



Consumer Rights Act 2015

2015 CHAPTER 15

PART 3

MISCELLANEOUS AND GENERAL

CHAPTER 3

DUTY OF LETTING AGENTS TO PUBLICISE FEES ETC

88 Supplementary provisions

(1) In this Chapter—

“the appropriate national authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers;

“assured tenancy” means a tenancy which is an assured tenancy for the purposes of the Housing Act 1988 except where—

- (a) the landlord is—
 - (i) a private registered provider of social housing,
 - (ii) a registered social landlord, or
 - (iii) a fully mutual housing association, or
- (b) the tenancy is a long lease;

[^{F1}“contract-holder” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act) and includes a person who proposes to be a contract-holder under an occupation contract because the occupation contract has come to an end;]

“dwelling-house” may be a house or part of a house;

“fully mutual housing association” has the same meaning as in Part 1 of the Housing Associations Act 1985 (see section 1(1) and (2) of that Act);

“landlord” includes a person who proposes to be a landlord under a tenancy [^{F2}or an occupation contract] and a person who has ceased to be a landlord

Changes to legislation: There are currently no known outstanding effects for the Consumer Rights Act 2015, Section 88. (See end of Document for details)

under a tenancy [^{F2}or an occupation contract] because the tenancy has come to an end;

“long lease” means a lease which—

- (a) [^{F3}in relation to England—
- (i) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), or
 - (ii) in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be a lease within sub-paragraph (a)(i) of this definition if the tenant’s total share (within the meaning given by that section) were 100%;
- (b) [^{F3}in relation to Wales, falls within the definition of “long tenancy” given by paragraph 8 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1).]

[^{F1}“occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act) except where—

- (a) the landlord is—
- (i) a private registered provider of social housing,
 - (ii) a registered social landlord, or
 - (iii) a fully mutual housing association, or
- (b) the tenancy is a long lease;]

“registered social landlord” means a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996;

“tenant” includes a person who proposes to be a tenant under a tenancy and a person who has ceased to be a tenant under a tenancy because the tenancy has come to an end.

- (2) In this Chapter “local authority” means—
- (a) a county council,
 - (b) a county borough council,
 - (c) a district council,
 - (d) a London borough council,
 - (e) the Common Council of the City of London in its capacity as local authority, or
 - (f) the Council of the Isles of Scilly.
- (3) References in this Chapter to a tenancy [^{F4}or occupation contract] include a proposed tenancy [^{F4}or occupation contract] and a tenancy [^{F4}or occupation contract] that has come to an end.
- (4) References in this Chapter to anything which is payable, or which a person is liable to pay, to a letting agent include anything that the letting agent claims a person is liable to pay, regardless of whether the person is in fact liable to pay it.
- (5) Regulations under this Chapter are to be made by statutory instrument.
- (6) A statutory instrument containing (whether alone or with other provision) regulations made by the Secretary of State under section 87(11) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing (whether alone or with other provision) regulations made by the Welsh Ministers under section 87(12) is not to be made unless a draft

Changes to legislation: There are currently no known outstanding effects for the Consumer Rights Act 2015, Section 88. (See end of Document for details)

of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

- (8) A statutory instrument containing regulations made by the Secretary of State under this Chapter other than one to which subsection (6) applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A statutory instrument containing regulations made by the Welsh Ministers under this Chapter other than one to which subsection (7) applies is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (10) Regulations under this Chapter—
 - (a) may make different provision for different purposes;
 - (b) may make provision generally or in relation to specific cases.
- (11) Regulations under this Chapter may include incidental, supplementary, consequential, transitional, transitory or saving provision.

Textual Amendments

- F1** Words in s. 88(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **35(4)(a)(i)**
- F2** Words in s. 88(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **35(4)(a)(ii)**
- F3** Words in s. 88(1) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **35(4)(a)(iii)**
- F4** Words in s. 88(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **35(4)(b)**

Commencement Information

- I1** S. 88(5)-(11) in force at Royal Assent, see s. 100(2)(c)(5)
- I2** S. 88(1)-(4) in force at 27.5.2015 for E. in so far as not already in force by [S.I. 2015/965](#), **art. 2(a)**
- I3** S. 88(1)-(4) in force at 23.11.2015 for W. in so far as not already in force by [S.I. 2015/1904](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Consumer Rights Act 2015, Section 88.