

SECURE TENANCIES (VICTIMS OF DOMESTIC ABUSE) ACT 2018

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Secure Tenancies (Victims of Domestic Abuse) Act 2018 (c. 11) which received Royal Assent on 10 May 2018.

- These Explanatory Notes have been prepared by the Ministry of Housing, Communities and Local Government in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

- 1 The Secure Tenancies (Victims of Domestic Abuse) Act 2018 contains measures to ensure that lifetime tenants of social homes who are victims of domestic abuse are granted a further lifetime tenancy where either a) they need to leave or have left their home to escape domestic abuse and are being re-housed by a local authority, or b) where they are a joint tenant and wish to remain a tenant of their social home after the perpetrator has left or been removed and the local authority decides to grant them a further sole tenancy in their current home.

Policy background

- 2 This is an Act to require local authorities, when re-housing a person, or offering a person a new sole tenancy in the same home, where that person has or had a 'lifetime tenancy' of social housing, to grant such a person a new lifetime tenancy in circumstances where the local authority is satisfied that the person or a member of their household is or has been a victim of domestic abuse carried out by another person, and the new tenancy is being granted for reasons connected with that abuse.
- 3 The Act extends to those who have lost their lifetime tenancy after they have fled their home as well as to those with an existing tenancy applying to move, and applies to all lifetime tenants of social housing, whether the person being re-housed and offered a new tenancy has a tenancy agreement with a local authority or a Private Registered Provider of social housing (a housing association).
- 4 The Act also extends the same level of protection to joint lifetime tenants of local authorities who have suffered domestic abuse but wish to remain in their home after the perpetrator has left or been removed, by ensuring that, if the local authority decides to grant the victim a further tenancy in these circumstances, it must be a lifetime tenancy.
- 5 The Act delivers on a commitment given by the Government at Lords Report stage of the Housing and Planning Act 2016 which was reiterated in the Conservative Party's 2017 Manifesto.

Legal background

- 6 Currently, under the Housing Act 1985 ('the 1985 Act'), local authority landlords may grant their tenants either secure periodic tenancies or secure flexible tenancies. Secure periodic tenancies (commonly referred to as 'lifetime tenancies') have no fixed end date and can only be brought to an end by the landlord obtaining a possession order on one of the grounds for possession set out in Schedule 2 to the 1985 Act, which are mainly fault grounds. Flexible tenancies, which were introduced by the Localism Act 2011, are tenancies granted for a fixed term of no less than two years. It is for the landlord to decide which type of tenancy to grant.
- 7 Schedule 7 to the Housing and Planning Act 2016 ('the HPA 2016') amends the 1985 Act to prevent the creation in future of secure periodic tenancies (referred to in the HPA 2016 as 'old-style secure tenancies'), except in limited circumstances. It also removes the power to grant new flexible tenancies and instead requires that new shorter term tenancies should generally be granted. The HPA 2016 includes a power for the Secretary of State to prescribe in regulations the circumstances in which a local authority may still grant an old-style secure tenancy.

Territorial extent and application

- 8 The Act extends to England and Wales but applies in England only.

Commentary on provisions of Act

Section 1: Duty to grant old-style secure tenancies: victims of domestic abuse

- 9 This section amends the 1985 Act to provide that the limited exceptions where an old-style secure tenancy must still be offered by a local authority include a new exception for victims of domestic abuse who have left their existing social home, or are applying to move, or who wish to be granted a further tenancy in their existing social home after the perpetrator has left or been removed. It also inserts a definition of 'abuse' and 'domestic abuse'.

Section 2: Extent, commencement and short title

- 10 This section provides that the provisions of the Act extend to England and Wales only. It also provides for commencement of the provisions of the Act.
- 11 This section also sets out the short title for the Act on receiving Royal Assent as the Secure Tenancies (Victims of Domestic Abuse) Act 2018.

Commencement

- 12 Section 2 comes into force on Royal Assent. Section 1 will come into force on a day to be appointed by the Secretary of State in regulations which are not subject to parliamentary procedure.

Related documents

- 13 The following documents are relevant to the Act and can be read at the stated locations:

- The Housing and Planning Act 2016
<http://www.legislation.gov.uk/ukpga/2016/22/contents>
- The Housing Act 1985
<http://www.legislation.gov.uk/ukpga/1985/68/contents>

Annex A - Hansard References

14 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Lords</i>		
Introduction	19 December 2017	Vol. 787 Col. 2010
Second Reading	9 January 2018	Vol. 788 Col. 135
Grand Committee	24 January 2018	Vol. 788 Col. 1042
Report	6 March 2018	Vol. 789 Col. 1007
Third Reading	13 March 2018	Vol. 789 Col. 1510
<i>House of Commons</i>		
Introduction	13 March 2018	No debate
Second Reading	19 March 2018	Vol. 638 Col. 59
Public Committee	27 March 2018	First Sitting ; Second Sitting
Report and Third Reading	8 May 2018	Vol. 640 Col. 569
Royal Assent	10 May 2018	House of Lords – Vol. 791 Col. 245
		House of Commons – Vol. 640 Col. 893

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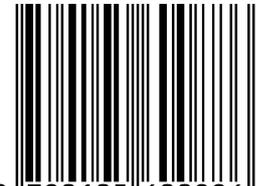
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