



# Tenant Fees Act 2019

## 2019 CHAPTER 4

### *Final provisions*

#### **30 Transitional provision**

- (1) Subject as follows, section 1 (prohibitions applying to landlords) does not apply to—
  - (a) a requirement imposed before the coming into force of that section, or
  - (b) a requirement imposed by or pursuant to a tenancy agreement entered into before the coming into force of that section.
- (2) Subject as follows, section 1 does not apply to a requirement imposed by or pursuant to an agreement relating to a periodic tenancy which arises—
  - (a) under section 5(2) of the Housing Act 1988 after the coming into force of section 1, and
  - (b) on the coming to an end of a fixed term tenancy which was entered into before the coming into force of that section,  
(referred to in this section as a “relevant statutory tenancy”).
- (3) Subsections (5) and (6) apply in relation to a provision of a tenancy agreement entered into before the coming into force of section 1 if, had the agreement been entered into after that time, that section would have applied in relation to the provision or a requirement imposed pursuant to it.
- (4) Subsections (5) and (6) apply in relation to a provision of an agreement relating to a relevant statutory tenancy if, had the provision been included in a tenancy agreement entered into after the coming into force of section 1, that section would have applied in relation to that provision or a requirement imposed pursuant to it.
- (5) After the end of the period of one year beginning with the date on which section 1 comes into force, the provision ceases to be binding on the tenant or a relevant person in relation to the tenant (but the agreement continues, so far as practicable, to have effect in every other respect).
- (6) If, after the end of the period of one year beginning with the date on which section 1 comes into force—

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*Changes to legislation: There are currently no known outstanding effects for the Tenant Fees Act 2019, Section 30. (See end of Document for details)*

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- (a) the landlord or a letting agent accepts a payment from a relevant person pursuant to the provision, and
  - (b) the landlord or letting agent does not return the payment before the end of the period of 28 days beginning with the day on which it is accepted,
- the landlord or letting agent is to be treated for the purposes of this Act as having required the relevant person to make a prohibited payment of that amount at that time.
- (7) Subject as follows, section 2 (prohibitions applying to letting agents) does not apply to—
- (a) a requirement imposed before the coming into force of that section, or
  - (b) a requirement imposed by or pursuant to an agreement between a letting agent and a relevant person entered into before the coming into force of that section.
- (8) Subsections (9) and (10) apply in relation to a provision of an agreement between a letting agent and a relevant person entered into before the coming into force of section 2 if, had the agreement been entered into after that time, that section would have applied in relation to the provision or a requirement imposed pursuant to it.
- (9) After the end of the period of one year beginning with the date on which section 2 comes into force, the provision ceases to be binding on the relevant person (but the agreement continues, so far as practicable, to have effect in every other respect).
- (10) If, after the end of the period of one year beginning with the date on which section 2 comes into force—
- (a) the letting agent accepts a payment from the relevant person pursuant to the provision, and
  - (b) the letting agent does not return the payment before the end of the period of 28 days beginning with the day on which it is accepted,
- the letting agent is to be treated for the purposes of this Act as having required the relevant person to make a prohibited payment of that amount at that time.
- (11) Schedule 2 (treatment of holding deposit) applies only in relation to a holding deposit paid after the coming into force of that Schedule.
- (12) The Secretary of State may by regulations made by statutory instrument make such other transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.

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**Commencement Information**

- I1** S. 30(12) in force at Royal Assent, see s. 34(3)(e)
- I2** S. 30(1)-(11) in force at 1.6.2019 by S.I. 2019/857, **reg. 3(x)**

**Changes to legislation:**

There are currently no known outstanding effects for the Tenant Fees Act 2019, Section 30.