012,

(g) the Pensions Act 2014,

(h) the Social Security (Scotland) Act 2018,

"child" means a person under the age of 18,

"prospective landlord" means a person who proposes to let a property on an agreement which may give rise to a private residential tenancy,

"prospective tenant" means a person seeking to find a property to rent,

"relevant person", in relation to a property, means—

(a) the prospective landlord,

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

(3) Before section 76, insert—

"75A Crown application

(1) Nothing in Part 1A makes the Crown criminally liable.

(2) But the Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable were it not for subsection (1).

(3) Subsection (1) does not affect the criminal liability of persons in the service of the Crown."

(4) In section 77 (regulation-making powers), in subsection (4), after "sections" insert "6A(3)(b), 6B(3)(b),".

(5) The Housing (Scotland) Act 1988 is amended in accordance with subsection (6).

(6) After section 26 insert—

"26A Discriminatory terms relating to children or benefits status

(1) A term of an assured tenancy is of no effect so far as the term makes provision (however expressed)—

(a) prohibiting the tenant from having a child live with or visit the tenant at the dwelling or restricting the circumstances in which the tenant may have a child do so, or

(b) prohibiting the tenant from being a benefits claimant.

(2) But—

(a) subsection (1)(a) does not apply if the provision is a proportionate means of achieving a legitimate aim, and

(b) subsection (1)(a) and (b) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.

(3) For the purpose of subsection (2)(b), a contract of insurance is an excluded contract of insurance if—

(a) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and

(b) it contains a term which makes provision (however expressed) requiring the landlord—

(i) to prohibit the tenant from having a child live with or visit the tenant at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the dwelling, or

(ii) to prohibit the tenant from being a benefits claimant.

(4) In this section—

"benefits claimant" means a person who—

(a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or

(b) is entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),

"benefits and welfare legislation" means—

(a) the Social Security Contributions and Benefits Act 1992,

(b) the Jobseekers Act 1995,

(c) the State Pension Credit Act 2002,

(d) the Tax Credits Act 2002,

(e) the Welfare Reform Act 2007,

(f) the Welfare Reform Act 2012,

(g) the Pensions Act 2014,

(h) the Social Security (Scotland) Act 2018,

"child" means a person under the age of 18."

(7) The Rent (Scotland) Act 1984 is amended in accordance with subsection (8).

(8) After section 101 insert—

"101A Discriminatory terms relating to children or benefits status

(1) A term of a protected or statutory tenancy is of no effect so far as the term makes provision (however expressed)—

(a) prohibiting the tenant from having a child live with or visit the tenant at the dwelling or restricting the circumstances in which the tenant may have a child do so, or

(b) prohibiting the tenant from being a benefits claimant.

(2) But—

(a) subsection (1)(a) does not apply if the provision is a proportionate means of achieving a legitimate aim, and

(b) subsection (1)(a) and (b) does not apply to the extent that the landlord is insured under an excluded contract of insurance and the provision in the tenancy is a means of preventing the landlord from breaching the term which causes the contract to be an excluded contract of insurance.

(3) For the purpose of subsection (2)(b), a contract of insurance is an excluded contract of insurance if—

(a) section 52 of the Renters' Rights Act 2025 (terms in insurance contracts relating to children or benefits status) does not apply to it, and

(b) it contains a term which makes provision (however expressed) requiring the landlord—

(i) to prohibit the tenant from having a child live with or visit the tenant at the dwelling or to restrict the circumstances in which the tenant may have a child live with or visit the tenant at the dwelling, or

(ii) to prohibit the tenant from being a benefits claimant.

(4) In this section—

"benefits claimant" means a person who—

(a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation, or

(b) is entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a),

"benefits and welfare legislation" means—

(a) the Social Security Contributions and Benefits Act 1992,

(b) the Jobseekers Act 1995,

(c) the State Pension Credit Act 2002,

(d) the Tax Credits Act 2002,

(e) the Welfare Reform Act 2007,

(f) the Welfare Reform Act 2012,

(g) the Pensions Act 2014,

(h) the Social Security (Scotland) Act 2018,

"child" means a person under the age of 18."

51 Terms in standard securities relating to children or benefits status

(1) A term of a standard security over land that consists of or includes a dwelling is of no effect so far as the term makes provision (however expressed) requiring the debtor in the standard security to—

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

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

(2) A term of a standard security over land that consists of or includes a dwelling is of no effect so far as the term makes provision (however expressed) requiring the debtor in the standard security to prohibit a benefits claimant from being a tenant under a relevant tenancy.

52 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 from having a child live with or visit the tenant at the dwelling which forms the subject of the tenancy, or

(b) restrict the circumstances in which a tenant under a relevant tenancy may have a child live with or visit the tenant 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 benefits claimant from being a tenant under a relevant tenancy.

(3) This section applies to contracts of insurance which are entered into or whose duration is extended on or after the day on which this section comes into force.

Discrimination and discriminatory terms: power to protect others

53 Power of Scottish Ministers to protect others

(1) The Scottish Ministers may by regulations make provision about relevant tenancies, corresponding 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, in relation to persons of another description.

(2) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.

(3) Regulations under subsection (1)—

(a) may amend, repeal or revoke provision made by or under—

(i) an Act of the Scottish Parliament,

(ii) an Act (including this Act),

whenever passed or made;

(b) may only make provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.

54 Power of Secretary of State to protect others

The Secretary of State may by regulations make provision that the Scottish Ministers could make under section 53(1) but for the limitation in section 53(3)(b).

Supplementary

55 Interpretation of Chapter 5

In this Chapter—

"benefits claimant" means a person who—

(a) is entitled to payments (including payments made directly to a landlord) under or by virtue of benefits and welfare legislation or would be so entitled were the person to become a tenant under a private residential tenancy, or

(b) is entitled, or would (on application or otherwise), if the person were to rent the property, be entitled, by virtue of section 80 of the Local Government Finance Act 1992, to a reduction in the amount of council tax payable in respect of the property on the basis of income or an entitlement to a payment mentioned in paragraph (a);

"benefits and welfare legislation" means—

(a) the Social Security Contributions and Benefits Act 1992;

(b) the Jobseekers Act 1995;

(c) the State Pension Credit Act 2002;

(d) the Tax Credits Act 2002;

(e) the Welfare Reform Act 2007;

(f) the Welfare Reform Act 2012;

(g) the Pensions Act 2014;

(h) the Social Security (Scotland) Act 2018 (asp 9);

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

"relevant tenancy" means—

(a) a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (asp 19);

(b) an assured tenancy under the Housing (Scotland) Act 1988;

(c) a protected or statutory tenancy under the Rent (Scotland) Act 1984;

"tenant" includes sub-tenant.

CHAPTER 6

STATING THE PROPOSED RENT AND RENTAL BIDDING

56 Requirement to state rent and to avoid rental bidding

(1) This section applies to a letting of a dwelling (a "proposed letting") if the letting is to be on an agreement which may give rise to a relevant tenancy.

(2) A relevant person must not advertise in writing, or otherwise offer in writing, the proposed letting unless—

(a) the rent that is to be payable under the letting is a specific amount (the "proposed rent"), and

(b) the advertisement or offer states the proposed rent.

(3) A relevant person must not—

(a) invite or encourage any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent, or

(b) accept an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent.

(4) For the purposes of subsection (3)(a) or (b), the "stated rent" is the proposed rent which is stated—

(a) by the relevant person who is inviting or encouraging, or accepting, the offer of rent, or

(b) by any other relevant person,

in any written advertisement for, or written offer of, the proposed letting.

(5) Subsection (2) does not apply to a sign displayed at the dwelling, or at premises in which the dwelling is situated, which merely advertises that the dwelling is to let.

(6) In this section—

"prospective landlord" means the person who proposes to make a proposed letting;

"relevant person", in relation to a proposed letting, means—

(a) the prospective landlord, or

(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.

57 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 the prohibition imposed by section 56(2) or (3).

(2) 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 subsection of section 56,

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

(3) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £7,000.

(4) Subsection (2) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.

(5) 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.

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

(7) Local housing authorities must have regard to any guidance issued under subsection (6).

(8) The Secretary of State may by regulations amend the amount specified in subsection (3) to reflect changes in the value of money.

(9) 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 5.

CHAPTER 7

MISCELLANEOUS

58 Penalties for unlawful eviction or harassment of occupier

(1) The Protection from Eviction Act 1977 is amended as follows.

(2) In section 1, after subsection (6) insert—

"(7) A person may not be convicted of an offence under this section in respect of any conduct if a financial penalty has been imposed under section 1A in respect of that conduct."

(3) After section 1 insert—

"1A Financial penalty for offence under section 1

(1) A local housing authority may impose a financial penalty on a person if satisfied beyond reasonable doubt that the person has committed an offence under section 1 in relation to premises in England.

(2) No financial penalty may be imposed in respect of any conduct amounting to an offence under section 1 if—

(a) the person has been convicted of an offence under that section in respect of the conduct,

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

(c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted of the offence.

(3) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £40,000.

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

(5) Local housing authorities must have regard to any guidance issued under subsection (4).

(6) Schedule A1 makes provision about—

(a) the procedure for imposing financial penalties,

(b) appeals against financial penalties,

(c) enforcement of financial penalties, and

(d) how local housing authorities are to deal with the proceeds of financial penalties.

(7) The Secretary of State may by regulations amend the amount specified in subsection (3) to reflect changes in the value of money.

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

(9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section and Schedule A1, "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."

(4) Before Schedule 1 insert –

"SCHEDULE A1 Section 1A

FINANCIAL PENALTY FOR OFFENCE UNDER SECTION 1

Notice of intent

1 Before imposing a financial penalty on a person under section 1A a local housing authority must give the person notice of its proposal to do so (a "notice of intent").

2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.

(2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given –

(a) at any time when the conduct is continuing, or

(b) within the period of 6 months beginning with the last day on which the conduct occurs.

3 The notice of intent must set out –

(a) the date on which the notice of intent is given,

(b) the amount of the proposed financial penalty,

(c) the reasons for proposing to impose the financial penalty, and

(d) information about the right to make representations under paragraph 4.

Right to make representations

4 (1) A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty.

(2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given ("the period for representations").

Final notice

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

(a) decide whether to impose a financial penalty on the person, and

(b) if it decides to impose a financial penalty, decide the amount of the penalty.

6 If the authority decides to impose a financial penalty on the person, it must give the person a notice (a "final notice") imposing that penalty.

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 served,

(b) the amount of the financial penalty,

(c) the reasons for imposing the penalty,

(d) information about how to pay the penalty,

(e) the period for payment of the penalty,

(f) information about rights of appeal, and

(g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

9 (1) A local housing authority may at any time—

(a) withdraw a notice of intent or final notice, or

(b) reduce the amount specified in a notice of intent or final notice.

(2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Appeals

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

(a) the decision to impose the penalty, or

(b) the amount of the penalty.

(2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice was given.

(3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

(4) An appeal under this paragraph—

(a) is to be a re-hearing of the local housing authority's decision, but

(b) may be determined having regard to matters of which the authority was unaware.

(5) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.

(6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

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 whole or part of the penalty on the order of the county court as if it were payable under an order of that court.

(3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—

(a) signed by the chief finance officer of the local housing authority which imposed the penalty, and

(b) states that the amount due has not been received by a date specified in the certificate,

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 this Act, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector.

13 Any proceeds of a financial penalty imposed under this Act which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.

14 (1) In paragraph 12, enforcement functions "in relation to the private rented sector" means enforcement functions relating to—

(a) residential premises in England that are let, or intended to be let, under a tenancy,
(b) the common parts of such premises,
(c) the activities of a landlord under a tenancy of residential premises in England,
(d) the activities of a person carrying on English letting agency work within the meaning of section 54 of the Housing and Planning Act 2016 in relation to such premises, or
(e) the activities of a person carrying on English property management work within the meaning of section 55 of the Housing and Planning Act 2016 in relation to such premises.

(2) For the purposes of this paragraph, "residential premises" has the meaning given by section 1 of the Housing Act 2004 except that it does not include social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.

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

59 Abandoned premises under assured shorthold tenancies

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

60 Remedying of hazards occurring in dwelling-houses in England

(1) The Landlord and Tenant Act 1985 is amended as follows.

(2) In section 10A (remedying of hazards occurring in dwellings let on social housing leases)—

(a) in the heading, for "dwellings let on relevant social housing leases" substitute "dwelling-houses in England";
(b) for subsection (1) substitute—

"(1) This section applies to a lease of a dwelling-house in England if either of the following applies—
(a) the lease is a lease for a term of less than 7 years, or
(b) the lease is of a kind mentioned in section 13(1A), (1AA) or (1AB);
but this is subject to subsection (1A).

(1A) This section does not apply to any lease of a kind mentioned in section 14 (exceptions).";

(c) in subsection (3), for "dwelling" substitute "dwelling-house";
(d) after subsection (5) insert—

"(5A) For the purposes of subsection (1) it is immaterial that the lease also demises other property (which may consist of or include one or more other dwelling-houses).

(5B) In determining for the purposes of subsection (1)(a) whether a lease is for a term of less than 7 years—

(a) any part of the term falling before the grant or creation is to be ignored and the lease is to be treated as a lease for a term commencing with the grant or creation;

(b) a lease which is determinable at the option of the lessor before the expiry of 7 years from the commencement of the term is to be treated as a lease for a term of less than 7 years;

(c) a lease (other than one to which paragraph (b) applies) is not to be treated as a lease for a term of less than 7 years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to 7 years or more.";

(e) omit subsection (6);

(f) in subsection (7)—

(i) for the definitions of "lease", "lessor" and "lessee" substitute—

""lease" does not include a mortgage term;

"lease of a dwelling-house" means a lease by which a building or part of a building is let wholly or mainly as a private residence, and "dwelling-house" means that building or part of a building, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

"lessee" means the person for the time being entitled to the term of a lease;

"lessor" means the person for the time being entitled to the reversion expectant on a lease;";

(ii) omit the definitions of "low cost home ownership accommodation" and "social housing".

(3) In section 10B (regulations under section 10A: supplementary provision)—

(a) in subsection (1)(a), for the words from "42" to "2023" substitute "60 of the Renters' Rights Act 2025";

(b) in subsection (3)(b)(i), for "dwelling" substitute "dwelling-house";

(c) for subsection (4)(a) substitute—

"(a) limit the application of section 10A by reference to leases or dwelling-houses of particular descriptions;";

(d) omit subsection (6).

(4) In section 39 (index of defined expressions), for the entry for "dwelling-house" substitute—

"dwelling-house—	
(in the provisions relating to remedying of hazards)	section 10A

(in the provisions relating to repairing obligations) section 16".

61 Remedying of hazards occurring in accommodation in England occupied under licence

(1) After section 10B of the Landlord and Tenant Act 1985 insert—

"10C Remedying of hazards occurring in accommodation in England occupied under licence

(1) The Secretary of State may make—

(a) regulations which specify a description of licences to occupy residential premises; and

(b) regulations which require the licensor under a regulated licence to take action, in relation to prescribed hazards which affect or may affect the licensed accommodation, within the period or periods specified in the regulations.

(2) There is implied in a regulated licence a term that the licensor will comply with all prescribed requirements that are applicable to that licence.

(3) Regulations under subsection (1)(b) are enforceable against licensors only through actions for breach of the term that is implied by subsection (2).

(4) In any proceedings for a breach of the term that is implied by subsection (2), it is a defence for the licensor to prove that they used all reasonable endeavours to avoid that breach.

(5) In this section and section 10D —

"prescribed hazard" has the same meaning as in section 10 (see section 10(2) and (3));

"prescribed requirement" means a requirement prescribed in regulations under subsection (1)(b);

"regulated licence" means a licence to occupy that is of a description specified in regulations under subsection (1)(a);

"residential premises" has the same meaning as in section 1(4) of the Housing Act 2004 (but disregarding paragraph (e)(ii) of that subsection).

10D Regulations under section 10C: supplementary provision

(1) Regulations under section 10C(1)(a) may (in particular) specify a description of licences to occupy by reference to any of the following—

(a) the nature of the licensor;

(b) the nature of the licensee;

(c) the nature of the accommodation occupied;

(d) the purpose of the occupation of the accommodation;
(e) the legal nature of the licence.

(2) Regulations under section 10C(1)(b) may apply to—
(a) licences granted before the day when section 10C came into force;
(b) prescribed hazards which began before that day;
(c) only some descriptions of prescribed hazards.

(3) Regulations under section 10C(1)(b) may—
(a) specify a period that is not of a specific duration (for example a reasonable or appropriate period, including a period decided by the licensor, or another person);
(b) specify two (or more) periods in relation to particular action.

(4) Regulations under section 10C(1)(b) may (in particular)—
(a) require the licensor to take particular action, or action that is intended to produce a particular outcome, in relation to a prescribed hazard;
(b) require the licensor to take action in relation to a prescribed hazard that is not of itself intended to remedy the hazard, for example by requiring the licensor—
(i) to investigate whether or how a prescribed hazard is affecting the licensed accommodation, or
(ii) to secure that the licensee and any other members of their household are provided with alternative accommodation at no cost to them;
(c) require the licensor to take action in relation to a prescribed hazard only—
(i) in particular circumstances, or
(ii) if particular conditions are met;
(d) provide that the licensor is not required to take action in relation to a prescribed hazard—
(i) in particular circumstances, or
(ii) if particular conditions are met.

(5) The Secretary of State may by regulations make provision, in relation to a term that is implied by section 10C(2), which corresponds to any provision made in relation to an implied covenant by section 9A(4) to (8).

(6) A power to make regulations under section 10C or this section includes power to make—
(a) incidental, transitional or saving provision;
(b) different provision for different purposes.

(7) Regulations under section 10C or this section are to be made by statutory instrument.

(8) A statutory instrument containing regulations under section 10C or this section may not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament."

(2) Until section 100(3) (decent homes standard) comes into force, the definition of "residential premises" in section 1(4) of the Housing Act 2004 has effect for the purposes of section 10C and 10D of the Landlord and Tenant Act 1985 as if it were amended in accordance with section 100(3).

62 Student accommodation that is not an HMO

(1) Schedule 14 to the Housing Act 2004 (buildings which are not HMOs) is amended in accordance with subsections (2) and (4).

(2) After paragraph 3 insert –

"Buildings occupied by students: England

3A (1) Any building in England –

(a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment, or at an educational establishment of a specified description, and where the person managing or having control of it is the educational establishment in question, or

(b) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at an educational establishment and where the person managing or having control of it is a specified person or a person of a specified description.

(2) In –

(a) sub-paragraph (1)(a) "specified" means specified for the purposes of that sub-paragraph in regulations made by the Secretary of State;

(b) sub-paragraph (1)(b) "specified" means specified for the purposes of that sub-paragraph in regulations made by the Secretary of State;

and the regulations may (in particular) provide that an educational establishment is specified, or of a specified description, for the purposes of sub-paragraph (1)(b).

(3) Those regulations may, in particular, specify –

(a) as a description of educational establishment for the purposes of sub-paragraph (1)(a), or

(b) as a description of person for the purposes of sub-paragraph (1)(b),

the members from time to time, or a description of the members from time to time, of a housing management code of practice which is specified in the regulations.

(4) The Secretary of State may by regulations—

(a) specify a class of building, and

(b) provide that a building—

(i) does not fall within this paragraph if it is of the specified class, or

(ii) falls within this paragraph only if it is of the specified class.

(5) The Secretary of State may by regulations—

(a) specify a building manager or a class of building manager,

(b) specify a class of building in relation to the specified building manager or the specified class of building manager, and

(c) provide that a building which the specified building manager, or a building manager of the specified class, manages or has control of—

(i) does not fall within this paragraph if the building is of the specified class, or

(ii) falls within this paragraph only if the building is of the specified class.

(6) Regulations under sub-paragraph (4)(a) or (5)(b) may, in particular, specify as a class of building—

(a) the buildings, or

(b) a class of the buildings,

from time to time subject to a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (4)(a) or (5)(b).

(7) Regulations under sub-paragraph (5)(a) may, in particular, specify as a class of building manager—

(a) the members, or

(b) a class of the members,

from time to time of a housing management code of practice which is specified for this purpose by regulations under sub-paragraph (5)(a).

(8) For the purposes of this paragraph—

(a) "building manager" means an educational establishment or other person managing or having control of a building;

(b) "housing management code of practice" means a code of practice approved by the Secretary of State under section 233 (codes relating to the management of HMOs or excepted accommodation);

(c) a building is "subject to" a housing management code of practice if it—

(i) is a particular building subject to the code, or

(ii) is of a class of buildings subject to the code;

(d) a reference to—

(i) a class of the buildings from time to time subject to a housing management code of practice, or

(ii) a class of the members from time to time of a housing management code of practice,

includes the buildings or members that are from time to time in a class provided for in the code of practice."

(3) Any regulations made by the Secretary of State under paragraph 4 of Schedule 14 to the Housing Act 2004 before the coming into force of this section are to continue to have effect on and after the coming into force of this section as if made under paragraph 3A of that Schedule (inserted by this section).

(4) In paragraph 4 (buildings occupied by students)—

(a) in the heading, after "students" insert ": Wales";

(b) in sub-paragraph (1), in the words before paragraph (a), after "building" insert "in Wales".

(c) in sub-paragraph (2), for "appropriate national authority" substitute "Welsh Ministers".

(d) in sub-paragraph (3), for "appropriate national authority" substitute "Welsh Ministers".

(e) in sub-paragraph (4)—

(i) in the words before paragraph (a), for "appropriate national authority may have regard to the extent to which, in its opinion" substitute "Welsh Ministers may have regard to the extent to which, in their opinion";

(ii) in paragraph (a), for "authority" substitute "Welsh Ministers".

(5) In consequence of the other amendments made by this section—

(a) in paragraph 16E(3) of Schedule 2 to the Finance Act 2019 (inserted by Schedule 1 to the Finance Act 2025) (meaning of "institutional building"), in paragraph (i)(i) and (ii) (buildings occupied by students), for "paragraph 4" substitute "paragraph 3A or 4";

(b) in the Capital Allowances Act 2001, in section 270CF (exclusion from qualifying use: residential use), in subsection (1)(b), for "paragraph 4" substitute "paragraph 3A or 4".

(6) Any regulations made by the Treasury under paragraph 16E(3)(i)(ii) of Schedule 2 to the Finance Act 2019 before the coming into force of this section which designate provision as provision corresponding to paragraph 4 of Schedule 14 to the Housing Act 2004 are to continue to have effect on and after the coming into force of this section as if they designated the provision as provision corresponding to paragraph 3A or 4 of that Schedule.

PART 2

RESIDENTIAL LANDLORDS

CHAPTER 1

MEANING OF "RESIDENTIAL LANDLORD"

63 Meaning of "residential landlord"

(1) In this Part—

"residential landlord" means the landlord under a relevant tenancy of a dwelling in England that is not social housing;

"residential tenancy" and "residential tenant" are to be read accordingly.

(2) In subsection (1)—

"dwelling" means a building or part of a building which is occupied or intended to be occupied as a separate dwelling;

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

(3) In this section, "relevant tenancy" means—

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

(b) a regulated tenancy within the meaning of the Rent Act 1977.

(4) The Secretary of State may by regulations amend this Chapter so as to—

(a) change the meaning of "residential landlord" in relation to a relevant tenancy—

(i) so that, in addition to or instead of the landlord under the relevant tenancy, it includes any or all superior landlords in relation to that tenancy, or

(ii) so that it does not include superior landlords added by virtue of this paragraph;

(b) change the meaning of "relevant tenancy" so as to add or remove a particular kind of—

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

(ii) licence to occupy a dwelling;

(c) change the meaning of "dwelling"—

(i) so that, in addition to a building or part of a building, it includes any other structure, vehicle or vessel,

(ii) so that it includes a building or part of a building, and anything for the time being included in the meaning of "dwelling" by virtue of sub-paragraph (i), which is occupied or intended to be occupied as a dwelling that is not a separate dwelling, or

(iii) so that it does not include anything added by virtue of this paragraph.

(5) Kinds of tenancy or licence added or removed under subsection (4)(b) may be identified by reference to any matters connected directly or indirectly with a tenancy or licence, including the characteristics or circumstances of any person who is so connected.

(6) In subsection (4)(b)—

(a) the reference to a tenancy of a dwelling includes a tenancy under which the dwelling is occupied for the purposes of either House of Parliament, and

(b) the reference to a licence to occupy a dwelling includes such a licence under which the dwelling is occupied for the purposes of either House of Parliament.

(7) The provision that may be made in regulations under subsection (4) by virtue of section 140(1)(a) includes provision amending section 99.

(8) The provision that may be made in regulations under subsection (4) by virtue of section 140(1)(b) includes different provision for the purposes of different Chapters of this Part.

CHAPTER 2

LANDLORD REDRESS SCHEMES

Landlord redress schemes

64 Landlord redress schemes

(1) The Secretary of State may make regulations requiring a residential landlord to be a member of a landlord redress scheme.

(2) A "landlord redress scheme" means a scheme—

(a) which provides for a complaint made by or on behalf of a prospective, current or former residential tenant against a member of the scheme to be independently investigated and determined by an independent individual, and

(b) which is—

(i) approved by the Secretary of State for the purposes of regulations under subsection (1), or

(ii) administered by or on behalf of the Secretary of State and designated by the Secretary of State for those purposes.

(3) A scheme must not be approved or designated under subsection (2)(b) unless it satisfies the conditions set out in regulations made under section 65(1).

(4) In subsection (2)(a) "prospective residential tenant" means a person who—

(a) offers to become a residential tenant of a dwelling that is marketed for the purpose of creating a residential tenancy, or

(b) with a view to deciding whether to become a residential tenant of a dwelling that is marketed for that purpose—

(i) requests information about the dwelling from a person marketing it, or

(ii) visits or requests to visit such a dwelling by arrangement with a person marketing it.

(5) Regulations under subsection (1) may—

(a) require a person to be a member of a landlord redress scheme before a dwelling is marketed for the purpose of creating a residential tenancy under which that person will be a residential landlord;

(b) prohibit a person from marketing a dwelling for the purpose of creating a residential tenancy unless the person who will be a residential landlord if the tenancy is granted is a member of a landlord redress scheme;

(c) require a person to remain a member of the scheme after ceasing to be a residential landlord, for a period specified in the regulations.

(6) Regulations under subsection (1) may require a person—

(a) to provide relevant property information to the administrator of a landlord redress scheme, on applying to become a member of the scheme;

(b) at any time after becoming a member of a landlord redress scheme, to notify the administrator of the scheme of any change to relevant property information previously provided by the person as soon as reasonably practicable, or within a period, as specified in the regulations.

(7) For the purposes of subsection (6), "relevant property information" means such information as may be specified in the regulations relating to—

(a) any residential tenancy under which the person is the residential landlord;

(b) any dwelling which is proposed to be marketed for the purpose of creating a residential tenancy under which the person will be the residential landlord.

(8) Before making regulations under subsection (1), the Secretary of State must be satisfied that all persons who are to be required to be a member of a landlord redress scheme will be eligible to join such a scheme before being so required (subject to any provision in the scheme about expulsion, as to which see section 65(2)(l)).

(9) Nothing in this Chapter prevents a landlord redress scheme from providing (subject to regulations under section 65)—

(a) for membership to be open to persons who wish to join as voluntary members;

(b) for the investigation or determination of any complaints under a voluntary jurisdiction;

(c) for voluntary mediation services;

(d) for the exclusion from investigation and determination under the scheme of any complaint in such cases or circumstances as may be specified in or determined under the scheme.

(10) In subsection (9)—

"complaints under a voluntary jurisdiction" means complaints in relation to which there is no duty to be a member of a landlord redress scheme, where the members against whom the complaints are made have voluntarily accepted the jurisdiction of the scheme over those complaints;

"voluntary mediation services" means mediation, conciliation or similar processes provided at the request of a member in relation to complaints made—

(a) against the member, or

(b) by the member against another person;

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

65 Approval and designation of landlord redress schemes

(1) The Secretary of State must by regulations set out conditions which are to be satisfied for a scheme to be approved or designated under section 64(2)(b).

(2) The conditions must include conditions requiring the scheme to include provision in accordance with the regulations—

(a) for the appointment of an individual to be responsible for overseeing and monitoring the investigation and determination of complaints under the scheme,

(b) about the terms and conditions of that individual and the termination of their appointment,

(c) about the complaints that may be made under the scheme, which must include provision enabling the making of complaints about non-compliance with any codes of practice for residential landlords that are issued or approved by the Secretary of State,

(d) about the time to be allowed for scheme members to resolve matters before a complaint is accepted under the scheme in relation to those matters,

(e) about the circumstances in which a complaint may be rejected,

(f) about co-operation (which may include the joint exercise of functions) of an individual who is investigating or determining a complaint with persons who have functions in relation to other kinds of complaint and with local housing authorities,

(g) about the provision of information to the persons mentioned in paragraph (f) and the Secretary of State,

(h) if members are required to pay fees in respect of compulsory aspects of the scheme, about the amount or amounts of those fees,

(i) if there are voluntary aspects of the scheme—

(i) for fees to be payable in respect of those aspects of the scheme, and

(ii) about the amount or amounts of those fees,

(j) for the individual determining a complaint to be able to require members to provide redress of the following types to the complainant—

(i) providing an apology or explanation,

(ii) paying compensation, and

(iii) taking such other actions in the interests of the complainant as the individual determining the complaint may specify,

(k) about the enforcement of the scheme and decisions made under the scheme,

(l) for a person to be expelled from the scheme only—

(i) in circumstances specified in the regulations,

(ii) once steps to secure compliance that are specified in the regulations have been taken, and

(iii) once the decision to expel the person has been reviewed by an independent person in accordance with the regulations,

(m) for an expulsion to be revoked in circumstances specified in the regulations,

(n) prohibiting a person from joining the scheme when the person has been expelled from another landlord redress scheme, except in circumstances specified in the regulations,

(o) for circumstances in which the administration of the scheme is to be transferred to a different administrator, and

(p) about the closure of the scheme by the administrator.

(3) Conditions set out in regulations under subsection (1) may include conditions requiring the administrator or proposed administrator of a scheme to undertake to do things on an ongoing basis following approval or designation.

(4) Fee conditions relating to—

(a) fees payable in respect of compulsory aspects of the scheme may provide for the amount or amounts of the fees to be calculated by reference to such of the scheme costs as may be specified in the regulations, which may include scheme costs relating to the voluntary aspects of the scheme;

(b) fees payable in respect of voluntary aspects of the scheme must provide for the amount or amounts of the fees to be calculated so that (taking one year with another) they are sufficient to meet such of the costs of the voluntary aspects of the scheme as may be specified in the regulations.

(5) Conditions set out in regulations by virtue of subsection (2)(o) may require an approved scheme to provide for the administration of that scheme to be transferred to the Secretary of State or a person acting on behalf of the Secretary of State in circumstances specified in the regulations.

(6) Where conditions set out in regulations by virtue of subsection (2)(o) require an approved scheme to include the provision mentioned in subsection (5), the regulations may provide for a scheme whose administration is transferred as mentioned in that subsection to be treated as a designated scheme instead of an approved one.

(7) Subsections (2) to (6) do not limit the conditions that may be set out in regulations under subsection (1).

(8) The Secretary of State may by regulations make further provision about the approval or designation of landlord redress schemes under section 64(2)(b), including provision—

(a) about the number of redress schemes that may be approved or designated (which may be one or more);

(b) about the making of applications for approval;

(c) about the period for which an approval or designation is valid;

(d) about the withdrawal of approval or revocation of designation.

(9) Regulations under this section may—

(a) confer functions (including functions involving the exercise of a discretion) on the Secretary of State, or authorise or require a scheme to do so;

(b) provide for the delegation of such functions by the Secretary of State, or authorise or require a scheme to provide for that.

(10) In this section—

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

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

"costs of the voluntary aspects", in relation to a scheme, means the scheme costs if, or to the extent that, they relate to the voluntary aspects of the scheme (including scheme costs that are attributed to the voluntary aspects of the scheme);

"fee condition" means a condition set out in regulations by virtue of subsection (2)(h) or (i)(ii);

"scheme costs", in relation to a scheme, means the costs (whether or not connected with a fee-payer) that are incurred in or associated with, or likely to be incurred in or associated with—

(a) the establishment and administration of the scheme (including the investigation and determination of complaints under the scheme);

(b) the performance of any other functions under this Chapter;

(c) the performance of any other functions under the scheme;

including such costs that are, or are likely to be incurred by—

(a) the administrator of a redress scheme, or

(b) the individual responsible for overseeing and monitoring the investigation and determination of complaints under the scheme,

in connection with enforcement by other persons of requirements imposed by or under this Chapter.

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

(a) complaints under a voluntary jurisdiction,

(b) voluntary mediation services, or

(c) voluntary members;

and terms used in this definition have the meanings given by section 64(10).

66 Financial penalties

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

(a) breached regulations under section 64(1), or

(b) committed an offence under section 67.

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

(a) £7,000, if it is imposed under subsection (1)(a), or

(b) £40,000, if it is imposed under subsection (1)(b).

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

(a) the conduct continues after the end of 28 days beginning with the day after that on which the final notice in respect of the previous penalty for the conduct was given to the person, unless the person appeals against that notice within that period, or

(b) if the person appeals against that notice within that period, the conduct continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.

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

(5) No financial penalty may be imposed in respect of any conduct amounting to an offence under section 67 if—

(a) the person has been convicted of an offence under that section in respect of the conduct,

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

(c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted.

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

(7) Local housing authorities must have regard to any guidance issued under subsection (6).

(8) The Secretary of State may by regulations amend the amounts specified in subsection (2) to reflect changes in the value of money.

(9) For the purposes of this section and section 67—

(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 5.

67 Offences

(1) A person commits an offence if—

(a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and

(b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with—

(i) the day after that on which the penalty was imposed on the person, or

(ii) if the person appeals against the final notice in respect of the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.

(2) A person commits an offence if—

(a) a relevant penalty has been imposed on the person in respect of a breach of regulations under section 64(1) and the final notice imposing the penalty has not been withdrawn, and

(b) the person engages in conduct which constitutes a different breach of such regulations within the period of five years beginning with the day on which the penalty was imposed.

(3) A person commits an offence if—

(a) either—

(i) a relevant penalty has been imposed on the person in respect of an offence under this section and the final notice imposing the penalty has not been withdrawn, or

(ii) the person has been convicted of such an offence, and

(b) the person breaches regulations under section 64(1) within the period of five years beginning with the day on which the relevant penalty was imposed or the person was convicted.

(4) In subsections (1) to (3) "relevant penalty" means a financial penalty which is imposed under section 66 where—

(a) the period for bringing an appeal against the penalty under paragraph 10 of Schedule 5 has expired without an appeal being brought,

(b) an appeal against the financial penalty under that paragraph has been withdrawn or abandoned, or

(c) the final notice imposing the penalty has been confirmed or varied on appeal.

(5) A person may not be convicted of an offence under subsection (2) or (3) if a financial penalty has been imposed under section 66 in respect of the same conduct.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine.

(7) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

(8) Where the affairs of a body corporate are managed by its members, subsection (6) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

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

(1) The Secretary of State may by regulations make provision for, or in connection with, authorising the administrator of a landlord redress scheme to apply to a court or tribunal for an order that a determination made under the scheme and accepted by the complainant in question be enforced as if it were an order of a court.

(2) Before making the regulations, the Secretary of State must consult—

(a) one or more bodies appearing to the Secretary of State to represent the interests of residential landlords,

(b) one or more bodies appearing to the Secretary of State to represent the interests of residential tenants, and

(c) such other persons as the Secretary of State considers appropriate.

69 Landlord redress schemes: no Crown status

A person exercising functions under a landlord redress scheme (other than the Secretary of State) is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether

general or local, and any property held by such a person is not to be regarded as property of, or held on behalf of, the Crown.

Guidance

70 Guidance for scheme administrator and local housing authority

(1) The Secretary of State may from time to time issue or approve guidance for local housing authorities and the administrators of landlord redress schemes about cooperation between such local housing authorities and persons exercising functions under the schemes.

(2) A local housing authority must have regard to any guidance issued or approved under this section.

(3) The Secretary of State must exercise the powers in section 65 for the purpose of ensuring that the administrator of a redress scheme has regard to any guidance issued or approved under this section.

Interpretation

71 Interpretation of Chapter 2

(1) In this Chapter "landlord redress scheme" has the meaning given by section 64(2).

(2) For the meanings of "residential landlord", "residential tenancy" and "residential tenant" see section 63.

Related amendments

72 Housing activities under social rented sector scheme

(1) Schedule 2 to the Housing Act 1996 (social rented sector: housing complaints) is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (1), after "housing activities" insert "other than private rented sector activities";

(b) in sub-paragraph (3), at the end insert ", subject to paragraph 2A".

(3) In paragraph 2(1)—

(a) in paragraph 4, after "scheme" insert "which must not include any private rented sector activities, except so far as the Secretary of State consents in writing to complaints about such activities being made under the scheme.";

(b) after paragraph 7 insert—

"7A Where the scheme provides for the housing ombudsman to be employed by the person administering the scheme,

provision for the enforcement of directions given under paragraph 10(3)(b)."

(4) After paragraph 2 insert—

"2A Criteria under paragraph 2(b) of paragraph 2(1) must include criteria preventing a person who—

(a) is a residential landlord, within the meaning given by section 63 of the Renters' Rights Act 2025, and

(b) is not a social landlord,

from becoming a member of the scheme."

(5) For paragraph 10 substitute—

"10 (1) The housing ombudsman for the purposes of an approved scheme is to be appointed by the Secretary of State on such terms as the Secretary of State thinks fit.

(2) The Secretary of State may at any time remove a housing ombudsman from office.

(3) In relation to an approved scheme which provides for the housing ombudsman to be employed by the person administering the scheme—

(a) the reference in sub-paragraph (1) to the terms on which the housing ombudsman is appointed includes a reference to the terms of the housing ombudsman's employment by that person;

(b) the power of the Secretary of State under sub-paragraph (2) to remove a housing ombudsman from office includes power to give the person administering the scheme a direction in writing to cease to employ the individual who is housing ombudsman as housing ombudsman (and a direction under this paragraph may be revoked or varied by a further direction under this paragraph).

(4) Where an approved scheme does not provide that it is to be administered by a body corporate—

(a) the Secretary of State may by order provide that the housing ombudsman for the purposes of the scheme is to be a corporation sole, and

(b) the staff to administer the scheme and otherwise assist the ombudsman in the discharge of functions are to be appointed and employed by the ombudsman.

(5) Where an approved scheme provides that it is to be administered by a body corporate the Secretary of State may delegate functions under sub-paragraph (1) or (2) to the body administering the scheme.

(6) A delegation under sub-paragraph (5) may specify—

(a) the extent to which the functions are delegated;

(b) any conditions to which the delegation is subject.

(7) A delegation under sub-paragraph (5)—

(a) must be in writing;

(b) may be varied or revoked by the Secretary of State, in writing, at any time;

(c) does not prevent the Secretary of State from exercising the functions.

(8) A housing ombudsman is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and any property held by a housing ombudsman is not to be regarded as property of, or held on behalf of, the Crown."

(6) After paragraph 12 insert—

"Interpretation

13 In this Schedule "private rented sector activities" means activities carried on by a person as a residential landlord within the meaning given by section 63 of the Renters' Rights Act 2025."

73 Other amendments connected with landlord redress schemes

Schedule 3 contains amendments connected with landlord redress schemes.

74 Local Commissioners' investigation of complaints by persons who are not tenants

In section 26 of the Local Government Act 1974, at the end of subsection (8) insert "unless—

(a) the investigation is in respect of action described in paragraph 5A or 5B of that Schedule, and

(b) the person affected is not an individual of a description whom a scheme approved under Schedule 2 to the Housing Act 1996 (investigation of social housing complaints by housing ombudsman) provides may make a complaint under that scheme in respect of that action."

CHAPTER 3

THE PRIVATE RENTED SECTOR DATABASE

The database and the database operator

75 The database

(1) The database operator must establish and operate a database containing—

(a) entries in respect of persons who are, or intend to become, residential landlords,

(b) entries in respect of dwellings which are, or are intended to be, let under residential tenancies, and

(c) entries made under section 83 in respect of the following—

(i) persons against whom relevant banning orders have been made,

(ii) persons who have been convicted of, or on whom financial penalties have been imposed in relation to, relevant banning order offences, and

(iii) persons who have been convicted of offences, on whom financial penalties have been imposed or who have been subject to regulatory action, of a description prescribed by regulations under that section.

(2) In this Chapter—

(a) "landlord entry" means an entry in the database in respect of a person mentioned in subsection (1)(a);

(b) "dwelling entry" means an entry in the database in respect of a dwelling mentioned in subsection (1)(b).

(3) Landlord and dwelling entries may be either active or inactive: see sections 77(4) and 79.

76 The database operator

(1) In this Chapter "database operator" means—

(a) the Secretary of State, or

(b) a person who the Secretary of State has arranged to be the database operator.

(2) The arrangements—

(a) may include provision for payments by the Secretary of State;

(b) may include provision about bringing the arrangements to an end.

(3) The Secretary of State may by regulations—

(a) require the database operator to ensure that the database has features and functionality specified in the regulations,

(b) confer on the database operator powers to enter into contracts and other agreements for the purpose of facilitating the operation of the database,

(c) provide for functions of the database operator specified in the regulations to be carried out by lead enforcement authorities, local housing authorities or others specified in the regulations instead of, or in addition to, being carried out by the database operator, and

(d) make transitional or saving provision which applies when there is a change of database operator.

(4) Regulations under subsection (3)(d) may relate to a specific change of database operator or to changes that might arise from time to time.

Landlord and dwelling entries

77 Making entries in the database

(1) The Secretary of State may by regulations make provision about the making of landlord and dwelling entries in the database.

(2) The regulations may, in particular—

(a) provide for how, and by whom, a landlord or dwelling entry is to be made,

(b) require information or documents to be provided,

(c) impose other requirements, including requirements for the payment of fees, and

(d) allow an entry to be made before all of the requirements imposed by the regulations have been complied with, provided that any requirements not complied with by that time are complied with before the end of a period specified in the regulations.

(3) The period specified as mentioned in subsection (2)(d) must not exceed the period of 28 days beginning with the day on which the entry is made.

(4) A landlord or dwelling entry made in accordance with the regulations is an active entry from the time it is made until it becomes an inactive entry in accordance with regulations under section 79.

(5) See section 86 for the power to make regulations specifying the information contained in active landlord and dwelling entries that is to be made available to the public by the database operator.

78 Requirement to keep active entries up-to-date

(1) The Secretary of State may by regulations make provision requiring active landlord and dwelling entries in the database to be kept up-to-date.

(2) The regulations may, in particular—

(a) provide for how, and by whom, an active landlord or dwelling entry is to be kept up-to-date,

(b) require information or documents to be provided,

(c) impose other requirements, and

(d) specify the time by which the requirements must be complied with.

(3) The requirements that may be imposed by regulations under this section do not include requirements for the payment of fees.

79 Circumstances in which active entries become inactive and vice versa

(1) The Secretary of State may by regulations make provision about the circumstances in which an active landlord or dwelling entry in the database is to become an inactive entry, and vice versa.

(2) The regulations may, in particular—

(a) provide for an active landlord or dwelling entry to become inactive after a period specified in or determined in accordance with the regulations if requirements specified in the regulations are not met,

(b) provide for an active landlord or dwelling entry to become inactive in circumstances in which an active entry is no longer required in respect of the landlord or dwelling, and

(c) specify requirements that must be met for an inactive landlord or dwelling entry to become an active entry.

(3) The requirements that may be imposed by regulations under this section include requirements for the payment of fees.

80 Verification, correction and removal of entries

(1) The Secretary of State may by regulations make provision about—

(a) the verification of landlord and dwelling entries in the database,

(b) the correction of errors in such entries, and

(c) the removal of such entries from the database.

(2) The regulations may, in particular—

(a) require a proportion of landlord and dwelling entries, and of anything required to be provided by regulations under section 77, 78 or 79, specified in or determined in accordance with the regulations to be verified by local housing authorities or others,

(b) make provision about how that verification is to be carried out,

(c) authorise the correction of errors in landlord and dwelling entries and specify by whom such corrections may be made, and

(d) authorise the removal from the database of landlord and dwelling entries that appear to a person specified in the regulations not to meet requirements imposed by or under this Chapter for inclusion in the database.

81 Fees for landlord and dwelling entries

(1) This section applies where regulations under section 77 or 79 require payment of a fee.

(2) The regulations must—

(a) specify the amount or amounts of the fee, or

(b) provide for the amount or amounts of the fee to be determined by the database operator by reference to such of the relevant costs as may be specified in the regulations.

(3) The amount or amounts specified in the regulations under subsection (2)(a) may be calculated by reference to the relevant costs.

(4) The "relevant costs" are the costs (whether or not connected with a fee-payer) that are incurred in or associated with, or likely to be incurred in or associated with—

(a) the establishment and operation of the database;
(b) the enforcement of requirements imposed by or under this Chapter;
(c) the performance of any other functions under this Chapter;
(d) the enforcement of any other requirements imposed by or under this Act or otherwise in relation to the private rented sector.

(5) The amount or amounts specified in the regulations under subsection (2)(a) or determined in accordance with subsection (2)(b) may, in the case of a fee charged for an entry in the database to become active again after becoming inactive as a result of provision made by virtue of section 79(2)(a), be higher than the fee that would otherwise be charged had the entry remained active.

(6) The fees are to be payable to the database operator by such persons and in such circumstances as the regulations may provide.

(7) The Secretary of State may direct the database operator to pay to local housing authorities or into the Consolidated Fund the amount it receives in respect of the fees it charges, or any part of that amount.

(8) If the Secretary of State is the database operator—

(a) subsection (7) does not apply, and
(b) the Secretary of State may pay to local housing authorities the amount it receives in respect of fees it charges, or any part of that amount.

(9) For the purposes of this section—

requirements "in relation to the private rented sector" means requirements 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;
(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;

"residential premises" has the meaning given by section 1 of the Housing Act 2004 except that it does not include social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008;

"tenancy" includes a licence to occupy.

Marketing, advertising and letting

82 Restrictions on marketing, advertising and letting dwellings

(1) A person must not market a dwelling for the purpose of creating a residential tenancy unless—

(a) there is an active landlord entry in the database in respect of the person who will be the residential landlord if the tenancy is granted, and

(b) there is an active dwelling entry in the database in respect of the dwelling.

(2) A person who advertises a dwelling for the purpose of creating a residential tenancy must include in any written advertisement the unique identifiers allocated by the database operator to—

(a) the person who will be the residential landlord if the tenancy is granted, and

(b) the dwelling.

(3) A person who is a residential landlord in relation to a dwelling is under a duty to ensure that—

(a) there is an active landlord entry in the database in respect of the person and an active dwelling entry in the database in respect of the dwelling, and

(b) any requirements relating to the entries imposed by regulations under section 78 are complied with.

(4) The Secretary of State may by regulations specify cases or circumstances in which—

(a) a person of a description specified in the regulations is to be subject to the duty in subsection (3) instead of the residential landlord;

(b) a duty imposed by this section, either does not apply at all or does not apply for a period specified in or determined in accordance with the regulations.

(5) A breach of subsection (1), (2) or (3) does not affect the validity or enforceability of a residential tenancy or other contract by virtue of any rule of law relating to the validity or enforceability of contracts in circumstances involving illegality.

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

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

(1) A local housing authority must make an entry in the database in respect of a person if—

(a) a relevant banning order has been made against the person following an application by the authority,

(b) the person has been convicted of a relevant banning order offence following the institution of criminal proceedings by the authority, or

(c) the authority has imposed a financial penalty on the person in relation to a relevant banning order offence.

(2) A local housing authority may make an entry in the database in respect of a person if—

(a) the person has been convicted of a relevant banning order offence following the institution of criminal proceedings by a person other than a local housing authority, or

(b) a financial penalty has been imposed on the person in relation to a relevant banning order offence by a person other than a local housing authority.

(3) The person who instituted the criminal proceedings or imposed the penalty must provide to the local housing authority such information as the authority requests for the purpose of making an entry under subsection (2).

(4) The Secretary of State may by regulations impose a duty on local housing authorities to make entries in the database under subsection (2) in circumstances specified in the regulations.

(5) An entry may be made under subsection (1) or (2) only if—

(a) the period for appealing against any order, conviction or penalty mentioned in those subsections has expired, and

(b) any such appeal has been finally determined, withdrawn or abandoned.

(6) The Secretary of State may by regulations authorise or require local housing authorities to make an entry in the database in respect of a person—

(a) who is convicted of an offence, on whom a financial penalty is imposed or who is subject to regulatory action, of a description prescribed by the regulations, and

(b) where the offence, financial penalty or regulatory action relates to conduct which occurred at a time when the person was a residential landlord or marketing a dwelling for the purpose of creating a residential tenancy.

(7) Regulations under subsection (6) may, in particular—

(a) describe an offence by reference to—

(i) the nature of the offence,

(ii) the characteristics of the offender,

(iii) the place where the offence is committed,

(iv) the circumstances in which it is committed,

(v) the court sentencing a person for the offence, or

(vi) the sentence imposed, and

(b) make provision for local housing authorities to obtain information from another person for the purpose of making an entry in the database under the regulations.

(8) An entry made under this section must include—

(a) the name of the person in respect of whom the entry is made,

(b) where the entry is made under subsection (1), the date the banning order was made and the date on which the person will cease to be subject to it, and

(c) such other information as may be prescribed by regulations made by the Secretary of State.

(9) Regulations under subsection (8)(c) may, in particular, require an entry to include—

(a) the person's address or other contact details,

(b) details of any dwellings in relation to which the person is a residential landlord, and

(c) details of the offence, financial penalty or regulatory action to which the entry relates.

(10) A local housing authority must take reasonable steps to ensure that any entry it has made in the database under this section is correct and up-to-date.

(11) See section 86 for the power to make regulations specifying the information contained in entries under this section that is to be made available to the public by the database operator.

(12) In this Chapter—

"relevant banning order" means an order under Chapter 2 of Part 2 of the Housing and Planning Act 2016 that—

(a) is made on or after the day on which this section comes into force,

(b) bans a person from letting housing (within the meaning of that Part of that Act) in England, and

(c) relates to an offence committed at a time when the person against whom the order was made was—

(i) a residential landlord, or

(ii) marketing a dwelling for the purpose of creating a residential tenancy.

"relevant banning order offence" means a banning order offence (as defined in Part 2 of the Housing and Planning Act 2016) committed—

(a) on or after the day on which this section comes into force, and

(b) at a time when the person who committed the offence was—

(i) a residential landlord, or

(ii) marketing a dwelling for the purpose of creating a residential tenancy.

Further duties of database operator

84 Allocation of unique identifiers

(1) The database operator must allocate an identifier (referred to in this Chapter as a "unique identifier") to each person in respect of whom, and dwelling in respect of which, an entry is made in the database under this Chapter.

(2) The identifier must be a sequence of letters, numbers or both that enables the person or dwelling to be distinguished from any other person in respect of whom, or dwelling in respect of which, there is an entry in the database.

(3) This section does not require the database operator to allocate a unique identifier to a person to whom, or dwelling to which, a unique identifier has previously been allocated.

85 Other duties

(1) The database operator must—

(a) ensure that facilities are available for persons who are unable to use a computer or other electronic device, or do not wish to do so, to make and maintain landlord and dwelling entries in the database,

(b) ensure that local housing authorities are able to edit the database for the purpose of carrying out the functions conferred on them by or under this Chapter,

(c) ensure that facilities are available for breaches of any requirement imposed by section 82 to be reported to the database operator and that reports of such breaches are passed on to such local housing authorities as the database operator thinks appropriate, and

(d) publish advice and information explaining to residential landlords and residential tenants their rights and obligations under this Chapter.

(2) The database operator must report to the Secretary of State on—

(a) the performance of the database, and

(b) any matters or trends relating to the database and the information contained in it that the database operator considers are appropriate to be brought to the attention of the Secretary of State.

(3) Reports under subsection (2) are to be made at such times, and cover such matters—

(a) as may be agreed between the database operator and the Secretary of State, or

(b) in default of such agreement, as the Secretary of State may direct.

(4) Subsection (2) does not apply if the Secretary of State is the database operator.

Access to and use of information in database

86 Access to the database

(1) The Secretary of State may by regulations—

(a) specify the information contained in active landlord and dwelling entries in the database, and in entries made in the database under section 83, which the database operator is to make available to the public,

(b) make provision requiring an active landlord entry and an entry made under section 83 in respect of the same person to be linked,

(c) in the case of an entry made by a local housing authority in respect of a person under section 83—

(i) specify the period after which information contained in the entry is to be made available to the public, which must be no less than 21 days beginning with the day on which the entry is made,

(ii) make provision for the person to be notified by the local housing authority of the period for the purpose of making representations to the authority about any errors in information contained in the entry, and

(iii) specify the circumstances in which information contained in such an entry is to cease to be available to the public, and

(d) specify the manner and form in which information is to be made available to the public by the database operator under the regulations.

(2) The database operator must give access to information in the database to the following—

(a) lead enforcement authorities,

(b) local housing authorities,

(c) local weights and measures authorities in England,

(d) mayoral combined authorities, as defined by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009, and

(e) the Greater London Authority.

(3) If the Secretary of State is not the database operator, the database operator must give access to information in the database to the Secretary of State.

87 Disclosure by database operator etc

(1) The database operator must not disclose restricted information from the database except—

(a) in accordance with section 86(2) or (3), or

(b) where authorised by regulations under this section.

(2) The Secretary of State may by regulations make provision authorising the disclosure from the database of restricted information where the disclosure is necessary—

(a) to enable or facilitate compliance with a statutory requirement specified in the regulations,

(b) to enable or facilitate compliance with a requirement of a rule of law specified in the regulations, or

(c) to facilitate the exercise of statutory functions specified in the regulations.

(3) The regulations may—

(a) specify the manner and form in which the information may be disclosed, and

(b) impose restrictions on the use and further disclosure of information disclosed under the regulations.

(4) A disclosure authorised by the regulations does not breach—

(a) any obligation of confidence owed by the database operator, or

(b) any other restriction on the disclosure of information (however imposed).

(5) Nothing in this section or the regulations authorises the making of a disclosure that would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section and the regulations).

(6) A person commits an offence if the person knowingly or recklessly discloses restricted information in contravention of—

(a) subsection (1), or

(b) a restriction on further disclosure imposed by regulations under this section.

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine.

(8) In this section—

"data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

"restricted information" means information that—

(a) is not made available to the public by virtue of regulations under section 86, and

(b) relates to and identifies a particular person (including a body corporate).

(9) For the purposes of subsection (8) information identifies a particular person if the identity of that person—

(a) is specified in the information,

(b) can be deduced from the information, or

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

88 Use of information from the database

(1) A lead enforcement authority may only use information obtained from the database for purposes connected with the authority's functions under the provisions of the landlord legislation for which it is responsible.

(2) A local housing authority may only use information obtained from the database for purposes connected with the authority's functions relating to housing, residential landlords or residential tenancies.

(3) A local weights and measures authority may only use information obtained from the database for purposes connected with the authority's functions of enforcing standards relating to housing.

(4) A mayoral combined authority and the Greater London Authority may only use information obtained from the database for purposes connected with the authority's functions relating to housing.

Removal of entries

89 Removal of entries from database

(1) The database operator must remove a landlord or dwelling entry from the database if it has been an inactive entry throughout a continuous period of 5 years.

(2) The database operator must remove an entry made under section 83 at the end of the period of 10 years beginning with the day on which the entry is made.

(3) But if, in the case of an entry made in respect of a relevant banning order, the ban imposed by the order continues after the end of the period mentioned in subsection (2), that subsection does not apply and the database operator must remove the entry when the ban ends.

Enforcement

90 Restriction on gaining possession

(1) In section 7 of the 1988 Act (orders for possession)—

(a) in subsection (4), after "then" insert ", subject to subsection (5ZC),";

(b) after subsection (5ZB) (inserted by section 3(2)(d) of this Act) insert—

"(5ZC) The court may not make an order for possession of a dwelling-house while the landlord (or, in the case of joint landlords, any of the joint landlords) is in breach of section 82(3)(a) of the Renters' Rights Act 2025 in relation to the

dwelling-house, unless the ground for possession is Ground 7A in Part 1 of Schedule 2 to this Act or Ground 14 in Part 2 of that Schedule."

(2) The Secretary of State may by regulations amend section 7 of the 1988 Act for the purpose of changing—

(a) the person or persons by whom, or

(b) the circumstances in which,

a breach of section 82(3)(a) of this Act prevents the making of an order for possession.

91 Financial penalties

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

(a) breached a requirement imposed by section 82(1), (2) or (3),

(b) committed an offence under section 92.

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

(a) £7,000, if it is imposed under subsection (1)(a), or

(b) £40,000, if it is imposed under subsection (1)(b).

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

(a) the conduct continues after the end of 28 days beginning with the day after that on which the previous penalty in respect of the conduct was imposed on the person, unless the person appeals against the decision to impose the penalty within that period, or

(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.

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

(5) No financial penalty may be imposed under this section in respect of any conduct if—

(a) the person has been convicted of an offence under section 92 in respect of the conduct,

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

(c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted.

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

(7) Local housing authorities must have regard to any guidance issued under subsection (6).

(8) The Secretary of State may by regulations amend the amounts specified in subsection (2) to reflect changes in the value of money.

(9) For the purposes of this section and section 92—

(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 5.

92 Offences

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

(2) A person commits an offence if—

(a) a relevant penalty has been imposed on the person and the final notice imposing the penalty has not been withdrawn, and

(b) the conduct in respect of which the penalty was imposed continues after the end of the period of 28 days beginning with—

(i) the day after that on which the penalty was imposed on the person, or

(ii) if the person appeals against the decision to impose the penalty within that period, the day after that on which the appeal is finally determined, withdrawn or abandoned.

(3) A person commits an offence if—

(a) a relevant penalty has been imposed on the person in respect of a breach of a requirement imposed by section 82(1), (2) or (3) and the final notice imposing the penalty has not been withdrawn, and

(b) the person engages in conduct which constitutes a different breach of such a requirement within the period of five years beginning with the day on which the penalty was imposed.

(4) A person commits an offence if—

(a) either—

(i) a relevant penalty has been imposed on the person in respect of an offence under this section and the final notice imposing the penalty has not been withdrawn, or

(ii) the person has been convicted of such an offence, and

(b) the person breaches a requirement imposed by section 82(1), (2) or (3) within the period of five years beginning with the day on which the relevant penalty was imposed or the person was convicted.

(5) In subsections (2) to (4) "relevant penalty" means a financial penalty which is imposed under section 91 where—

(a) the period for bringing an appeal against the decision to impose the penalty under paragraph 10 of Schedule 5 has expired without an appeal being brought,

(b) an appeal against the decision to impose the penalty under that paragraph has been withdrawn or abandoned, or

(c) the final notice imposing the penalty has been confirmed or varied on appeal.

(6) A person may not be convicted of an offence under subsections (1), (3) or (4) if a financial penalty has been imposed under section 91 in respect of the same conduct.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine.

(8) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.

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

Final provisions

93 Power to direct database operator and local housing authorities

(1) The Secretary of State may from time to time give directions—

(a) to the database operator about the manner in which it is to exercise its functions, and

(b) to local housing authorities about the manner in which they are to exercise the functions conferred on them by or under this Chapter.

(2) Directions under subsection (1) may provide, in particular, that a function is only to be exercised—

(a) after consultation with the Secretary of State, or

(b) with the consent of the Secretary of State.

(3) Subsection (1)(a) does not apply if the Secretary of State is the database operator.

94 Entries under section 83: minor and consequential amendments

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

(2) In section 28 (database of rogue landlords and property agents), after subsection (3) insert—

"(4) In relation to rogue landlords, see also the database established under section 75 of the Renters' Rights Act 2025."

(3) In section 29 (duty to include person with banning order), after subsection (2) insert—

"(3) In this section, references to a "banning order" are to a banning order made—

(a) before the day on which Chapter 3 of Part 2 of the Renters' Rights Act 2025 comes into force, or

(b) on or after that day if—

(i) the order does not ban the person against whom it is made from letting housing in England, or

(ii) the order relates to an offence to which subsection (4) applies.

(4) This subsection applies to an offence which was committed by a person who at the time was neither—

(a) a residential landlord as defined in Part 2 of the Renters' Rights Act 2025 (see sections 63 and 99(2) of that Act), nor

(b) marketing a dwelling for the purpose of creating a residential tenancy, as defined for the purposes of that Part of that Act (see section 99(3) to (7) of that Act)."

(4) In section 30 (power to include person convicted of banning order offence), after subsection (7)—

"(8) In this section, references to a "banning order offence" are to a banning order offence committed—

(a) before the day on which Chapter 3 of Part 2 of the Renters' Rights Act 2025 comes into force, or

(b) on or after that day if it is an offence to which subsection (9) applies.

(9) This subsection applies to a banning order offence which was committed by a person who at the time was neither—

(a) a residential landlord as defined in Part 2 of the Renters' Rights Act 2025 (see sections 63 and 99(2) of that Act), nor

(b) marketing a dwelling for the purpose of creating a residential tenancy, as defined for the purposes of that Part of that Act (see section 99(3) to (7) of that Act)."

95 Different provision for different purposes: joint landlords

The different provision that may be made in regulations under this Chapter by virtue of section 140(1)(b) includes different provision for joint landlords,

for example provision for or in relation to a single landlord entry in respect of joint landlords.

96 Interpretation of Chapter 3

(1) In this Chapter—

"database" means the database established under section 75;

"lead enforcement authority" and "the landlord legislation" have the same meanings as in Part 4;

"relevant banning order" and "relevant banning order offence" have the meanings given by section 83;

"unique identifier" has the meaning given by section 84(1).

(2) Section 111(6) (lead enforcement authority "responsible" for the provisions of the landlord legislation) applies for the purposes of this Chapter as it applies for the purposes of Part 4.

CHAPTER 4

PART 2: SUPPLEMENTARY PROVISION

97 Financial assistance by Secretary of State

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

98 Rent repayment orders for offences under the Housing Act 1988 and sections 67 and 92 of this Act

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

(2) In section 40 (introduction and key definitions), in subsection (3)—

(a) at the end of line 2 of the table in that subsection insert—

"2A	Housing Act 1988	section 16J(1)	Knowingly or recklessly misusing a possession ground
2B		section 16J(2)	Breach of restriction on letting or marketing dwelling-house
2C		section 16J(3)	Tenancy reform: continuing breaches";

(b) in line 5 of the table in that subsection, in the third column, for "control or management of unlicensed HMO" substitute "offences relating to unlicensed HMOs";

(c) in line 6 of the table in that subsection, in the third column, for "control or management of unlicensed house" substitute "offences relating to unlicensed houses";

(d) at the end of the table in that subsection insert—

"8	Renters' Rights Act 2025	section 67(1)	Landlord redress schemes: continuing breaches
9		section 92(1)	Private rented sector database: provision of false or misleading information
10		section 92(2) (but only if the penalty imposed relates to a breach of a requirement imposed by section 82(3))	Private rented sector database: continuing breaches".

(3) In section 41 (application for rent repayment order)—

(a) in subsection (2)(b), for "12 months" substitute "2 years";

(b) after subsection (2) insert—

"(2A) The requirement in subsection (2)(a) does not apply to an application for a rent repayment order in relation to an offence under section 16J(1) or (2) of the Housing Act 1988."

(4) In section 42 (notice of intended proceedings), in subsection (5), for "12 months" substitute "2 years".

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

(a) in subsection (2), in the first column of the table—

(i) in the first row, for "or 2" substitute ", 2, 2A or 9", and

(ii) in the second row, for "3" to "7" substitute "2C, 3, 4, 5, 6, 7, 8 or 10";

(b) in subsection (2), after the first row of the table insert—

"an offence mentioned in row 2B of the table in section 40(3)	the period of 2 years ending with the date of the offence or, if the tenancy ends before that date, the date on which it ends";

(c) in subsection (4)—

(i) omit the "and" at the end of paragraph (b),

(ii) in paragraph (c), after "of" insert ", or received a financial penalty in respect of,", and

(iii) at the end of paragraph (c) insert ", and

(d) whether the landlord has at any time had a rent repayment order made against them."

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

(a) in subsection (2), in the first column of the table —

(i) in the first row, for "or 2" substitute ", 2, 2A or 9", and

(ii) in the second row, for "3" to "7" substitute "2C, 3, 4, 5, 6, 7, 8 or 10";

(b) in subsection (2), after the first row of the table insert—

"an offence mentioned in row 2B of the table in section 40(3)	the period of 2 years ending with the date of the offence or, if the tenancy ends before that date, the date on which it ends";

(c) in subsection (4)—

(i) omit the "and" at the end of paragraph (b),

(ii) in paragraph (c), after "of" insert ", or received a financial penalty in respect of,", and

(iii) at the end of paragraph (c) insert ", and

(d) whether the landlord has at any time had a rent repayment order made against them."

(7) In section 46 (amount of order following conviction)—

(a) in subsection (1), for "both" substitute "either";

(b) for subsection (3) substitute—

"(3) Condition 2 is that the order is made against a landlord in relation to an offence (the "relevant offence") where the landlord has at any time (whether or not in relation to the same tenancy or housing)—

(a) been convicted of another offence which is the same offence as the relevant offence,

(b) received a financial penalty in respect of another offence which is the same offence as the relevant offence, or

(c) had a rent repayment order made against them in respect of another offence which is the same offence as the relevant offence.";

(c) after subsection (4) insert—

"(4A) For the purposes of subsection (3), an offence under section 72(1) of the Housing Act 2004 is to be treated as the same

offence as an offence under section 95(1) of that Act (and vice versa)."

99 Interpretation of Part 2

(1) In this Part "dwelling" has the meaning given by section 63(2).

(2) For the meanings of "residential landlord", "residential tenancy" and "residential tenant" in this Part, see section 63.

(3) For the purposes of this Part, a person markets a dwelling for the purpose of creating a residential tenancy when—

(a) the person advertises that the dwelling is or may be available for let under a residential tenancy, or

(b) in the course of lettings agency work, the person informs any other person that the dwelling is or may be so available.

(4) But subsection (3)(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.

(5) For the purposes of this section, "lettings agency work" means things done by a person in the course of a business in response to instructions received from—

(a) a person ("a prospective landlord") seeking to find another person to whom to let a dwelling, or

(b) a person ("a prospective tenant") seeking to find a dwelling to rent.

(6) However, "lettings agency work" does not include any of the following things when done by a person who does nothing else within subsection (5)—

(a) publishing advertisements or disseminating information;

(b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or prospective landlord;

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

(7) "Lettings agency work" also does not include things of a description, or things done by a person of a description, specified in regulations made by the Secretary of State.

PART 3

DECENT HOMES STANDARD

100 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, or"

(4) After subsection (4) of that section, insert—

"(4A) Before making regulations under subsection (4)(e)(ii), the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(4B) The requirement to consult under subsection (4A) may be satisfied by consultation before (as well as after) the passing of the Renters' Rights Act 2025."

(5) 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) a building or part of a building constructed or adapted for use as a house in multiple occupation if—

(i) it is for the time being only occupied by persons who form a single household, and

(ii) the accommodation which those persons occupy is let under a relevant tenancy or is supported exempt accommodation,

except where the accommodation which those persons occupy is social housing and the landlord under the tenancy, or the provider of the supported exempt accommodation, is a registered provider of social housing,

(d) 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

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

(4) Before making regulations under subsection (3), the Secretary of State must consult such persons as the Secretary of State considers appropriate."

(6) In Schedule 4, Part 1 contains amendments of the Housing Act 2004 and Part 2 contains amendments of other Acts.

101 The standard of MOD accommodation

(1) The Secretary of State must prepare and publish in relation to each year a report on—

(a) the extent to which service family accommodation in England meets the relevant standards during that year, and

(b) the work to maintain and improve the standard of service family accommodation in England that is undertaken during that year and planned for subsequent years.

(2) The Secretary of State—

(a) may make the required assessment, or

(b) may arrange for an independent person to make the required assessment,

in relation to any year.

(3) If the Secretary of State makes the required assessment in relation to a year, the Secretary of State must—

(a) arrange for an independent person to evaluate the assessment, and

(b) include that evaluation in the annual report relating to that year.

(4) The Secretary of State must lay each annual report before Parliament.

(5) The required assessment for a particular year may be made by reference to what is, in the view of the person carrying out the assessment, a representative sample of service family accommodation.

(6) The duty imposed by subsection (1) may be complied with by the preparation and publication of a report which relates to service family accommodation in England and elsewhere in the United Kingdom.

(7) For the purposes of this section, service family accommodation meets the relevant standards if the accommodation would be a decent home when assessed in accordance with the 2006 decent homes standard.

(8) The Secretary of State may, by regulations, amend this section so as to make provision about what it means for service family accommodation to meet the relevant standards (which may include provision that operates by reference to other subordinate legislation).

(9) But that power is not exercisable unless and until, in the Secretary of State's view, it has ceased to be appropriate for the 2006 decent homes standard to be used for the purposes of the required assessment (having regard, in particular, to whether, or how, that standard continues to be used for other assessments of the standard of living accommodation).

(10) In this section—

"2006 decent homes standard" means the document called "A Decent Home: Definition and guidance for implementation" that was published by the Department for Communities and Local Government on 7 June 2006;

"annual report" means a report prepared in accordance with subsection (1);

"independent" means appearing to the Secretary of State to be independent of—

(a) the Secretary of State,

(b) other Ministers of the Crown,

(c) government departments, and

(d) persons who provide, manage or maintain service family accommodation;

"required assessment" means an assessment of the extent to which service family accommodation meets the relevant standards during a year;

"service family accommodation" means any building or part of a building which is provided for the use of service families as living accommodation (whether or not it is provided by the Secretary of State); and for this purpose a "service family" is—

(a) a person subject to service law and members of the person's family, or

(b) a civilian subject to service discipline and members of the civilian's family;

and expressions used in this definition have the same meanings as they have in the Armed Forces Act 2006;

"year" means—

(a) 1 April 2026 to 31 March 2027, and

(b) each subsequent period of one year beginning with 1 April.

PART 4

ENFORCEMENT

CHAPTER 1

SANCTIONS

102 Financial penalties

Schedule 5 makes provision about—

(a) the procedure for imposing a financial penalty under sections 40, 57, 66, 91,

(b) appeals against financial penalties under those sections,

(c) enforcement of financial penalties under those sections, and

(d) how local housing authorities are to deal with the proceeds of financial penalties under those sections.

103 Rent repayment orders: liability of landlords and superior landlords

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

(2) In section 40 (introduction and key definitions), 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 or superior landlord who committed the offence to—

(a) pay a tenant an amount in respect of rent paid by or on behalf of the tenant (whether the rent was paid to the landlord or superior landlord against whom the order is made, or to another person), 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.

(2A) In a case where the offence was committed by a superior landlord—

(a) references in the following provisions of this Chapter to the landlord are to be read as references to the superior landlord, and

(b) housing in relation to which the person in question is a superior landlord is to be treated for the purposes of this Chapter as let by that person."

(3) In section 41 (application for rent repayment order), in subsection (1), for "person" substitute "landlord".

(4) 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)."

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

(a) in subsection (2)—

(i) after "rent paid" (in the first place) insert "by, or on behalf of, the tenant",

(ii) for "during" substitute "in respect of",

(iii) in the heading to the second column to the table, after "by" insert ", or on behalf of,", and

(iv) for "12 months" (in both places) substitute "2 years",

(b) in subsection (3)—

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

(ii) in paragraph (a), after "paid" insert "by, or on behalf of, the tenant", and

(c) in subsection (4), after paragraph (a) insert—

"(aa) the amount of any rent received by the tenant in respect of the period mentioned in the table in relation to the housing let to the tenant,".

(6) 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).

(7) After section 46 insert—

"46A Amount of order: supplementary

(1) A rent repayment order made against more than one landlord must 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."

(8) In section 52 (interpretation), in subsection (1), in the appropriate place insert—

""landlord" is to be read in accordance with section 40(2A);"

104 Rent repayment orders: liability of directors etc

In the Housing and Planning Act 2016, after section 51 insert—

"51A Landlord which is body corporate: liability of directors etc

(1) This section applies where—

(a) a landlord which is a body corporate has committed an offence to which this Chapter applies, and

(b) the offence—

(i) was committed with the consent or connivance of a relevant person in relation to the body corporate, or of a person purporting to act in the capacity of a relevant person in relation to the body corporate, or

(ii) was a specified offence and was attributable to any neglect on the part of such a person.

(2) That person, as well as the body corporate, is treated for the purposes of this Chapter as having committed the offence.

(3) In this Chapter a reference to the landlord includes that person.

(4) In this section—

"relevant person" means—

(a) in relation to a body corporate other than one the affairs of which are managed by its members, a director, manager, secretary or other similar officer of the body;

(b) in relation to a body corporate the affairs of which are managed by its members, a member who exercises functions of management with respect to it;

"specified offence" means an offence under—

(a) section 1(2) of the Protection from Eviction Act 1977;

(b) section 16J(2) or (3) of the Housing Act 1988;

(c) section 30(1), 32(1), 72(1) or 95(1) of the Housing Act 2004;

(d) section 21 of this Act;

(e) section 67(1) or 92(2) of the Renters' Rights Act 2025."

105 Unlicensed HMOs and houses: offences

(1) Section 72 of the Housing Act 2004 (offences in relation to licensing of HMOs) is amended in accordance with subsections (2) to (4).

(2) For subsection (1) substitute—

"(1) If an HMO is required to be licensed under this Part (see section 61(1)) but is not so licensed, an offence is committed by—

(a) any person within subsection (1A), and

(b) any person who as landlord under a tenancy or licensor under a licence to occupy has an estate or interest in, or a right in relation to, the HMO that is superior (whether directly or indirectly) to the estate, interest or right of any person within subsection (1A).

(1A) The following are within this subsection—

(a) any person having control of or managing the HMO, and

(b) any person who is the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence."

(3) After subsection (4) insert—

"(4A) In proceedings against a person for an offence under subsection (1)(a) it is a defence for them to prove that they had a reasonable excuse—

(a) for having control of or managing the HMO, or

(b) for being the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence,

in circumstances in which the HMO was required to be licensed under this Part but was not so licensed.

(4B) In proceedings against a person for an offence under subsection (1)(b) it is a defence for them to prove that they—

(a) did not know, and had a reasonable excuse for not knowing, that the building or part of the building concerned was an HMO,

(b) took all reasonably practicable steps to ensure that the HMO was licensed under this Part, or

(c) had some other reasonable excuse for failing to ensure that the HMO was so licensed.

(4C) For the purposes of subsection (4B), a term in the tenancy agreement or licence to occupy relating to the occupation of the building or part of the building that is an HMO does not on its own constitute a defence under any of paragraphs (a) to (c) of that subsection."

(4) In subsection (5)—

(a) for "subsection (1), (2) or (3)" substitute "subsection (2) or (3)", and

(b) omit paragraph (a) (together with the "or" at the end of it).

(5) Section 95 of the Housing Act 2004 (offences in relation to licensing of houses under Part 3) is amended in accordance with subsections (6) to (8).

(6) For subsection (1) substitute—

"(1) If a house is required to be licensed under this Part (see section 85(1)) but is not so licensed, an offence is committed by—

(a) any person within subsection (1A), and

(b) any person who as landlord under a tenancy or licensor under a licence to occupy has an estate or interest in, or a right in relation to, the house that is superior (whether directly or indirectly) to the estate, interest or right of any person within subsection (1A).

(1A) The following are within this subsection—

(a) any person having control of or managing the house;

(b) any person who is the landlord or licensor in relation to a person occupying the house under a tenancy or licence."

(7) After subsection (3) insert—

"(3A) In proceedings against a person for an offence under subsection (1)(a) it is a defence for them to prove that they had a reasonable excuse—

(a) for having control of or managing the house, or

(b) for being the landlord or licensor in relation to a person occupying the house under a tenancy or licence,

in circumstances in which the house was required to be licensed under this Part but was not so licensed.

(3B) In proceedings against a person for an offence under subsection (1)(b) it is a defence for them to prove that they—

(a) did not know, and had a reasonable excuse for not knowing, that the house was one to which this Part applies,

(b) took all reasonably practicable steps to ensure that the house was licensed under this Part, or

(c) had some other reasonable excuse for failing to ensure that the house was so licensed.

(3C) For the purposes of subsection (3B), a term in the tenancy agreement or licence to occupy relating to the occupation of the house does not on its own constitute a defence under any of paragraphs (a) to (c) of that subsection."

(8) In subsection (4)—

(a) for "subsection (1) or (2)" substitute "subsection (2)", and

(b) for the words following "excuse" substitute "for failing to comply with the condition".

106 Service of improvement notices on landlords and licensors

In Schedule 1 to the Housing Act 2004 (procedure and appeals relating to improvement notices), in paragraph 2(2)—

(a) after "the notice" insert "on whichever of the following the authority considers ought to take the action specified in it",

(b) in paragraphs (a) and (b), omit "on" in each place, and

(c) after paragraph (b) insert –

"(c) (in either case) if the premises or any part of them are let under a tenancy that is periodic or was granted for a term of 21 years or less, or are occupied under a licence –

(i) the landlord or licensor;

(ii) any superior landlord or licensor."

CHAPTER 2

ENFORCEMENT AUTHORITIES

107 Enforcement by local housing authorities: general duty

(1) It is the duty of every local housing authority to enforce the landlord legislation in its area.

(2) But the duty in subsection (1) does not prevent a local housing authority from taking enforcement action in respect of a breach of, or an offence under, the landlord legislation which occurs outside of its area.

(3) The duty is also subject to sections 108(3) (enforcement by another local housing authority), 109(3) (enforcement by county council in England which is not a local housing authority) and 113(4) (enforcement by the lead enforcement authority).

(4) A county council in England which is not a local housing authority may –

(a) enforce the landlord legislation;

(b) for that purpose, exercise any powers that a local housing authority may exercise for the purposes of enforcing that legislation.

(5) In this Part "the landlord legislation" means –

(a) Chapters 3 and 6 of Part 1 of this Act,

(b) Part 2 of this Act,

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

(d) Chapter 1 of Part 1 of the 1988 Act.

(6) For the purposes of this Part, a reference to taking enforcement action is a reference to –

(a) imposing a financial penalty, or

(b) instituting proceedings against a person for an offence,

under the landlord legislation.

108 Enforcement by local housing authorities: duty to notify

(1) Where a local housing authority ("LA1") proposes to take enforcement action in respect of a breach of, or an offence under, the landlord legislation which occurs (or which also occurs) in the area of another local housing authority ("LA2"), LA1 must notify LA2 that it proposes to do so.

(2) If LA1 notifies LA2 under subsection (1) but does not take the action referred to in that subsection, LA1 must notify LA2 of that fact.

(3) Where a local housing authority receives a notification under subsection (1), the authority is relieved of the duty under section 107(1) in relation to the breach or offence unless the authority receives a notification under subsection (2).

(4) Subsection (5) applies where—

(a) a local housing authority ("LA1") has imposed a financial penalty under the landlord legislation,

(b) the breach or offence to which the penalty relates occurred in the area of another local housing authority ("LA2"), and

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

(5) LA1 must notify LA2 as soon as reasonably practicable if—

(a) the period for bringing an appeal against the penalty expires without an appeal being brought,

(b) an appeal against the penalty is withdrawn or abandoned, or

(c) the final notice imposing the penalty is confirmed or varied on appeal.

(6) Subsection (7) applies where—

(a) a local housing authority ("LA1") has instituted proceedings against a person for an offence under the landlord legislation, and

(b) the conduct to which the offence relates occurred in the area of another local housing authority ("LA2").

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

109 Enforcement by county councils: 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 107(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.

110 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.

111 Lead enforcement authority

(1) The Secretary of State may make arrangements for a relevant person to be the lead enforcement authority for the purposes of any provisions of the landlord legislation.

(2) The arrangements may include arrangements—

(a) for payments by the Secretary of State;

(b) about bringing the arrangements to an end.

(3) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision which applies when there is a change in the lead enforcement authority for any provisions of the landlord legislation.

(4) The regulations may relate to a specific change in the lead enforcement authority or to changes that might arise from time to time.

(5) In this Part—

"lead enforcement authority" means a relevant person which the Secretary of State has arranged to be a lead enforcement authority under subsection (1);

"relevant person" means—

(a) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

(b) the Greater London Authority, or

(c) a local housing authority.

(6) For the purposes of this Part, a lead enforcement authority is "responsible" for the provisions of the landlord legislation for the purposes of which it is such an authority under arrangements made under subsection (1).

112 General duties and powers of lead enforcement authority

(1) A lead enforcement authority must oversee the operation of the provisions for which it is responsible.

(2) A lead enforcement authority must provide—

(a) relevant local authorities, and

(b) the public in England,

with information and advice about the operation of the provisions for which it is responsible, in such form and manner as the lead enforcement authority considers appropriate.

(3) A lead enforcement authority may disclose information to a relevant local authority for the purposes of enabling that authority to determine whether there has been a breach of, or an offence under, the provisions for which the lead enforcement authority is responsible.

(4) A lead enforcement authority may issue guidance to relevant local authorities about the exercise of their functions under any of the provisions for which it is responsible.

(5) Relevant local authorities must have regard to any guidance issued under subsection (4).

(6) A lead enforcement authority must keep under review and from time to time advise the Secretary of State about the following—

(a) the operation of the landlord provisions for which it is responsible;

(b) social and commercial developments relating to tenancies in England, other than tenancies of social housing, so far as it considers those developments relevant to the provisions for which it is responsible.

(7) The Secretary of State may give a lead enforcement authority directions as to the exercise of any of its functions.

(8) A direction may relate to all or particular kinds of relevant local authorities and may make different provision for different purposes.

(9) In this section—

"relevant local authority" means—

(a) a local housing authority, or

(b) a county council in England which is not a local housing authority;

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

"tenancies" includes licences to occupy.

113 Enforcement by the lead enforcement authority

(1) A lead enforcement authority may—

(a) take steps to enforce the provisions for which it is responsible where it considers it necessary or expedient to do so;

(b) for that purpose, exercise any powers that a local housing authority may exercise for the purpose of the enforcement of those provisions.

(2) Where a lead enforcement authority proposes to take steps under subsection (1) in respect of a breach of, or an offence under, the provisions for which it is responsible, it must notify the local housing authority in whose area the breach or offence occurred that it proposes to do so.

(3) If a lead enforcement authority notifies a local housing authority under subsection (2) but does not take the steps referred to in that subsection, the lead enforcement authority must notify the local housing authority of that fact.

(4) Where a local housing authority receives a notification under subsection (2), the authority is relieved of the duty under section 107(1) in relation to the breach or offence unless the authority receives a notification under subsection (3).

(5) But a lead enforcement authority may require a local housing authority to assist the lead enforcement authority in taking the steps referred to in subsection (1).

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

(7) The powers of a local housing authority referred to in subsection (1)(b) include the power to authorise persons to exercise powers of officers under Chapter 3 (see section 132(2)).

(8) Section 126(10) is to be read, in relation to an officer of a lead enforcement authority, as if—

(a) the reference to a deputy chief officer whose duties relate to a purpose within subsection (1)(b) of that section were a reference to—

(i) a person who is employed by, or acts on the instructions of, the body which is the lead enforcement authority and has overall responsibility for the exercise of the functions of that body in that capacity ("the head of the lead enforcement authority"), or

(ii) a person who is employed by, or acts on the instructions of, the lead enforcement authority, and has been authorised by the head of the lead enforcement authority to give special authorisations within the meaning of section 126, and

(b) paragraph (b)(ii) were omitted.

(9) In this section "relevant local authority" has the same meaning as in section 112.

CHAPTER 3

INVESTIGATORY POWERS

Investigatory powers under this Act

114 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 99).

(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 3 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.

115 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 3 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.

116 Enforcement of power to require information from any person

(1) If a person fails to comply with a notice under section 115, 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.

117 Limitation on use of information provided under section 115

(1) In any criminal proceedings against a person who provides information in response to a notice under section 115 (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).

118 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 122 or 123 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 131(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 officer reasonably considers that to give notice in accordance with subsection (3) would defeat the purpose of the entry, or

(b) 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.

119 Duties where occupiers are on business premises entered without warrant

(1) If an officer of a local housing authority enters premises under section 118(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 131(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 118(1) are not invalid merely because of a failure to comply with subsection (1).

120 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 122, or could seize under section 123, 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 118(9).

121 Business premises: entry under warrant

(1) A warrant under section 120 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 120 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 120 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 120, and

(b) leave the premises as effectively secured against trespassers as the officer found them.

122 Power to require production of documents following entry

(1) An officer of a local housing authority who has entered premises under section 118(1) or under a warrant under section 120 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.

123 Power to seize documents following entry

(1) An officer of a local housing authority who has entered premises under section 118(1) or under a warrant under section 120 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.

124 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.

125 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.

126 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 63), 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 82(3),

(ii) an offence under subsection (1) of section 92,

(iii) an offence under subsection (2) of section 92 where the continuing conduct referred to in paragraph (b) of that subsection is a breach of section 82(3),

(iv) an offence under subsection (3) of section 92 where the different breach referred to in paragraph (b) of that subsection is a breach of section 82(3),

(v) an offence under subsection (4) of section 92 where the breach referred to in paragraph (b) of that subsection is a breach of section 82(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) or (4).

(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 131(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 notice need not be given in accordance with subsection (1)(c)(ii) to a person who is a residential landlord within the meaning of Part 2 (see section 63).

(5) If—

(a) premises are entered in exercise of the power conferred by subsection (1), and

(b) notice is not given to any person because of subsection (4),

an officer of the local housing authority must give that person notice in writing of the exercise of that power within a reasonable period after its exercise.

(6) The notice must—

(a) identify the premises that were entered,

(b) state when the premises were entered, and

(c) state the purpose for which the premises were entered.

(7) 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.

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

(9) 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.

(10) 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 132(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.

127 Duties where occupiers are on residential premises entered without warrant

(1) If an officer of a local housing authority enters premises under section 126(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 126(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 126 (see subsection (10) of that section).

128 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 63),

(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 126(1)(b),

(d) that –

(i) admission to the premises has been sought for the purposes of entry under section 126(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.

129 Suspected residential tenancy: entry under warrant

(1) A warrant under section 128 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 128 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 128 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 128, and

(b) leave the premises as effectively secured against trespassers as the officer found them.

130 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.

131 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 115,

(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 115, 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 any provision of this Chapter other than section 115.

(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.

132 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 126(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 114(2);

"the rented accommodation legislation": see section 115(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).

Amendments

133 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' Rights Act 2025

73W Each of the powers of seizure conferred by section 122(1)(b) and section 123 of the Renters' Rights Act 2025."

134 Use by local housing authority of certain information

(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 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.".

(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 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.".

(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).

135 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—

(a) to any owner;

(b) to any occupier who has waived the requirement to give notice.

(5B) If—

(a) premises are entered in exercise of the power conferred by subsection (3), and

(b) notice is not given to any person because of subsection (5A)(a),

the authorised person or proper officer must give that person notice of the exercise of that power within a reasonable period after its exercise.

(5C) The notice must—

(a) identify the premises that were entered,

(b) state when the premises were entered, and

(c) state the purpose for which the premises were entered."

136 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".

PART 5

GENERAL

137 Interpretation

In this Act—

"lease" includes any tenancy;

"local housing authority" (except in section 47) 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 (in its capacity as a local authority) or the Council of the Isles of Scilly;

"the 1988 Act" means the Housing Act 1988.

138 Crown application

(1) Subject to subsections (2) to (8), this Act and any regulations made under it bind the Crown.

(2) Sections 67 and 92 do not bind the Crown.

(3) In paragraph (b) of section 66(1) as it applies by virtue of subsection (1), the reference to a person committing an offence under section 67 is to be read as a reference to the person satisfying the conditions in subsection (1)(a) and (b), (2)(a) and (b), or (3)(a) and (b) of that section.

(4) In paragraph (b) of section 91(1) as it applies by virtue of subsection (1), the reference to a person committing an offence under section 92 is to be read as a reference to the person either—

(a) knowingly or recklessly providing information to the database operator which is false or misleading in a material respect in purported compliance with a requirement imposed by regulations under Chapter 3 of Part 2, or

(b) satisfying the conditions in subsection (2)(a) and (b), (3)(a) and (b), or (4)(a) and (b) of section 92.

(5) Sections 118 to 130 do not bind the Crown.

(6) Nothing in section 131 makes the Crown criminally liable.

(7) The High Court may declare unlawful any act or omission for which the Crown would be criminally liable under section 131 but for subsection (6).

(8) 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 18).

(9) Nothing in this section affects the criminal liability of persons in the service of the Crown.

139 Application to Parliament

(1) Where regulations under section 63(4)(b) provide for the meaning of "relevant tenancy" given by that section to include a tenancy or licence under which a dwelling is occupied for the purposes of either House of Parliament, Part 2 (and Part 3 so far as relating to Part 2) has effect in its application in relation to such a tenancy or licence with the following modifications—

(a) sections 67 and 92 do not apply;

(b) in paragraph (b) of section 66(1), the reference to a person committing an offence under section 67 is to be read as a reference to the person satisfying the conditions in subsection (1)(a) and (b), (2)(a) and (b), or (3)(a) and (b) of that section;

(c) in paragraph (b) of section 91(1), the reference to a person committing an offence under section 92 is to be read as a reference to the person either—

(i) knowingly or recklessly providing information to the database operator which is false or misleading in a material respect in

purported compliance with a requirement imposed by regulations under Chapter 3, or

(ii) satisfying the conditions in subsection (2)(a) and (b), (3)(a) and (b), or (4)(a) and (b) of section 92.

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

(a) Chapter 3 of Part 1;

(b) sections 114 and 118 to 130.

(3) Nothing in section 131 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 131 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).

140 Regulations

(1) A power to make regulations under this Act includes power to make—

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

(b) different provision for different purposes or areas;

(c) the full provision to which the power extends or any less provision (whether by way of exception or otherwise).

(2) The power of the Secretary of State and the Scottish Ministers under subsection (1)(a) to make transitional provision includes power to provide for regulations to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the regulations come into force.

(3) The power of the Welsh Ministers under subsection (1)(a) to make transitional provision includes power to provide for 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.

(4) Regulations under this Act are to be made by statutory instrument, except where they are made by the Scottish Ministers (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(5) A statutory instrument containing regulations under section 13(2), 30, 39, 48, 54, 63, 64, 65, 77, 82(4), 83(6), 86, 87(2), or 90(2) or 101 or paragraph 32 of Schedule 6 (whether alone or with other provision) may not be made unless

a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(6) Any other statutory instrument containing regulations under this Act made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament, unless it contains regulations under section 111(3) only.

(7) A statutory instrument containing regulations made by the Welsh Ministers under section 47 may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.

(8) Regulations made by the Scottish Ministers under section 53 are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(9) If a draft of a statutory instrument containing regulations under section 64 would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

(10) This section does not apply to regulations under this Part.

141 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.

142 Power of Scottish Ministers to make consequential provision

(1) The Scottish Ministers may by regulations make provision that is consequential on Chapter 5 of Part 1 (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), as a result of which such regulations are to be made by Scottish statutory instrument).

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

(a) an Act of the Scottish Parliament 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 tenancies entered into, 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 the Scottish Parliament if contained in an Act of that Parliament.

(6) Regulations made under this section that amend or repeal provision made by an Act of the Scottish Parliament, or by an Act, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(7) Any other regulations made under this section are subject to the negative procedure (see section 28 of that Act).

143 Power of Secretary of State to make consequential provision

(1) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on this Act.

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

(a) before this Act, or

(b) 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—
  (a) power to provide for the regulations to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the regulations come into force;
  (b) in relation to regulations that make provision that is consequential on Chapter 1 or 2 of Part 1, power to provide for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of the regulations to—
    (i) have effect with specified modifications, or
    (ii) cease to have effect (in whole or in part).

(5) For the purposes of subsection (4)(b)—
  (a) "pre-application instrument" means an agreement or other instrument made before the regulations come into force;
  (b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of regulations under this section include (but are not limited to) those in which—
    (i) as a result of any provision of the regulations, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;
    (ii) as a result of any provision of the regulations, it is unclear what the effect is of provision made by the instrument;
    (iii) as a result of any provision of the regulations, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;
    (iv) the instrument makes direct or indirect reference to any enactment as it had effect before being amended by the regulations.

(6) Regulations made by virtue of subsection (4)(b) must provide that they do not prevent—
  (a) the variation or revocation of provision modified by the regulations, or
  (b) the re-making of provision that has ceased to have effect as a result of the regulations.

(7) Regulations made by virtue of subsection (4)(b) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the day on which Chapter 1 or 2 of Part 1 (as the case may be) comes into force.

(8) A statutory instrument containing (whether alone or with other provision) regulations under this section that—

(a) amend or repeal provision made by an Act, or

(b) are made by virtue of subsection (4)(b),

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(9) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

144 Extent

(1) This Act extends to England and Wales only, subject to subsections (2) to (4).

(2) Part 1, Chapter 5 extends to Scotland only.

(3) This Part extends to England and Wales and Scotland.

(4) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.

145 Commencement

(1) This Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint, subject to subsections (2) to (6).

(2) This Act comes into force for the purposes of making regulations on the day on which it is passed.

(3) Chapter 4 of Part 1 comes into force on such day as the Welsh Ministers by order made by statutory instrument appoint.

(4) Chapter 5 of Part 1 comes into force on such day as the Scottish Ministers may by regulations appoint (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), as a result of which such regulations are to be made by Scottish statutory instrument).

(5) The following come into force at the end of the period of two months beginning with the day on which this Act is passed—

(a) Chapter 2 of Part 1;

(b) section 59;

(c) section 110;

(d) Chapter 3 of Part 4.

(6) Section 111 and this Part come into force on the day on which this Act is passed.

(7) Different days may be appointed under this section for different purposes, subject to subsection (8).

(8) Different days may be appointed for different purposes in relation to Chapter 1 of Part 1 only so that—

(a) one day is appointed for the purposes of assured tenancies that are not social housing assured tenancies, and

(b) one or more different days are appointed for the purposes of social housing assured tenancies;

and here "social housing assured tenancy" means an assured tenancy of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) where the landlord is a private registered provider of social housing.

146 Existing assured tenancies to continue as section 4A assured tenancies

(1) The commencement of Chapter 1 of Part 1 (which, in particular, has the effect that, on the commencement date, an existing tenancy becomes a section 4A assured tenancy) does not affect the continuation of an existing tenancy on and after the commencement date **(**as a section 4A assured tenancy that is subject to the other provisions of that Chapter).

(2) Schedule 6 contains transitional provision.

(3) In this section—

"commencement date" means the day on which Chapter 1 of Part 1 comes into force in accordance with section 145 (and accordingly where different days are appointed for different purposes in relation to that Chapter, a reference in this Act to the commencement date is a reference to the day on which that Chapter comes into force for the purposes of the tenancy to which the reference relates);

"existing tenancy" means an assured tenancy which is entered into before the commencement date;

"section 4A assured tenancy" means an assured tenancy to which section 4A of the 1988 Act (as inserted by section 1 of this Act) applies.

147 Fixed term assured tenancy and statutory periodic tenancy to be treated as single assured tenancy

(1) For the purposes of the relevant provisions, a fixed term assured tenancy and a periodic tenancy that arises on its expiry by virtue of section 5 of the 1988 Act are to be treated as a single assured tenancy which—

(a) is entered into when the fixed term tenancy was entered into, and

(b) becomes a periodic tenancy on the expiry of the fixed term.

(2) In this section, "the relevant provisions" means—

(a) section 146,

(b) Schedule 6,

(c) section 5 of the Protection from Eviction Act 1977 as amended by section 20, and

(d) Part 1 of the 1988 Act as amended by Chapter 1 of Part 1.

(3) The Secretary of State may by regulations amend this section to provide for this section to apply for the purposes of other provision made by or under an Act passed before or later in the same session as this Act.

(4) A statutory instrument containing regulations under this section (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(5) Regulations under this section may make different provision for different purposes.

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

148 Transitional provision

(1) The Welsh Ministers may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of Chapter 4 of Part 1.

(2) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of any provision of Chapter 5 of Part 1 (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), as a result of which such regulations are to be made by Scottish statutory instrument).

(3) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any other provision of this Act.

(4) The power to make regulations under subsection (1) includes power to provide for a provision of Chapter 4 of Part 1 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.

(5) The power to make regulations under subsection (2) includes power to provide for a provision of Chapter 5 of Part 1 to apply (with or without modifications) in relation to tenancies entered into, or advertising begun, before the date on which the provision comes into force.

(6) The power to make regulations under subsection (3) includes power to amend or repeal any provision made by Part 2 of Schedule 6 to this Act.

(7) The power to make regulations under subsection (3) includes—

(a) power to provide for a provision of this Act to apply (with or without modifications) in relation to tenancies or licences entered into, or advertising begun, before the date on which the provision comes into force, and

(b) power to provide for pre-application instruments which the Secretary of State considers do not (or will not) operate appropriately as a result of any provision of Chapter 1 or 2 of Part 1 to—

(i) have effect with specified modifications, or

(ii) cease to have effect (in whole or in part).

(8) For the purposes of subsection (7)(b)—

(a) "pre-application instrument" means an agreement or other instrument entered into—

(i) before the commencement date, or

(ii) on or after that date either under a contract entered into before that date or by the acceptance of an offer made before that date;

(b) the circumstances in which the Secretary of State may consider that a pre-application instrument does not operate appropriately as a result of Chapter 1 or 2 of Part 1 include (but are not limited to) those in which—

(i) as a result of any provision of Chapter 1 or 2 of Part 1, provision made by the instrument is to any extent spent, obsolete, unnecessary or otherwise not of practical utility;

(ii) as a result of any provision of Chapter 1 or 2 of Part 1, it is unclear what the effect is of provision made by the instrument;

(iii) as a result of any provision of Chapter 1 or 2 of Part 1, a person may be placed in breach of obligations arising under the instrument or made subject to more burdensome obligations under the instrument;

(iv) the instrument makes direct or indirect reference to fixed term assured tenancies or assured shorthold tenancies (within the meaning of Part 1 of the 1988 Act as it had effect immediately before the commencement date);

(v) the instrument makes direct or indirect reference to periodic assured tenancies that are not relevant assured tenancies within the meaning given by Part 2 of Schedule 6;

(vi) the instrument otherwise makes direct or indirect reference to any enactment as it had effect before being amended by Chapter 1 or 2 of Part 1.

(9) Regulations made by virtue of subsection (7)(b) must provide that they do not prevent—

(a) the variation or revocation of provision modified by the regulations, or

(b) the re-making of provision that has ceased to have effect as a result of the regulations.

(10) Regulations made by virtue of subsection (7)(b) may apply to an instrument as it has effect in relation to times before the coming into force of the regulations but after the day on which Chapter 1 or 2 of Part 1 (as the case may be) comes into force.

(11) A statutory instrument containing (whether alone or with other provision) regulations under subsection (3) that—

(a) fall within subsection (7)(b), or

(b) amend or repeal provision made by Part 2 of Schedule 6 to this Act,

may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(12) In this section "the commencement date" has the meaning given by section 146(3).

(13) The powers under this section include power to make different provision for different purposes.

149 Short title

This Act may be cited as the Renters' Rights Act 2025.

SCHEDULES

SCHEDULE 1

Section 3

CHANGES TO GROUNDS FOR POSSESSION

Introductory

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

Amendments of Ground 1: occupation by landlord or family

2 For Ground 1 (excluding the italic heading) substitute—

"The current tenancy began at least 1 year before the relevant date and the landlord who is seeking possession requires the dwelling-house as the only or principal home of any of the following—

(a) the landlord;

(b) the landlord's spouse or civil partner or a person with whom the landlord lives as if they were married or in a civil partnership;

(c) the landlord's—

(i) parent;

(ii) grandparent;

(iii) sibling;

(iv) child;

(v) grandchild;

(d) a child or grandchild of a person mentioned in paragraph (b).

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

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

When calculating whether the current tenancy began at least 1 year before the relevant date, both—

(a) the day when the current tenancy began, and

(b) the relevant date,

must be included in the calculation."

New ground for sale of dwelling-house

3 After Ground 1 insert—

"Ground 1A

The following conditions are met—

(a) the landlord who is seeking possession intends to sell a freehold or leasehold interest in the dwelling-house or to grant a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord;

(b) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of Schedule 1 to the Rent Act 1977 or section 4 of the Rent (Agriculture) Act 1976;

(c) either—

(i) the current tenancy began at least 1 year before the relevant date, or

(ii) at the relevant date, notice of a compulsory acquisition in relation to the dwelling-house has been given, the landlord intends to sell their interest in the dwelling-house to the acquiring authority and the acquiring authority intends to acquire it;

(d) the landlord seeking possession is not—

(i) a non-profit registered provider of social housing,

(ii) a body registered as a social landlord in the register maintained under section 1 of the Housing Act 1996,

(iii) a body registered as a social landlord in the register kept under section 20(1) of the Housing (Scotland) Act 2010,

(iv) a housing trust, within the meaning of the Housing Associations Act 1985, which is a charity, or

(v) where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing.

In paragraph (c)(ii), "sell" includes transfer.

When calculating whether the current tenancy began at least 1 year before the relevant date, both—

(a) the day when the current tenancy began, and

(b) the relevant date,

must be included in the calculation."

New ground for possession after rent-to-buy agreement

4 After Ground 1A (inserted by paragraph 3 of this Schedule) insert—

"Ground 1B

The following conditions are met—

(a) the landlord who is seeking possession intends—

(i) to sell a freehold or leasehold interest in the dwelling-house,

(ii) to grant a lease of the dwelling-house for a term certain of more than 21 years which is not terminable before the end of that term by notice given by or to the landlord, or

(iii) to grant an assured tenancy to another person;

(b) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of Schedule 1 to the Rent Act 1977 or section 4 of the Rent (Agriculture) Act 1976;

(c) the landlord who is seeking possession is a private registered provider of social housing;

(d) the assured tenancy was entered into pursuant to a rent-to-buy agreement;

(e) the period stated in that agreement has expired;

(f) the landlord who is seeking possession has complied with—

(i) any provision of the rent-to-buy agreement requiring the landlord to offer the dwelling-house for sale to the tenant, and

(ii) any requirements in the agreement about such an offer.

In this ground—

"rent-to-buy agreement" means an agreement in writing which—

(a) provides for the tenant to pay rent that is no higher than 80% of market rent (and here "rent" and "market rent" include any amount payable by way of service charge), and

(b) gives notice that the landlord intends after a period stated in the agreement which is not less than 5 years or, for dwelling-houses in Greater London, 10 years from the beginning of the tenancy to offer the dwelling-house for sale to the tenant."

Amendments of Ground 2: sale by mortgagee

5 In Ground 2—

(a) in the words before paragraph (a) omit "granted before the beginning of the tenancy";

(b) omit paragraph (c) (and the "and" before it).

New ground for possession when superior lease ends

6 After Ground 2 insert—

"Ground 2ZA

The landlord who is seeking possession—

(a) holds the interest in the dwelling-house under a superior tenancy where—

(i) the superior landlord has given a valid notice to terminate that tenancy as a result of which the superior tenancy will end within the period of 12 months beginning with the relevant date, or

(ii) the superior tenancy is a fixed term tenancy of a term certain which will expire (if the tenancy does not come to an end earlier) within the period of 12 months beginning with the relevant date, and

(b) is, or, in the case of joint landlords seeking possession, at least one of them is—

(i) a private registered provider of social housing,

(ii) a tenant of the superior landlord under a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy to which that Act applies, or a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995,

(iii) a person who held the dwelling-house for the purpose of making it available for occupation as supported accommodation, or

(iv) a company of which a local authority owns at least 50% of the issued share capital."

New grounds for possession in cases where there is a superior lease

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

"Ground 2ZB

The landlord who is seeking possession holds the interest in the dwelling-house under a superior tenancy which is a fixed term tenancy of a term certain of more than 21 years and—

(a) the fixed term will expire (if the tenancy does not come to an end earlier) within the period of 12 months beginning with the relevant date, or

(b) if the superior tenancy has continued following the expiry of the fixed term, any party to the superior tenancy has served a valid notice to terminate that tenancy as a result of

which the superior tenancy will end within the period of 12 months beginning with the relevant date.

Ground 2ZC

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

(a) a private registered provider of social housing,

(b) a tenant of the superior landlord under a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy to which that Act applies, or a farm business tenancy within the meaning of the Agricultural Tenancies Act 1995,

(c) a person who held the dwelling-house for the purpose of making it available for occupation as supported accommodation, or

(d) a company of which a local authority owns at least 50% of the issued share capital.

Ground 2ZD

The landlord who is seeking possession became the landlord by virtue of section 18, no more than 6 months before the date on which the possession proceedings were commenced, as a result of a superior tenancy which was a fixed term tenancy of a term certain of more than 21 years coming to an end—

(a) on the expiry of the fixed term,

(b) within the period of 12 months ending with the date on which the fixed term would have expired if the tenancy had not come to an end, or

(c) after the expiry of the fixed term, as a result of a valid notice to terminate the tenancy."

Repeal of Ground 3: holiday accommodation

8 Omit Ground 3.

Amendments of Ground 4: student accommodation

9 In Ground 4—

(a) omit the opening words;

(b) omit paragraph (a) (together with the final "and");

(c) paragraph (b) becomes an unnumbered paragraph;

(d) after that unnumbered paragraph insert "and—

(c) if the tenancy arose by succession as mentioned in section 39(5), notice was given to the previous tenant under Case 14 of Schedule 15 to the Rent Act 1977, and

(d) the tenancy is not an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3."

New ground for possession of student accommodation for occupation by students

10 After Ground 4 insert—

"Ground 4A

The following conditions are met—

(a) the dwelling-house is in an HMO or is an HMO,

(b) the tenant meets the student test when the tenancy is entered into,

(c) the landlord or, in the case of joint landlords, at least one of them, gives the tenant, before the tenancy is entered into, a written statement of the landlord's wish to be able to recover possession on the basis that—

(i) the tenant meets the student test when the tenancy is entered into, and

(ii) the landlord intends, on the next occasion on which the dwelling-house is let, to let it to a tenant who meets the student test when that new tenancy is entered into,

(d) the period—

(i) beginning with the day on which the tenancy was entered into, and

(ii) ending with the day on which the tenant was entitled to possession of the dwelling-house,

is six months or less,

(e) the relevant date falls within the period beginning with 1 June and ending with 30 September in any year, and

(f) the landlord seeking possession intends, on the next occasion on which the dwelling-house is let, to let it to a tenant who meets the student test when that new tenancy is entered into.

For the purposes of the conditions in paragraphs (b), (c) and (f), a tenant meets the student test when a tenancy is entered into if—

(a) the tenant is a full-time student at that time, or

(b) at that time, the landlord reasonably believes that the tenant would become a full-time student during the tenancy.

But, in a case where two or more persons are or would be the tenant, the tenant does not meet the student test unless all of those persons meet that test.

In this ground, "full-time student" means a person receiving education provided by means of a full-time course—

(a) of any description mentioned in Schedule 6 to the Education Reform Act 1988 provided by an institution in England or Wales;

(b) of any description mentioned in section 38(2) of the Further and Higher Education (Scotland) Act 1992 provided by an institution in Scotland;

(c) of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)) provided by an institution in Northern Ireland.

In a case where, because of paragraph 8(7) of Schedule 1 to the 1988 Act, a tenancy becomes an assured tenancy, the condition in paragraph (c) of the first paragraph of this ground is met if the written statement referred to there is given within the period of 28 days beginning with the date on which the tenancy becomes an assured tenancy."

Amendment of Ground 5: ministers of religion

11 In Ground 5—

(a) omit paragraph (a) (together with the final "and");

(b) after paragraph (b) insert—

"(c) if the tenancy arose by succession as mentioned in section 39(5), notice was given to the previous tenant under Case 15 of Schedule 15 to the Rent Act 1977, and

(d) the tenancy is not an assured agricultural occupancy in respect of which the agricultural worker condition is fulfilled by virtue of paragraph 3 of Schedule 3."

New ground for possession for occupation by agricultural worker

12 After Ground 5 insert—

"Ground 5A

The landlord seeking possession requires the dwelling-house for the purpose of housing a qualifying agricultural worker.

For the purpose of this ground a person is a "qualifying agricultural worker" in case A or B.

Case A is where—

(a) the person will be employed in agriculture as a seasonal or permanent employee under a contract of employment, and

(b) the employer under that contract is—

(a) the landlord, or
(b) in the case of joint landlords seeking possession, at least one of those landlords.

Case B is where—

(a) the person will be—
(i) employed in agriculture under a contract of employment, but the employer under that contract is not the landlord or, in the case of joint landlords, any of those landlords, or
(ii) working in agriculture under a contract that is not a contract of employment, whether the contract is express or implied and (if express) whether oral or in writing,
(b) the person will be employed or working in agriculture under that contract wholly or mainly for—
(i) the landlord, or
(ii) in the case of joint landlords seeking possession, at least one of the landlords, and
(c) the relevant landlord intends that employment or work to continue for at least six months after the relevant date;

and here "relevant landlord" means the landlord, or whichever of the joint landlords, the person will be wholly or mainly working for.

In this ground—

"agriculture" has the same meaning as in the Rent (Agriculture) Act 1976 (see section 1 of that Act);

"contract of employment" has the meaning given by section 230(2) of the Employment Rights Act 1996."

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

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

"Ground 5B

The landlord seeking possession—

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

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

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

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

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

"The dwelling-house was let to the tenant in consequence of the tenant's employment—

(a) by the landlord seeking possession,

(b) in the case of joint landlords seeking possession, by at least one of them,

(c) by a previous landlord under the tenancy, or

(d) pursuant to an agreement between any of those landlords and the employer,

and either—

(a) the tenant has ceased to be in that employment, or

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

In this ground, "the employer" means the tenant's employer at the time the tenant entered the tenancy."

(3) After the second paragraph of the new Ground 5C insert—

"This ground also applies to the letting of a dwelling-house to a tenant in consequence of the tenant's service in the office of constable, but with the following modifications.

"Employment" means service in the office of constable.

In the first paragraph of this ground, in paragraph (d), "the employer" means any of the following persons—

(a) the chief officer of a police force;

(b) a policing body;

(c) in relation to a constable's service under the direction and control of a person who is not a constable (the "senior person")—

(i) the senior person, or

(ii) a person or body with the function of maintaining or securing the maintenance of the body of which the senior person is a member.

The first paragraph of this ground has effect as if the following were substituted for the second paragraph (b)—

"(b) the tenancy was granted for a particular purpose relating to the tenant's service as a constable and—

(i) that purpose has been fulfilled, or

(ii) the tenancy is no longer required for that purpose."

In those modifications—

(a) "service in the office of a constable" includes a constable's service under the direction and control of a person who is not a constable;

(b) "chief officer of a police force" means—

(i) a chief officer of police (which has the same meaning as in the Police Act 1996 — see section 101(1) of that Act),

(ii) the chief constable of the Ministry of Defence Police,

(iii) the chief constable of the British Transport Police,

(iv) the chief constable of the Civil Nuclear Constabulary,

(v) the chief constable of the Police Service of Scotland, or

(vi) the chief constable of the Police Service of Northern Ireland;

(c) "policing body" means—

(i) a local policing body (which has the same meaning as in the Police Act 1996 — see section 101(1) of that Act),

(ii) the Secretary of State in relation to the Ministry of Defence Police,

(iii) the British Transport Police Authority,

(iv) the Civil Nuclear Police Authority,

(v) the Scottish Police Authority, or

(vi) the Northern Ireland Policing Board."

(4) In the italic heading, for "16" substitute "5C".

New ground for possession for end of employment requirements

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

"Ground 5D

The landlord seeking possession is a private registered provider of social housing, the tenancy agreement includes a requirement connected with the tenant's employment and the tenant no longer fulfils that requirement."

New ground for possession for occupation as supported accommodation

16 After Ground 5D (inserted by paragraph 15 of this Schedule) insert—

"Ground 5E

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

(a) the landlord holds the dwelling-house for the purpose of making it available for occupation as supported accommodation, and

(b) the tenant did not enter the assured tenancy for the purpose of receiving care, support or supervision."

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

17 (1) After Ground 5E (inserted by paragraph 16 of this Schedule) insert—

"Ground 5F

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

(a) the tenancy was granted for the purpose of providing the tenant with support services for a limited time in order to enable the tenant to be able to live in other accommodation in the future and the period for which those support services were to be provided has ended;

(b) a person other than the landlord provides or provided support services to the tenant, but—

(i) the support services have come to an end or the person is not fulfilling their obligations under the arrangements for the provision of those services, and

(ii) where the dwelling-house is not managed accommodation, the landlord has used reasonable endeavours to find another person to provide support services to the tenant but has not been able to do so;

(c) where the accommodation or support services were funded wholly or partly by someone other than the landlord or the tenant—

(i) that funding is no longer being provided,

(ii) where the dwelling-house is not managed accommodation, the landlord used reasonable endeavours to identify alternative funding before the relevant date but was not able to do so, and

(iii) it would not be reasonable for the landlord to continue to provide accommodation or for the person who provided support services to continue that provision in the circumstances;

(d) the financial viability of the landlord or of supported accommodation or support services the landlord provides to others would, in the landlord's reasonable opinion, be threatened if the landlord were to continue to provide or fund a supported accommodation project of which the tenant's dwelling-house forms part and the landlord used reasonable endeavours to identify alternative funding for

the project before the relevant date but was not able to do so;

(e) the tenant does not need the level of support services that are provided;

(f) the tenant does not need any support services;

(g) the support services that are provided do not meet the tenant's needs;

(h) the dwelling-house has physical features intended to enable persons with needs for particular support services to live more independently than they could do so without those features and those physical features are not needed by the tenant;

(i) the dwelling-house is physically unsuitable for a person with the tenant's needs for support services to live in.

In paragraph (d), "supported accommodation project" means—

(a) supported accommodation consisting of two or more dwelling-houses in the same building as, or otherwise nearby, each other,

(b) supported accommodation consisting of two or more dwelling-houses occupied by tenants who receive support services of a similar kind, or

(c) support services of a similar kind provided to tenants of two or more dwelling-houses that are supported accommodation.

In this ground, references to the "landlord" are to the landlord who is seeking possession."

(2) After Ground 17 insert—

"Ground 18

The tenancy is of supported accommodation and the tenant has unreasonably refused to co-operate with the person providing support services with regard to those services."

New ground for possession for tenancy granted for homelessness duty

18 After Ground 5F (inserted by paragraph 17 of this Schedule) insert—

"Ground 5G

The tenant's occupation of the dwelling-house was (at any time during the period of occupation) in pursuance of a local housing authority's duty to the tenant under section 193 of the Housing Act 1996 and—

(a) the local housing authority has notified the landlord that the tenancy is not required for the purposes of that duty, and

(b) the relevant date is no more than 12 months after the date on which the local housing authority notified the landlord as mentioned in paragraph (a).

In this ground "local housing authority" 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."

New ground for possession of stepping stone accommodation

19 After Ground 5G (inserted by paragraph 18 of this Schedule) insert—

"Ground 5H

The landlord seeking possession is a registered provider of social housing or a charity and—

(a) the tenancy was granted because the tenant met one or more eligibility conditions,

(b) a written tenancy agreement set out the eligibility condition (the "specified condition") or the eligibility conditions (the "specified conditions") that the tenant met,

(c) either—

(i) the tenant no longer meets the specified condition or specified conditions, or

(ii) the tenancy was granted in order to provide accommodation for a limited period to help the tenant transition to living independently and that period has come to an end,

(d) the rent is no higher than 80% of market rent (and here "rent" and "market rent" include any amount payable by way of service charge), and

(e) the tenancy was not granted—

(i) pursuant to a nomination as mentioned in section 159(2)(c) of the Housing Act 1996,

(ii) as a tenancy of supported accommodation, or

(iii) in pursuance of a local housing authority's duty under section 193 of the Housing Act 1996.

Each of the following is an "eligibility condition" for the purposes of this ground—

(a) the tenant is in work, or work of a description specified in the condition, for which the tenant is paid;

(b) the tenant is actively seeking work, or work of a description specified in the condition, for which the tenant would be paid;

(c) the tenant is—

(i) of a particular age, or

(ii) within a particular range of ages,

specified in the condition.

For the purposes of paragraph (a) or (b) of the definition of "eligibility condition", a description of work may (in particular) be expressed by reference to—

(a) work for a particular employer or description of employer or work at a particular place of work or description of place of work;

(b) the amount which the tenant is paid for the work;

(c) the duration or expected duration of the contract or other arrangement under which the work is done.

In this ground a reference—

(a) to work includes self-employment;

(b) to seeking work includes seeking to become self-employed.

The question of whether the tenant no longer meets the specified condition or specified conditions is to be determined for the purposes of this ground in accordance with the terms of the tenancy agreement.

But if—

(a) the terms of the tenancy agreement do not make any provision about that question,

(b) there are two or more specified conditions, and

(c) the tenant no longer meets one or more of those conditions,

the tenant no longer meets the specified conditions for the purposes of this ground.

The Secretary of State may by regulations ("eligibility condition regulations") make provision (including provision amending this ground)—

(a) to add, vary or remove any eligibility condition;

(b) about the meaning of any eligibility condition.

Eligibility condition regulations may make different provision for different purposes.

A statutory instrument containing eligibility condition regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

Amendments of Ground 6: redevelopment

20 For Ground 6 (excluding the italic heading) substitute—

"These conditions are met—

(a) the general redevelopment conditions (in every case);

(b) the landlord's acquisition condition, but only in a case where section 7(5ZA) applies in relation to the tenancy;

(c) the additional RSL condition, but only in a case where the landlord seeking possession is—

(i) a relevant social landlord, and

(ii) the person who intends to carry out the work mentioned in this ground.

The "general redevelopment conditions" are met if—

(a) the landlord seeking possession is mentioned in the first column in a row of the table in this ground;

(b) the tenancy is mentioned in the second column of that row;

(c) a person mentioned in the third column of that row intends to—

(i) demolish or reconstruct the whole or a substantial part of the dwelling-house, or

(ii) carry out substantial works on the dwelling-house or any part of it, or any building of which it forms part;

(d) the intended work cannot reasonably be carried out without the tenant giving up possession of the dwelling-house because—

(i) the tenant is not willing to agree to such a variation of the terms of the tenancy as would give such access and other facilities as would permit the intended work to be carried out,

(ii) the nature of the intended work is such that no such variation is practicable,

(iii) the tenant is not willing to accept an assured tenancy of such part only of the dwelling-house (in this sub-paragraph referred to as "the reduced part") as would leave in the possession of the landlord so much of the dwelling-house as would be reasonable to enable the intended work to be carried out and, where appropriate, as would give such access and other facilities over the reduced part as would permit the intended work to be carried out, or

(iv) the nature of the intended work is such that such a tenancy is not practicable;

(e) either —

(i) the assured tenancy began at least 6 months before the relevant date, or

(ii) notice of a compulsory acquisition was given in respect of the dwelling-house where—

(A) the acquiring authority was the person who became the landlord who is seeking possession, and

(B) the dwelling-house was transferred to that landlord within the period

of 12 months ending with the relevant date;

(f) the assured tenancy on which the dwelling-house is let did not come into being by virtue of any provision of Schedule 1 to the Rent Act 1977, as amended by Part 1 of Schedule 4 to this Act or, as the case may be, section 4 of the Rent (Agriculture) Act 1976, as amended by Part 2 of that Schedule.

The "landlord's acquisition condition" is met if—

(a) the landlord seeking possession acquired their interest in the dwelling-house before the grant of the tenancy, or

(b) that interest was in existence at the time of that grant and neither that landlord (or, in the case of joint landlords, any of them) nor any other person who, alone or jointly with others, has acquired that interest since that time acquired it for money or money's worth.

The "additional RSL condition" is met in case A, case B or case C.

Case A: a case where alternative accommodation that meets the following conditions is available for the tenant or will be available for the tenant when the order for possession takes effect—

(a) it is let as a separate dwelling with adequate security of tenure;

(b) it is affordable;

(c) it is in an appropriate location;

(d) it is not overcrowded.

Case B: a case where alternative accommodation that meets the following conditions is available for the tenant or will be available for the tenant when the order for possession takes effect—

(a) it is being provided temporarily until other alternative accommodation becomes available which will meet the conditions in case A;

(b) it is affordable;

(c) it is in an appropriate location;

(d) it is not overcrowded.

Case C: a case where—

(a) the tenancy of the dwelling-house was not granted pursuant to a nomination as mentioned in section 159(2)(c) of the Housing Act 1996,

(b) when the tenancy was granted, the landlord intended to—

(i) demolish or reconstruct the whole or a substantial part of the dwelling-house, or

(ii) carry out substantial works on the dwelling-house or any part of it, or any building of which it forms part,

within a specific period, and

(c) the relevant social landlord gave the tenant, before the tenancy was entered into, a written statement of the landlord's wish to be able to recover possession on the basis of that intention to carry out that work within that period (and that period must be included in the statement).

For the purpose of the additional RSL condition, accommodation—

(a) is let "with adequate security of tenure" if it is let—

(i) on an assured tenancy, or

(ii) on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by an assured tenancy;

(b) is "affordable" if it is—

(i) no more expensive than the dwelling-house of which possession is being sought, or

(ii) reasonably suitable to the means of the tenant;

(c) is "in an appropriate location" if it is—

(i) reasonably close to the dwelling-house of which possession is being sought, or

(ii) reasonably suitable to the needs of the tenant and the tenant's family as regards proximity to place of work;

(d) is "overcrowded" if the result of the occupation of the accommodation by the tenant and the tenant's family would be that it would be an overcrowded dwelling for the purposes of Part 10 of the Housing Act 1985.

Table

Landlord seeking possession	*Tenancy*	*Landlord intending to redevelop*
a relevant social landlord	any tenancy	(a) the landlord who is seeking possession (b) a superior landlord
the unit-holder of a commonhold	a tenancy of a dwelling-house	(a) the landlord who is seeking possession

Landlord seeking possession	*Tenancy*	*Landlord intending to redevelop*
unit in relation to which a commonhold association exercises functions	which is contained in or comprises the commonhold unit	(b) the commonhold association
any landlord other than a relevant social landlord or a unit-holder of a commonhold unit in relation to which a commonhold association exercises functions	any tenancy	the landlord who is seeking possession

In this ground—

"commonhold association", "commonhold unit" and "unit-holder" have the meanings given by Part 1 of the Commonhold and Leasehold Reform Act 2002 (see sections 11 to 13 and 34 of that Act);

"relevant social landlord" means—

(a) a non-profit registered provider of social housing,

(b) a body registered as a social landlord in the register maintained under section 1 of the Housing Act 1996,

(c) a body registered as a social landlord in the register kept under section 20(1) of the Housing (Scotland) Act 2010,

(d) a housing trust, within the meaning of the Housing Associations Act 1985, which is a charity, or

(e) where the dwelling-house is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, a profit-making registered provider of social housing."

New ground for possession of alternative accommodation provided during redevelopment

21 After Ground 6 insert—

"Ground 6A

These conditions are met—

(a) the landlord seeking possession (the "current landlord") is a relevant social landlord;

(b) the dwelling-house (the "current home") was made available for occupation by the tenant, or a predecessor in title of the tenant, to enable redevelopment of another dwelling-house (the "previous home") which—

(i) was the only or principal home of the tenant or predecessor in title, and

(ii) was occupied by the tenant or predecessor in title under a tenancy (the "previous tenancy") of which the landlord was—

(A) a relevant social landlord, or

(B) a registered provider of social housing other than a private registered provider of social housing;

(c) alternative accommodation that—

(i) consists of the previous home and is affordable, or

(ii) consists of other premises and is affordable, in an appropriate location and not overcrowded,

is available for the tenant or will be available for the tenant when the order for possession takes effect;

(d) that alternative accommodation is to be let as a separate dwelling with adequate security of tenure.

For the purpose of this ground, accommodation—

(a) is let "with adequate security of tenure" if it is let—

(i) on an assured tenancy, or

(ii) on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by an assured tenancy;

(b) is "affordable" if it—

(i) is no more expensive than the previous home, making these assumptions—

(A) that the redevelopment of the previous home has not taken place, and

(B) that the tenant, or predecessor in title, has continued to be the tenant of the previous home under the previous tenancy, or

(ii) is reasonably suitable to the means of the tenant;

(c) is "in an appropriate location" if it is—

(i) reasonably close to the previous home, or

(ii) reasonably suitable to the needs of the tenant and the tenant's family as regards proximity to place of work;

(d) is "overcrowded" if the result of the occupation of the accommodation by the tenant and the tenant's family would

be that it would be an overcrowded dwelling for the purposes of Part 10 of the Housing Act 1985.

In this Ground—

"redevelopment", in relation to the dwelling-house that is the previous home, means—

(a) demolishing or reconstructing the whole or a substantial part of the dwelling-house, or

(b) carrying out substantial works on the dwelling-house or any part of it, or any building of which it forms part;

"relevant social landlord" has the same meaning as in Ground 6."

New ground for possession to allow compliance with enforcement action

22 After Ground 6A (inserted by paragraph 21) insert—

"Ground 6B

Any of the following applies—

(a) letting the dwelling-house causes the landlord to breach a banning order under section 16 of the Housing and Planning Act 2016, or would do so if the landlord were to continue to let the dwelling-house;

(b) an improvement notice under section 11 or 12 of the Housing Act 2004—

(i) specifies the dwelling-house or premises in which the dwelling-house is contained as requiring remedial action, and

(ii) specifies overcrowding as the deficiency giving rise to the hazard in respect of which that remedial action is to be taken;

(c) a prohibition order under section 20 or 21 of the Housing Act 2004 prohibits use of—

(i) the dwelling-house,

(ii) the common parts, or

(iii) any part of the dwelling-house or of the common parts,

either for all purposes or for any purpose that is incompatible with continued occupation by the tenant;

(d) the dwelling-house is or is in an HMO which is required to be licensed under section 61 of the Housing Act 2004, and—

(i) the landlord applied for a licence under section 63 of the Housing Act 2004 and the local housing authority refused to grant a licence, or

(ii) the landlord held a licence but the licence has been revoked;

(e) the dwelling-house is or is in a house which is required to be licensed under section 85 of the Housing Act 2004, and—

(i) the landlord applied for a licence under section 87 of the Housing Act 2004 and the local housing authority refused to grant a licence, or

(ii) the landlord held a licence but the licence has been revoked;

(f) the dwelling-house is or is in an HMO which is licensed under Part 2 of the Housing Act 2004 or a house which is licensed under Part 3 of that Act and that HMO or house is occupied by more than the maximum number of households or persons specified in the licence;

(g) compliance with a planning enforcement notice or injunction would be, or is, incompatible with continued occupation of the dwelling-house by the tenant.

In this ground—

"common parts" has the same meaning as in Ground 13;

"house" has the same meaning as in Part 3 of the Housing Act 2004 (see section 99 of that Act);

references to the "landlord" are to the landlord who is seeking possession or, in the case of joint landlords seeking possession, to at least one of them;

"planning enforcement notice or injunction" means—

(a) an enforcement notice issued under section 172 or 182 of the TCPA 1990 that has taken effect,

(b) a breach of condition notice served under section 187A of the TCPA 1990,

(c) an injunction granted under section 187B of the TCPA 1990,

(d) a listed building enforcement notice issued under section 38, 45 or 46 of the P(LBCA)A 1990 that has taken effect, or

(e) an injunction granted under section 44A of the P(LBCA)A 1990;

"P(LBCA)A 1990" means the Planning (Listed Building and Conservation Areas) Act 1990;

"TCPA 1990" means the Town and Country Planning Act 1990;

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

Amendments of Ground 7: death of tenant

23 In Ground 7—

(a) in the first unnumbered paragraph for the words from "The tenancy" to "devolved" insert "The tenancy has devolved on a person (the "new tenant")";

(b) after the first unnumbered paragraph insert—

"But, if the new tenant is occupying the dwelling-house as the new tenant's only or principal home immediately before

the death of the former tenant, an order for possession on this Ground may not be made unless—

(a) the tenancy has previously devolved on the former tenant under a will or intestacy (whenever that devolution occurred), or

(b) the tenancy is a special tenancy immediately before the death of the former tenant.

In this Ground "special tenancy" means—

(a) a tenancy of social housing (within the meaning given by Part 2 of the Housing and Regeneration Act 2008) where the landlord is a private registered provider of social housing;

(b) a tenancy entered into pursuant to a rent-to-buy agreement (which has the same meaning as in Ground 1B) where the landlord is a private registered provider of social housing;

(c) a tenancy of supported accommodation, within the meaning given by paragraph 12 of Schedule 2;

(d) a tenancy where the former tenant's occupation of the dwelling-house is in pursuance of a local housing authority's duty to the tenant under section 193 of the Housing Act 1996 (and here "local housing authority" has the same meaning as in Ground 5G);

(e) a tenancy which meets the conditions in paragraphs (a), (b), (d) and (e) in the first paragraph of Ground 5H."

(c) omit the third unnumbered paragraph.

Amendments of Ground 8: rent arrears

24 In Ground 8—

(a) in paragraph (a), for "eight" substitute "thirteen";

(b) in paragraph (b), for "two" substitute "three";

(c) omit paragraphs (c) and (d);

(d) at the end insert—

"When calculating how much rent is unpaid for the purpose of this ground, if the tenant is entitled to receive an amount for housing as part of an award of universal credit under Part 1 of the Welfare Reform Act 2012, any amount that was unpaid only because the tenant had not yet received the payment of that award is to be ignored."

Power to amend Schedule 2 and new interpretation provisions

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

"PART 5

INTERPRETATION

12 (1) In this Schedule—

"acquiring authority" means, where notice of a compulsory acquisition has been given, the person who would be authorised to make the compulsory acquisition if the order or legislation to which the notice relates were to become operative;

"HMO" has the same meaning as in Part 2 of the Housing Act 2004 (see section 77 of that Act);

"housing association" has the meaning given by section 1 of the Housing Associations Act 1985;

"managed accommodation" means supported accommodation into which a tenant has been admitted in order to meet a need for care, support or supervision, in a case in which that care, support or supervision is provided otherwise than by the landlord or a person acting on behalf of the landlord;

"relevant date"—

(a) in Grounds 2ZA, 2ZB and 5F, means the date of service of the notice under section 8;

(b) otherwise, means the date specified in the notice under section 8

but see sub-paragraph (2) where the court exercises the power conferred by section 8(1)(b);;

"support services" in relation to a tenant in supported accommodation, means care, support or supervision—

(a) which is provided by the landlord or a person acting on behalf of the landlord, or

(b) which the tenant was admitted into the accommodation for the purpose of receiving;

"supported accommodation" means a dwelling-house let—

(a) by—

(i) a housing association,

(ii) a private registered provider of social housing,

(iii) a registered charity, or

(iv) a voluntary organisation, and

(b) to a tenant who receives care, support or supervision provided either—

(i) by the landlord or a person acting on behalf of the landlord, or

(ii) by someone else, if the tenant has been admitted into the accommodation in order to meet a need for care, support or supervision.

(2) Where the court exercises the power conferred by section 8(1)(b) (power to dispense with notice under section 8) references in this Schedule to the relevant date are to be read as references to the date on which proceedings for possession began.

(3) For the purposes of this Schedule, each of the following constitutes giving notice of a compulsory acquisition—

(a) in the case of a compulsory acquisition which is to be authorised by a compulsory purchase order—

(i) publication of the notice required by section 11 of, or (as the case may be) paragraph 2 of Schedule 1 to, the Acquisition of Land Act 1981, in accordance with that Act, or

(ii) service of the notice required by section 12 of, or (as the case may be) paragraph 3 of Schedule 1 to, that Act, in accordance with that Act;

(b) in the case of a compulsory acquisition which is to be authorised by any other order, publication or service of any notice that any provision of or made under any Act requires to be published or served in connection with that acquisition, in accordance with that Act;

(c) in the case of a compulsory acquisition which is to be authorised by a special enactment, publication or service of a notice that, in connection with that acquisition, is published or served in accordance with any Standing Order of either House of Parliament relating to private business.

(4) In sub-paragraph (3)—

"compulsory purchase order" means a compulsory purchase order within the meaning given by the Acquisition of Land Act 1981 (see section 2 of that Act);

"special enactment" means—

(a) a local or private Act which authorises the compulsory acquisition of land specifically identified in that Act, or

(b) a provision which—

(i) is contained in an Act other than a local or private Act, and

(ii) authorises the compulsory acquisition of land specifically identified in that Act.

PART 6

POWERS TO AMEND CERTAIN GROUNDS AND DEFINITIONS

13 (1) The Secretary of State may by regulations amend this Schedule so as to—

(a) amend Ground 2ZA to change the descriptions of the landlord who may use the ground;

(b) amend Ground 2ZC to change the descriptions of previous landlord mentioned in it;

(c) provide for Ground 5C to apply only where the landlord seeking possession or the employer is of a particular description;

(d) amend Ground 5H to change the descriptions of landlord who may use the ground;

(e) add other situations to the list in the first paragraph of Ground 6B in which that ground may be relied on or remove any situations added by virtue of this sub-paragraph;

(f) amend the definition of "special tenancy" in Ground 7;

(g) amend the definition of "supported accommodation" or "managed accommodation" in paragraph 12.

(2) Regulations under this paragraph may—

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

(b) make different provision for different purposes.

(3) Regulations under this paragraph are to be made by statutory instrument.

(4) A statutory instrument containing regulations under this paragraph may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

SCHEDULE 2

Section 29

AMENDMENTS RELATING TO CHAPTER 1 OF PART 1

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

1 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.

2 In section 16 (protection of tenure of certain rented premises by extension of Housing Act 1988) as it applies otherwise than to Scotland—

(a) omit subsection (1);

(b) in subsection (2)(a) omit "which is a periodic tenancy";
(c) in subsection (3), for "Neither subsection (1) nor subsection (2) above applies" substitute "Subsection (2) does not apply";
(d) in subsection (4), for "subsections (1) and" substitute "subsection".

3 In section 17 (provision supplementary to section 16 of that Act) as it applies otherwise than to Scotland—

(a) omit subsection (1);
(b) in subsection (2)—
(i) in paragraph (a) omit "which is a periodic tenancy";
(ii) for paragraph (b) and the words after it substitute—

"(b) immediately before the time when the tenancy would otherwise have come to an end as mentioned in paragraph (a)—
(i) the tenant under the terms of the tenancy has the exclusive occupation of some accommodation (in this section referred to as "the separate accommodation"), and has the use of other accommodation in common with another person or other persons, not being or including the landlord, but
(ii) by reason only of such circumstances as are mentioned in section 16(4), subsection (1) of section 3 of the Housing Act 1988 (provisions where tenant shares accommodation with persons other than landlord) does not have effect with respect to the separate accommodation,

during the remainder of the period of protection, section 3 of the Housing Act 1988 applies in relation to the separate accommodation as if the circumstances referred to in sub-paragraph (ii) did not exist and, accordingly, as if the tenancy had become an assured tenancy immediately before it would otherwise have come to an end.";
(c) in subsection (3) for "Neither subsection (1) nor subsection (2) above applies" substitute "Subsection (2) does not apply".

4 In section 18 (protection of tenure under a licence or rent free letting) as it applies otherwise than to Scotland, in subsection (1), omit "a statutory periodic tenancy which is".

5 In section 19 (limitation of application of Housing Act 1988 by virtue of sections 16 to 18 of that Act) as it applies otherwise than to Scotland—

(a) in paragraph (a) omit "the statutory periodic tenancy which is deemed to arise or, as the case may be,";

(b) in paragraph (b) omit "before the time when that statutory periodic tenancy was deemed to arise or, as the case may be,".

6 In section 20 (modifications) as it applies otherwise than to Scotland—

(a) in subsection (2)—

(i) in the opening words, for "Ground 16" substitute "Ground 5C";

(ii) in paragraph (b) omit "statutory periodic tenancy or";

(b) in subsection (3), in the words before paragraph (a), for "16" substitute "18".

7 In section 23 (interpretation) omit the definitions of "fixed term tenancy" and "statutory periodic tenancy".

Greater London Council (General Powers) Act 1973

8 In section 25 of the Greater London Council (General Powers) Act 1973 (provision of temporary sleeping accommodation to constitute material change of use), in subsection (2)—

(a) in paragraph (a), after "person" insert "otherwise than under or by virtue of an assured tenancy";

(b) after that paragraph insert—

"(aa) "assured tenancy" means an assured tenancy within the meaning of Chapter 1 of Part 1 of the Housing Act 1988;"

Housing Act 1985

9 The Housing Act 1985 is amended as follows.

10 In section 81ZA (grant of secure tenancies in cases of domestic abuse), in subsection (4), in the definition of "qualifying tenancy", in paragraph (b), omit sub-paragraph (i).

11 In section 81B (cases where old-style English secure tenancies may be granted), in subsection (2C), in the definition of "qualifying tenancy", in paragraph (b), omit "which is not an assured shorthold tenancy and";

12 In section 82A (demotion because of anti-social behaviour)—

(a) in subsection (1), omit paragraphs (ba) and (c);

(b) in subsection (8), omit paragraph (b).

13 In section 171B (extent of preserved right), omit subsection (1A).

14 In section 553 (effect of repurchase on certain existing tenancies (England)), in subsection (2)—

(a) in paragraph (a), omit the words "or an assured tenancy";

(b) in paragraph (b), omit the words from "or in accordance" to the end of that paragraph (including the "and" at the end of that paragraph);

(c) omit paragraph (c).

15 In section 554 (grant of tenancy to former owner-occupier), in subsection (3)—

(a) omit paragraph (c) (and the "or" at the end of that paragraph);

(b) after paragraph (b), insert—

"(ca) an assured tenancy, or".

16 In Part 4 of Schedule 2 (grounds for possession: secure tenancies), in paragraph (1)(c), omit the words from "which is neither" to the end of that paragraph.

17 In Schedule 3 (grounds for withholding consent to assignment by way of exchange), in ground 2A, in the definition of "demotion order", omit "or section 6A of the Housing Act 1988".

Landlord and Tenant Act 1985

18 In section 13(1A) of the Landlord and Tenant Act 1985 (as amended by section 31) omit paragraph (b) and the "or" before it.

Agricultural Holdings Act 1986

19 In Schedule 3 to the Agricultural Holdings Act 1986 (cases where consent of tribunal to operation of notice to quit is not required), in Part 2, in paragraph 3—

(a) in sub-paragraph (1), for paragraphs (c) and (d) substitute—

"(c) premises which are to be let as a separate dwelling such that they will then be let on an assured tenancy (construing that term in accordance with Part 1 of the Housing Act 1988)—

(i) by the person who was the landlord under the tenancy of the agricultural holding ("the former agricultural landlord"), or

(ii) by another person pursuant to a contract or other agreement entered into with the former agricultural landlord under which—

(A) the premises are to be let as suitable alternative accommodation for the purposes of paragraph (b) of case A, and

(B) subsection (5ZA) of section 7 of that Act is to apply;

(d) premises which are to be let as a separate dwelling in any other case on terms which will afford to the tenant security of tenure reasonably equivalent to the security that would be afforded by Chapter 1 of Part 1 of that Act in a case within paragraph (c).";

(b) omit sub-paragraph (2).

Housing Act 1988

20 The 1988 Act is amended as follows.

21 In section 1 (assured tenancies), in subsection (5), omit "(and under any statutory periodic tenancy which arises on the coming to an end of that tenancy)".

22 In section 1A (application of Chapters 1, 2 and 3 of Part 1 to dwelling in Wales), in subsection (3), after "tenancy" insert ", without the amendments made by the Renters' Rights Act 2025".

23 In section 5 (security of tenure)—

(a) in subsection (1)—

(i) in paragraph (a)(i) omit "or 21";

(ii) omit paragraphs (b) and (c) (but not the "or" after them);

(iii) in the words after paragraph (d), for "a periodic" substitute "an";

(b) omit subsections (2) to (7).

24 Omit section 6.

25 In section 9 (extended discretion of court in possession claims), in subsection (6), omit paragraph (b) and the "or" before it.

26 In section 10A (power to order transfer of tenancy in certain cases) omit subsection (8).

27 In section 15 (limited prohibition on assignment etc. without consent), in subsection (3), omit "a statutory periodic tenancy or".

28 In section 17 (succession to assured tenancy)—

(a) in subsection (1)(a), omit "periodic";

(b) in subsection (1A)(a), omit "periodic";

(c) omit subsection (1B);

(d) omit subsection (1C);

(e) in subsection (1D), for ", (1A), (1B) or (1C)" substitute "or (1A)";

(f) in subsection (5), omit "or (1B)(c) above";

(g) in subsection (6), omit ", (1C)";

(h) omit subsection (7).

29 In section 18 (provisions as to reversions on assured tenancies)—

(a) in subsection (3)—

(i) in the words before paragraph (a) omit "which is a periodic tenancy (including a statutory periodic tenancy)";

(ii) omit paragraph (a) and the "or" after it;

(iii) in paragraph (b), for "periodic" substitute "assured";

(iv) in the words after paragraph (b), for "periodic" substitute "assured";

(b) omit subsection (4).

30 In section 34 (restrictions on new protected tenancies and agricultural occupancies) omit subsection (3).

31 In section 37 (no further assured tenancies under Housing Act 1980), in subsection (5), omit "(and under any statutory periodic tenancy which arises on the coming to an end of that tenancy)".

32 (1) Section 39 (statutory tenants: succession) is amended as follows.

(2) In subsection (5), in the words after paragraph (b), omit "periodic".

(3) In subsection (6)—

(a) in the words before paragraph (a), omit "periodic";

(b) in paragraph (d), after the second "tenancy" insert "(but this is subject to section 4A)";

(c) in paragraph (e), for "sections 13 to 15" substitute "sections 13 to 16B";

(d) omit paragraph (f).

(4) Omit subsection (7).

(5) In subsection (8)—

(a) omit "periodic";

(b) after "above)" insert "; and section 24A does not apply in relation to the assured tenancy to which the successor becomes entitled".

(6) For subsection (9) substitute—

"(9) Where, immediately before the predecessor's death, the predecessor was a tenant under a fixed term tenancy (the "former tenancy"), the following provisions of this subsection apply in relation to the assured tenancy to which the successor becomes entitled on the predecessor's death (the "new tenancy")—

(a) not later than the first anniversary of the date of the predecessor's death, the landlord may serve on the tenant, or the tenant may serve on the landlord, a notice in the prescribed form (a "notice of variation")—

(i) proposing terms of the new tenancy, other than terms as to the amount of the rent, that are different from the terms which have effect by virtue of subsection (6)(e) (the "implied terms"), and

(ii) if the landlord or the tenant considers it appropriate, proposing an adjustment of the amount of the rent to take account of the proposed terms;

(b) where a notice of variation has been served under paragraph (a)—

(i) within the period of three months beginning on the date on which the notice was served on him, the landlord or the tenant, as the case may be, may, by an application in the prescribed form, refer the notice to the appropriate tribunal under paragraph (c), and

(ii) if the notice is not so referred, then, with effect from such date, not falling within the period referred to in sub-paragraph (i), as may be specified in the notice, the terms proposed in the notice shall become terms of the tenancy in substitution for any of the implied terms dealing with the same subject matter and the amount of the rent shall be varied in accordance with any adjustment so proposed;

(c) where a notice of variation is referred to the appropriate tribunal, the appropriate tribunal must consider the terms proposed in the notice and must determine whether those terms, or some other terms (dealing with the same subject matter as the proposed terms), are such as, in the appropriate tribunal's opinion, might reasonably be expected to be found in an assured tenancy of the dwelling-house concerned, being a tenancy—

(i) which begins on the date of the predecessor's death, and

(ii) which is granted by a willing landlord on terms which, except in so far as they relate to the subject matter of the proposed terms, are those of the new tenancy at the time of the appropriate tribunal's consideration;

(d) whether or not a notice of variation proposes an adjustment of the amount of the rent under the former tenancy, where the appropriate tribunal determine any terms under paragraph (c), they must, if they consider it appropriate, specify such an adjustment to take account of the terms so determined;

(e) in making a determination underparagraph (c), or specifying an adjustment of an amount of rent under paragraph (d), there must be disregarded any effect on the terms or the amount of the rent attributable to the granting of a tenancy to a sitting tenant;

(f) where a notice of variation is referred to the appropriate tribunal, then, unless the landlord and the tenant otherwise agree, with effect from such date as the appropriate tribunal may direct—

(i) the terms determined by the appropriate tribunal become terms of the new tenancy in substitution for any of the implied terms dealing with the same subject matter, and

(ii) the amount of the rent under the statutory periodic tenancy is altered to accord with any adjustment specified by the appropriate tribunal;

but for the purposes of sub-paragraph (ii) the appropriate tribunal must not direct a date earlier than the date specified,

in accordance with subsection (3)(b) above, in the notice of variation;

(g) nothing in this section requires the appropriate tribunal to continue with a determination under paragraph (c) if the landlord and tenant give notice in writing that they no longer require such a determination or if the tenancy has come to an end."

33 In section 41 (rent assessment committees: procedure and information powers), in subsection (2), omit "or Chapter II".

34 In section 41A (amounts attributable to services) omit "or 22".

35 In section 45 (interpretation of Part 1)—

(a) in subsection (1) omit the definition of "statutory periodic tenancy";

(b) in subsection (2) omit "Subject to paragraph 11 of Schedule 2 to this Act,".

36 In Schedule 2 (grounds for possession)—

(a) in Part 3, in paragraph 2(a), omit the words from "other than—" to the end of sub-paragraph (ii) (but not the ", or" at the end of the paragraph);

(b) omit Part 4.

37 In Schedule 4 (statutory tenants: succession), in Part 3, omit paragraph 24.

Local Government and Housing Act 1989

38 The Local Government and Housing Act 1989 is amended as follows.

39 In Schedule 10 (security of tenure on ending of long residential tenancies)—

(a) in paragraph 5(1)(a), omit ", other than Ground 16";

(b) for paragraph 5(2) substitute—

"(2) Ground 6 in Schedule 2 to the 1988 Act may not be specified in a landlord's notice to resume possession if the tenancy is a former 1954 Act tenancy.

(2A) Where that Ground applies to any other long residential tenancy in accordance with sub-paragraph (1), it is to apply as if—

(a) in paragraph (b) of that Ground, the words ", but only in a case where section 7(5ZA) applies in relation to the tenancy," were omitted;

(b) in the general redevelopment conditions, paragraph (f) was omitted.";

(c) in paragraph 6(3)(c)—

(i) omit "(other than an assured shorthold tenancy)";

(ii) for "5" substitute "5H";

(d) in paragraph 11(3)—

(i) in the opening words, omit "(not being an assured shorthold tenancy)";

(ii) in paragraph (c), for "5" substitute "5H";

(e) in paragraph 11(5)—

(i) in the opening words, omit "(not being an assured shorthold tenancy)";

(ii) in paragraph (c), for "5" substitute "5H";

(f) in paragraph 12(1), omit "or Chapter II";

(g) in paragraph 13(4), for "15" substitute "18".

40 In Schedule 11 (minor and consequential amendments), omit paragraphs 103 and 108.

Housing Act 1996

41 The Housing Act 1996 is amended as follows.

42 In section 64 omit the entry for "assured shorthold tenancy".

43 Omit sections 96 to 100.

44 In section 124 (introductory tenancies), in subsection (2)(b), omit ", other than an assured shorthold tenancy,".

45 In section 125 (duration of introductory tenancy)—

(a) in subsection (3), omit ", or a relevant assured shorthold tenancy,";

(b) omit subsection (3A).

46 In section 143 (index of defined expressions) omit "and assured shorthold tenancy".

47 In section 143C (change of landlord), in subsection (3), omit "shorthold".

48 In section 175 (homelessness and threatened homelessness), in subsection (5)—

(a) in paragraph (a), for "section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy)" substitute "section 8 of the Housing Act 1988 (notice of proceedings for possession)";

(b) in paragraph (b), for "that notice will expire" substitute "the date specified in that notice is".

49 In section 188 (interim duty to accommodate in case of apparent priority need) omit subsection (1A).

50 In section 193A(4) (consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage)—

(a) in paragraph (a) omit "shorthold";

(b) at the end of paragraph (a) insert "and";

(c) omit paragraph (c) and the "and" before it.

51 In section 195 (duties in cases of threatened homelessness), in subsection (6)—

(a) in the words before paragraph (a), for "section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy)" substitute "section 8 of the Housing Act 1988 (notice of proceedings for possession)";

(b) in paragraph (a)—

(i) for "will expire" substitute "specifies a date that is";

(ii) for "expired" substitute "passed".

52 In section 209 (discharge of interim duties: arrangements with private landlord), in subsection (2), in the words after paragraph (b), for the words from "assured shorthold tenancy" (in the first place it occurs) to the end substitute "assured tenancy".

53 In section 218 (index of defined expressions: Part 7), in the entry for assured tenancy and assured shorthold tenancy, omit "and assured shorthold tenancy".

54 In section 230 (minor definitions: general), in the first definition, omit ", "assured shorthold tenancy"".

55 Omit Schedule 7.

Capital Allowances Act 2001

56 In the Capital Allowances Act 2001, in section 490(3)(b) (assured tenancy allowances), omit "(but not an assured shorthold tenancy)".

Police Reform Act 2002

57 In section 100 of the Police Reform Act 2002 (Metropolitan Police Authority housing) omit subsection (4).

Homelessness Act 2002

58 In section 7 of the Homelessness Act 2002 (events causing main homelessness duty to cease)—

(a) for subsection (1) substitute—

"(1) Section 193 of the 1996 Act (events which bring main homelessness duty to an end) is amended in accordance with subsections (3) to (5).";

(b) omit subsection (2).

Finance Act 2003

59 In Schedule 9 to the Finance Act 2003 (stamp duty land tax: right to buy, shared ownership leases etc)—

(a) in paragraph 13, in each place it occurs, for "assured shorthold tenancy" substitute "assured tenancy";

(b) in paragraph 14, in each place it occurs, for "assured shorthold tenancy" substitute "assured tenancy".

Anti-social Behaviour Act 2003

60 In the Anti-social Behaviour Act 2003—

(a) in section 14 (security of tenure: anti-social behaviour) omit subsection (4);

(b) omit section 15;

(c) in Schedule 1 (demoted tenancies), omit paragraph 2(3).

Housing Act 2004

61 The Housing Act 2004 is amended as follows.

62 Omit section 75.

63 Omit section 98.

64 In section 116 (general effect of final management orders), in subsection (4)—

(a) in paragraph (a)(ii), omit "(subject to paragraph (b))";

(b) for paragraph (b) substitute—

"(b) paragraph (a) does not apply to the creation of an interest in the nature of an assured tenancy within the meaning of Part 1 of the Housing Act 1988."

65 In section 136 (making of final EDMOs), in subsection (5), before paragraph (a) insert—

"(aa) where the EDMO is to be made by a local housing authority in England, paragraph 2 is to be read as requiring the notice under paragraph 1 to also set out the rights and powers of the authority under paragraph 10(3) of Schedule 7 in connection with a dwelling in relation to which a final EDMO is in force;".

66 In Schedule 7 (general effect of final EDMOs), in paragraph 10(4)—

(a) in paragraph (a)(ii) omit "(subject to paragraph (b))";

(b) for paragraph (b) substitute—

"(b) paragraph (a) does not apply to the creation of an interest in the nature of an assured tenancy within the meaning of the Housing Act 1988."

Housing and Regeneration Act 2008

67 The Housing and Regeneration Act 2008 is amended as follows.

68 In section 180 (right to acquire)—

(a) in subsection (2)(a), omit ", other than a long tenancy";

(b) in subsection (2A), omit "shorthold".

69 In Schedule 11 (possession orders relating to certain tenancies), in Part 1—

(a) omit paragraph 7;

(b) omit paragraph 9.

Regulatory Enforcement and Sanctions Act 2008

70 In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1), in the appropriate place, insert—

"Tenant Fees Act 2019 (c.4)"

Charities Act 2011

71 (1) The Charities Act 2011 is amended as follows.

(2) In section 117 (restrictions on disposition of land: general), in subsection (2)(b)(ii), after "less" insert "or which are assured tenancies".

(3) In section 120 (requirements for leases which are for 7 years or less)—

(a) in the heading, after "less" insert "or which are assured tenancies";

(b) in subsection (1), the words from "a lease" to the end become paragraph (a);

(c) after that paragraph insert ", or

(b) a lease that is an assured tenancy within the meaning of Chapter 1 of Part 1 of the Housing Act 1988."

Localism Act 2011

72 In the Localism Act 2011—

(a) in section 148 (duties to homeless persons) omit subsection (6)(b) and the "and" before it;

(b) in section 149 (duties to homeless persons: further amendments) omit subsections (2) and (4);

(c) in section 158 (secure and assured tenancies: transfer of tenancy)—

(i) omit subsection (3)(b)(i) and the "and" after it;

(ii) omit subsection (4)(b) and the "or" before it;

(iii) in subsection (8)(b), omit the words "that is not an assured shorthold tenancy";

(iv) in subsection (9)(b), omit the words "that is not an assured shorthold tenancy";

(v) in subsection (10), omit "shorthold";

(d) in section 159 (further provisions about transfer of tenancy under section 158), in subsection (6)(c), for "and "assured shorthold tenancy" have" substitute "has";

(e) in section 162 (secure and assured tenancies: recovery of possession after tenant's death) omit subsection (4);

(f) omit section 163;

(g) omit section 164;

(h) in section 184 (tenancy deposit schemes), omit subsections (10) to (13);

(i) in Schedule 14 (grounds on which landlord may refuse to surrender and grant tenancies), in paragraph 6(4), in the definition of "demotion order", omit "or section 6A of the Housing Act 1988".

Deregulation Act 2015

73 In the Deregulation Act 2015—

(a) omit section 31;

(b) omit sections 33 to 41.

Immigration Act 2016

74 In section 41 of the Immigration Act 2016 (order for possession of dwelling-house), in subsection (3), omit paragraphs (c) and (d).

Renting Homes (Wales) Act 2016 (anaw 1)

75 In Schedule 12 to the Renting Homes (Wales) Act 2016—

(a) in the Welsh language text, after paragraph 29 insert—

"29A At ddibenion paragraffau 28 a 29, mae Deddf Tai 1988 yn gymwys heb y diwygiadau a wnaed gan Ddeddf Rhentwyr (Diwygio) 2025 (p.26).";

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

"29A For the purposes of paragraphs 28 and 29, the Housing Act 1988 applies without the amendments made by the Renters' Rights Act 2025 (c.26)."

Homelessness Reduction Act 2017

76 In section 4 of the Homelessness Reduction Act 2017 (duty in cases of threatened homelessness) omit subsection 4.

SCHEDULE 3

Section 73

AMENDMENTS CONNECTED WITH LANDLORD REDRESS SCHEMES

Local Government Act 1974

1 The Local Government Act 1974 is amended in accordance with paragraphs 2 to 5.

2 (1) Section 33 (consultation between Local Commissioner and other Commissioners and Ombudsmen) is amended as follows.

(2) In the heading, for the words from "Local Commissioner" to the end substitute "Local Commissioner and other appropriate persons".

(3) In subsection (1)—

(a) for the words from "subject of an investigation" to "about the matter and," substitute "subject of a relevant investigation, the Local Commissioner shall consult with the appropriate person about the matter and,";

(b) for the words from "initiate a complaint" to the end substitute "initiate a relevant complaint in relation to which the person consulted would be the appropriate person".

(4) In subsection (2)—

(a) for the words from "the Parliamentary Commissioner" to "in relation to" substitute "an appropriate person in relation to";

(b) for the words from "consult" to "about" substitute "consult that person about".

(5) In subsection (3)—

(a) for the words from "conducting an investigation" to "the complaint relates" substitute "conducting a relevant investigation, the appropriate person forms the opinion that the complaint to which the investigation relates also relates";

(b) for "he", in both places it occurs, substitute "the appropriate person".

(6) After subsection (3) insert—

"(3ZA) Subsection (3) does not apply in relation to any of the following relevant investigations—

(a) an investigation by the Health Service Commissioner for England in accordance with the Act of 1993;

(b) an investigation by the Public Services Ombudsman for Wales in accordance with the Public Services Ombudsman (Wales) Act 2005;

(c) an investigation by the Scottish Public Services Ombudsman in accordance with the Act of 2002."

(7) Omit subsections (3A) to (3C).

(8) In subsection (4), for the words from "subsection (3)" to "subsection (2)", substitute "subsection (3), a Local Commissioner is consulted about a relevant complaint, subsection (2)".

(9) After subsection (5) insert—

"(5A) In this section—

(a) "relevant investigation" means an investigation specified in column 1 of the table;

(b) "relevant complaint" means a complaint specified in column 2 of the table;

(c) "appropriate person"—

(i) in relation to a relevant investigation, means the person in column 3 of the table in the row in which the investigation is specified;

(ii) in relation to a relevant complaint, means the person in column 3 of the table in the row in which the complaint is specified.

1 *Relevant investigations*	*2* *Relevant complaints*	*3* *Appropriate persons*
An investigation by the Parliamentary Commissioner in accordance with section 5 of the Act of 1967	A complaint under the Act of 1967	The Parliamentary Commissioner
An investigation by the Health Service Commissioner for England in accordance with the Act of 1993	A complaint under the Act of 1993	The Health Service Commissioner for England
An investigation by a housing ombudsman under the Housing Act 1996	A complaint under the Housing Act 1996	The housing ombudsman
An investigation by the Scottish Public Services Ombudsman in accordance with the Act of 2002	A complaint under the Act of 2002	The Scottish Public Services Ombudsman
An investigation by the Public Services Ombudsman for Wales in accordance with the Public Services Ombudsman (Wales) Act 2005	A complaint under the Public Services Ombudsman (Wales) Act 2005	The Public Services Ombudsman for Wales
An investigation by the new homes ombudsman under the new homes ombudsman scheme (see section 136 of the Building Safety Act 2022)	A complaint under the new homes ombudsman scheme	The new homes ombudsman

An investigation under a leasehold and estate management redress scheme (see section 100 of the Leasehold and Freehold Reform Act 2024)	A complaint under a leasehold and estate management redress scheme	The person responsible for overseeing and monitoring the investigation and determination of complaints under the scheme
An investigation under a landlord redress scheme (see section 64 of the Renters' Rights Act 2025)	A complaint under a landlord redress scheme	The person responsible for overseeing and monitoring the investigation and determination of complaints under the scheme"

3 (1) Section 33ZA (collaborative working between Local Commissioners and others) is amended as follows.

(2) In subsection (1), for the words from "jurisdiction of" to the end substitute "jurisdiction of an appropriate person, the Local Commissioner may, subject to subsection (2) below, conduct an investigation under this Part jointly with that appropriate person and any other appropriate person who, in the opinion of the Local Commissioner, has jurisdiction in relation to the matters which are the subject of the Local Commissioner's investigation."

(3) Omit subsections (1A) and (1B).

(4) In subsection (3), for the words from "investigated by" to the end substitute "investigated by an appropriate person relates partly to a matter within the Local Commissioner's jurisdiction by virtue of this Part, the Local Commissioner may conduct an investigation under this Part jointly with that appropriate person and any other appropriate person who is also investigating the complaint."

(5) After subsection (5) insert—

"(6) For the purposes of this section—

(a) "appropriate person" means any of the following—

(i) the Parliamentary Commissioner;

(ii) the Health Service Commissioner for England;

(iii) a housing ombudsman;

(iv) the new homes ombudsman;

(v) an individual who investigates complaints under a redress scheme;

(b) "redress scheme" means—

(i) a leasehold and estate management redress scheme;

(ii) a landlord redress scheme;

(c) a matter is within the jurisdiction of an individual who investigates complaints under a redress scheme if it is a matter which could be the subject of an investigation under that scheme."

4 In section 33ZB (arrangements for provision of administrative and other services), for subsection (4) substitute—

"(4) The persons within this subsection are—

the Commission;

the Parliamentary Commissioner;

the Health Service Commissioner for England;

the person administering a scheme approved under Schedule 2 to the Housing Act 1996 (scheme for enabling complaints to be investigated by a housing ombudsman);

the new homes ombudsman;

the person maintaining the new homes ombudsman scheme under arrangements made pursuant to section 136 of the Building Safety Act 2022;

the administrator of a leasehold and estate management redress scheme;

the administrator of a landlord redress scheme."

5 In section 34 (interpretation), in subsection (1), at the appropriate places insert—

""head of landlord redress", in relation to a landlord redress scheme, means the person responsible for overseeing and monitoring the investigation and determination of complaints under the scheme;"

""landlord redress scheme" has the meaning given by section 64(2) of the Renters' Rights Act 2025;".

Housing Act 1996

6 (1) Paragraph 10A of Schedule 2 to the Housing Act 1996 (housing complaints: collaborative working with Local Commissioners) is amended as follows.

(2) In the heading above that paragraph, for "Local Commissioners" substitute "other appropriate persons".

(3) In sub-paragraph (1), for the words from "a Local Commissioner" to the end substitute "an appropriate person, the housing ombudsman may, subject to sub-paragraph (2), conduct an investigation under this Act jointly with that person and any other appropriate person the housing ombudsman considers has jurisdiction."

(4) Omit sub-paragraph (1A).

(5) In sub-paragraph (3), for the words from "a Local Commissioner" to the end substitute "an appropriate person relates partly to a matter within the jurisdiction of the housing ombudsman, the housing ombudsman may

conduct an investigation jointly with that person and any other appropriate person investigating the complaint."

(6) In sub-paragraph (4), for the words from "investigation jointly with" to the end substitute "investigation jointly with one or more appropriate persons, the requirements of paragraph 7 may be satisfied by a report made jointly with those persons."

(7) For sub-paragraph (6) substitute—

"(6) For the purposes of this paragraph—

(a) "appropriate person" means any of the following—

(i) a Local Commissioner;

(ii) the new homes ombudsman;

(iii) an individual who investigates complaints under a redress scheme;

(b) "redress scheme" means—

(i) a redress scheme within the meaning of section 100(4) of the Leasehold and Freehold Reform Act 2024 (leasehold and estate management redress schemes);

(ii) a landlord redress scheme within the meaning of section 64(2) of the Renters' Rights Act 2025;

(c) a matter is within the jurisdiction of an individual who investigates complaints under a redress scheme if it is a matter which could be the subject of an investigation under that scheme."

Government of Wales Act 1998

7 In paragraph 17 of Schedule 12 to the Government of Wales Act 1998 (minor and consequential amendments), omit sub-paragraphs (2) and (3).

Public Services Ombudsman (Wales) Act 2005

8 In paragraph 15 of Schedule 6 to the Public Services Ombudsman (Wales) Act 2005 (consequential amendments)—

(a) in sub-paragraph (2), omit paragraphs (c) and (e);

(b) omit sub-paragraph (3).

Localism Act 2011

9 In section 182 of the Localism Act 2011 (transfer of functions to housing ombudsman), omit subsections (2) to (6).

Building Safety Act 2022

10 The Building Safety Act 2022 is amended in accordance with paragraphs 11 and 12.

11 In Schedule 3 (cooperation and information sharing), in paragraph 3, for sub-paragraph (5) substitute –

"(5) "Relevant scheme" means any of the following –

a scheme approved under Schedule 2 to the Housing Act 1996 (housing complaints: social landlords);

a redress scheme to which persons are required by virtue of section 83 of the Enterprise and Regulatory Reform Act 2013 (lettings agency work) to be members;

a redress scheme to which persons are required by virtue of section 84 of that Act (property management work) to be members;

the new homes ombudsman scheme;

a redress scheme within the meaning of section 100(4) of the Leasehold and Freehold Reform Act 2024 (leasehold and estate management redress schemes);

a landlord redress scheme within the meaning of section 64(2) of the Renters' Rights Act 2025."

12 In Schedule 10 (amendments in connection with new homes ombudsman), omit paragraphs 1 to 5.

Leasehold and Freehold Reform Act 2024

13 In Schedule 13 to the Leasehold and Freehold Reform Act 2024 (amendments in connection with leasehold and estate management redress schemes), omit paragraphs 2, 3, 4, 6 and 7.

SCHEDULE 4

Section 100(6)

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) After subsection (8) insert –

"(9) But unoccupied HMO accommodation is "qualifying residential premises" for the purposes of this Part only to the extent provided for by section 2B(1)(c)."

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 £7,000.

(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(3) 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(3) 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 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."

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 orders), 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

(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 Section 6A

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' Rights Act 2025 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.

14 (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 other than—

(i) homelessness accommodation (see paragraph B1), or

(ii) common parts (see paragraph 4), 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) Sub-paragraph (3) applies in relation to the premises if they are—

(a) a dwelling or HMO let under a relevant tenancy,

(b) an HMO where at least one unit of accommodation which forms part of the HMO is let under a relevant tenancy, or

(c) a building or a part of a building constructed or adapted for use as a house in multiple occupation if—

(i) it is for the time being only occupied by persons who form a single household, and

(ii) the accommodation which those persons occupy is let under a relevant tenancy.

(3) 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.

(4) Where sub-paragraph(3) does not apply in relation to the premises and the premises are supported exempt accommodation, the notice must be served on the authority or body which provides the accommodation.

(5) In this paragraph—

"common parts" means common parts that are qualifying residential premises by virtue of section 2B(1)(d);

"homelessness accommodation" means accommodation in England—

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

(b) which is residential premises, whether by virtue of paragraph (e) or another paragraph of section 1(4).

Service of improvement notices: homelessness accommodation (whether or not it is qualifying residential premises)

B1 (1) This paragraph applies where the specified premises in the case of an improvement notice are homelessness accommodation (which has the same meaning here as in paragraph A1).

(2) The notice must be served on any person—

(a) who has an estate or interest in the premises, and

(b) who, in the opinion of the local housing authority, ought to take the action specified in the notice.

(3) This paragraph applies instead of paragraph 1, 2 or 3 (in a case where that paragraph would otherwise apply to the improvement 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 a dwelling or HMO let under a relevant tenancy,

(b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, or

(c) are a building or a part of a building constructed or adapted for use as a house in multiple occupation—

(i) that is for the time being only occupied by persons who form a single household, and

(ii) where the accommodation which those persons occupy is let under 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.

(2B) Where—

(a) sub-paragraph (2A) does not apply in relation to the specified premises,

(b) the specified premises consist of or include the whole or any part of a building containing homelessness accommodation, and

(c) the person providing the homelessness accommodation—

(i) is a tenant of that accommodation under a tenancy which has an unexpired term of 3 years or less (the "short tenancy"), and

(ii) accordingly is not an owner in relation to the homelessness accommodation (see section 262(7)(b)),

the authority must also serve copies of the order on any person who, to their knowledge, is a tenant under the short tenancy, a landlord under the short tenancy, or a superior landlord in relation to the short tenancy, and who is not otherwise required to be served with a copy of the notice under this paragraph.

(2C) In sub-paragraph (2B) "homelessness accommodation" means accommodation in England—

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

(b) which is residential premises, whether by virtue of paragraph (e) or another paragraph of section 1(4).", and

(b) in sub-paragraph (3), for "sub-paragraph (2)" substitute "this paragraph".

(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 a dwelling or HMO let under a relevant tenancy,

(b) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, or

(c) are a building or a part of a building constructed or adapted for use as a house in multiple occupation—

(i) that is for the time being only occupied by persons who form a single household, and

(ii) where the accommodation which those persons occupy is let under 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.

(2B) Where—

(a) sub-paragraph (2A) does not apply in relation to the specified premises,

(b) the specified premises consist of or include the whole or any part of a building containing homelessness accommodation, and

(c) the person providing the homelessness accommodation—

(i) is a tenant of that accommodation under a tenancy which has an unexpired term of 3 years or less (the "short tenancy"), and

(ii) accordingly is not an owner in relation to the homelessness accommodation (see section 262(7)(b)),

the authority must also serve copies of the order on any person who, to their knowledge, is a tenant under the short tenancy, a landlord under the short tenancy, or a superior landlord in relation to the short tenancy, and who is not otherwise required to be served with a copy of the notice under this paragraph.

(2C) In sub-paragraph (2B) "homelessness accommodation" means accommodation in England—

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

(b) which is residential premises, whether by virtue of paragraph (e) or another paragraph of section 1(4).",

(c) in sub-paragraph (3), after "(2)" insert ", (2A) or (2B)", and

(d) in sub-paragraph (4), for "sub-paragraph (2) or (3)" substitute "this paragraph".

(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 a dwelling or HMO let under a relevant tenancy,

(ii) are an HMO where at least one unit of accommodation which forms part of the HMO is let on a relevant tenancy, or

(iii) are a building or a part of a building constructed or adapted for use as a house in multiple occupation that is for the time being only occupied by persons who form a single household and where the accommodation which those persons occupy is let under a relevant tenancy,

any person on whom copies of the prohibition order 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".

Housing and Planning Act 2016

41 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

42 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,".

SCHEDULE 5

Section 102

FINANCIAL PENALTIES

Notice of intent

1 Before imposing a financial penalty on a person under section 40, 57, 66 or 91, a local housing authority must give the person notice of its proposal to do so (a "notice of intent").

2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.

(2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given—

(a) at any time when the conduct is continuing, or

(b) within the period of 6 months beginning with the last day on which the conduct occurs.

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, and
(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 to the person ("the period for representations").

Final notice

5 After the end of the period for representations the enforcement 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 reasons for imposing the penalty,
(d) information about how to pay the penalty,
(e) the period for payment of the penalty,
(f) information about rights of appeal, and
(g) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

9 (1) A local housing authority may at any time—
(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 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 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 40, 57, 66 or 91, it may apply the proceeds towards meeting the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions under this Act or otherwise in relation to the private rented sector.

13 Any proceeds of a financial penalty imposed under section 40, 57, 66 or 91 which are not applied in accordance with paragraph 12 must be paid to the Secretary of State.

14 (1) In paragraph 12, enforcement functions "in relation to the private rented sector" means enforcement functions relating to—

(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" has the meaning given by section 1 of the Housing Act 2004 except that it does not include social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.

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

SCHEDULE 6

Section 146(2)

TRANSITIONAL PROVISION

PART 1

APPLICATION OF CHAPTER 1 OF PART 1 TO EXISTING TENANCIES

Tenancies which become periodic on the commencement date

1 (1) This paragraph applies to an existing tenancy which becomes a periodic tenancy on the expiry of a fixed term.

(2) Where the fixed term expires immediately before the commencement date, the amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy until immediately after the first periodic term has begun.

Section 1: start of deemed rent period for existing tenancies

2 In relation to an existing tenancy, section 4A of the 1988 Act (inserted by section 1) is to be read as if—

(a) in subsection (3), for the words before paragraph (a), there were substituted "Terms of an assured tenancy which provide for the

rent periods are of no effect, so far as relating to rent periods beginning on or after the commencement date (within the meaning given by section 146 of the Renters' Rights Act 2025), unless each rent period beginning on or after that date is—";

(b) in subsection (5), for paragraph (a) (and the "and" following it) there were substituted—

"(a) for successive rent periods of one month beginning—

(i) if the commencement date is a date on which a rent period would, but for subsection (3), have begun, with the commencement date, or

(ii) otherwise, with the day after the last day of the rent period within which the commencement date falls, and";

(c) in subsection (6), for "R is the rent that would have been due for the first rent period of the tenancy under the terms that are of no effect by virtue of subsection (3)" there were substituted "R is the rent due for the rent period before the first rent period provided for by subsection (5)(a)".

Section 2: claim form for section 21 possession proceedings already requested

3 (1) This paragraph applies where—

(a) before the commencement date—

(i) a valid notice under section 21 of the 1988 Act has been given, and

(ii) the claimant in possession proceedings has requested the court to issue the claim form for those proceedings, and

(b) immediately before the commencement date, possession proceedings have not begun or have not been concluded.

(2) The notice under section 21 remains valid until possession proceedings are concluded.

(3) The amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy until the notice under section 21 ceases to be valid by virtue of sub-paragraph (2) (and accordingly the tenancy remains an assured shorthold tenancy until then).

(4) In relation to a tenancy to which sub-paragraph (3) applies, section 146(3) (except in its application to this paragraph) has effect as if the following were substituted for the definition of "commencement date"—

""commencement date" means the date on which, by virtue of paragraph 3 of Schedule 6, the amendments made by Chapter 1 of Part 1 apply in relation to a tenancy;".

(5) In this paragraph "possession proceedings" means proceedings for an order for possession under section 21 of the 1988 Act in reliance on a valid notice given under that section.

Section 2: claim form for section 21 possession proceedings not already requested

4 (1) This paragraph applies where, before the commencement date—

(a) a valid notice under section 21 of the 1988 Act has been given, and

(b) the claimant in possession proceedings has not requested the court to issue the claim form for those proceedings.

(2) Section 21 of the 1988 Act has effect as if the following were substituted for subsections (4D) and (4E)—

"(4D) Subject to subsection (4E), proceedings for an order for possession under this section in relation to a dwelling-house in England may not be begun if the claimant in the proceedings requests the court to issue the claim for the proceedings after the end of the applicable period.

(4DA) For that purpose the "applicable period" is—

(a) the period of six months beginning with the date on which the notice was given under subsection (1) or (4), or

(b) the period of three months beginning with the commencement date, if this three month period ends before the six month period mentioned in paragraph (a).

(4E) Where—

(a) a notice under subsection (4) has been given in relation to a dwelling-house in England, and

(b) paragraph (b) of that subsection requires the date specified in the notice to be more than two months after the date the notice was given,

proceedings for an order for possession under this section may not be begun if the claimant in the proceedings requests the court to issue the claim for the proceedings after the end of the applicable period.

(4EA) For that purpose the "applicable period" is—

(a) the period of four months beginning with the date specified in the notice, or

(b) the period of three months beginning with the commencement date, if this three month period ends before the four month period mentioned in paragraph (a).

(4EB) In subsections (4DA) and (4EA) "commencement date" has the meaning given by section 146 of the Renters' Rights Act 2025."

(3) The notice under section 21 remains valid—

(a) until the end of the applicable period, except where the claimant has requested the court to issue the claim form for possession proceedings before the end of that period;

(b) until possession proceedings are concluded, if the claimant has requested the court to issue the claim form for those proceedings before the end of the applicable period.

(4) The amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy until the notice under section 21 ceases to be valid by virtue of sub-paragraph (3) (and accordingly the tenancy remains an assured shorthold tenancy until then).

(5) In relation to a tenancy to which sub-paragraph (4) applies, section 146(3) (except in its application to this paragraph) has effect as if the following were substituted for the definition of "commencement date"—

""commencement date" means the date on which, by virtue of paragraph 4 of Schedule 6, the amendments made by Chapter 1 of Part 1 apply in relation to a tenancy;".

(6) In this paragraph—

"applicable period", in relation to possession proceedings, has the same meaning that it has in relation to those proceedings in section 21 of the 1988 Act as modified by sub-paragraph (2);

"possession proceedings" means proceedings for an order for possession under section 21 of the 1988 Act in reliance on a valid notice given under that section.

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

5 Section 7(7) of the 1988 Act continues to apply after the commencement date, despite section 3(2)(g), in relation to an existing tenancy that was a fixed term tenancy before the commencement date.

Section 6: no effect on rent increases before commencement date

6 The amendments made by section 6 do not affect the validity of any increase in rent under an existing tenancy, before the commencement date, in reliance on a provision—

(a) which was at the time binding on the tenant, and

(b) under which the rent for a particular period of the tenancy would or might be greater than the rent for an earlier period.

Sections 12, 13 and 15: provision of information in writing

7 (1) Where an existing tenancy is wholly or partly in writing—

(a) section 16D and 16E(1)(f) of the 1988 Act (inserted by sections 12 and 13) do not apply;

(b) section 16I(1) of that Act (inserted by section 15) is to be read as if for "contravened section 16D" there were substituted "contravened paragraph 7(2) of Schedule 6 to the Renters' Rights Act 2025".

(2) The landlord under any existing tenancy that is wholly or partly in writing—

(a) must give the tenant any information in writing about the changes made by this Act which is required to be given by regulations made by the Secretary of State; and

(b) must do so before the end of the period of one month beginning with the commencement date.

(3) 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.

(4) Regulations under sub-paragraph (2) may—

(a) provide for the information to be given in the form of a document produced by the Secretary of State;

(b) provide that the document to be given is the version that has effect at the time the requirement applies.

(5) Where an existing tenancy is wholly oral, section 16D(4) of the 1988 Act (inserted by section 12) is to be read as if, for "before the tenancy is entered into" there were substituted "before the end of the period of one month beginning with the commencement date (within the meaning given by section 146 of the Renters' Rights Act 2025)".

(6) Regulations under sub-paragraph (2)—

(a) may make different provision for different purposes;

(b) are to be made by statutory instrument.

(7) A statutory instrument containing regulations under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

Section 15: no liability in respect of conduct before commencement date

8 Conduct engaged in, in relation to an existing tenancy, before the commencement date—

(a) does not give rise to liability to a financial penalty under section 16I or 16K of the 1988 Act (inserted by section 13), and

(b) does not constitute an offence under section 16J (as so inserted).

Section 20: no effect on notice to quit given before commencement date

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

Section 24: existing opt-out notices for assured agricultural occupancies

10 Where an existing tenancy would be an assured agricultural occupancy but for a notice served under paragraph 9(2) of Schedule 2A to the 1988

Act, the tenancy is to be treated for the purposes of Chapter 3 of Part 1 of the 1988 Act as amended by this Act, on and after the commencement date, as a tenancy in relation to which an opt-out notice has been served under section 24A of the 1988 Act (inserted by section 24 of this Act).

Section 26: tenancy deposits

11 The amendments made by section 26 do not apply in relation to an existing tenancy that, immediately before the commencement date, was an assured tenancy other than an assured shorthold tenancy.

Section 27: tenant fees

12 The amendments made by section 27 do not apply in relation to an existing tenancy that, immediately before the commencement date, was an assured tenancy other than an assured shorthold tenancy.

Schedule 1: student accommodation ground

13 (1) In relation to an existing tenancy, ground 4A in Schedule 2 to the 1988 Act has effect as if—

(a) in the first paragraph, the following were substituted for paragraphs (b) and (c)—

"(b) either or both of the following applies—

(i) the tenant met the student test when the tenancy was entered into;

(ii) the tenant meets the student test when the written statement referred to in paragraph (c) is given,

(c) the landlord or, in the case of joint landlords, at least one of them, gives the tenant, before the end of the period of one month beginning with the commencement date (within the meaning given by section 146 of the Renters' Rights Act 2025), a written statement of the landlord's wish to be able to recover possession on the basis that—

(i) the condition in paragraph (b) is met, and

(ii) the landlord intends, on the next occasion on which the dwelling-house is let, to let it to a tenant who meets the student test when that new tenancy is entered into,";

(b) paragraph (d) were omitted;

(c) the following were substituted for the second and third paragraphs—

"For the purposes of the conditions in paragraphs (b), (c) and (f), a tenant meets, or met, the student test at a particular time if—

(a) the tenant is, or was, a full-time student at that time, or

(b) at that time, the landlord reasonably believes, or believed, that the tenant would become a full-time student during the tenancy.

But, in a case where two or more persons are or would be, or were, the tenant, the tenant does not, or did not, meet the student test unless all of those persons meet, or met, that test."

(2) In relation to an existing tenancy which is a qualifying student tenancy, ground 4A in Schedule 2 to the 1988 Act has effect—

(a) subject to the modifications in sub-paragraph (1) of this paragraph, and

(b) additionally as if, in the first paragraph of ground 4A, paragraphs (a) and (e) were omitted.

(3) For the purposes of this paragraph, an existing tenancy is a "qualifying student tenancy" if any of the following is a member of a specified housing management code of practice—

(a) the landlord;

(b) a person appointed to act on the landlord's behalf in respect of the tenancy;

(c) a person appointed to discharge management functions in respect of the building which comprises the dwelling-house or in which the dwelling-house is situated.

(4) In sub-paragraph (3)—

"housing management code of practice" means a code of practice approved by the Secretary of State under section 233 of the Housing Act 2004 (codes relating to the management of HMOs or excepted accommodation);

"management functions" in respect of a building includes functions relating to—

(a) the provision of services, or

(b) the repair, maintenance, improvement or insurance of the building;

"specified" means specified in regulations made by the Secretary of State.

Schedule 1: stepping stone accommodation ground

14 In relation to an existing tenancy, paragraph (b) in Ground 5H in Schedule 2 to the 1988 Act is to be read as if after "agreement" there were inserted "or a written statement given to the tenant before the commencement date (within the meaning given by section 146 of the Renters' Rights Act 2025)".

Schedule 1: redevelopment ground

15 In relation to an existing tenancy, paragraph (c) in case C where the "additional RSL condition" is met in Ground 6 in Schedule 2 to the 1988 Act is to be read as if for "before the tenancy was entered into" there were substituted "before the end of the period of one month beginning with the commencement date (within the meaning given by section 146 of the Renters' Rights Act 2025)".

Claim form for section 8 possession proceedings already requested

16 (1) This paragraph applies where—

(a) before the commencement date—

(i) a valid notice under section 8 of the 1988 Act has been given, and

(ii) the claimant in possession proceedings has requested the court to issue the claim form for those proceedings, and

(b) immediately before the commencement date, possession proceedings have not begun or have not been concluded.

(2) The notice under section 8 remains valid until possession proceedings are concluded.

(3) The amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy until the notice under section 8 ceases to be valid by virtue of sub-paragraph (2) (and accordingly the tenancy remains an assured shorthold tenancy until then).

(4) In relation to a tenancy to which sub-paragraph (3) applies, section 146(3) (except in its application to this paragraph) has effect as if the following were substituted for the definition of "commencement date"—

""commencement date" means the date on which, by virtue of paragraph 16 of Schedule 6, the amendments made by Chapter 1 of Part 1 apply in relation to a tenancy;".

(5) In this paragraph "possession proceedings" means proceedings for an order for possession under section 8 of the 1988 Act in reliance on a valid notice given under that section.

Claim form for section 8 possession proceedings not already requested

17 (1) This paragraph applies where, before the commencement date—

(a) a valid notice under section 8 of the 1988 Act has been given, and

(b) the claimant in possession proceedings has not requested the court to issue the claim form for those proceedings.

(2) The notice under section 8 remains valid—

(a) until the end of the applicable period, except where the claimant has requested the court to issue the claim form for possession proceedings before the end of that period;

(b) until possession proceedings are concluded, if the claimant has requested the court to issue the claim form for those proceedings before the end of the applicable period.

(3) The amendments made by Chapter 1 of Part 1 do not apply in relation to the tenancy until the notice under section 8 ceases to be valid by virtue of sub-paragraph (2) (and accordingly the tenancy remains an assured shorthold tenancy until then).

(4) In relation to a tenancy to which sub-paragraph (3) applies, section 146(3) (except in its application to this paragraph) has effect as if the following were substituted for the definition of "commencement date"—

""commencement date" means the date on which, by virtue of paragraph 17 of Schedule 6, the amendments made by Chapter 1 of Part 1 apply in relation to a tenancy;".

(5) In this paragraph—

"applicable period", in relation to possession proceedings—

(a) the period of twelve months included in the notice under section 8 of the 1988 Act in accordance with subsection (3)(c) of that section, or

(b) the period of three months beginning with the commencement date, if this three month period ends before the twelve month period mentioned in paragraph (a);

"possession proceedings" means proceedings for an order for possession under section 8 of the 1988 Act in reliance on a valid notice given under that section.

Interpretation

18 In this Schedule "commencement date" and "existing tenancy" have the meanings given by section 146.

PART 2

EXISTING INSTRUMENTS WHICH PERMIT OR REQUIRE LETTING ETC

Key definitions

19 (1) "Residential premises" are premises that consist of or include one or more dwelling-houses in England.

(2) A lease of residential premises (whether or not in writing) is a "relevant pre-application instrument" if it was entered into—

(a) before the commencement date, or

(b) on or after that date under a contract entered into before that date.

(3) A mortgage arrangement which relates to residential premises is a "relevant pre-application instrument" if it was entered into—

(a) before the commencement date, or

(b) on or after that date by the acceptance of an offer made before that date.

(4) A contract of insurance which relates to residential premises is a "relevant pre-application instrument" if it was entered into—

(a) before the commencement date, or

(b) on or after that date by the acceptance of an offer made before that date.

(5) A section 106 obligation is a "relevant pre-application instrument" if it was entered into before the commencement date.

(6) In relation to a relevant pre-application instrument, "affected dwelling-house" means—

(a) if the relevant pre-application instrument is a lease, the dwelling-house, or each dwelling-house, let by the lease;

(b) if the relevant pre-application instrument is a mortgage arrangement, the dwelling-house, or each dwelling-house, to which the mortgage arrangement relates;

(c) if the relevant pre-application instrument is a contract of insurance, the dwelling-house, or each dwelling-house, to which the contract of insurance relates;

(d) if the relevant pre-application instrument is a section 106 obligation, the dwelling-house, or each dwelling-house, to which the section 106 obligation relates.

(7) In relation to times before the commencement date, an assured tenancy is a "relevant" assured tenancy if—

(a) it is not an assured shorthold tenancy,

(b) it is a periodic tenancy, and

(c) each period of the tenancy is—

(i) a period of 28 days or shorter, or

(ii) a monthly period,

including where there are different periods at different times, each of which falls within sub-paragraph (i) or (ii).

(8) In relation to times on or after the commencement date, an assured tenancy is a "relevant" assured tenancy if—

(a) it is a periodic tenancy, and

(b) each period of the tenancy is—

(i) a period of 28 days or shorter, or

(ii) a monthly period,

including where there are different periods at different times, each of which falls within sub-paragraph (i) or (ii).

Saving for existing powers to vary

20 Nothing in this Part of this Schedule prevents a relevant pre-application instrument from being varied or modified by the parties to it (and

accordingly paragraphs 21 to 26 and paragraph 28 are subject to any such variation or modification).

Relevant pre-application instruments that permit letting on tenancies that are no longer possible

21 (1) This paragraph applies to a relevant pre-application instrument if either or both of conditions A and B are met in relation to the affected dwelling-house.

(2) *Condition A*: immediately before the commencement date, the relevant pre-application instrument—

(a) permitted the affected dwelling-house to be let under an assured shorthold tenancy, but

(b) did not permit the affected dwelling-house to be let under a relevant assured tenancy.

(3) *Condition B*: immediately before the commencement date, the relevant pre-application instrument—

(a) permitted the affected dwelling-house to be let under an assured tenancy (other than an assured shorthold tenancy), but

(b) did not permit the affected dwelling-house to be let under a relevant assured tenancy.

(4) The relevant pre-application instrument has effect on and after the commencement date as if it permits the affected dwelling-house to be let under a relevant assured tenancy.

(5) That power to let under a relevant assured tenancy is exercisable in the same circumstances, and on the same terms, as the pre-commencement power to let was exercisable immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

(6) In this paragraph "pre-commencement power to let" means—

(a) if only condition A is met, the power to let mentioned in sub-paragraph (2)(a);

(b) if only condition B is met, the power to let mentioned in sub-paragraph (3)(a);

(c) if conditions A and B are both met, the power to let mentioned in sub-paragraph (3)(a).

Relevant pre-application instruments that permit letting on tenancies that continue to be possible

22 (1) This paragraph applies to a relevant pre-application instrument if, immediately before the commencement date, the relevant pre-application instrument permitted the affected dwelling-house to be let under a relevant assured tenancy.

(2) That power to let under a relevant assured tenancy continues to be exercisable in the same circumstances, and on the same terms, as it was exercisable immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Relevant pre-application instruments that require letting on tenancies that are no longer possible

23 (1) This paragraph applies to a relevant pre-application instrument if either or both of conditions A and B are met.

(2) *Condition A*: immediately before the commencement date—

(a) the relevant pre-application instrument required the affected dwelling-house to be let, and

(b) that requirement—

(i) would have been complied with by letting the affected dwelling-house under an assured shorthold tenancy, but

(ii) would not have been complied with by letting the affected dwelling-house under a relevant assured tenancy.

(3) *Condition B*: immediately before the commencement date—

(a) the relevant pre-application instrument required the affected dwelling-house to be let, and

(b) that requirement—

(i) would have been complied with by letting the affected dwelling-house under an assured tenancy (other than an assured shorthold tenancy), but

(ii) would not have been complied with by letting the affected dwelling-house under a relevant assured tenancy.

(4) The relevant pre-application instrument has effect on and after the commencement date as if it requires the affected dwelling-house to be let under a relevant assured tenancy.

(5) That requirement to let under a relevant assured tenancy must be complied with in the same circumstances, and on the same terms, as the pre-commencement requirement had to be complied with immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

(6) In this paragraph "pre-commencement requirement" means—

(a) if only condition A is met, the requirement to let mentioned in sub-paragraph (2)(b)(i);

(b) if only condition B is met, the requirement to let mentioned in sub-paragraph (3)(b)(i);

(c) if conditions A and B are both met, the requirement to let mentioned in sub-paragraph (3)(b)(i).

Relevant pre-application instruments that require letting on tenancies that continue to be possible

24 (1) This paragraph applies to a relevant pre-application instrument if, immediately before the commencement date—

(a) the relevant pre-application instrument required the affected dwelling-house to be let, and

(b) that requirement would have been complied with by letting the affected dwelling-house under a relevant assured tenancy.

(2) That requirement to let under a relevant assured tenancy must still be complied with in the same circumstances, and on the same terms, as it had to be complied with immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Pre-commencement s.106 obligations with provision relating to letting on terms that are no longer possible

25 (1) This paragraph applies to a pre-application section 106 obligation if, immediately before the commencement date, it prevented or restricted the taking of particular action unless or until the affected dwelling-house was let under a superseded tenancy.

(2) On and after the commencement date, the pre-application section 106 obligation has effect as if it prevents or restricts the taking of the particular action unless or until the affected dwelling-house is let under a relevant assured tenancy.

(3) Any such letting under a relevant assured tenancy is to be made in the same circumstances, and on the same terms, as a letting under a superseded tenancy immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Pre-commencement s.106 obligations with provision relating to letting on terms that continue to be possible

26 (1) This paragraph applies to a pre-application section 106 obligation if, immediately before the commencement date—

(a) provision of the pre-application section 106 obligation prevented or restricted the taking of particular action unless or until the affected dwelling-house was let, and

(b) that provision would have ceased to prevent or restrict that action if the affected dwelling-house was let under a relevant assured tenancy.

(2) Such a letting under a relevant assured tenancy must still be made in the same circumstances, and on the same terms, as a letting under a relevant assured tenancy immediately before the commencement date, except so far as that would be inconsistent with any provision made by or under this Act.

Requirements under the Community Infrastructure Regulations 2010

27 (1) This paragraph applies where—

(a) a planning permission is granted before the commencement date on a relevant determination,

(b) the planning permission was granted on the basis of a pre-application section 106 obligation, and

(c) at the time the planning permission was granted, the pre-application section 106 obligation met the requirements under regulation 122(2) of the Community Infrastructure Regulations 2010.

(2) On and after the commencement date any effect of this Part is to be disregarded when considering whether the pre-application section 106 obligation continues to meet those requirements.

(3) In this paragraph "relevant determination" has the meaning given by regulation 122(3) of the Community Infrastructure Regulations 2010.

Leases which cannot be returned at end of term free of sub-lease

28 (1) This paragraph applies to a lease if—

(a) the lease was entered into before the commencement date or under a contract entered into before that date,

(b) the lease is—

(i) periodic, or

(ii) a fixed term lease of a term certain not exceeding 21 years,

(c) the lease is modified by paragraph 21 or 23,

(d) a dwelling-house is sub-let under the lease on a tenancy (entered into before or after the commencement date) which is (or becomes on or after that date, by virtue of this Act or otherwise) a relevant assured tenancy, and

(e) the tenancy was entered into in accordance with the terms of the lease as they stood when the tenancy was entered into (or, if it was not, the breach has been waived by the landlord).

(2) The lease has effect as if it provided that a failure by the lessee at the end of the lease to return the premises to the landlord free from the relevant assured tenancy does not constitute a breach of the lease.

Application to agreements etc relating to leases, mortgage arrangements or contracts of insurance

29 In this Part of this Schedule references to a lease, mortgage arrangement or contract of insurance, and references to the terms of a lease, mortgage arrangement or contract of insurance, include references to—

(a) the terms of any agreement relating to the lease, mortgage arrangement, or contract of insurance, and

(b) any document or communication from a party to the lease, mortgage arrangement, or contract of insurance, which gives or refuses consent for letting in relation to a category or description of tenancy.

Application to sub-letting

30 (1) In a case where the relevant pre-application instrument is a lease, a reference in this Part of this Schedule to a letting of the affected dwelling-house is a reference to a sub-letting of those premises under that lease or any inferior lease.

(2) In the case of any other relevant pre-application instrument, a reference in this Part of this Schedule to a letting of the affected dwelling-house includes a reference to a sub-letting of those premises under any lease or inferior lease of those premises.

Application in certain circumstances

31 (1) In a case where a relevant pre-application instrument—

(a) gave, or gives, a discretion whether to let an affected dwelling-house, but

(b) required, or requires, the affected dwelling-house to be let under a tenancy of a particular description if it is let,

the instrument is to be regarded as permitting (and not as requiring) the dwelling-house to be let under that description of tenancy (and this Part of this Schedule applies accordingly).

(2) The following provisions of this paragraph apply if there are two or more affected dwelling-houses in relation to the relevant pre-application instrument.

(3) This Part of this Schedule applies separately in relation to each of those dwelling-houses.

(4) But, if any term of the instrument is such that it gave, or gives, a discretion as to which particular dwelling-house or dwelling-houses the term applies to, this Schedule does not affect that discretion (but the term otherwise has effect subject to this Part of this Schedule).

Power to disapply or modify this Part

32 (1) The Secretary of State may by regulations disapply or modify the effect of this Part of this Schedule in relation to relevant pre-application instruments of a specified description.

(2) Where the Secretary of State makes regulations under this paragraph disapplying the effect of this Part, the fact that this Schedule has previously applied in relation to a relevant pre-application instrument does not prevent the exercise of the powers in section 148(7)(b) in relation to the relevant pre-application instrument.

Meaning of "permitting" letting

33 A relevant pre-application instrument permitted, or permits, the affected dwelling-house to be let under a tenancy of a particular description if letting the affected dwelling-house under a tenancy of that description would not have breached the terms of the relevant pre-application instrument.

Interpretation

34 In this Part of this Schedule—

"affected dwelling-house" has the meaning given in paragraph 19(6);

"assured shorthold tenancy" is to be read in accordance with Part 1 of the 1988 Act as it had effect immediately before the commencement date;

"assured tenancy", in relation to a time before the commencement date, is to be read in accordance with Part 1 of the 1988 Act as it had effect at that time;

"the commencement date" has the meaning given by section 146(3);

"contract of insurance" has the meaning given by article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001;

"dwelling-house" has the same meaning as in Part 1 of the 1988 Act — see section 45 of that Act);

"mortgage arrangement which relates to residential premises" or "mortgage arrangement" means an arrangement under which—

(a) credit is or continues to be provided to a person, and

(b) the obligation of the person to repay is secured by a legal or equitable mortgage or other charge on the residential premises;

"pre-application section 106 obligation" means a section 106 obligation that was entered into before the commencement date;

"relevant assured tenancy" has the meaning given in paragraph 19(7) and (8);

"relevant pre-application instrument" has the meaning given in paragraph 19(2) to (5);

"residential premises" has the meaning given in paragraph 19(1);

"section 106 obligation" means a planning obligation under section 106 of the Town and Country Planning Act 1990;

"superseded tenancy" means—

(a) an assured shorthold tenancy, and

(b) an assured tenancy (other than an assured shorthold tenancy) that is not a relevant assured tenancy.

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