Tenant Fees Act 2019

2019 CHAPTER 4

Lead enforcement authority

24 Lead enforcement authority

(1) In this Act "lead enforcement authority" means—

(a) the Secretary of State, or

(b) a person whom the Secretary of State has arranged to be the lead enforcement authority in accordance with subsection (2).

(2) The Secretary of State may make arrangements for a local weights and measures authority in England to be the lead enforcement authority for the purposes of the relevant letting agency legislation instead of the Secretary of State.

(3) The arrangements—

(a) may include provision for payments by the Secretary of State;

(b) may include provision about bringing the arrangements to an end.

(4) 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.

(5) The regulations may relate to a specific change in the lead enforcement authority or to changes that might arise from time to time.

(6) In this Act "the relevant letting agency legislation" means—

(a) this Act,

(b) Chapter 3 of Part 3 of the Consumer Rights Act 2015 as it applies in relation to dwelling-houses in England,

(c) an order under section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013, and

(d) regulations under section 133, 134 or 135 of the Housing and Planning Act 2016.

Commencement Information

I1 S. 24(4)(5) in force at Royal Assent, see s. 34(3)(c)

I2 S. 24(1)-(3)(6) in force at 15.4.2019 by S.I. 2019/857, **reg. 2(a)**

25 General duties of the lead enforcement authority

(1) It is the duty of the lead enforcement authority to oversee the operation of the relevant letting agency legislation.

(2) It is the duty of the lead enforcement authority to issue guidance to enforcement authorities about the exercise of their functions under this Act.

(3) It is the duty of the lead enforcement authority to provide information and advice to relevant authorities in England and to the public in England about the operation of the relevant letting agency legislation, in such form and manner as it considers appropriate.

(4) The lead enforcement authority may, amongst other things, disclose information to a relevant authority for the purposes of enabling that authority to determine whether there has been a breach of, or an offence under, the relevant letting agency legislation.

(5) Subsections (6) to (8) apply if the lead enforcement authority is not the Secretary of State.

(6) The Secretary of State may direct the lead enforcement authority to issue guidance about the operation of the relevant letting agency legislation to relevant authorities in England and may give directions as to the content of that guidance.

(7) A direction may relate to all or particular kinds of relevant authorities and may make different provision for different kinds of authority.

(8) It is the duty of the lead enforcement authority to keep under review and from time to time advise the Secretary of State about—

(a) social and commercial developments in England and elsewhere relating to tenancies, the carrying on of letting agency work and related activities, and

(b) the operation of the relevant letting agency legislation.

(9) In this section and section 26 “relevant authority” means—

(a) in relation to this Act, an enforcement authority;

(b) in relation to Chapter 3 of Part 3 of the Consumer Rights Act 2015, a local weights and measures authority in England;

(c) in relation to an order under section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013, a person on whom functions in relation to enforcement of the order are conferred;

(d) in relation to regulations under section 133, 134 or 135 of the Housing and Planning Act 2016, a local authority in England (as defined in section 135 of that Act).

Commencement Information

I3 S. 25 in force at 15.4.2019 by S.I. 2019/857, **reg. 2(b)**

26 Enforcement by the lead enforcement authority

(1) The lead enforcement authority may take steps to enforce the relevant letting agency legislation where it considers it is necessary or expedient to do so.

(2) The lead enforcement authority may, for that purpose, exercise any powers that a relevant authority may exercise for the purpose of the enforcement of the legislation in relation to which it is such an authority.

(3) Where the lead enforcement authority proposes to take enforcement action in respect of a breach of the relevant letting agency legislation, it must notify the relevant authority in relation to the legislation in whose area the breach has occurred that it proposes to do so.

(4) If the lead enforcement authority notifies a relevant authority under subsection (3) but does not take the action referred to in that subsection, the lead enforcement authority must notify the relevant authority of that fact.

(5) Where a relevant authority receives a notification under subsection (3), the authority is relieved of any duty to take enforcement action in relation to the breach unless the authority receives a notification under subsection (4).

(6) But the lead enforcement authority may require the relevant authority to assist the lead enforcement authority in taking the enforcement action.

(7) Every relevant authority in England must report to the 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 authority's functions under the relevant letting agency legislation.

(8) Section 14(7) to (10) (duty to notify the local housing authority) applies to the lead enforcement authority as it applies to a local weights and measures authority.

(9) For the investigatory powers available to the lead enforcement authority for the purposes of enforcing the relevant letting agency legislation, see Schedule 5 to the Consumer Rights Act 2015.

(10) 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 " section 26 of the Tenant Fees Act 2019 ".

Commencement Information

I4 S. 26 in force at 15.4.2019 for specified purposes by S.I. 2019/857, **reg. 2(c)**

I5 S. 26 in force at 1.6.2019 in so far as not already in force by S.I. 2019/857, **reg. 3(u)**

Changes to legislation:
There are currently no known outstanding effects for the Tenant Fees Act 2019, Cross Heading: Lead enforcement authority.