



Tenant Fees Act 2019

2019 CHAPTER 4

An Act to make provision prohibiting landlords and letting agents from requiring certain payments to be made or certain other steps to be taken; to make provision about the payment of holding deposits; to make provision about enforcement and about the lead enforcement authority; to amend the provisions of the Consumer Rights Act 2015 about information to be provided by letting agents; to make provision about client money protection schemes; and for connected purposes. [12th February 2019]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Enforcement

VALID FROM 01/06/2019

6 Enforcement by local weights and measures authorities

- (1) It is the duty of every local weights and measures authority in England to enforce in its area—
 - (a) section 1 (prohibitions applying to landlords),
 - (b) section 2 (prohibitions applying to letting agents), and
 - (c) Schedule 2 (treatment of holding deposit).
- (2) The duty in subsection (1) is subject to sections 14(5) (enforcement by another enforcement authority) and 26 (enforcement by the lead enforcement authority).
- (3) Where a breach of section 1 or 2 or Schedule 2 relates to housing which is located in the area of more than one local weights and measures authority, the breach is taken to have occurred in each of those areas.

Status: Point in time view as at 15/04/2019. This version of this Act 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. (See end of Document for details)

- (4) A local weights and measures authority in England must have regard to any guidance issued by the Secretary of State or the lead enforcement authority (if not the Secretary of State) about the exercise of its functions under this Act.
- (5) For the investigatory powers available to a local weights and measures authority in England for the purposes of enforcing this Act, see Schedule 5 to the Consumer Rights Act 2015.
- (6) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert “ section 6 of the Tenant Fees Act 2019 ”.

VALID FROM 01/06/2019

7 Enforcement by district councils

- (1) A district council which is not a local weights and measures authority may enforce sections 1 and 2 and Schedule 2.
- (2) A district council must have regard to any guidance issued by the Secretary of State or the lead enforcement authority (if not the Secretary of State) about the exercise of its functions under this Act.
- (3) For the investigatory powers available to a district council for the purposes of enforcing this Act, see Schedule 5 to the Consumer Rights Act 2015.
- (4) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert “ section 7 of the Tenant Fees Act 2019 ”.
- (5) In this Act “enforcement authority” means—
 - (a) a local weights and measures authority in England, or
 - (b) a district council which is not a local weights and measures authority.

Final provisions

30 Transitional provision

- (1) Subject as follows, section 1 (prohibitions applying to landlords) does not apply to—
 - (a) a requirement imposed before the coming into force of that section, or
 - (b) a requirement imposed by or pursuant to a tenancy agreement entered into before the coming into force of that section.
- (2) Subject as follows, section 1 does not apply to a requirement imposed by or pursuant to an agreement relating to a periodic tenancy which arises—
 - (a) under section 5(2) of the Housing Act 1988 after the coming into force of section 1, and
 - (b) on the coming to an end of a fixed term tenancy which was entered into before the coming into force of that section,
 (referred to in this section as a “relevant statutory tenancy”).

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- (3) Subsections (5) and (6) apply in relation to a provision of a tenancy agreement entered into before the coming into force of section 1 if, had the agreement been entered into after that time, that section would have applied in relation to the provision or a requirement imposed pursuant to it.
- (4) Subsections (5) and (6) apply in relation to a provision of an agreement relating to a relevant statutory tenancy if, had the provision been included in a tenancy agreement entered into after the coming into force of section 1, that section would have applied in relation to that provision or a requirement imposed pursuant to it.
- (5) After the end of the period of one year beginning with the date on which section 1 comes into force, the provision ceases to be binding on the tenant or a relevant person in relation to the tenant (but the agreement continues, so far as practicable, to have effect in every other respect).
- (6) If, after the end of the period of one year beginning with the date on which section 1 comes into force—
 - (a) the landlord or a letting agent accepts a payment from a relevant person pursuant to the provision, and
 - (b) the landlord or letting agent does not return the payment before the end of the period of 28 days beginning with the day on which it is accepted,the landlord or letting agent is to be treated for the purposes of this Act as having required the relevant person to make a prohibited payment of that amount at that time.
- (7) Subject as follows, section 2 (prohibitions applying to letting agents) does not apply to—
 - (a) a requirement imposed before the coming into force of that section, or
 - (b) a requirement imposed by or pursuant to an agreement between a letting agent and a relevant person entered into before the coming into force of that section.
- (8) Subsections (9) and (10) apply in relation to a provision of an agreement between a letting agent and a relevant person entered into before the coming into force of section 2 if, had the agreement been entered into after that time, that section would have applied in relation to the provision or a requirement imposed pursuant to it.
- (9) After the end of the period of one year beginning with the date on which section 2 comes into force, the provision ceases to be binding on the relevant person (but the agreement continues, so far as practicable, to have effect in every other respect).
- (10) If, after the end of the period of one year beginning with the date on which section 2 comes into force—
 - (a) the letting agent accepts a payment from the relevant person pursuant to the provision, and
 - (b) the letting agent does not return the payment before the end of the period of 28 days beginning with the day on which it is accepted,the letting agent is to be treated for the purposes of this Act as having required the relevant person to make a prohibited payment of that amount at that time.
- (11) Schedule 2 (treatment of holding deposit) applies only in relation to a holding deposit paid after the coming into force of that Schedule.
- (12) The Secretary of State may by regulations made by statutory instrument make such other transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.

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Commencement Information

II S. 30(12) in force at Royal Assent, see s. 34(3)(e)

31 Financial provisions

The following are to be paid out of money provided by Parliament—

- (a) any expenditure incurred under or by virtue of this Act by the Secretary of State, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

33 Extent

- (1) This Act extends to England and Wales only, subject to subsection (2).
- (2) The following provisions extend to England and Wales, Scotland and Northern Ireland—
 - (a) section 6(6);
 - (b) section 7(4);
 - (c) section 26(10);
 - (d) section 30(12);
 - (e) section 31;
 - (f) this section;
 - (g) section 34;
 - (h) section 35.

34 Commencement

- (1) This Act comes into force on such day as the Secretary of State appoints by regulations made by statutory instrument, subject to subsection (3).
- (2) Regulations under subsection (1) may appoint different days for different purposes.
- (3) The following provisions come into force on the day on which this Act is passed—
 - (a) section 3(2) to (7);
 - (b) section 9;
 - (c) section 24(4) and (5);
 - (d) section 28(1);
 - (e) section 30(12);
 - (f) section 31;
 - (g) section 33;
 - (h) this section;
 - (i) section 35.

35 Short title

This Act may be cited as the Tenant Fees Act 2019.

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