



# Prevention of Social Housing Fraud Act 2013

## 2013 CHAPTER 3

### 2 **Unlawful sub-letting: assured tenancies [<sup>F1</sup> and secure contracts]**

- (1) A tenant of a dwelling-house let under an assured tenancy [<sup>F2</sup> or a secure contract] to which this section applies commits an offence if—
  - (a) in breach of an express or implied term of the tenancy, the tenant sub-lets or parts with possession of the whole or part of the dwelling-house,
  - (b) the tenant ceases to occupy the dwelling-house as the tenant's only or principal home, and
  - (c) the tenant knows that the conduct described in paragraph (a) is a breach of a term of the tenancy.
- (2) A tenant of a dwelling-house let under an assured tenancy [<sup>F3</sup> or a secure contract] to which this section applies commits an offence if—
  - (a) dishonestly and in breach of an express or implied term of the tenancy, the tenant sub-lets or parts with possession of the whole or part of the dwelling-house, and
  - (b) the tenant ceases to occupy the dwelling-house as the tenant's only or principal home.
- (3) This section applies to an assured tenancy [<sup>F4</sup> or a secure contract]—
  - (a) under which the landlord is a private registered provider of social housing [<sup>F5</sup>,] a registered social landlord [<sup>F6</sup> or in relation to Wales a community landlord], and
  - (b) which is not a shared ownership lease.
- (4) The offence under subsection (1) is not committed where the tenant takes the action described in paragraphs (a) and (b) of that subsection because of violence or threats of violence by a person residing in, or in the locality of, the dwelling-house—
  - (a) towards the tenant, or
  - (b) towards a member of the family of the tenant who was residing with the tenant immediately before the tenant ceased to occupy the dwelling-house.

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*Changes to legislation: There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013, Section 2. (See end of Document for details)*

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- (5) The offence under subsection (1) is not committed if a person (“P”) who occupies the dwelling-house as a result of the conduct described in subsection (1)(a) is—
- (a) a person entitled to apply to the court for an order giving P a right to occupy the dwelling-house or to have the tenancy transferred to P, or
  - (b) a person in respect of whom an application may be made to have the tenancy transferred to P or to another person to be held for P's benefit.
- (6) A person convicted of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) A person convicted of an offence under subsection (2) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

#### Textual Amendments

- F1** Words in s. 2 heading inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **33(3)(a)**
- F2** Words in s. 2(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **33(3)(b)**
- F3** Words in s. 2(2) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **33(3)(c)**
- F4** Words in s. 2(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **33(3)(d)(i)**
- F5** Punctuation in s. 2(3)(a) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **33(3)(d)(ii)(aa)**
- F6** Words in s. 2(3)(a) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **33(3)(d)(ii)(bb)**

#### Commencement Information

- I1** S. 2 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), **art. 2**
- I2** S. 2 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013, Section 2.