



Deregulation Act 2015

2015 CHAPTER 20

Housing and development

28 Reduction of qualifying period for right to buy

- (1) The Housing Act 1985 is amended as follows.
- (2) In section 119 (which sets out the qualifying period for the right to buy), before subsection (1) insert—

“(A1) In the application of this Part to England, the right to buy does not arise unless the period which, in accordance with Schedule 4, is to be taken into account for the purposes of this section is at least three years.”
- (3) In subsection (1), at the beginning insert “In the application of this Part to Wales,”.
- (4) In subsection (2), after “subsection” insert “(A1) or”.

29 Removal of power to require preparation of housing strategies

- (1) Section 87 of the Local Government Act 2003 (which confers power on the Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, to require local housing authorities to have housing strategies and to prepare housing statements) ceases to have effect in relation to England.
- (2) Accordingly, that section is amended as follows.
- (3) In subsection (1)—
 - (a) in the opening words, for “The appropriate person” substitute “The Welsh Ministers”;
 - (b) in paragraph (a)—
 - (i) after “a local housing authority” insert “in Wales”;
 - (ii) for “the appropriate person” substitute “the Welsh Ministers”.
- (4) In subsection (2)—
 - (a) for “The appropriate person” substitute “The Welsh Ministers”;

- (b) after “a local housing authority” insert “in Wales”;
 - (c) for “the appropriate person” (in each place where it occurs) substitute “the Welsh Ministers”.
- (5) In subsection (3)—
- (a) in the opening words, for “The appropriate person” substitute “The Welsh Ministers”;
 - (b) in paragraph (c), for “the appropriate person” substitute “the Welsh Ministers”.
- (6) In consequence of the amendments made by this section to section 87 of the 2003 Act—
- (a) in section 88(2) of that Act, in paragraph (a), after “an authority” insert “in Wales”;
 - (b) in section 333D(3) of the Greater London Authority Act 1999, in the definition of “local housing strategy”—
 - (i) omit paragraph (a);
 - (ii) in paragraph (b), omit “other”.

30 Tenancy deposits: provision of information by agents

- (1) The Housing (Tenancy Deposits) (Prescribed Information) Order 2007 ([S.I. 2007/797](#)) is amended as follows.
- (2) In article 2 (prescribed information relating to tenancy deposits), after paragraph (2) insert—
- “(3) In a case where the initial requirements of an authorised scheme have been complied with in relation to the deposit by a person (“the initial agent”) acting on the landlord’s behalf in relation to the tenancy—
- (a) references in paragraph (1)(b), (g)(iii) and (vii) to the landlord are to be read as references to either the landlord or the initial agent;
 - (b) references in paragraphs (1)(d), (e), (g)(iv) and (vi) and (2) to the landlord are to be read as references to either the landlord or a person who acts on the landlord’s behalf in relation to the tenancy.
- (4) In any other case, references in paragraphs (1)(d), (e), (g)(iv) and (vi) and (2) to the landlord are to be read as references to either the landlord or a person who acts on the landlord’s behalf in relation to the tenancy.
- (5) Section 212(9)(a) of the Act (references to landlord include persons acting on landlord’s behalf) does not apply for the purposes of this article.”

- (3) After article 2 insert—

“3 Article 2(3) to (5): transitional provisions

- (1) Paragraphs (3) to (5) of article 2 are treated as having had effect since 6th April 2007, subject to the following provisions of this article.
- (2) Paragraphs (3) to (5) of article 2 do not have effect in relation to—
 - (a) a claim under section 214 of the Act or section 21 of the Housing Act 1988 in respect of a tenancy which is settled before the

- commencement date (whether or not proceedings in relation to the claim have been instituted), or
- (b) proceedings under either of those sections in respect of a tenancy which have been finally determined before the commencement date.
- (3) Paragraph (5) applies in respect of a tenancy if—
- (a) proceedings under section 214 of the Act in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
- (b) because of paragraphs (3) to (5) of article 2, the court decides—
- (i) not to make an order under section 214(4) of that Act in respect of the tenancy, or
- (ii) to allow an appeal by the landlord against such an order.
- (4) Paragraph (5) also applies in respect of a tenancy if—
- (a) proceedings for possession under section 21 of the Housing Act 1988 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
- (b) because of paragraphs (3) to (5) of article 2, the court decides—
- (i) to make an order for possession under that section in respect of the tenancy, or
- (ii) to allow an appeal by the landlord against a refusal to make such an order.
- (5) Where this paragraph applies, the court must not order the tenant or any relevant person (as defined by section 213(10) of the Act) to pay the landlord's costs, to the extent that the court reasonably considers those costs are attributable to the proceedings under section 214 of the Act or (as the case may be) section 21 of the Housing Act 1988.
- (6) Proceedings have been “finally determined” for the purposes of this article if—
- (a) they have been determined by a court, and
- (b) there is no further right to appeal against the determination.
- (7) There is no further right to appeal against a court determination if there is no right to appeal against the determination, or there is such a right but—
- (a) the time limit for making an appeal has expired without an appeal being brought, or
- (b) an appeal brought within that time limit has been withdrawn.
- (8) In this article “the commencement date” means the date on which the Deregulation Act 2015 is passed.”
- (4) The amendments made by this section to the Housing (Tenancy Deposits) (Prescribed Information) Order 2007 ([S.I. 2007/797](#)) do not affect a power to use subordinate legislation to amend or revoke that Order.
- (5) In subsection (4), “subordinate legislation” has the same meaning as in the Interpretation Act 1978.

31 Tenancy deposits: non-compliance with requirements

- (1) Chapter 4 of Part 6 of the Housing Act 2004 (Tenancy Deposit Schemes) is amended as follows.
- (2) In section 214 (proceedings relating to tenancy deposits), in subsection (1), after “shorthold tenancy” insert “on or after 6 April 2007”.
- (3) In section 215 (sanctions for non-compliance)—
- (a) for subsection (1) substitute—
 - “(1) Subject to subsection (2A), if (whether before, on or after 6 April 2007) a tenancy deposit has been paid in connection with a shorthold tenancy, no section 21 notice may be given in relation to the tenancy at a time when the deposit is not being held in accordance with an authorised scheme.
 - (1A) Subject to subsection (2A), if a tenancy deposit has been paid in connection with a shorthold tenancy on or after 6 April 2007, no section 21 notice may be given in relation to the tenancy at a time when section 213(3) has not been complied with in relation to the deposit.”;
 - (b) in subsection (2A), after “Subsections (1)” insert “, (1A)”.

32 Tenancy deposits: deemed compliance with requirements

In Chapter 4 of Part 6 of the Housing Act 2004 (Tenancy Deposit Schemes), after section 215 insert—

“215A Statutory periodic tenancies: deposit received before 6 April 2007

- (1) This section applies where—
- (a) before 6 April 2007, a tenancy deposit has been received by a landlord in connection with a fixed term shorthold tenancy,
 - (b) on or after that date, a periodic shorthold tenancy is deemed to arise under section 5 of the Housing Act 1988 on the coming to an end of the fixed term tenancy,
 - (c) on the coming to an end of the fixed term tenancy, all or part of the deposit paid in connection with the fixed term tenancy is held in connection with the periodic tenancy, and
 - (d) the requirements of section 213(3), (5) and (6) have not been complied with by the landlord in relation to the deposit held in connection with the periodic tenancy.
- (2) If, on the commencement date—
- (a) the periodic tenancy is in existence, and
 - (b) all or part of the deposit paid in connection with the fixed term tenancy continues to be held in connection with the periodic tenancy,
- section 213 applies in respect of the deposit that continues to be held in connection with the periodic tenancy, and any additional deposit held in connection with that tenancy, with the modifications set out in subsection (3).

- (3) The modifications are that, instead of the things referred to in section 213(3) and (5) being required to be done within the time periods set out in section 213(3) and (6)(b), those things are required to be done—
- (a) before the end of the period of 90 days beginning with the commencement date, or
 - (b) (if earlier) before the first day after the commencement date on which a court does any of the following in respect of the periodic tenancy—
 - (i) determines an application under section 214 or decides an appeal against a determination under that section;
 - (ii) makes a determination as to whether to make an order for possession in proceedings under section 21 of the Housing Act 1988 or decides an appeal against such a determination.
- (4) If, on the commencement date—
- (a) the periodic tenancy is no longer in existence, or
 - (b) no deposit continues to be held in connection with the periodic tenancy,
- the requirements of section 213(3), (5) and (6) are treated as if they had been complied with by the landlord in relation to any deposit that was held in connection with the periodic tenancy.
- (5) In this section “the commencement date” means the date on which the Deregulation Act 2015 is passed.

215B Shorthold tenancies: deposit received on or after 6 April 2007

- (1) This section applies where—
- (a) on or after 6 April 2007, a tenancy deposit has been received by a landlord in connection with a shorthold tenancy (“the original tenancy”),
 - (b) the initial requirements of an authorised scheme have been complied with by the landlord in relation to the deposit (ignoring any requirement to take particular steps within any specified period),
 - (c) the requirements of section 213(5) and (6)(a) have been complied with by the landlord in relation to the deposit when it is held in connection with the original tenancy (ignoring any deemed compliance under section 215A(4)),
 - (d) a new shorthold tenancy comes into being on the coming to an end of the original tenancy or a tenancy that replaces the original tenancy (directly or indirectly),
 - (e) the new tenancy replaces the original tenancy (directly or indirectly), and
 - (f) when the new tenancy comes into being, the deposit continues to be held in connection with the new tenancy, in accordance with the same authorised scheme as when the requirements of section 213(5) and (6) were last complied with by the landlord in relation to the deposit.
- (2) In their application to the new tenancy, the requirements of section 213(3), (5) and (6) are treated as if they had been complied with by the landlord in relation to the deposit.

- (3) The condition in subsection (1)(a) may be met in respect of a tenancy even if the tenancy deposit was first received in connection with an earlier tenancy (including where it was first received before 6 April 2007).
- (4) For the purposes of this section, a tenancy replaces an earlier tenancy if—
 - (a) the landlord and tenant immediately before the coming to an end of the earlier tenancy are the same as the landlord and tenant at the start of the new tenancy, and
 - (b) the premises let under both tenancies are the same or substantially the same.

215C Sections 215A and 215B: transitional provisions

- (1) Sections 215A and 215B are treated as having had effect since 6 April 2007, subject to the following provisions of this section.
- (2) Sections 215A and 215B do not have effect in relation to—
 - (a) a claim under section 214 of this Act or section 21 of the Housing Act 1988 in respect of a tenancy which is settled before the commencement date (whether or not proceedings in relation to the claim have been instituted), or
 - (b) proceedings under either of those sections in respect of a tenancy which have been finally determined before the commencement date.
- (3) Subsection (5) applies in respect of a tenancy if—
 - (a) proceedings under section 214 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
 - (b) because of section 215A(4) or 215B(2), the court decides—
 - (i) not to make an order under section 214(4) in respect of the tenancy, or
 - (ii) to allow an appeal by the landlord against such an order.
- (4) Subsection (5) also applies in respect of a tenancy if—
 - (a) proceedings for possession under section 21 of the Housing Act 1988 in respect of the tenancy have been instituted before the commencement date but have not been settled or finally determined before that date, and
 - (b) because of section 215A(4) or 215B(2), the court decides—
 - (i) to make an order for possession under that section in respect of the tenancy, or
 - (ii) to allow an appeal by the landlord against a refusal to make such an order.
- (5) Where this subsection applies, the court must not order the tenant or any relevant person (as defined by section 213(10)) to pay the landlord's costs, to the extent that the court reasonably considers those costs are attributable to the proceedings under section 214 of this Act or (as the case may be) section 21 of the Housing Act 1988.
- (6) Proceedings have been “finally determined” for the purposes of this section if —

- (a) they have been determined by a court, and
 - (b) there is no further right to appeal against the determination.
- (7) There is no further right to appeal against a court determination if there is no right to appeal against the determination, or there is such a right but—
- (a) the time limit for making an appeal has expired without an appeal being brought, or
 - (b) an appeal brought within that time limit has been withdrawn.
- (8) In this section “the commencement date” means the date on which the Deregulation Act 2015 is passed.”

33 Preventing retaliatory eviction

- (1) Where a relevant notice is served in relation to a dwelling-house in England, a section 21 notice may not be given in relation to an assured shorthold tenancy of the dwelling-house—
- (a) within six months beginning with the day of service of the relevant notice, or
 - (b) where the operation of the relevant notice has been suspended, within six months beginning with the day on which the suspension ends.
- (2) A section 21 notice given in relation to an assured shorthold tenancy of a dwelling-house in England is invalid where—
- (a) before the section 21 notice was given, the tenant made a complaint in writing to the landlord regarding the condition of the dwelling-house at the time of the complaint,
 - (b) the landlord—
 - (i) did not provide a response to the complaint within 14 days beginning with the day on which the complaint was given,
 - (ii) provided a response to the complaint that was not an adequate response, or
 - (iii) gave a section 21 notice in relation to the dwelling-house following the complaint,
 - (c) the tenant then made a complaint to the relevant local housing authority about the same, or substantially the same, subject matter as the complaint to the landlord,
 - (d) the relevant local housing authority served a relevant notice in relation to the dwelling-house in response to the complaint, and
 - (e) if the section 21 notice was not given before the tenant’s complaint to the local housing authority, it was given before the service of the relevant notice.
- (3) The reference in subsection (2) to an adequate response by the landlord is to a response in writing which—
- (a) provides a description of the action that the landlord proposes to take to address the complaint, and
 - (b) sets out a reasonable timescale within which that action will be taken.
- (4) Subsection (2) applies despite the requirement in paragraph (a) for a complaint to be in writing not having been met where the tenant does not know the landlord’s postal or e-mail address.

Status: This is the original version (as it was originally enacted).

- (5) Subsection (2) applies despite the requirements in paragraphs (a) and (b) not having been met where the tenant made reasonable efforts to contact the landlord to complain about the condition of the dwelling-house but was unable to do so.
- (6) The court must strike out proceedings for an order for possession under section 21 of the Housing Act 1988 in relation to a dwelling-house in England if, before the order is made, the section 21 notice that would otherwise require the court to make an order for possession in relation to the dwelling-house has become invalid under subsection (2).
- (7) An order for possession of a dwelling-house in England made under section 21 of the Housing Act 1988 must not be set aside on the ground that a relevant notice was served in relation to the dwelling-house after the order for possession was made.
- (8) Subsection (1) does not apply where the section 21 notice is given after—
- (a) the relevant notice has been wholly revoked under section 16 of the Housing Act 2004 as a result of the notice having been served in error,
 - (b) the relevant notice has been quashed under paragraph 15 of Schedule 1 to that Act,
 - (c) a decision of the relevant local housing authority to refuse to revoke the relevant notice has been reversed under paragraph 18 of Schedule 1 to that Act, or
 - (d) a decision of the relevant local housing authority to take the action to which the relevant notice relates has been reversed under section 45 of that Act.
- (9) Subsection (2) does not apply where the operation of the relevant notice has been suspended.
- (10) References in this section and section 34 to a relevant notice served, or complaint made, in relation to a dwelling-house include a relevant notice served, or complaint made, in relation to any common parts of the building of which the dwelling-house forms a part.
- (11) But subsection (10) applies only if—
- (a) the landlord has a controlling interest in the common parts in question, and
 - (b) the condition of those common parts is such as to affect the tenant’s enjoyment of the dwelling-house or of any common parts which the tenant is entitled to use.
- (12) In this section and section 34 a reference to a complaint to a landlord includes a complaint made to a person acting on behalf of the landlord in relation to the tenancy.
- (13) In this section and section 34—
- “assured shorthold tenancy” means a tenancy within section 19A or 20 of the Housing Act 1988;
 - “common parts”, in relation to a building, includes—
 - (a) the structure and exterior of the building, and
 - (b) common facilities provided (whether or not in the building) for persons who include one or more of the occupiers of the building;
 - “controlling interest” means an interest which is such as to entitle the landlord to decide whether action is taken in relation to a complaint within this section or a relevant notice;
 - “dwelling-house” has the meaning given by section 45 of the Housing Act 1988;

“relevant local housing authority”, in relation to a dwelling-house, means the local housing authority as defined in section 261(2) and (3) of the Housing Act 2004 within whose area the dwelling-house is located;

“relevant notice” means—

- (a) a notice served under section 11 of the Housing Act 2004 (improvement notices relating to category 1 hazards),
- (b) a notice served under section 12 of that Act (improvement notices relating to category 2 hazards), or
- (c) a notice served under section 40(7) of that Act (emergency remedial action);

“section 21 notice” means a notice given under section 21(1)(b) or (4)(a) of the Housing Act 1988 (recovery of possession on termination of shorthold tenancy).

34 Further exemptions to section 33

- (1) Subsections (1) and (2) of section 33 do not apply where the condition of the dwelling-house or common parts that gave rise to the service of the relevant notice is due to a breach by the tenant of—
 - (a) the duty to use the dwelling-house in a tenant-like manner, or
 - (b) an express term of the tenancy to the same effect.
- (2) Subsections (1) and (2) of section 33 do not apply where at the time the section 21 notice is given the dwelling-house is genuinely on the market for sale.
- (3) For the purposes of subsection (2), a dwelling-house is not genuinely on the market for sale if, in particular, the landlord intends to sell the landlord’s interest in the dwelling-house to—
 - (a) a person associated with the landlord,
 - (b) a business partner of the landlord,
 - (c) a person associated with a business partner of the landlord, or
 - (d) a business partner of a person associated with the landlord.
- (4) In subsection (3), references to a person who is associated with another person are to be read in accordance with section 178 of the Housing Act 1996.
- (5) For the purposes of subsection (3), a business partner of a person (“P”) is a person who is—
 - (a) a director, secretary or other officer of a company of which P is also a director, secretary or other officer,
 - (b) a director, secretary or other officer of a company in which P has a shareholding or other financial interest,
 - (c) a person who has a shareholding or other financial interest in a company of which P is a director, secretary or other officer,
 - (d) an employee of P,
 - (e) a person by whom P is employed, or
 - (f) a partner of a partnership of which P is also a partner.
- (6) Subsections (1) and (2) of section 33 do not apply where the landlord is a private registered provider of social housing.
- (7) Subsections (1) and (2) of section 33 do not apply where—

- (a) the dwelling-house is subject to a mortgage granted before the beginning of the tenancy,
 - (b) the mortgagee is entitled to exercise a power of sale conferred on the mortgagee by the mortgage or by section 101 of the Law of Property Act 1925, and
 - (c) at the time the section 21 notice is given the mortgagee requires possession of the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power.
- (8) In subsection (7)—
- (a) “mortgage” includes a charge, and
 - (b) “mortgagee” includes a receiver appointed by the mortgagee under the terms of the mortgage or in accordance with the Law of Property Act 1925.

35 Notice to be provided in relation to periodic assured shorthold tenancies

In section 21 of the Housing Act 1988 (recovery of possession on termination of shorthold tenancy), after subsection (4) insert—

“(4ZA) In the case of a dwelling-house in England, subsection (4)(a) above has effect with the omission of the requirement for the date specified in the notice to be the last day of a period of the tenancy.”

36 Time limits in relation to section 21 notices and proceedings

- (1) Section 21 of the Housing Act 1988 is amended as follows.
- (2) After subsection (4A) insert—
- “(4B) A notice under subsection (1) or (4) may not be given in relation to an assured shorthold tenancy of a dwelling-house in England—
- (a) in the case of a tenancy which is not a replacement tenancy, within the period of four months beginning with the day on which the tenancy began, and
 - (b) in the case of a replacement tenancy, within the period of four months beginning with the day on which the original tenancy began.
- (4C) Subsection (4B) does not apply where the tenancy has arisen due to section 5(2).
- (4D) Subject to subsection (4E), proceedings for an order for possession under this section in relation to a dwelling-house in England may not be begun after the end of the period of six months beginning with the date on which the notice was given under subsection (1) or (4).
- (4E) Where—
- (a) a notice under subsection (4) has been given in relation to a dwelling-house in England, and
 - (b) paragraph (b) of that subsection requires the date specified in the notice to be more than two months after the date the notice was given,
- proceedings for an order for possession under this section may not be begun after the end of the period of four months beginning with the date specified in the notice.”

(3) In subsection (6), for “subsection” substitute “subsections (4B)(b) and”.

37 Prescribed form of section 21 notices

In section 21 of the Housing Act 1988, after subsection (7) insert—

“(8) The Secretary of State may by regulations made by statutory instrument prescribe the form of a notice under subsection (1) or (4) given in relation to an assured shorthold tenancy of a dwelling-house in England.

(9) A statutory instrument containing regulations made under subsection (8) is subject to annulment in pursuance of a resolution of either House of Parliament.”

38 Compliance with prescribed legal requirements

After section 21 of the Housing Act 1988 insert—

“21A Compliance with prescribed legal requirements

(1) A notice under subsection (1) or (4) of section 21 may not be given in relation to an assured shorthold tenancy of a dwelling-house in England at a time when the landlord is in breach of a prescribed requirement.

(2) The requirements that may be prescribed are requirements imposed on landlords by any enactment and which relate to—

- (a) the condition of dwelling-houses or their common parts,
- (b) the health and safety of occupiers of dwelling-houses, or
- (c) the energy performance of dwelling-houses.

(3) In subsection (2) “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978.

(4) For the purposes of subsection (2)(a) “common parts” has the same meaning as in Ground 13 in Part 2 of Schedule 2.

(5) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

39 Requirement for landlord to provide prescribed information

After section 21A of the Housing Act 1988 insert—

“21B Requirement for landlord to provide prescribed information

(1) The Secretary of State may by regulations require information about the rights and responsibilities of a landlord and a tenant under an assured shorthold tenancy of a dwelling-house in England (or any related matters) to be given by a landlord under such a tenancy, or a person acting on behalf of such a landlord, to the tenant under such a tenancy.

(2) Regulations under subsection (1) may—

- (a) require the information to be given in the form of a document produced by the Secretary of State or another person,
 - (b) provide that the document to be given is the version that has effect at the time the requirement applies, and
 - (c) specify cases where the requirement does not apply.
- (3) A notice under subsection (1) or (4) of section 21 may not be given in relation to an assured shorthold tenancy of a dwelling-house in England at a time when the landlord is in breach of a requirement imposed by regulations under subsection (1).
- (4) A statutory instrument containing regulations made under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”

40 Repayment of rent where tenancy ends before end of a period

After section 21B of the Housing Act 1988 insert—

“21C Repayment of rent where tenancy ends before end of a period

- (1) A tenant under an assured shorthold tenancy of a dwelling-house in England is entitled to a repayment of rent from the landlord where—
- (a) as a result of the service of a notice under section 21 the tenancy is brought to an end before the end of a period of the tenancy,
 - (b) the tenant has paid rent in advance for that period, and
 - (c) the tenant was not in occupation of the dwelling-house for one or more whole days of that period.
- (2) The amount of repayment to which a tenant is entitled under subsection (1) is to be calculated in accordance with the following formula—

$$R \times \frac{D}{P}$$

where—

R is the rent paid for the final period;

D is the number of whole days of the final period for which the tenant was not in occupation of the dwelling-house; and

P is the number of whole days in that period.

- (3) If the repayment of rent described in subsections (1) and (2) has not been made when the court makes an order for possession under section 21, the court must order the landlord to repay the amount of rent to which the tenant is entitled.
- (4) Nothing in this section affects any other right of the tenant to a repayment of rent from the landlord.”

41 Application of sections 33 to 40

- (1) Subject to subsections (2) and (3), a provision of sections 33 to 40 applies only to an assured shorthold tenancy of a dwelling-house in England granted on or after the day on which the provision comes into force.

- (2) Subject to subsection (3), a provision of sections 33 to 40 does not apply to an assured shorthold tenancy that came into being under section 5(2) of the Housing Act 1988 after the commencement of that provision and on the coming to an end of an assured shorthold tenancy that was granted before the commencement of that provision.
- (3) At the end of the period of three years beginning with the coming into force of a provision of sections 33 to 38 or section 40, that provision also applies to any assured shorthold tenancy of a dwelling-house in England—
 - (a) which is in existence at that time, and
 - (b) to which that provision does not otherwise apply by virtue of subsection (1) or (2).

42 Optional building requirements

After section 2A of the Building Act 1984 insert—

“2B Optional requirements

- (1) Building regulations made by the Secretary of State in relation to England may include a requirement that applies only where a planning authority makes compliance with the requirement a condition of a grant of planning permission.
- (2) In the following provisions of this section, a requirement included in building regulations by virtue of subsection (1) is referred to as an “optional requirement”.
- (3) Building regulations may specify that an optional requirement is capable of applying only in respect of development of a kind described in the regulations.
- (4) Building regulations may specify conditions that must be satisfied before a planning authority may make compliance with an optional requirement a condition of the grant of planning permission.
- (5) Building regulations may specify the steps that a planning authority must take to inform a person subject to an optional requirement of the requirement.
- (6) Where building regulations include an optional requirement that would (to any extent) be inconsistent with another requirement imposed by the regulations, the building regulations must provide—
 - (a) that the other requirement does not apply in any case where the optional requirement applies, or
 - (b) that the other requirement applies in any such case with modifications specified in the regulations.
- (7) In this section —
 - “development” has the same meaning as in the Town and Country Planning Act 1990 (see section 55 of that Act);
 - “planning authority” means—
 - (a) a local planning authority within the meaning of that Act (see section 336(1));
 - (b) the Secretary of State (in the exercise of functions of granting planning permission);

Status: This is the original version (as it was originally enacted).

“planning permission” has the same meaning as in that Act (see section 336(1)).”

43 Amendment of Planning and Energy Act 2008

In the Planning and Energy Act 2008, in section 1 (energy policies), after subsection (1) insert—

“(1A) Subsection (1)(c) does not apply to development in England that consists of the construction or adaptation of buildings to provide dwellings or the carrying out of work on dwellings.”

44 Short-term use of London accommodation: relaxation of restrictions

(1) The Greater London Council (General Powers) Act 1973 is amended as follows.

(2) In section 25 (provision of temporary sleeping accommodation to constitute material change of use), after subsection (1) insert—

“(1A) Subsection (1) is subject to section 25A.”

(3) After section 25 insert—

“25A Exception to section 25

(1) Despite section 25(1), the use as temporary sleeping accommodation of any residential premises in Greater London does not involve a material change of use if two conditions are met.

(2) The first is that the sum of—

- (a) the number of nights of use as temporary sleeping accommodation, and
- (b) the number of nights (if any) of each previous use of the premises as temporary sleeping accommodation in the same calendar year,

does not exceed ninety.

(3) The second is that, in respect of each night which falls to be counted under subsection (2)(a)—

- (a) the person who provided the sleeping accommodation for the night was liable to pay council tax under Part 1 of the Local Government Finance Act 1992 in respect of the premises, or
- (b) where more than one person provided the sleeping accommodation for the night, at least one of those persons was liable to pay council tax under Part 1 of that Act in respect of the premises.

(4) For the purposes of subsection (2)(b), it does not matter whether any previous use was by the same person.”

(4) After section 25A (inserted by subsection (3) above) insert—

“25B Further provision about section 25A

(1) The local planning authority or the Secretary of State may direct that section 25A is not to apply—

- (a) to particular residential premises specified in the direction;
 - (b) to residential premises situated in a particular area specified in the direction.
- (2) A direction under subsection (1) may be given only if the local planning authority or (as the case may be) the Secretary of State considers that it is necessary to protect the amenity of the locality.
- (3) The local planning authority may give a direction under subsection (1) only with the consent of the Secretary of State.
- (4) A direction under subsection (1) may be revoked by the person who gave it, whether or not an application is made for the revocation.
- (5) The Secretary of State may—
 - (a) delegate the functions of the Secretary of State under subsection (1) or (4) to the local planning authority;
 - (b) direct that a local planning authority may give directions under this section without the consent of the Secretary of State.
- (6) The Secretary of State may revoke a delegation under subsection (5)(a) or a direction under subsection (5)(b).
- (7) The Secretary of State may by regulations made by statutory instrument make provision—
 - (a) as to the procedure which must be followed in connection with the giving of a direction under subsection (1) or in connection with the revocation of such a direction under subsection (4);
 - (b) as to the information which must be provided where the local planning authority seeks the consent of the Secretary of State to the giving of a direction under subsection (1).
- (8) A statutory instrument containing regulations under subsection (7) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section, “local planning authority” has the same meaning as in the Town and Country Planning Act 1990 (see section 336(1) of that Act).”

45 Short-term use of London accommodation: power to relax restrictions

- (1) The Secretary of State may by regulations made by statutory instrument provide that section 25(1) of the Greater London Council (General Powers) Act 1973 does not apply if conditions specified by the regulations are met.
- (2) Regulations under subsection (1) must include provision corresponding to section 25B of that Act.
- (3) Regulations under this section may amend the Greater London Council (General Powers) Act 1973.
- (4) Regulations under this section may—
 - (a) make different provision for different purposes;
 - (b) include incidental, supplementary, consequential, transitional, transitory or saving provision.

- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

46 Designation of urban development areas: procedure

- (1) Section 134 of the Local Government, Planning and Land Act 1980 (urban development areas) is modified as follows in relation to an order under subsection (1) of that section designating any area of land in England as an urban development area that is contained in an instrument laid before Parliament on or before 31 March 2016.
- (2) The section has effect as if after subsection (1) there were inserted—
- “(1A) Before making an order under subsection (1), the Secretary of State must consult the following persons—
- (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the proposed urban development area;
 - (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the proposed urban development area;
 - (c) each local authority for an area which falls wholly or partly within the proposed urban development area; and
 - (d) any other person whom the Secretary of State considers it appropriate to consult.”
- (3) The section has effect as if for subsection (4) there were substituted—
- “(4) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) The duty to consult under section 134(1A) of the Local Government, Planning and Land Act 1980 (inserted by subsection (2) above) may be satisfied by consultation before this section comes into force.

47 Establishment of urban development corporations: procedure

- (1) Section 135 of the Local Government, Planning and Land Act 1980 (urban development corporations) is modified as follows in relation to an order under that section establishing an urban development corporation for an urban development area in England that is contained in an instrument laid before Parliament on or before 31 March 2016.
- (2) The section has effect as if after subsection (1) there were inserted—
- “(1A) Before making an order under this section, the Secretary of State must consult the following persons—
- (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the urban development area;
 - (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the urban development area;
 - (c) each local authority for an area which falls wholly or partly within the urban development area; and

- (d) any other person whom the Secretary of State considers it appropriate to consult.”
- (3) The section has effect as if for subsection (3) there were substituted—
 - “(3) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) The duty to consult under section 135(1A) of the Local Government, Planning and Land Act 1980 (inserted by subsection (2) above) may be satisfied by consultation before this section comes into force.

48 Provision of advice etc about residential licences

In the Housing Act 1996, after section 220 insert—

“220A Provision of general advice etc about residential licences: England

- (1) The Secretary of State may give financial assistance to any person in relation to the provision by that person of—
 - (a) information, training or general advice about any matter relating to residential licences in England, or
 - (b) a dispute resolution service in connection with any matter relating to residential licences in England.
- (2) Financial assistance under this section may be given in such form and on such terms as the Secretary of State considers appropriate.
- (3) The terms on which financial assistance under this section may be given may, in particular, include provision as to the circumstances in which the assistance must be repaid or otherwise made good to the Secretary of State and the manner in which that is to be done.”