



# Tenant Fees Act 2019

## 2019 CHAPTER 4

### *Enforcement*

#### **17 Restriction on terminating tenancy**

- (1) This section applies if—
  - (a) a landlord breaches section 1(1) by requiring a relevant person to make a prohibited payment in connection with an assured shorthold tenancy, and
  - (b) the relevant person makes a prohibited payment to the landlord as a result of the requirement being made.
- (2) This section also applies if—
  - (a) a landlord breaches Schedule 2 in relation to a holding deposit paid by a relevant person, and
  - (b) the deposit relates to an assured shorthold tenancy.
- (3) No section 21 notice may be given in relation to the tenancy so long as all or part of the prohibited payment or holding deposit has not been repaid to the relevant person.
- (4) Subsection (3) does not apply where none of the prohibited payment or holding deposit has been repaid to the relevant person if, with the consent of the relevant person—
  - (a) the payment or deposit has been applied towards a payment of rent under the tenancy,
  - (b) the payment or deposit has been applied towards the tenancy deposit in respect of the tenancy, or
  - (c) some of the payment or deposit has been applied as mentioned in paragraph (a) and the rest has been applied as mentioned in paragraph (b).
- (5) Subsection (3) does not apply where part of the prohibited payment or holding deposit has been repaid to the relevant person if, with the consent of the relevant person—
  - (a) the remaining part has been applied towards a payment of rent under the tenancy,
  - (b) the remaining part has been applied towards the tenancy deposit in respect of the tenancy, or

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*Changes to legislation: There are currently no known outstanding effects for the Tenant Fees Act 2019, Section 17. (See end of Document for details)*

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- (c) some of the remaining part has been applied as mentioned in paragraph (a) and the rest has been applied as mentioned in paragraph (b).
- (6) In this section “section 21 notice” means a notice under section 21(1)(b) or (4)(a) of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy).

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**Commencement Information**

**II** [S. 17](#) in force at 1.6.2019 by [S.I. 2019/857](#), [reg. 3\(p\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Tenant Fees Act 2019, Section 17.