

## **RENTERS' RIGHTS BILL**

### **Supplementary Memorandum from the Ministry of Housing, Communities and Local Government to the Delegated Powers and Regulatory Reform Committee**

#### **A. INTRODUCTION**

1. This memorandum has been prepared for the Delegated Powers and Regulatory Reform Committee (DPRRC) to assist with its scrutiny of the Renters' Rights Bill ("the Bill"). It supplements the memorandum that was submitted and published on 16 January 2025 ("the first DPM") when the Bill was introduced to the House of Lords. This supplementary memorandum addresses powers contained in Government amendments tabled at Committee Stage.
2. The Department has considered the use of powers in the Bill as set out below and is satisfied that they are necessary and justified.
3. In addition, it also includes a minor correction to a power already included in the first DPM. The power described in paragraphs 117 to 122, "Clause 46(3): inserts Clause 8C (Exception for publication of advertisements etc) into Part 2A of the Renting Homes (Fees etc.) (Wales) Act 2019", was stated to be subject to the "negative" procedure. We have corrected this to the "affirmative" procedure to reflect the drafting in the Bill, which makes this power subject to the affirmative procedure by virtue of clause 46(8).

#### **B. SUMMARY OF THE BILL**

4. The DPRRC is referred to the memorandum published on 6 February 2025 for a summary of the Bill.

#### **C. DELEGATED POWERS**

5. The additional powers tabled at Committee Stage are:
  - a. Schedule 6 Part 2: Existing Instruments which permit or require letting etc.
  - b. Clause 32(4): Powers of Secretary of State in connection with Chapter 1
  - c. Clause 148(3): Transitional provision
  - d. Clause 34: Purpose Built Student Accommodation Exemption from assured tenancy status
  - e. Clause 34: Purpose Built Student Accommodation Exemption transitional
  - f. Clause 34: Purpose Built Student Accommodation Exemption from 'Condition B'
  - g. After Clause 63, new Clause 64: Student Accommodation that is not an HMO.

## **D. ANALYSIS OF DELEGATED POWERS BY CLAUSE**

### **Schedule 6 Part 2: Existing Instruments Which Permit or Require Letting etc.**

*Power conferred on:* Secretary of State

*Power exercised by:* Regulations (Statutory Instrument)

*Parliamentary Procedure:* Affirmative

#### **Context and Purpose**

6. The purpose of the new powers in Part 2 of Schedule 6 will make transitional arrangements for certain legal instruments which permit or require a property to be let under a type of assured tenancy that will no longer be possible after Chapter 1 of Part 1 of the Bill comes into force. This will ensure that such terms can continue to operate after commencement of Chapter 1 of Part 1 and that parties will not be found in breach of the terms of the relevant legal instrument as a result of the tenancy reforms.
7. The amendment replaces clause 3 and amalgamates the provision made by that clause for superior leases with similar provision for mortgage arrangements, contracts of insurance, and instruments containing planning obligations (under section 106 of the Town and Country Planning Act 1990), which permit or require a property to be let under a type of assured tenancy that will no longer be possible once Chapter 1 of Part 1 comes into force.
8. Paragraph 18 of the schedule ensures that the parties to the agreement retain the right to vary or modify the legal instrument so that it works in a different way to that provided for under paragraphs 19 to 24 and 26 if they wish, like clause 3(6) does now in respect of superior leases.
9. Paragraph 30(1) gives the Secretary of State power by regulations to disapply or modify the effect of Part 2 of Schedule 6 in relation to pre-application instruments of a specified description. It therefore provides an extended power from that contained in the equivalent provision in clause 3(7), which applies to superior leases, to mortgage arrangements, contracts of insurance and instruments containing planning obligations.
10. Paragraph 30(2) makes equivalent provision in respect of all pre-application instruments within scope of Part 2 of Schedule 6 as that which was made by clause 3(8) in respect of superior leases.

#### **Justification for taking the power**

11. The Government wants to ensure that parties to existing legal instruments are not unduly impacted by the tenancy reforms implemented by the Renters' Rights Bill. We want to safeguard against parties to contracts breaching their terms through no fault of their own and ensure that landlords can continue to let where they were able to do so before. However, the transitional provision in Part 2 of Schedule 6 may not provide satisfactory resolution in every case.

12. Although we have undertaken research and engaged with the relevant sectors, due to the varied nature and operation of these types of agreements, there may be circumstances in which the provision made by Part 2 of Schedule 6 does not work as intended. This power will allow the Government to make changes should they be needed to ensure agreements or offers made before commencement continue to function following commencement by disapplying or modifying the effect of Part 2 as necessary.

#### **Justification for the procedure**

13. . As with the clause 3(7) power, regulations made under this power will be subject to the affirmative procedure ensuring the appropriate level of parliamentary scrutiny.

#### **Clause 32(4): Powers of Secretary of State in connection with Chapter 1**

*Power conferred on:* Secretary of State

*Power exercised by:* Regulations (Statutory Instrument)

*Parliamentary Procedure:* Affirmative

#### **Context and Purpose**

14. See paragraphs 78 to 81 of the first DPM.
15. The amendment will bring the wording of the definition of “pre-application instrument” in clause 32(5)(a) in line with the definitions in paragraph 17(2) to (5) of Part 2 of Schedule 6.

#### **Justification for taking the power**

16. See paragraphs 82 to 85 of the first DPM.
17. It is common practice for certain types of private contracts relating to residential property to be entered into some time after the offer is made. For example, mortgage offers may be kept open for, and only accepted after, several weeks.
18. The amendment clarifies that a “pre-application instrument” for the purposes of clause 32 can include an instrument made after commencement pursuant to an offer made before commencement. It also clarifies that a pre-application instrument would include a lease entered into after commencement pursuant to a contract made before commencement.

#### **Justification for the procedure**

19. See paragraph 86 of the first DPM. There is no change to the procedure as a result of this amendment.

#### **Clause 148(3): Transitional provision**

*Power conferred on:* Secretary of State

*Power exercised by:* Regulations (Statutory Instrument)

*Parliamentary Procedure:* None, unless the power is used to alter the effect of private legal instruments under subsection (6)(b), in which case the affirmative applies.

## **Context and Purpose**

20. See paragraphs 436 to 439 of the first DPM.
21. The general power to make transitional and saving provision in connection with the coming into force of any other provision of the Act in clause 148(3) will be affected by the insertion of Part 2 of Schedule 6.
22. We have amended the Bill to:
  - a. ensure that regulations under clause 148(3) can make provision in substitution for as well as in addition to provision made by the Act, such as the provision in Part 2 of Schedule 6.
  - b. enable regulations under clause 148(3) to make transitional and saving provision by amending or repealing any provision in Part 2 of Schedule 6.
  - c. bring the wording of the definition of “pre-application instrument” in clause 148(7)(a) in line with the definitions in paragraph 17(2) to (5) of Part 2 of Schedule 6.

## **Justification for taking the power**

23. See paragraphs 440 to 449 of the first DPM.
24. Whilst these amendments make transitional provision for a wider range of legal instruments than clause 3, it remains the case that it is not practicable to make provision for all scenarios in which private legal instruments might be affected by the changes to the law made by Chapter 1 of Part 1 (paragraph 445 of the first DPM). Clause 148(7)(b) gives an indication of the variety of circumstances in which it might become necessary to make transitional or saving provision in relation to pre-application instruments to ensure that they continue to operate appropriately. There may be circumstances in which different transitional provision to that in Part 2 of Schedule 6 needs to be made. Therefore, we have tabled amendments to facilitate this. The power in clause 148(3) remains subject to the significant safeguards described in paragraph 448 of the first DPM.
25. These amendments also clarify that a “pre-application instrument” for the purposes of clause 148(3) can include an instrument made after commencement pursuant to an offer made before commencement. This is to reflect the fact that it is common practice for certain types of contracts relating to residential property to be entered into some time after the offer is made (e.g. mortgage agreements). They also clarify that a pre-application instrument would include a lease entered into after commencement pursuant to a contract made before commencement.

## **Justification for the procedure**

26. See paragraphs 450 to 451 of the first DPM. There is no change to the procedure as a result of these amendments.

## **Clause 34: Purpose Built Student Accommodation (PBSA) Exemption from assured tenancy status**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (statutory instrument)*

*Parliamentary Procedure: Negative procedure*

## **Context and Purpose**

27. Paragraph 8 of Schedule 1 to the Housing Act 1988 provides for certain student lettings to not be assured tenancies. This amendment would enable the exemption to be limited to buildings of a specified class; and for regulations to be able to specify tenancies to fall within the exemption by reference to whether the landlord or building is subject to codes of practice approved under section 233 of the Housing Act 2004.
28. The Government intends to use the power to exempt private Purpose Built Student Accommodation (PBSA) that comply with UNIPOL and ANUK student housing codes approved under section 233 of the Housing Act 2004 from the assured tenancy system. This would mean that private PBSA had the same security of tenure as university-managed accommodation, with the Protection from Eviction Act 1977 preventing eviction without a prior court order. The landlord would not however need to serve a notice under the Housing Act 1988, or establish a ground for possession in court, in order to evict lawfully.

## **Justification for taking the power**

29. In the new assured tenancy system the Bill will create, like other tenants, students will be able to give 2 months' unilateral notice to quit once their tenancy begins, their tenancy will be periodic, and a landlord will have to establish that a statutory ground for possession to evict them if they do not surrender it. If private PBSA remained assured with open ended tenancies under the new tenancy system, it could therefore risk the provision of housing for first year and overseas students. These are two groups the Government wishes to ensure are protected and able to find suitable housing for during their studies. Private PBSA may also have planning conditions requiring it to only be let to students – if tenants were to remain in the property after their academic studies finish, the provider may breach their planning conditions.
30. There are significant differences between standard PRS housing rented to students and university-managed accommodation/private PBSA. Students do not move into university-managed accommodation or private PBSA expecting long-term residence. These accommodations are also designed with additional facilities and welfare support not available in HMOs, often restricted by planning regulations to student use only. In

contrast, typical PRS properties let to students are indistinguishable from other HMOs or family homes. The Government therefore considers that it is appropriate to exclude tenants of private PBSA from the assured tenancy system, whilst students in typical PRS properties remain part of them. The Government's amendments to this power are designed to facilitate that outcome.

31. Around 95% of private PBSA providers are signed up to codes approved by the Government under section 233 of the Housing Act 2004. The codes outline the obligations of private PBSA landlords and set benchmark standards for the accommodation they manage – these are vigorous standards for the safety of the student accommodation, the management of the property, and the relationship between managers and student tenants. Landlords' code membership is therefore a suitable proxy for PBSA status, which our amendments would also allow to reflect the character of the building the tenancy forms part of, alongside protecting tenant interests.
32. The Bill will amend the power in paragraph 8 of Schedule 1 to the Housing Act 1988 to allow the Secretary of State to set landlord 'membership' of the government-approved codes as the bar for exemption from the assured tenancy system. The amendments also allow the power to be used so that only tenancies in PBSA buildings belonging to PBSA landlords are excluded from the assured tenancy regime, rather than all those landlords' tenancies with current or future students.
33. The Government believes that the process should be as streamlined as possible. Without allowing exemption from the assured tenancy system to be aligned with code membership via powers, the Government would have to add or remove each individual member to or from the regulations. As providers may join or be removed from the codes throughout the year, this would require multiple and frequent SIs to be laid, more often than Parliament can be expected to legislate for. If exemption from the assured tenancy system is tied to the laying of SIs by the Department, it could create an issue where suspended providers can continue to create common law tenancy agreements, removed from the protections of the assured system, until the next SI is laid, despite not complying with the codes of practice which the Department believes justifies their exemption from the assured system.
34. UNIPOL, an experienced non-profit organisation responsible for the provision of student housing codes of practice currently approved under s233 Housing Act 2004, is expected to manage the process of adding/removing providers/buildings from the codes via their protocols as at present, with Government input. The Government would expect to exercise close scrutiny over which bodies provide the approved student housing codes, and how landlords and buildings are covered by them, as it does at present. We are satisfied that this is appropriate since the codes and modifications to them must be approved by regulations made under s233 Housing Act 2004, following a statutory consultation and subject to Parliamentary oversight via the negative procedure. The power will remain wide enough to specify landlords individually without reference to the codes if necessary.

35. The overall policy of excluding certain student lettings from the scope of the assured tenancy system would remain consistent and built into the scope of the power itself, whilst regulations continue to cater for the secondary details of how this is implemented. The exercise of the power would continue to be constrained by the requirements for exempt tenancies to be tenancies granted solely to current or intended future students at educational institutions themselves specified in the regulations.
36. The power would also contain provisions to prevent gaming by landlords where they (or any relevant building) leave the ambit codes after the point at which the tenancy is granted but before the tenant is entitled to occupy the property, with similar provision made in the event that buildings fall out of specified categories between those two points.
37. The exercise of the power would remain constrained by the negative resolution procedure.

### **Justification for the procedure**

38. The power to exclude certain student tenancies from the assured tenancy system in Paragraph 8 of Schedule 1 to the Housing Act 1988 is currently subject to the negative procedure. This amendment does not change this. The Department considers that this is the appropriate level of scrutiny for this power. Parliamentary votes will not necessarily be needed every time the Department specifies a type of landlord/provider or a particular code in regulations, unless they are actively requested. We consider this is the appropriate level of scrutiny given that the overall policy of excluding certain student lettings from assured tenancy status is clear from the power itself, with regulations implementing this in detail.

### **Clause 34: Purpose Built Student Accommodation (PBSA) exemption transitional**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (statutory instrument)*

*Parliamentary Procedure: Negative procedure*

### **Context and Purpose**

39. The new power inserts a subparagraph 4 into paragraph 8 of Schedule 1 of the 1988 Act. This provides that regulations made under that paragraph may make different provision for different purposes; or transitional, saving, consequential, supplementary, or incidental provision. In this respect the power would echo its counterpart at Schedule 14 paragraph 4 Housing Act 2004, which the Bill also amends and which is discussed below.

### **Justification for taking the power**

40. The wider amendments to paragraph 8 allow the Department to make future changes to which landlords, buildings or Government-approved student housing codes are specified for the purposes of ensuring that private PBSA is outside the assured tenancy

regime. This allows the Government to adapt the scope of the exemption appropriately when new codes are approved, older ones are withdrawn, and the characteristics of the landlords and buildings which should fall within the regime evolve. These ancillary powers allow the Government to make appropriate arrangements for such transitions and for different circumstances. This echoes the position under the equivalent powers to approve or disapprove student housing codes and exempt student housing from HMO status under sections 233, 250 and Schedule 14 paragraph 4 Housing Act 2004 (as to which please see below).

41. For example, a PBSA provider's tenancies might be exempt from assured tenancy status at the point of grant because they were signed up to a code approved under both section 233 Housing Act 2004 and Schedule 1 paragraph 8(2C)(a) (see proposed new Schedule 1 paragraph 8(2E)). Later, that code might be replaced and de-specified under those powers before the point at which tenants were entitled to possession, but before the provider was a member of the newly-approved code and thus a 'student landlord' (see proposed new Schedule 1 paragraph 8(11)(a)), for instance because their application to join the newly approved code was still pending. Under new Schedule 1 paragraph 8(8)'s proposed new 'Condition A', the provider's tenancies would become assured through no fault of their own. A transitional/saving provision would in this case be required to allow for a grace period where the provider can fully sign up to another specified code, or to allow the Secretary of State to specify that providers who had been signed up to the code before it became de-specified could maintain their exemption.

### **Justification for procedure**

42. This power is subject to the negative procedure, in line with Schedule 1 paragraph 8 to the Housing Act 1988 power both as it is now, and as it would be when amended (see above). The Department considers that this is the appropriate level of scrutiny for this power. Parliamentary votes will not necessarily be needed every time the Department makes transitional provision to ensure the smooth running of the PBSA exemption regime. Use of the affirmative procedure to make provision ancillary to the core power would be inconsistent and procedurally impractical.

### **Clause 34: Purpose Built Student Accommodation (PBSA) exemption from condition B**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (statutory instrument)*

*Parliamentary Procedure: Negative procedure*

### **Context and Purpose**

43. The Government's proposed amendments to Schedule 1 paragraph 8 to the Housing Act 1988 contain provisions to avoid gaming by landlords where they (or any relevant building) leave the ambit of the Government-approved student housing codes after the point at which the tenancy is granted but before the tenant is entitled to occupy the property. Without such provisions, a landlord could rely on code membership at the point at which a student agrees to rent a property, to exempt the tenancy from the protections of the assured system, and then de-register themselves from those



protections after that point. In such circumstances, proposed new sub-paragraphs (6)-(9) of Schedule 1 paragraph 8 to the Housing Act 1988 would provide for the tenancy to turn 'assured' at the point at which the tenancy starts if 'Condition A' or 'Condition B' are met.

44. 'Condition B' is met when the regulations under sub-paragraph (2B) or (2C) were in force at the time when the tenancy was granted, and those regulations did not prevent the tenancy from having exempt status; but at the later time when the tenant is entitled to possession of the dwelling-house, the regulations under sub-paragraph (2B) or (2C) prevent the tenancy from being exempted from assured status.
45. Regulations under (2B) allow the Government to restrict the Schedule 1 paragraph 8 exemption from assured tenancy status to certain descriptions of buildings (such as those designed as PBSA). Regulations under (2C) allow the exemption to be limited to certain specified categories of buildings solely in relation to particular specified student landlords or classes of student landlord, such as buildings subject to a particular student housing code where the landlord is likewise a member of the same code.
46. The new power inserts a subparagraph 10 into paragraph 8 of Schedule 1 of the 1988 Act, which specifies a power allowing the Secretary of State to make exceptions for cases in which 'Condition B' is to be regarded as not met, despite the tenancy falling outside categories of exempt tenancy under (2B) or (2C) at the point when the tenancy starts, despite having not done so previously. This is due to the range of scenarios and combinations of characteristics 'Condition B' must cater for.

### **Justification for taking the power**

47. Where 'Condition B' is met, exempted status will be lost at the point the tenant is entitled to possession. The Government's broad policy intent is for exemption status to be tied to code membership, and if code membership falls away between the point of grant and possession, the exemption should fall away.
48. However, the Government might in future have good policy reasons to use these powers for cases where removing the exemption once the tenancy has been granted is inappropriate. For instance, the Government might limit the exemption to buildings of a certain description owned by landlords that own a certain number of PBSA buildings at the point of grant, using the power in sub-paragraph (2C). If exemption status were to be tied to the number of buildings that the landlord owned, as well as a description of a building, it might not be proportionate, consistent, or provide legal certainty and stability, for exemption status to change between the point of grant and possession if the landlord sold some buildings in this period and as a result did not fall within the class of specified landlords, even if the buildings remained PBSA. As such, the Government would want to make an exception from 'Condition B' using this power.
49. This approach is aligned with the policy reflected within the current power and by sub-paragraphs (1)-(2A) and Condition A of the power as it would be amended, whereby landlord status when the tenancy is granted is determinative of the tenancy's status (as under the existing power) unless dependent on student housing code membership,

in which case leaving the codes between the tenancy's creation and the beginning of its term can lead to it turning assured. That approach mirrors current practice and provides stability and certainty for landlords. Allowing for exceptions from 'Condition B' enables consistency with it, and provides for appropriate provision to be made for different categories of case.

### **Justification for procedure**

50. This power is subject to the negative procedure. The Department considers that this is the appropriate level of scrutiny for this power. Parliamentary votes will not necessarily be needed every time the Department makes changes by regulation to the PBSA exemption regime. The power is aligned with the procedure applying to Schedule 1 paragraph 8 of the Housing Act 1988 powers to specify which combination of characteristics exempt a tenancy from assured status. Use of another procedure for the purposes of this power would be inconsistent and procedurally impractical.

### **After Clause 63, new Clause 64: Student Accommodation that is not a House in Multiple Occupation (HMO)**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative procedure*

### **Context and Purpose**

51. Section 254 of the Housing Act 2004 defines a house in multiple occupation (HMO) for the purposes of that Act. Subsection (4) provides that, other than for the purposes of Part 1 of the Act (housing conditions), buildings of a type listed in Schedule 14 are excepted from the definition. Significantly, this means that excepted accommodation is not subject to HMO licensing requirements under Part 2 of the 2004 Act.

52. Paragraph 4 of Schedule 14 to the Housing Act 2004 provides that certain student accommodation buildings are excepted accommodation. These are buildings that are occupied principally by full-time further or higher education students at a specified educational establishment (or one of a specified description) and that are managed by that educational establishment or a specified manager.

53. This amendment clarifies that the Secretary of State may specify a description of educational establishments or other specified bodies that manage or control student accommodation (for example, providers of private PBSA) by reference to their membership of a code of practice approved under section 233 ("approved code"). This amendment will also allow for this description to be narrowed to certain groups of building or manager within the membership of a code, if that is required.

54. The amendment also addresses an issue with the current legislative approach which means that it would not be possible for other specified bodies to provide accommodation that is excepted from HMO licensing if the educational establishment to whose students they provide accommodation is not itself specified as being a person that can provide excepted accommodation. The Bill amends the Housing Act 2004 to

address this dependency, enabling managers to be specified independently of educational establishments. This will ensure that if the educational establishment loses their specified status, the specified manager of the accommodation would not also lose their exception from HMO licensing requirements.

### **Justification for taking the power**

55. It is recognised that compliance with approved codes ensures that buildings are managed and maintained to a high standard, with the code's expectation often going over and above most licensing requirements. As such, membership of a code is already a key factor in deciding whether to specify an educational establishment as one whose buildings are not HMOs for licensing purposes. The Government intends to allow both educational establishments and other persons managing or controlling student accommodation to be specified by reference to their membership of an approved code of practice, taking a similar approach as that to exempting private providers from assured tenancy regime in the amendments to the Housing Act 1988. This recognises the credence given to the codes of practice in ensuring buildings are managed appropriately and safely through their vigorous standards (as set out in paragraph 32 above) and the significant input that the Government already has in approving any modifications to the codes of practice and in their governance (paragraph 35).
56. The amended power also enables alignment between the approach to specification of educational establishments and other persons managing or controlling student accommodation for purposes of the exception from HMO licensing, and that of landlords of student accommodation whose tenancies are not assured.
57. The amended power will have the benefit of streamlining the process and eliminating delays in amending the list of specified bodies when members leave a code, whether voluntarily or due to issues of non-conformity with that code. This amendment to the power will mean that student accommodation providers who are not code compliant would be subject to HMO licensing regime without delay, allowing local authorities to take any enforcement action that may be necessary sooner. The approach will also benefit new members of a code whose provision within the scope of the specification will become immediately excepted from HMO licensing, instead of having to wait for a new instrument listing them to be made. This will reduce the pressures on parliamentary time by not having to lay regulations at regular intervals.
58. The Government recognises that it would be unfair for specified managers to lose their ability to provide excepted accommodation through no fault or choice of their own. This is why the amendment delinks that ability from the specification of the educational establishment. It is right that a provider's specification would be based on their own membership and compliance with a code. Delinking specification of managers in this way also enables managers to provide excepted accommodation to students of educational establishments that are not specified – for example because they do not provide their own accommodation.

## **Justification for the procedure**

59. The power to specify educational establishments (or a description of such) and other persons managing or controlling student accommodation (or a description of such) in Paragraph 4 of Schedule 14 to the Housing Act 2004 is currently subject to the negative procedure. This amendment does not change this. The Department considers that this continues to be the appropriate level of scrutiny for this power for the same reasons as given in paragraph 52 above.

## **Clause 46(3): inserts Clause 8C (Exception for publication of advertisements etc) into Part 2A of the Renting Homes (Fees etc.) (Wales) Act 2019**

Power conferred on: *Welsh Ministers*

Power exercised by: Regulations (*Statutory Instrument*)

Senedd Procedure: *Affirmative*

## **Context and Purpose**

60. This clause creates an exception to the criminal offences under section 8A(1) and section 8B(1). The clause provides that it is an offence for a landlord or person acting or purporting to act on a landlord's behalf to discriminate in relation to occupation contracts against persons who would have children live with or visit them or who are benefits claimants and makes other provision about discrimination of that kind. A person guilty of an offence under section 8A(1) or 8B(1) is liable on summary conviction to a fine.

61. Clause 8C exempts from liability any person who only engages in one or more of those things listed in paragraph (a). This is so third parties who provide intermediate services, such as online platforms that disseminate advertisements, but are not otherwise involved in the letting of a property can continue to operate without fear of prosecution.

## **Justification for taking the power**

62. The power to exempt certain conduct from the rental discrimination prohibitions will make sure the provisions can adapt to changing market practices and not inadvertently make third party platforms criminally liable for a breach of the ban.

63. Despite exempting things under paragraph (a), the possibility remains that this list may need to be amended in future so there is flexibility to do so by way of regulations under paragraph (b) of section 8C.

## **Justification for the procedure**

64. The use of this power is unlikely to be controversial, but the affirmative procedure has been chosen to provide an additional level of scrutiny.

**Department Name:** Ministry of Housing, Communities and Local Government

**Date:** 1 April 2025