



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).

Status: Point in time view as at 25/04/2013.

Changes to legislation: Enterprise and Regulatory Reform Act 2013, Section 83 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (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)

Status:

Point in time view as at 25/04/2013.

Changes to legislation:

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