



Housing and Planning Act 2016

CHAPTER 22

HOUSING AND PLANNING ACT 2016

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2 (1) The notice of intent must be given before the...
3 The notice of intent must set out—
4 Right to make representations
5 Final notice
6 If the authority decides to impose a financial penalty on...
7 The final notice must require the penalty to be paid...
8 The final notice must set out— (a) the amount of...
9 Withdrawal or amendment of notice
10 Appeals
11 Recovery of financial penalty

SCHEDULE 2 — Banned person may not hold HMO licence etc

- 1 The Housing Act 2004 is amended as follows.
2 In section 64 (grant or refusal of HMO licence), in...
3 In section 66 (HMO licence: tests for fitness etc), after...
4 In section 68 (licences: general requirements and duration), in
subsection...
5 For the heading of section 70 substitute “Power to revoke...
6 After section 70 insert— Duty to revoke licence in banning...
7 In section 88 (grant or refusal of Part 3 licence),...
8 In section 89 (Part 3 licences: tests for fitness etc),...
9 In section 91 (licences: general requirements and duration), in
subsection...
10 For the heading of section 93 substitute “Power to revoke...
11 After section 93 insert— Duty to revoke licence in banning...
12 (1) Schedule 5 (licences under Parts 2 and 3: procedure...

SCHEDULE 3 — Management orders following banning order

- 1 The Housing Act 2004 is amended as follows.
2 (1) Section 101 (interim and final management orders) is amended...
3 (1) Section 102 (making of interim management orders) is amended...
4 (1) Section 105 (operation of interim management orders) is amended...
5 (1) Section 110 (financial arrangements while order is in force)...
6 In section 112 (revocation of interim management orders), after
subsection...

- 7 (1) Section 113 (making of final management orders) is amended...
- 8 (1) Section 114 (operation of final management orders) is amended...
- 9 In section 119 (management schemes and accounts), after
subsection (4)...
- 10 In section 122 (revocation of final management orders), after
subsection...
- 11 In section 129 (termination of management orders: financial
arrangements), in...
- 12 (1) Schedule 6 (management orders: procedure and appeals) is
amended...

SCHEDULE 4 — Reducing social housing regulation

PART 1 — REMOVAL OF DISPOSAL CONSENT REQUIREMENTS

- 1 Housing Act 1985 (c. 68)
- 2 Housing Act 1988 (c. 50)
- 3 (1) Section 81 (consent to certain disposals of housing obtained...
- 4 (1) Section 133 (consent to certain disposals of housing obtained...
- 5 Local Government and Housing Act 1989 (c. 42)
- 6 Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)
- 7 Housing and Regeneration Act 2008
- 8 In section 60 (structural overview), in subsection (4), in the...
- 9 After section 74 insert— Leaving the social housing stock: transfer...
- 10 (1) Section 75 (leaving the social housing stock) is amended...
- 11 In section 119 (de-registration: voluntary), in subsection (5), omit
paragraph...
- 12 In section 149 (moratorium: exempted disposals)— (a) omit
subsection (6);...
- 13 In section 171 (power to dispose), in subsection (3), omit...
- 14 For the italic heading above section 172 substitute— Notification of...
- 15 Omit sections 172 to 175 (disposal consents).
- 16 For section 176 substitute— Notification of disposal (1) If a private
registered provider disposes of a dwelling...
- 17 Omit section 179 and the italic heading before it (application...
- 18 In section 186 (former registered providers), for “to 175” substitute...
- 19 Omit section 187 (change of use, etc).
- 20 Omit section 190 (consent to disposals under other legislation).
- 21 In section 278A (power to nominate for consultation purposes), for...

PART 2 — RESTRUCTURING AND DISSOLUTION: REMOVAL OF CONSENT REQUIREMENTS ETC

- 22 The Housing and Regeneration Act 2008 is amended as follows....
- 23 In section 115 (profit-making and non-profit organisations), in
subsection (9),...
- 24 For section 160 substitute— Company: arrangements and
reconstructions (1) This section applies to a non-profit registered
provider which...
- 25 For section 161 substitute— Company: conversion into registered
society (1) This section applies to a non-profit registered provider
which...
- 26 For section 163 substitute— Registered society: restructuring (1) This
section applies to a non-profit registered provider which...
- 27 In section 165 (registered society: dissolution), for subsection (2)
substitute—...
- 28 Omit section 166 (winding up petition by regulator).

- 29 After section 169 insert— Notification of constitutional changes
Registered societies:...
- 30 In section 192 (overview), omit paragraph (c).
- 31 Omit sections 211 to 214 and the italic heading before...
- PART 3 — ABOLITION OF DISPOSAL PROCEEDS FUND
- 32 The Housing and Regeneration Act 2008 is amended as follows....
- 33 Omit— (a) sections 177 and 178; (b) the italic heading...
- 34 (1) Section 181 (meaning of “publicly funded” for purposes of...
- 35 Regulations under section 213 in connection with the coming into...
- PART 4 — ENFORCEMENT POWERS
- 36 The Housing and Regeneration Act 2008 is amended as follows....
- 37 In section 269 (appointment of new officers of non-profit registered...
- 38 In section 275 (interpretation), for the definition of “mismanagement”
substitute—...

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PART 1 — MODIFICATIONS OF SCHEDULE B1 TO THE INSOLVENCY ACT 1986

- 1 Introductory
- 2 General modifications of the applicable provisions
- 3 Specific modifications
- 4 Paragraph 40 (dismissal of pending winding-up petition) is to have...
- 5 Paragraph 42 (moratorium on insolvency proceedings) is to have
effect...
- 6 Paragraph 44 (interim moratorium) is to have effect as if...
- 7 Paragraph 46(6) (date for notifying administrator’s appointment) is to
have...
- 8 Paragraph 49 (administrator’s proposals) is to have effect as if—...
- 9 Paragraph 54 is to have effect as if the following...
- 10 Paragraph 60 (powers of an administrator) has effect as if...
- 11 Paragraph 68 (management duties of an administrator) is to have...
- 12 Paragraph 73(3) (protection for secured or preferential creditor) is to...
- 13 Paragraph 74 (challenge to administrator’s conduct) is to have effect...
- 14 Paragraph 75(2) (misfeasance) is to have effect as if after...
- 15 Paragraph 78 (consent to extension of administrator’s term of office)...
- 16 Paragraph 79 (end of administration) is to have effect as...
- 17 Paragraph 83(3) (notice to registrar when moving to voluntary
liquidation)...
- 18 Paragraph 84 (notice to registrar when moving to dissolution) is...
- 19 Paragraph 87(2) (resignation of administrator) is to have effect as...
- 20 Paragraph 89(2) (administrator ceasing to be qualified) is to have...
- 21 Paragraph 90 (filling vacancy in office of administrator) is to...
- 22 Paragraph 91 (vacancies in court appointments) is to have effect...
- 23 Paragraph 98 (discharge from liability on vacation of office) is...
- 24 Paragraph 99 (charges and liabilities upon vacation of office by...
- 25 Paragraph 100 (joint and concurrent administrators) is to have effect...
- 26 Paragraph 101(3) (joint administrators) is to have effect as if...
- 27 Paragraph 103 (appointment of additional administrators) is to have
effect...
- 28 Paragraph 106(2) (penalties) is to have effect as if paragraphs...
- 29 Paragraph 109 (references to extended periods) is to have effect...
- 30 Paragraph 111 (interpretation) is to have effect as if—

PART 2 — FURTHER MODIFICATIONS OF SCHEDULE B1 TO INSOLVENCY
ACT 1986: FOREIGN COMPANIES

- 31 Introductory
- 32 In paragraphs 33 to 38— (a) the provisions of Schedule...
- 33 Modifications
- 34 (1) The applicable provisions and Schedule 1 to the Insolvency...
- 35 Paragraph 41 of Schedule B1 to the Insolvency Act 1986...
- 36 Paragraph 43(6A) of Schedule B1 to the Insolvency Act 1986...
- 37 Paragraph 44(7) of Schedule B1 to the Insolvency Act 1986...
- 38 Paragraph 64 of Schedule B1 to the Insolvency Act 1986...

PART 3 — OTHER MODIFICATIONS

- 39 General modifications
- 40 (1) Paragraph 39, in its application to section 1(3) of...
- 41 Modifications of the Insolvency Act 1986
- 42 Section 5 (effect of approval of voluntary arrangements) is to...
- 43 Section 6 (challenge of decisions in relation to voluntary
arrangements)...
- 44 In section 129(1A) (commencement of winding up), the reference to...
- 45 Power to make further modifications
- 46 Interpretation of Part 3 of Schedule

SCHEDULE 6 — Amendments to housing moratorium and consequential
amendments

- 1 The Housing and Regeneration Act 2008 is amended as follows....
- 2 Omit section 144 (insolvency: preparatory steps notice).
- 3 For section 145 substitute— Moratorium A moratorium on the disposal
of land by a private...
- 4 (1) Section 146 (duration of moratorium) is amended as follows....
- 5 (1) Section 147 (further moratorium) is amended as follows.
- 6 In section 154 (proposals: effect), in subsection (2), after paragraph...
- 7 Omit section 162 (consent to company winding up).
- 8 Omit section 164 (consent to registered society winding up).
- 9 In section 275 (general interpretation), omit the definition of “working...
- 10 In section 276 (index of defined terms), omit the entry...

SCHEDULE 7 — Secure tenancies etc: phasing out of tenancies for life

- 1 Law of Property Act 1925 (c. 20)
- 2 Housing Act 1985 (c. 68)
- 3 For the italic heading before section 79 substitute— Secure tenancies...
- 4 After section 81 insert— Grant of new secure tenancies in...
- 5 In section 82 (security of tenure), in subsection (3), for...
- 6 After section 82 insert— Orders for possession and expiry of...
- 7 (1) Section 82A (demoted tenancy) is amended as follows.
- 8 In section 83 (proceedings for possession or termination: general
notice...
- 9 In section 84 (grounds and orders for possession), in subsection...
- 10 (1) Section 86 (periodic tenancy arising on termination of fixed...
- 11 After section 86 insert— English secure tenancies: review, renewal
and...
- 12 (1) Section 97 (tenant’s improvements require consent) is amended as...
- 13 (1) Section 99A (right to compensation for improvements) is amended...
- 14 Omit sections 107A to 107E (flexible tenancies).

- 15 After section 115A insert— Meaning of “flexible tenancy” (1) For the purposes of this Act, a flexible tenancy...
- 16 (1) Section 117 (index of defined expressions) is amended as...
- 17 (1) Schedule 1 (tenancies which are not secure tenancies) is...
- 18 Landlord and Tenant Act 1985 (c. 70)
- 19 Housing Act 1996 (c. 52)
- 20 (1) Section 124 (introductory tenancies) is amended as follows.
- 21 After section 124 insert— New introductory tenancies in England: overall...
- 22 (1) Section 125A (extension of trial period by 6 months)...
- 23 In section 128 (notice of proceedings for possession), in subsection...
- 24 In section 137A (introductory tenancies that are to become flexible...
- 25 In section 143A (demoted tenancies), in subsection (1), omit “periodic”....
- 26 In section 143E (notice of proceedings for possession), for subsection...
- 27 (1) Section 143MA (demoted tenancies that are to become flexible...
- 28 After section 143MA insert— Default flexible tenancies when no notice...
- 29 Land Registration Act 2002 (c. 9)
- 30 Localism Act 2011 (c. 20)
- 31 In section 155, omit subsections (3) and (4).
- 32 In section 159 (further provisions about transfer of tenancy under...
- 33 Savings for flexible tenancies with only 9 months left to run

SCHEDULE 8 — Succession to secure tenancies and related tenancies

- 1 Housing Act 1985 (c. 68)
- 2 In section 86 (periodic tenancy arising on termination of fixed...
- 3 (1) Section 86A (persons qualified to succeed: England) as inserted...
- 4 In section 88 (cases where the tenant is a successor),...
- 5 (1) Section 89 (succession to periodic tenancy) is amended as...
- 6 In section 117 (index of defined expressions), in the entry...
- 7 Housing Act 1996 (c. 52)
- 8 (1) Section 131 (persons qualified to succeed tenant) is amended...
- 9 (1) Section 133 (succession to introductory tenancy) is amended as...
- 10 Before section 143H (but after the italic heading) insert— Persons...
- 11 (1) Section 143H (succession to demoted tenancy) is amended as...
- 12 In section 143I (no successor tenant: termination), after “section” insert...
- 13 (1) Section 143J of the Housing Act 1996 (demoted tenancies:...
- 14 Localism Act 2011 (c. 20)
- 15 Savings
- 16 The amendments made by paragraphs 7 and 8 do not...
- 17 The amendments made by paragraphs 10 to 13 do not...

SCHEDULE 9 — Financial penalty as alternative to prosecution under Housing Act 2004

- 1 The Housing Act 2004 is amended as follows.
- 2 In section 30 (offence of failing to comply with improvement...
- 3 In section 72 (offences in relation to licensing of HMOs),...
- 4 In section 95 (offences in relation to licensing of houses...
- 5 In section 139 (overcrowding notices), after subsection (9) insert—
- 6 In section 234 (management regulations in respect of HMOs), after...

- 7 After section 249 insert— Financial penalties as alternative to prosecution...
- 8 After Schedule 13 insert— SCHEDULE 13A Financial penalties under section...

SCHEDULE 10 — Enfranchisement and extension of long leaseholds: calculations

- 1 Leasehold Reform Act 1967
- 2 Leasehold Reform, Housing and Urban Development Act 1993
- 3 (1) Section 100 (orders and regulations) is amended as follows....
- 4 (1) In Schedule 6, paragraph 7 is amended as follows....
- 5 (1) In Schedule 13 (premium and other amounts payable by...

SCHEDULE 11 — Default powers exercisable by Mayor of London or combined authority: Schedule to be inserted in the Planning and Compulsory Purchase Act 2004

SCHEDULE 12 — Permission in principle for development of land: minor and consequential amendments

- 1 Town and Country Planning Act 1990 (c. 8)
- 2 In section 2A (the Mayor of London: applications of potential...
- 3 In the heading before section 61W, after “planning permission” insert...
- 4 In section 61W (requirement to carry out pre-application consultation), in...
- 5 In section 61X (duty to take account of responses to...
- 6 In section 61Y (power to make supplementary provision), in subsection...
- 7 In the heading before section 62, after “planning permission” insert...
- 8 (1) Section 62 (applications for planning permission) is amended as...
- 9 In section 65 (notice etc of applications for planning permission),...
- 10 In section 69 (register of applications etc), after paragraph (a)...
- 11 (1) Section 70 (determination of applications: general considerations) is amended...
- 12 (1) Section 70A (power to decline to determine subsequent application)...
- 13 (1) Section 70B (power to decline to determine overlapping application)...
- 14 In section 70C (power to decline to determine retrospective application),...
- 15 In section 71 (consultation in connection with determinations under section...
- 16 In section 71A (assessment of environmental effects), in subsection (1),...
- 17 (1) Section 74 (directions etc as to method of dealing...
- 18 In section 76C (provisions applying to applications made under section...
- 19 In section 76D (deciding applications made under section 62A), in...
- 20 (1) Section 77 (references of applications to Secretary of State)...
- 21 In section 78 (right of appeal against planning decisions and...
- 22 (1) Section 78A (appeal made: functions of local planning authorities)...
- 23 (1) Section 79 (determination of appeals) is amended as follows....
- 24 In the heading before section 97, after “planning permission” insert...
- 25 (1) Section 97 (power to revoke or modify planning permission)...
- 26 In section 99 (procedure for section 97 orders: unopposed cases),...

- 27 (1) In section 106BB (duty to notify the Mayor of...
- 28 (1) Section 107 (compensation where planning permission revoked or modified)...
- 29 (1) Section 108 (compensation for refusal or conditional grant of...
- 30 In section 109 (apportionment of compensation for depreciation), in the...
- 31 In section 284 (validity of development plans and certain orders,...
- 32 In section 286 (challenges to validity on ground of authority's...
- 33 In section 293 (application to Crown: definitions), in subsection (2A),...
- 34 (1) Section 293A (urgent Crown development: application) is amended as...
- 35 (1) Section 298A (application for planning permission by Crown) is...
- 36 In section 303 (fees for planning applications etc), in subsection...
- 37 In section 316 (land of interested planning authorities and development...
- 38 In section 322B (local inquiries in London: special provision as...
- 39 In section 332 (combined applications), in subsection (1)(a), after "planning...
- 40 (1) In section 336 (interpretation), subsection (1) is amended as...
- 41 (1) Schedule 1 (local planning authorities: distribution of functions) is...
- 42 Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
- 43 In section 91(2) of that Act (expressions that have the...
- 44 Commons Act 2006 (c. 26)

SCHEDULE 13 — Resolution of disputes about planning obligations: Schedule to be inserted in the Town and Country Planning Act 1990

SCHEDULE 14 — Right to enter and survey land: consequential amendments

- 1 Defence Act 1842 (5 & 6 Vict c. 94)
- 2 Coast Protection Act 1949 (12 & 13 Geo 6 c. 74)
- 3 National Parks and Access to the Countryside Act 1949 (12, 13 & 14 Geo 6 c. 97)
- 4 Land Powers (Defence) Act 1958 (6 & 7 Eliz 2 c. 30)
- 5 Caravan Sites and Control of Development Act 1960 (8 & 9 Eliz 2 c. 62)
- 6 Compulsory Purchase Act 1965 (c. 56)
- 7 Criminal Justice Act 1972 (c. 71)
- 8 Welsh Development Agency Act 1975 (c. 70)
- 9 Local Government (Miscellaneous Provisions) Act 1976 (c. 57)
- 10 Ancient Monuments and Archaeological Areas Act 1979 (c. 46)
- 11 Local Government, Planning and Land Act 1980 (c. 65)
- 12 Highways Act 1980 (c. 66)
- 13 New Towns Act 1981 (c. 64)
- 14 Civil Aviation Act 1982 (c. 16)
- 15 Industrial Development Act 1982 (c. 52)
- 16 Housing Act 1985 (c. 68)
- 17 Local Government and Housing Act 1989 (c. 42)
- 18 Electricity Act 1989 (c. 29)
- 19 Town and Country Planning Act 1990 (c. 8)
- 20 Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
- 21 Land Drainage Act 1991 (c. 59)
- 22 Water Industry Act 1991 (c. 56)
- 23 Water Resources Act 1991 (c. 57)

- 24 Environment Act 1995 (c. 25)
- 25 Greater London Authority Act 1999 (c. 29)
- 26 Postal Services Act 2000 (c. 26)
- 27 Housing and Regeneration Act 2008 (c. 17)
- 28 Localism Act 2011 (c. 20)

SCHEDULE 15 — Notice of general vesting declaration procedure

- 1 New notice requirements
- 2 (1) Section 15 (compulsory purchase order: confirmation notice) is amended...
- 3 (1) Paragraph 6 of Schedule 1 (purchase by Minister: notices...
- 4 Consequential amendments
- 5 Omit section 3 (preliminary notices).
- 6 In section 5, omit subsection (1) (earliest date for execution...
- 7 In section 6 (notices after execution of declaration), in subsection...
- 8 Power to make corresponding amendments elsewhere

SCHEDULE 16 — Abolition of alternative possession procedure following notice to treat

- 1 Land Compensation Act 1961 (c. 33)
- 2 Compulsory Purchase Act 1965 (c. 56)
- 3 In section 11 omit subsection (2).
- 4 In section 12(6) omit “, or have paid it into...
- 5 In section 37 for “Subsections (1) and (2)” substitute “Subsection...
- 6 Omit Schedule 3.
- 7 Forestry Act 1967 (c. 10)
- 8 Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)
- 9 Land Compensation Act 1973 (c. 26)
- 10 In section 33A(4) omit paragraph (b).
- 11 In section 52ZC(7)(c) for “, any bond under Schedule 3...
- 12 In section 52A— (a) in subsection (1), omit “Schedule 3...
- 13 In section 57(1) omit “, under Schedule 3 to the...
- 14 Local Government (Miscellaneous Provisions) Act 1976 (c. 57)
- 15 Ancient Monuments and Archaeological Areas Act 1979 (c. 46)
- 16 Planning and Compensation Act 1991 (c. 34)
- 17 Planning Act 2008 (c. 29)

SCHEDULE 17 — Objection to division of land following notice to treat

PART 1 — AMENDMENTS TO COMPULSORY PURCHASE ACT 1965

- 1 The Compulsory Purchase Act 1965 is amended as follows.
- 2 In section 8 (material detriment arising from severance of land...
- 3 After Schedule 2 insert— SCHEDULE 2A Counter-notice requiring purchase of...

PART 2 — CONSEQUENTIAL AMENDMENTS

- 4 Land Compensation Act 1961 (c. 33)
- 5 Land Compensation Act 1973 (c. 26)
- 6 Provisions which refer to section 8(1)
- 7 This is the provision to be substituted for the provisions...
- 8 New Towns Act 1981 (c. 64)
- 9 Acquisition of Land Act 1981 (c. 67)
- 10 Water Industry Act 1991 (c. 56)
- 11 Water Resources Act 1991 (c. 57)

SCHEDULE 18 — Objection to division of land following vesting declaration

PART 1 — AMENDMENTS TO COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

- 1 The Compulsory Purchase (Vesting Declarations) Act 1981 is amended as...
- 2 In section 4 (execution of declaration), for subsection (3), substitute—...
- 3 In section 7 (constructive notice to treat), for subsection (1)...
- 4 In section 8 (vesting and the right to enter on...
- 5 In section 12 (divided land), for “Schedule 1” substitute “Schedules...
- 6 Before Schedule 1 insert— SCHEDULE A1 Counter-notice requiring purchase of...
- 7 In Schedule 1 (divided land) omit Part 1 (buildings and...
- 8 In Schedule 2 (vesting of land in urban development corporation),...
- 9 In section 5A of the Land Compensation Act 1961 (relevant...
- 10 In Schedule 6 to the Crossrail Act 2008 (acquisition of...

PART 2 — CONSEQUENTIAL AMENDMENTS

SCHEDULE 19 — Amendments to do with sections 203 and 204

- 1 Welsh Development Agency Act 1975 (c. 70)
- 2 Local Government, Planning and Land Act 1980 (c. 65)
- 3 New Towns Act 1981 (c. 64)
- 4 Omit section 19.
- 5 In section 20, for subsection (10) substitute—
- 6 In section 21, for subsection (3) substitute—
- 7 Housing Act 1988 (c. 50)
- 8 Town and Country Planning Act 1990 (c. 8)
- 9 Omit section 237.
- 10 In section 245(4), omit paragraph (a).
- 11 In section 246(2), for “237” substitute “238”.
- 12 Greater London Authority Act 1999 (c. 29)
- 13 Planning Act 2008 (c. 29)
- 14 In section 194, omit subsection (1).
- 15 Omit Schedule 9.
- 16 Housing and Regeneration Act 2008 (c. 17)
- 17 Localism Act 2011 (c. 20)
- 18 Infrastructure Act 2015 (c. 7)

SCHEDULE 20 — Authorities specified for purposes of section 210

- 1 A county council in England.
- 2 A district council.
- 3 A London borough council.
- 4 The Greater London Authority.
- 5 An economic prosperity board established under section 88 of the...
- 6 A combined authority established under section 103 of the Local...
- 7 The London Fire and Emergency Planning Authority.
- 8 Transport for London.
- 9 A sub-national transport body established under section 102E of the...
- 10 A fire and rescue authority in England constituted by—
- 11 An authority established under section 10 of the Local Government...
- 12 A joint authority established under Part 4 of the Local...
- 13 The Common Council of the City of London (in its...
- 14 A National Park authority for a National Park in England....
- 15 The Broads Authority.

16 The Council of the Isles of Scilly.