



Tenant Fees Act 2019

2019 CHAPTER 4

Amendments to the Consumer Rights Act 2015

18 Duty to publicise fees on third party websites

- (1) Section 83 of the Consumer Rights Act 2015 (duty of letting agents to publicise fees etc) is amended in accordance with subsections (2) to (6).
- (2) After subsection (3) insert—
 - “(3A) Subsection (3C) applies to an agent who—
 - (a) is carrying on letting agency work in relation to a dwelling-house in England, and
 - (b) advertises the dwelling-house on a third party website as a dwelling-house which a landlord is seeking to let on a tenancy.
 - (3B) Subsection (3C) also applies to an agent who, on a third party website, advertises letting agency work carried on by the agent in relation to dwelling houses in England.
 - (3C) The agent must ensure that—
 - (a) a list of the agent’s relevant fees is published on the third party website, or
 - (b) there is a link on that website to a part of the agent’s website where a list of those fees is published.”
- (3) In subsection (4), in the opening words, for “or (3)” substitute “, (3) or (3C)”.
- (4) In subsection (6), for “or (3)” substitute “, (3) or (3C)”.
- (5) In subsection (7), for “or (3)” substitute “, (3) or (3C)”.
- (6) In subsection (9) at the end insert—

““third party website”, in relation to a letting agent, means a website other than the agent’s website.”

- (7) In section 87 of that Act (enforcement of duty of letting agents to publicise fees etc), after subsection (2) insert—

“(2A) If a letting agent breaches the duty in section 83(3C) (duty to publish list of fees etc on third party website), that breach is taken to have occurred in each area of a local weights and measures authority in England in which a dwelling-house to which the fees relate is located.”

19 Information about membership of client money protection scheme

In section 83 of the Consumer Rights Act 2015, in subsection (6) (statement of whether agent is member of client money protection scheme)—

- (a) for the words from “holds money” to “as part of” substitute “is required to be a member of a client money protection scheme for the purposes of”, and
- (b) for the words from “of whether” to the end substitute “that—
 - (a) indicates that the agent is a member of a client money protection scheme, and
 - (b) gives the name of the scheme.”

20 Penalties for continuing breach of duty

- (1) Section 87 of the Consumer Rights Act 2015 (enforcement of duty of letting agents to publicise fees etc) is amended as follows.
- (2) In subsection (6), at the end insert “, subject to subsection (6A)”.
- (3) After subsection (6) insert—

“(6A) More than one penalty may be imposed on the same letting agent by a local weights and measures authority in England in respect of a breach which occurs in England where—

- (a) the breach continues after the end of 28 days beginning with the day after that on which the final notice in respect of the previous penalty for the breach was served, unless the letting agent appeals against that notice within that period, or
- (b) if the letting agent appeals against that notice within that period, the breach continues after the end of 28 days beginning with the day after that on which the appeal is finally determined, withdrawn or abandoned.

(6B) Subsection (6A) does not enable a penalty to be imposed after the final notice in respect of the previous penalty has been withdrawn or quashed on appeal.

(6C) In subsections (6A) and (6B) “final notice” has the meaning given by paragraph 3(2) of Schedule 9.”