



# Tenant Fees Act 2019

## 2019 CHAPTER 4

### *Prohibitions etc applying to landlords and letting agents*

#### **1 Prohibitions applying to landlords**

- (1) A landlord must not require a relevant person to make a prohibited payment to the landlord in connection with a tenancy of housing in England.
- (2) A landlord must not require a relevant person to make a prohibited payment to a third party in connection with a tenancy of housing in England.
- (3) A landlord must not require a relevant person to enter into a contract with a third party in connection with a tenancy of housing in England if that contract is—
  - (a) a contract for the provision of a service, or
  - (b) a contract of insurance.
- (4) Subsection (3) does not apply if the contract is for—
  - (a) the provision of a utility to the tenant, or
  - (b) the provision of a communication service to the tenant.
- (5) A landlord must not require a relevant person to make a loan to any person in connection with a tenancy of housing in England.
- (6) For the purposes of this section, a landlord requires a relevant person to make a payment, enter into a contract or make a loan in connection with a tenancy of housing in England if and only if the landlord—
  - (a) requires the person to do any of those things in consideration of the grant, renewal, continuance, variation, assignment, novation or termination of such a tenancy,
  - (b) requires the person to do any of those things pursuant to a provision of a tenancy agreement relating to such a tenancy which requires or purports to require the person to do any of those things in the event of an act or default of a relevant person,
  - (c) requires the person to do any of those things pursuant to a provision of a tenancy agreement relating to such a tenancy which requires or purports to

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*Status: This is the original version (as it was originally enacted).*

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- require the person to do any of those things if the tenancy is varied, assigned, novated or terminated,
- (d) enters into a tenancy agreement relating to such a tenancy which requires or purports to require the person to do any of those things other than in the circumstances mentioned in paragraph (b) or (c),
  - (e) requires the person to do any of those things—
    - (i) as a result of an act or default of a relevant person relating to such a tenancy or housing let under it, and
    - (ii) otherwise than pursuant to, or for the breach of, a provision of a tenancy agreement, or
  - (f) requires the person to do any of those things in consideration of providing a reference in relation to that person in connection with the person's occupation of housing in England.
- (7) For the purposes of this section, a landlord does not require a relevant person to make a payment, enter into a contract or make a loan if the landlord gives the person the option of doing any of those things as an alternative to complying with another requirement imposed by the landlord or a letting agent.
- (8) Subsection (7) does not apply if—
- (a) the other requirement is prohibited by this section or section 2 (ignoring subsection (7) or section 2(6)), or
  - (b) it would be unreasonable to expect a relevant person to comply with the other requirement.
- (9) In this Act “relevant person” means—
- (a) a tenant, or
  - (b) subject to subsection (10), a person acting on behalf of, or who has guaranteed the payment of rent by, a tenant.
- (10) The reference in subsection (9)(b) to a person does not include—
- (a) a local housing authority within the meaning of the Housing Act 1985 (see section 1 of that Act),
  - (b) the Greater London Authority, or
  - (c) a person acting on behalf of an authority within paragraph (a) or the Greater London Authority.