

2019 No. 857 (C. 20)

HOUSING, ENGLAND

**The Tenant Fees Act 2019 (Commencement No. 3) Regulations
2019**

Made - - - -

11th April 2019

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 34(1) and (2) of the Tenant Fees Act 2019(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Tenant Fees Act 2019 (Commencement No. 3) Regulations 2019.

(2) In these Regulations “the Act” means the Tenant Fees Act 2019.

Provisions coming into force on 15th April 2019

2. The following provisions of the Act come into force on 15th April 2019—

- (a) section 24 (lead enforcement authority) for all remaining purposes;
- (b) section 25 (general duties of the lead enforcement authority);
- (c) section 26 (enforcement by the lead enforcement authority) so far as it applies to the relevant letting agency legislation as defined in section 24(6) of the Act excluding paragraph (a) of that definition;
- (d) section 29 (consequential amendments).

Provisions coming into force on 1st June 2019

3. The following provisions of the Act come into force on 1st June 2019—

- (a) section 1 (prohibitions applying to landlords);
- (b) section 2 (prohibitions applying to letting agents);
- (c) section 3 (prohibited and permitted payments) for all remaining purposes;
- (d) section 4 (effect of a breach of section 1 or 2);
- (e) section 5 (treatment of holding deposit);
- (f) section 6 (enforcement by local weights and measures authorities);
- (g) section 7 (enforcement by district councils);
- (h) section 8 (financial penalties);
- (i) section 10 (recovery by enforcement authority of amount paid);

- (j) section 11 (interest on payments under section 10);
- (k) section 12 (offences);
- (l) section 13 (offences by bodies corporate);
- (m) section 14 (duty to notify when taking enforcement action);
- (n) section 15 (recovery by relevant person of amount paid);
- (o) section 16 (assistance to recover amount paid);
- (p) section 17 (restriction on terminating tenancy);
- (q) section 18 (duty to publicise fees on third party websites);
- (r) section 19 (information about membership of client money protection scheme);
- (s) section 20 (penalties for continuing breach of duty);
- (t) section 21 (enforcement of client money protection schemes for property agents) for all remaining purposes;
- (u) section 26 (enforcement by the lead enforcement authority) for all remaining purposes;
- (v) section 27 (meaning of letting agent and related expressions);
- (w) section 28 (interpretation) for all remaining purposes;
- (x) section 30 (transitional provision) for all remaining purposes;
- (y) section 32 (Crown application);
- (z) schedule 1 (permitted payments);
- (aa) schedule 2 (treatment of holding deposit);
- (bb) schedule 3 (financial penalties etc).

Signed by authority of Secretary of State for Housing, Communities and Local Government

11th April 2019

Heather Wheeler
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Tenant Fees Act 2019 (c. 4) (“the Act”) in so far as they are not already in force on 15th April 2019. The Act is brought fully into force on 1st June 2019.

Regulation 2 commences sections 24 to 26 and 29 of the Act on 15th April 2019. Section 26 is partially commenced to give the lead enforcement authority the power to take steps to enforce the relevant letting agency legislation defined in section 24(6)(b) to (d). Sections 24 to 25 provide for the establishment of the lead enforcement authority and its general duties. Section 29 makes consequential amendments to the lead enforcement authority’s enforcement functions in respect of the relevant letting agency legislation other than the Act.

Regulation 3 commences all remaining provisions of the Act on 1st June 2019:

Sections 1 to 5, schedule 1 and 2 of the Act relates to prohibitions applying to landlords and letting agents;

Sections 6 to 17 and schedule 3 of the Act relates to enforcement;

Sections 18 to 20 amends the Consumer Rights Act 2015 and relates to the requirement to publicise fees etc under Chapter 3 of that Act (<https://www.legislation.gov.uk/ukpga/2015/15/part/3/chapter/3>);

Section 21 amends the Housing and Planning Act 2016 and relates to enforcement of client money protection schemes for property agents;

Section 26 is brought into force for all remaining purposes;

Sections 27 and 28 relates to general interpretation;

Sections 30 and 32 are final provisions.

The Explanatory Notes for the Act provide an explanation of the provisions in the Act and are available online (http://www.legislation.gov.uk/ukpga/2019/4/pdfs/ukpgaen_20190004_en.pdf.) and in hard copy from TSO, PO Box 29, Norwich, NR3 1GN (telephone orders/general enquiries: 0333 202 5070).

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provision of the Tenant Fees Act 2019 have been brought into force by commencement regulations made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 21 (partially)	1st April 2019	2019/428
Section 22	14th February 2019	2019/260
Section 23	1st April 2019	2019/428

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

UK201904111007 04/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/857>

ISBN 978-0-11-118637-4



9 780111 186374