



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 6

MISCELLANEOUS AND GENERAL

Redress schemes: lettings and property management agents

83 Redress schemes: lettings agency work

- (1) The Secretary of State may by order require persons who engage in lettings agency work to be members of a redress scheme for dealing with complaints in connection with that work which is either—
 - (a) a redress scheme approved by the Secretary of State, or
 - (b) a government administered redress scheme.
- (2) A “redress scheme” is a scheme which provides for complaints against members of the scheme to be investigated and determined by an independent person.
- (3) A “government administered redress scheme” means a redress scheme which is—
 - (a) administered by or on behalf of the Secretary of State, and
 - (b) designated for the purposes of the order by the Secretary of State.
- (4) The order may provide for the duty mentioned in subsection (1) to apply—
 - (a) only to specified descriptions of persons who engage in lettings agency work;
 - (b) only in relation to specified descriptions of such work.
- (5) The order may also provide for the duty not to apply in relation to complaints of any specified description (which may be framed by reference to a description of person making a complaint).

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 83. (See end of Document for details)

- (6) Before making the order, the Secretary of State must be satisfied that all persons who are to be subject to the duty will be eligible to join a redress scheme before the duty applies to them.
- (7) In this section, “lettings agency work” means things done by any person in the course of a business in response to instructions received from—
- (a) a person seeking to find another person wishing to rent a dwelling-house in England under a domestic tenancy and, having found such a person, to grant such a tenancy (“a prospective landlord”);
 - (b) a person seeking to find a dwelling-house in England to rent under a domestic tenancy and, having found such a dwelling-house, to obtain such a tenancy of it (“a prospective tenant”).
- (8) However, “lettings agency work” does not include any of the following things when done by a person who does no other things falling within subsection (7)—
- (a) publishing advertisements or disseminating information;
 - (b) providing a means by which—
 - (i) a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or (as the case may be) prospective landlord;
 - (ii) a prospective landlord and a prospective tenant can continue to communicate directly with each other.
- (9) “Lettings agency work” also does not include —
- (a) things done by a local authority;
 - (b) things of a description, or things done by a person of a description, specified for the purposes of this section in an order made by the Secretary of State.
- (10) In subsection (7), “domestic tenancy” means—
- (a) a tenancy which is an assured tenancy for the purposes of the Housing Act 1988 except where—
 - (i) the landlord is a private registered provider of social housing (as to which see section 80 of the Housing and Regeneration Act 2008), or
 - (ii) the tenancy is a long lease within the meaning given by section 84(10);
 - (b) a tenancy under which a dwelling-house is let as a separate dwelling and which is of a description specified for the purposes of this section in an order made by the Secretary of State.
- (11) An order under subsection (10)(b) may not provide for any of the following to be a domestic tenancy—
- (a) a tenancy where the landlord is a registered provider of social housing (as to which see section 80 of the Housing and Regeneration Act 2008);
 - (b) a long lease within the meaning given by section 84(10).

Commencement Information

II S. 83 partly in force; s. 83 in force for specified purposes at Royal Assent, see s. 103(1)(i)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 83.