



# 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).

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- (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:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2013/1455 art. 3 4 Sch. 3 by [S.I. 2013/2271 art. 2](#)
- specified provision(s) revocation of earlier commencing SI 2015/641 by [S.I. 2015/1558 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 4 para. 1(1)(b)(iv)(v) inserted by [2020 c. 27 Sch. 3 para. 2\(2\)\(e\)](#)
- Sch. 4 para. 1(2A)-(2D) inserted by [2020 c. 27 Sch. 3 para. 2\(3\)](#)
- Sch. 4 para. 3(2A) inserted by [2020 c. 27 Sch. 3 para. 3\(2\)](#)
- Sch. 4 para. 3(4)(5) inserted by [2020 c. 27 Sch. 3 para. 3\(3\)](#)
- Sch. 4 para. 4(1A) inserted by [2020 c. 27 Sch. 3 para. 4\(2\)](#)
- Sch. 4 para. 6(4) inserted by [2020 c. 27 Sch. 3 para. 5\(4\)](#)
- Sch. 4 para. 9(2)(c) and word inserted by [2020 c. 27 Sch. 3 para. 6\(b\)](#)
- Sch. 4 Pt. 3A inserted by [2020 c. 27 Sch. 3 para. 8](#)
- Sch. 4 para. 12(3)(a)-(d) substituted for words by [2020 c. 27 s. 40\(2\)](#)
- Sch. 4 para. 13(2)(a)-(d) substituted for words by [2020 c. 27 s. 40\(3\)](#)
- Sch. 4 para. 14(3)(a)(i)-(iv) substituted for words by [2020 c. 27 s. 40\(4\)](#)
- Sch. 4 para. 9(2)(a) word omitted by [2020 c. 27 Sch. 3 para. 6\(a\)](#)