



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 5

#### HOUSING, ESTATE AGENTS AND RENTCHARGES: OTHER CHANGES

##### *Housing information in England*

#### **128 Tenancy deposit information**

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 212 (tenancy deposit schemes), after subsection (6) insert—

“(6A) For further provision about what must be included in the arrangements, see section 212A.”
- (3) After section 212 insert—

##### **“212A Provision of information to local authorities**

- (1) Arrangements under section 212(1) made by the Secretary of State must require the scheme administrator—
  - (a) to give a local housing authority in England any specified information that they request, or
  - (b) to provide facilities for the sharing of specified information with a local housing authority in England.
- (2) In subsection (1) “specified information” means information, of a description specified in the arrangements, that relates to a tenancy of premises in the local housing authority's area.
- (3) Arrangements made by virtue of this section may make the requirement to provide information or facilities to a local housing authority conditional on the payment of a fee.

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*Changes to legislation: Housing and Planning Act 2016, Cross Heading: Housing information in England is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) Arrangements made by virtue of this section may include supplementary provision, for example about—
    - (a) the form or manner in which any information is to be provided,
    - (b) the time or times at which it is to be provided, and
    - (c) the notification of anyone to whom the information relates.
  - (5) Information obtained by a local housing authority by virtue of this section may be used only—
    - (a) for a purpose connected with the exercise of the authority's functions under any of Parts 1 to 4 in relation to any premises, or
    - (b) for the purpose of investigating whether an offence has been committed under any of those Parts in relation to any premises.
  - (6) Information obtained by a local housing authority by virtue of this section may be supplied to a person providing services to the authority for a purpose listed in subsection (5).
  - (7) The Secretary of State may by regulations amend the list of purposes in subsection (5).”
- (4) In section 250(6) (affirmative instruments), after paragraph (b) insert—  
 “(ba) regulations under section 212A,”.

**Commencement Information**

**II** [S. 128](#) in force at 6.4.2017 by [S.I. 2017/281, reg. 4\(g\)](#)

**129 Use of information obtained for certain other statutory purposes**

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 237 (use of information obtained for certain other statutory purposes) after subsection (2) insert—
  - “(3) The Secretary of State may by regulations amend this section so as to change the list of purposes for which a local housing authority in England may use information to which it applies.”
- (3) In section 250(6) (affirmative instruments), after paragraph (c) insert—  
 “(ca) regulations under section 237,”.

**Commencement Information**

**I2** [S. 129](#) in force at 6.4.2017 by [S.I. 2017/281, reg. 4\(g\)](#)

**130 Tenants' associations: power to request information about tenants**

After section 29 of the Landlord and Tenant Act 1985 insert—

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### **“29A Tenants' associations: power to request information about tenants**

- (1) The Secretary of State may by regulations impose duties on a landlord to provide the secretary of a relevant tenants' association with information about relevant qualifying tenants.
- (2) The regulations may—
  - (a) make provision about the tenants about whom information must be provided and what information must be provided;
  - (b) require a landlord to seek the consent of a tenant to the provision of information about that tenant;
  - (c) require a landlord to identify how many tenants have not consented.
- (3) The regulations may—
  - (a) authorise a landlord to charge costs specified in or determined in accordance with the regulations;
  - (b) impose time limits on a landlord for the taking of any steps under the regulations;
  - (c) make provision about the form or content of any notices under the regulations (including provision permitting or requiring a person to design the form of a notice);
  - (d) make other provision as to the procedure in connection with anything authorised or required by the regulations.
- (4) The regulations may confer power on a court or tribunal to make an order remedying a failure by a landlord to comply with the regulations.
- (5) The regulations may include supplementary, incidental, transitional or saving provision.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—

“relevant tenants' association”, in relation to a landlord, means an association of tenants of the landlord at least one of whom is a qualifying tenant of a dwelling in England;

“relevant qualifying tenant” means—

  - (a) a person who is a qualifying tenant of a dwelling in England and a member of the relevant tenants' association, or
  - (b) a person who is a qualifying tenant of a dwelling in England by virtue of being required to contribute to the same costs as a qualifying tenant who is a member of the relevant tenants' association;

“qualifying tenant” means a tenant who, under the terms of the lease, is required to contribute to the same costs as another tenant by the payment of a service charge.”

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)