



# Tenant Fees Act 2019

## 2019 CHAPTER 4

### *General interpretation*

VALID FROM 01/06/2019

#### **27 Meaning of “letting agent” and related expressions**

- (1) In this Act “letting agent” means a person who engages in letting agency work (whether or not that person engages in other work).
- (2) In this Act “letting agency work” means things done by a person in the course of a business in response to instructions received from—
  - (a) a landlord who is seeking to find another person to whom to let housing, or
  - (b) a tenant who is seeking to find housing to rent.
- (3) A person is not a letting agent for the purposes of this Act if the person engages in letting agency work in the course of that person's employment under a contract of employment.
- (4) A person who is an authorised person in relation to a reserved legal activity is not a letting agent when carrying on legal activity in response to instructions from a landlord or tenant who does not instruct that person to do other things within subsection (2).
- (5) In subsection (4)—
  - (a) “legal activity” and “reserved legal activity” have the meanings given by section 12 of the Legal Services Act 2007;
  - (b) “authorised person” has the meaning given by section 18 of that Act.

#### **28 Interpretation**

- (1) In this Act—

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*Status: Point in time view as at 15/04/2019. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Tenant Fees Act 2019, Cross Heading: General interpretation. (See end of Document for details)*

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“assured shorthold tenancy” has the same meaning as in Part 1 of the Housing Act 1988;

“communication service” has the meaning given by paragraph 11(3) of Schedule 1;

“enforcement authority” has the meaning given by section 7(5);

“excluded licence” means a licence which is granted to a licensee by a licensor who resides in the housing where—

- (a) a charity or community interest company gives advice or assistance to the licensee or the licensor in connection with the grant, renewal or continuation of the licence, and
- (b) the only consideration for the grant, renewal or continuation of the licence is—
  - (i) the provision by the licensee of companionship to the licensor, or such provision together with the provision by the licensee of care or assistance (other than financial assistance) to the licensor, or
  - (ii) provision of the kind referred to in sub-paragraph (i) together with one or more payments in respect of council tax, a utility, a communication service or a television licence;

“holding deposit” has the meaning given by paragraph 3(2) of Schedule 1;

“housing” means a building, or part of a building, occupied or intended to be occupied as a dwelling;

“landlord” includes—

- (a) a person who proposes to be a landlord under a tenancy,
- (b) a person who has ceased to be a landlord under a tenancy,
- (c) a licensor under a licence to occupy housing,
- (d) a person who proposes to be a licensor under a licence to occupy housing, and
- (e) a person who has ceased to be a licensor under a licence to occupy housing;

“lead enforcement authority” has the meaning given by section 24(1);

“licence to occupy housing”—

- (a) includes a licence which is granted to a licensee by a licensor who resides in the housing unless it is an excluded licence;
- (b) does not include a licence to occupy social housing;
- (c) does not include a licence to occupy housing the purpose of which is to confer on the tenant the right to occupy housing for a holiday;

“long lease” means a lease which—

- (a) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993, or
- (b) in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be a lease within paragraph (a) if the tenant's total share (within the meaning given by that section) were 100%;

“prohibited payment” has the meaning given by section 3 and Schedule 1;

“the relevant letting agency legislation” has the meaning given by section 24(6);

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“relevant person” has the meaning given by section 1(9) (and see subsection (2) of this section);

“social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008;

“television licence” has the meaning given by paragraph 10(2) of Schedule 1;

“tenancy” means—

- (a) an assured shorthold tenancy other than—
  - (i) a tenancy of social housing, or
  - (ii) a tenancy which is a long lease,
- (b) a tenancy which meets the conditions set out in paragraph 8 (lettings to students) of Schedule 1 to the Housing Act 1988, or
- (c) a licence to occupy housing;

“tenancy agreement” means an agreement granting a tenancy of housing to a tenant;

“tenancy deposit” has the meaning given by paragraph 2(2) of Schedule 1;

“tenant” includes—

- (a) a person who proposes to be a tenant under a tenancy,
- (b) a person who has ceased to be a tenant under a tenancy,
- (c) a licensee under a licence to occupy housing,
- (d) a person who proposes to be a licensee under a licence to occupy housing, and
- (e) a person who has ceased to be a licensee under a licence to occupy housing;

“utility” has the meaning given by paragraph 9(3) of Schedule 1.

(2) In the following provisions references to a relevant person include a person who has ceased to act on behalf of a tenant—

- (a) section 4(4) (repayment of loan);
- (b) section 10 (recovery by enforcement authority of amount paid);
- (c) sections 15 (recovery by relevant person of amount paid) to 17 (restriction on terminating tenancy);
- (d) Schedule 3 (financial penalties etc).

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**Commencement Information**

**II** S. 28(1) in force at Royal Assent, see s. 34(3)(d)

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