

# Not under-regulated but under-enforced: A list of legislation affecting the private rented sector



## About the RLA

The Residential Landlords Association represents the interests of landlords in the private rented sector (PRS) across England and Wales. With over 40,000 members, and more than 30,000 other landlords who engage regularly with the Association. This makes the RLA the leading voice for private landlords.

The RLA provides support and advice to members. We seek to raise standards in the PRS through our code of conduct, training and accreditation and the provision of guidance and updates on legislation affecting the sector. Many of the RLA's resources are available, free to non-member landlords and tenants.

The Association campaigns to improve the PRS for both landlords and tenants, engaging with policymakers at all levels of Government, to support our mission of making renting better.

## Key areas of regulation

1. Security of tenure/possession/protection from eviction
2. Tenancy Agreements
3. Landlord's responsibility for repairs and the condition of the property
4. The Housing Health and Rating System
5. Tenancy Deposits
6. Energy Performance Certificates (EPCs) and energy performance
7. Gas Safety and Safety Checks
8. Electrical Safety
9. Fire Safety
10. Council Tax and utilities.

Additionally, for the relevant sub-sections of the PRS there are further key areas of regulation -

11. HMO Licensing and HMO Regulation
12. Selective Licensing
13. Housing Benefits and the Local Housing Allowance

## Introduction

Critics of the private rented sector (PRS) often claim that landlords are under-regulated, with tenants unable to claim the protection of the law from rogue landlords. However, this is not the case. Landlords in England must pay attention to hundreds of separate acts and regulations regarding the standard of their properties and how they engage with their tenants. In addition to this, there are hundreds of often complex decisions in courts that build up the case law that landlords must have regard to.

The problem is not one of under-regulation but under-enforcement. Our research wing, PEARL, found that despite having wide ranging existing powers to improve standards, [local authority enforcement rates were poor across much of the country](#). Two-thirds of local authorities prosecuted no landlords in 2017/2018 for example. When new powers are introduced local authorities do not use them. In the same year, 89% of local authorities had not used their new civil penalty powers.

The RLA believes that rather than creating further new powers that local authorities will not use, the focus should be on making use of the powers they already have. This document is designed to assist with this by providing a list of all the legislation that can be used to enforce against the small number of rogue landlords.

It is not an exhaustive list of all of the acts and regulations that landlords and agents have to pay attention to but only those that create a specific obligation on providers of homes in the private rented sector. As such we have not included any regulations or acts that overlap with general duties of businesses, tax, welfare payments (besides housing benefit), or court procedures and rules.

This list is believed to be correct as at 19th October 2019 but may change. The full list applies to landlords and agents letting out properties in England only, however much of it also impacts on those letting out properties in Wales too.

## LIST OF STATUTORY PROVISIONS

1. **The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019**
  - A landlord cannot register an exemption from complying with the minimum energy efficiency standards unless they have spent £3500 on energy improvements or any singular improvements would cost more than that amount.
2. **Tenant Fees Act 2019**
  - Fee ban introduced in England.
  - Restrictions on using Section 21 if fees charged.
3. **Homes (Fitness for Human Habitation) Act 2018**
  - Allows tenants to sue landlords for property conditions without first seeking assistance from the local authority.
4. **Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018**
  - Waste disposal requirements.
  - Minimum room sizes for licensed properties.
5. **The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018**
  - Mandatory licensing of HMOs applies to most properties with 5 or more people living in 2 or more households.
6. **Data Protection Act 2018**
  - Introduces a number of new requirements around data protection.
7. **Immigration Act 2016**
  - Adds additional rules to right to rent checks.
8. **Immigration Act (Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Order 2016**
  - Amends and updates the 2014 Order to allow for national roll out of the Right to Rent scheme.
9. **Housing and Planning Act 2016**
  - Creates a rogue landlord database.
  - Introduces banning orders.
  - Expands rent repayment order criteria.
  - Introduces civil penalties.
10. **The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015**
  - Landlords must serve EPC, gas safety certificate and ‘How to rent: a checklist for renting in England’ to be able to use section 21 notices.
11. **Consumer Rights Act 2015**
  - Requirement for contract terms and notices to be fair.
12. **The Heat Network (Metering and Billing) (Amendment) Regulations 2015**
  - These Regulations correct errors in the Heat Network (Metering and Billing) Regulations 2014 (“the 2014 Regulations”). They also amend the date by which a heat supplier must submit a notification under regulation 3(1) of the 2014 Regulations.

### 13. Deregulation Act 2015

- Changes to tenancy deposit protection rules.
- Changes to s21 notices including prescribed form of s21 notice and time restriction on serving s21 notices.
- Preventing retaliatory eviction.
- Power to make regulations regarding giving tenant information on his or her rights.
- Power to permit regulations to be made prohibiting service of s21 notice if matters relating to health and safety, property condition or energy performance have not been met.
- Relaxation of restrictions on short-term lets in Greater London.

### 14. Energy Efficiency (Private Rented Property) (England & Wales) Regulations 2015

- Landlords are not able to renew an existing tenancy or let out the property to someone new unless they have applied for an exemption or the property has an EPC rating of E or above.

### 15. The Town and Country Planning (General Permitted Development) (England) Order 2015

- Covers article 4 directions for planning and general permitted development rights.

### 16. Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015

- Changes to prescribed forms including section 8 notice and section 13 notice proposing a new rent

### 17. Construction (Design and Management) Regulations 2015

- Obligations to ensure minimum safety and health requirements on construction sites.
- Duties as to the appointment of appropriate contractors and professionals and their competence.

### 18. Selective Licensing of Houses (Additional Conditions) (England) Order 2015

- This Order specifies sets of conditions, in addition to the conditions set out in section 80 of the Housing Act 2004 (c 34), where if a set of conditions is satisfied in relation to an area, the local housing authority may make a selective licensing designation in respect of that area. Such a designation, once it comes into force, would have the effect of requiring landlords of private rented sector properties in the designated area to obtain a licence for their property.

### 19. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- Requires the fitting of smoke alarms and some carbon monoxide detectors in tenanted residential properties.

### 20. Immigration Act 2014

- Landlords prohibited from allowing an adult to occupy property as their own or main home unless the adult is a British citizen, EEA or Swiss national or has a 'right to rent' (someone who is present in the UK lawfully in accordance with the immigration rules).
- Allows landlords to be served with a civil penalty for breach of the rules.

**21. Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014**

- Prescribed requirements for the prescribed identity checks which must be complied with by landlords when entering into a residential tenancy agreement
- Brings in a statutory Code of Practice.

**22. Immigration (Residential Accommodation) (Prescribed Cases) Order 2014**

- Sets out circumstances in addition to those in section 20 of the Immigration Act 2014 in which a residential tenancy agreement will and will not be treated as being entered into for the purposes of the civil penalty scheme relating to the authorisation of occupation of premises for residential use by illegal immigrants.

**23. Anti-social Behaviour, Crime and Policing Act 2014**

- Closure Notices and Orders.
- New mandatory ground for possession Ground 7A.
- New discretionary grounds for possession Grounds 14(aa) and Ground 14ZA.

**24. Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014**

- Agents must belong to a redress scheme.

**25. Consumer Protection (Amendment) Regulations 2014**

- Consumers' individual right to redress.

**26. The Heat Network (Metering and Billing) Regulations 2014**

- Landlords of multi-let properties where heating, cooling or hot water is supplied to the tenants through a district or communal heating network are obliged to provide detailed information about those networks to a central body and install meters in affected properties.

**27. The Water Industry (Undertakers Wholly or Mainly in Wales) (Information about Non-owner Occupiers) Regulations 2014**

- The legislation came into effect on 1 January 2015 and requires landlords to inform Welsh Water about tenants in their properties within 21 days of the tenants moving into the property. If this isn't done, the landlord can become jointly and severally liable with the tenant for any outstanding water and sewerage charges. Impacts both England and Wales.

**28. Localism Act 2011 (Consequential Amendments) Order 2014**

- This Order makes a number of amendments to the Local Government Finance Act 1992 and the Greater London Authority Act 1999 concerning the calculation of council tax in consequence of the amendments by the Localism Act 2011 referred to above.

**29. Energy Act 2013**

- Power to make regulations to impose duties on landlords of residential premises to install smoke and carbon monoxide alarms.

**30. Enterprise and Regulatory Reform Act 2013**

- Introduces redress scheme requirements for letting and managing agents.
- Creates the Competition and Marketing Authority (CMA).

### 31. Local Government Finance Act 2012

- Council tax reduction schemes.

### 32. Control of Asbestos Regulations 2012

- Obligations regarding asbestos in common parts.
- Duty to carry out risk assessment.
- Obligation to prepare management plans and return them.

### 33. Energy Performance of Building Regulations 2007 to 2012

- Duty to hold/commission EPC before marketing property for rent.
- Duty to make EPC available to prospective tenant.
- Duty to provide copy EPC to tenant.
- Providing EPC information along with written particulars of the property.

### 34. Housing (Empty Dwelling Management Orders) (Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012

- Prescribes requirements that a local housing authority must have complied with when making an application to a residential property tribunal for authorisation of an interim empty dwelling management order.

### 35. Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012

- These Regulations reduce the information requirements for applications for the renewal of licences for HMO requiring a licence under Part 2 of the Housing Act 2004 and for houses requiring a licence under Part 3 of that Act.

### 36. Social Security (Notification of Change of Circumstances) Regulations 2011

- Means of notifying changes in circumstances.

### 37. Localism Act 2011

- Changes to the tenancy deposit protection rules: 14-day time limit extended to 30 days.

### 38. Energy Act 2011

- Green Deal requirements on change of ownership/tenancies including an obligation to notify tenants.
- Obtaining consent of tenants to Green deal.
- Minimum standards for energy performance.

### 39. Equality Act 2010

- A duty not to discriminate directly or indirectly in relation to letting/management/assignment of premises on grounds of any of the protected characteristics (there are 7\* in all namely age, disability, gender, re-assignment, pregnancy and maternity, race, religion/belief and sex and sexual orientation).
- A duty to make reasonable adjustments in relation to premises.
- Duties in relation to practices and procedures adopted.
- Disability related discrimination giving rise to restrictions on obtaining possession from disabled persons.

**40. Houses in Multiple Occupation (Management) (England) Regulations 2009**

- Replaces the definition of “recognised engineer” in the 2006 regulations. The new definition refers to an engineer who is approved under regulation 3 of the Gas Safety (Installation and Use) Regulations 1998.

**41. Consumer Protection from Unfair Trading Regulations 2008**

- General duty not to use unfair business practices.
- Ban on misleading omissions.
- Prohibition on misleading/aggressive practices and certain specified practices.

**42. Corporate Manslaughter and Corporate Homicide Act 2007**

- Liability for corporate manslaughter.

**43. The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007**

- Apply 7 similar requirements to any Section 257 HMO as applies to other HMO under the 2006 HMO Management Regulations.

**44. Houses in Multiple Occupation (Certain Converted Blocks of Flats) (Modifications to the Housing Act 2004 and Transitional Provisions for section 257 HMOs) (England) Regulations 2007 (SI 2007/1904)**

- Modifications to section 257 Housing Act 2004 around certain converted blocks of flats.

**45. Housing (Tenancy Deposits) (Prescribed Information) Order 2007**

- Lays down detailed format of prescribed information for tenancy deposits.

**46. Rent Repayment Orders (Supplementary Provisions) (England) Regulations 2007**

- Supplement the provisions of sections 73, 74, 96 and 97 of the Housing Act 2004. Those sections deal with the consequences of operating unlicensed houses in multiple occupation or certain other unlicensed houses. In particular, they deal with the making of rent repayment orders by a residential property tribunal on the application of a local housing authority.

**47. The Administration Charges (Summary of Rights Obligations) (England) Regulations 2007**

- Format of demand for administration charges - to be accompanied by a statutory statement.

**48. Service Charges (Summary of Rights and Obligations and Transitional Provisions) (England) Regulations 2007**

- Format for notification of obligation to pay service charges.

**49. Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

- Where applicable restrictions on advertising.
- Compliance with deemed consent provisions relating to To Let Boards.

**50. Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007**

- Inspection of air conditioning systems.

**51. Health Act 2006**

- Prohibition on smoking in common parts.



- Obligation to display no smoking signs.
- 52. Management of Houses in Multiple Occupation (England) Regulations 2006**
- Duty of manager to provide information to occupier.
  - Duty of manager to take safety precautions.
  - Duty of manager to maintain water supply and drainage and gas and electricity.
  - Duty of manager to maintain common parts etc.
  - Duty to provide waste disposal facilities.
  - Duty to maintain living accommodation.
- 53. Selective Licensing of Houses (Specific Exemptions) (England) Order 2006**
- Exemptions for Selective Licensing.
- 54. Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006**
- Designates HMOs subject to mandatory licensing.
- 55. Licensing and Management of Houses in Multiple Occupation and other houses (Miscellaneous Provisions) (England) Regulations 2006**
- Prescribed minimum national standards for licensable houses in multiple occupation.
  - Detailed format of licensing application forms.
- 56. Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006**
- This Order prescribes the category of circumstances that need to be satisfied before a residential property tribunal can authorise a local housing authority to make an interim management order in respect of a house to which section 103 of the Housing Act 2004 (“the Act”) applies.
- 57. Companies Act 2006**
- 58. Housing Health and Safety Rating System (England) Regulations 2005**
- Prescribed categories of harm (29 in all).
- 59. Regulatory Reform (Fire Safety) Order 2005**
- Obligations as to fire safety in common parts of flats and bedsits.
  - Requirements as to general fire precautions.
  - Obligation to carry out risk assessment.
  - Provision of fire-fighting and fire detection equipment.
  - Keeping emergency routes and exits clear and maintained.
  - Maintenance obligations.
  - Obligation to produce risk assessments in writing if licensed or 5 employees.
- 60. General Product Safety Regulations 2005**
- General safety requirement.
- 61. Consumer Protection (Distance Selling) Regulations 2005**
- Restricts agreements entered into at a distance.
- 62. Civil Partnership Act 2004**
- Deals with transfer of tenancies between partners after separating
- 63. Fire and Rescue Services Act 2004**
- Powers of entry to obtain information to investigate fires.



#### 64. Housing Act 2004

- Health and safety rating system - obligation to remove/reduce hazards (29 in all).
- Obligation to carry out risk assessments in fire safety in the light of LACORS Guidance.
- Definition of HMO (5 categories).
- A duty to obtain a Licence for a house in multiple occupations (HMO) on 3 or more stories with 5 or more occupants.
- Duty to obtain HMO Licence where additional HMO Licensing applies.
- Obligation to comply with Licence conditions in relation to anti-social behaviour.
- Obligation to comply with Licence condition to provide annual gas safety check certificate.
- Obligation to provide declaration of compliance in relation to electrical safety.
- Obligation to provide declaration of compliance in relation to furniture safety.
- Obligation to provide a written tenancy agreement.
- Restriction on number of occupiers.
- Where selective licensing applies there is a duty to apply for a selective licence.
- Obligation where selective licensing applies to take up references.
- Compliance with other conditions relating to selective licensing.
- Obligation as to overcrowding in non-licensable HMOs.
- Obligation to provide documents if required.
- In relation to tenancy deposits - obligation to protect the deposit of a tenant under an assured shorthold tenancy agreement within 30 days of receipt.
- Obligation to give prescribed information.
- Compliance with requirements to return deposits/alternative dispute resolution in the event of dispute.
- Compliance with scheme rules.
- Effective requirement to provide an inventory.

#### 65. Regulatory Reform (Housing Assistance) England and Wales Order 2002

- Regulation for housing grants and assistance.

#### 66. Land Registration Act 1925

- Tenancies of more than seven years must be registered.

#### 67. The Electrical Safety Quality and Continuity Regulations 2002

- Duties in relation to customers installations outside the building which would present a danger to the public.

#### 68. Commonhold and Leasehold Reform Act 2002

- Restrictions on forfeiture.
- Control over administration charges.

#### 69. Private Water Supply Regulations 2001

- Private water system analysis and sampling.

#### 70. Housing Benefit Regulations 2001

- Occupation of a dwelling as a home.

- Liable person (responsibility for paying the rent).
- Eligible rent and housing costs.
- Eligibility for local housing allowance - rent.
- Entitled to payment in respect of tenancy.
- Change of circumstances.
- Time and manner of payment.
- Overpayments.
- Information from landlords.

#### 71. Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

- Persons affected in respect of housing benefit determinations.
- Suspension of benefits.
- Supersession and review of decisions.

#### 72. Building Regulations 2000

- Obligation to comply when carrying out building work/a material change of use including work on controlled services/fittings.
- Obligation to carry out building work with proper materials/in a workmanlike manner.
- Obligation to deposit plans/give notice
- Notices at various stages of the works.
- Part P - obligations in relation to carrying out electrical works in dwellings.
- Obligation under Parts A, B, C, D, E, F, G, H, J, K, L, M and N (13 parts).

#### 73. Utilities Act 2000

- Rules relating to maximum resale price for gas.

#### 74. Child Support, Pensions and Social Security Act 2000

- Housing benefit, provisions and appeals.
- Discretionary housing benefit.

#### 75. Rent Act (Maximum Fair Rent) Order 1999

- Formula for calculating maximum fair rent for Rent Act regulated tenancies.

#### 76. The Management of Health and Safety at Work Regulations 1999

- Obligation to undertake risk assessments including in relation to tenants, residents and visitors.

#### 77. Water Supply (Water Fittings) Regulations 1999

- Requirements regarding water fittings used for domestic purposes.
- Obligation to notify water company on installation of certain water fittings.

#### 78. Unfair Contract Terms in Consumer Contracts Regulations 1999

- Form of tenancy agreements - requirement for plain English.
- Prohibition on unfair terms in tenancy agreements.

#### 79. Data Protection Act 1998

- Processing data lawfully.
- Providing privacy notices.
- Subject access requirements.

#### 80. Gas Safety (Installation and Use) Regulations 1998

- Obligation to use qualified engineer for work.

- Duty to provide prospective tenants with a copy of the current gas safety certificate before or at the time they move in.
- Duty to provide new gas safety certificate to existing tenants within 28 days of receipt.
- Duties as responsible person in respect of the safety of gas installations and appliances.
- Duty to ensure installation and appliances are in a safe condition.
- Obligation to carry out annual gas safety checks.
- Restrictions on alterations/use of materials.
- Obligations in relation to instantaneous water heaters.
- Obligations relating to concealed flues.

#### 81. Party Wall Etc Act 1996

- Requirement to give notices in relation to party wall works.

#### 82. Family Law Act 1996

- Deals with security of tenure for spouses where the departing partner is the sole named tenant.

#### 83. Local Government (Miscellaneous Provisions) Act 1996

- Obligation to give certain information to local authorities when required.

#### 84. Housing Act 1996

- Restrictions on termination of tenancy for failure to pay service charge.
- Rent Officers functions relating to local housing allowance and housing benefit.
- New provisions for post-1997 assured shorthold tenancies as the default tenancy.

#### 85. Town and Country Planning (General Permitted Development) Order 1995

- Changes of use affecting dwellings including small HMO.
- Article 4 Directions restricting changes of use to small HMO.
- Rules relating to circumstances where permitted development is allowed, i.e. without express planning permission. There are 12\* categories of permitted development relevant to dwellings.

#### 86. Gas Appliance (Safety) Regulations 1995

- Gas appliances as supplied must be safe.

#### 87. Landlord and Tenant (Covenants) Act 1995

- Provisions relating to the transmission of benefit and burden covenants without release of tenants from tenant covenants.
- Procedure under which landlord can be released from landlord covenants.
- Restrictions on recovery from former tenants/guarantors of unpaid rent.

#### 88. Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995.

- Obligation to report certain accidents.
- Obligation to report dangers in respect of gas incidents.

#### 89. Electrical Equipment (Safety) Regulations 1994

- Safety of electrical appliances.

90. **Plugs and sockets etc (Safety) Regulations 1994**
- Safety of plugs and sockets.
91. **Law of Property (Miscellaneous Provisions) Act 1994**
- In case of intestacy/lack of executors requirement for additional compliance e.g. where tenant dies.
92. **Leasehold Reform etc Act 1993**
- Compliance with codes of practice approved by the Secretary of State.
93. **Clean Air Act 1993**
- Restrictions on smoke emissions.
94. **Local Government Finance Act 1992**
- Power of local authorities to levy Council tax on owners.
  - Power to define dwellings.
  - Owners liability for Council tax.
  - Exemptions.
  - Discounts.
95. **Access to Neighbouring Land Act 1992**
- Landlords may not restrict access to neighbouring common parts by the tenant
96. **Council Tax (Administration and Enforcement) Regulations 1992**
- Power to require information.
  - Billing provisions.
97. **Council Tax (Exempt Dwellings) Order 1992**
- Exemption from Council Tax liability.
98. **Council Tax (Liability of Owners) Regulations 1992**
- Define landlord's liability to pay Council Tax.
99. **Council Tax (Chargeable Dwellings) Order 1992**
- Power to band non self-contained units of accommodation (disaggregation rules).
  - Aggregation of dwellings.
100. **Social Security Administration Act 1992**
- Claims for benefit.
  - Housing benefit adjudication.
  - Housing benefit overpayments.
  - Information for landlords.
101. **Water Industry Act 1991**
- Requirements for supply of water by separate service pipes.
  - Liability for water charges and sewerage charges.
  - Connection and infrastructure charges.
  - Obligations as to the quality of water supply.
  - Prohibition on allowing water systems to be out of order which may result in contamination.
102. **Environmental Protection Act 1990**
- Licensing requirements regarding disposal of waste.
  - Duty of care as respects waste.
  - Arrangements regarding waste recycling and waste containers.
  - Statutory nuisances.

103. **Town and Country Planning Act 1990 (as amended)**
  - Requirement for planning permission for building operations etc.
  - Requirement to obtain planning permission for the change of use (see further below under Article 4).
  - Planning contravention notice procedure.
  - Tree preservation orders.
104. **Planning (Listed Buildings and Conservation Areas) Act 1990**
  - Where applicable need for listed building consent.
  - Additional requirements for obtaining planning permission in conservation areas.
  - Restriction on removal of trees in conservation areas.
105. **Electricity Act 1989**
  - Rules fixing maximum resale price for electricity.
106. **Law of Property (Miscellaneous Provisions) Act 1989**
  - Format of deeds where required.
  - Formalities required for valid written tenancy agreements.
107. **Electricity Act 1989**
  - Charges for electricity.
  - Metering.
108. **Electricity at Work Regulation 1989**
  - Duty of employers/self-employed persons as to safety on installing electrical equipment
  - Duty to ensure installation is maintained (including visual/PAT tests).
  - Obligation only to use competent person to do work.
109. **Notices to Quit etc (Prescribed Information) Regulations**
  - Sets specific wording for use with a Notice to Quit.
110. **Furniture and furnishings (Fire) (Safety) Regulations 1988**
  - Restrictions on the supply for furnishings and furniture.
  - Fire safety requirements.
111. **Landlord and Tenant Act 1988**
  - Duty to consent to assignment and sub-lettings etc in certain circumstances.
  - Right to claim damages for non-compliance.
112. **Housing Act 1988**
  - Security of tenure and grounds for possession (17 grounds for possession).
  - Requirement to give notice of proceedings for possession (Section 8 notices).
  - Effective minimum of 6 months for assured shorthold tenancies.
  - Statutory periodic tenancies.
  - Procedure for increasing rents under assured tenancies.
  - Access for repairs.
  - Determination of excessive rents by rent assessment committee.
  - Statutory succession rights for spouses/partners.
  - Restrictions on levy of distress for rent.
  - Notice provisions relating to pre-1997 assured shorthold tenancies.
  - Prohibitions on assignment.

- Sub-letting provisions.
  - Increase in rents when landlord liable for Council Tax.
  - Provisions relating to shared accommodation.
  - Section 21 procedures for possession.
  - Obligation to provide written tenancy terms when requested.
113. **Landlord and Tenant Act 1987**
- Obligation to notify in the case of certain disposals of tenanted flats giving tenants right of first refusal.
  - Obligation to provide address for service.
  - Obligation to provide an address in service charge demands.
  - Obligation to provide an address in rent demands.
  - Service charges to be held on trust.
114. **Town and Country Planning (Use Classes) Order 1987**
- Define small HMO for planning purposes.
115. **Gas Act 1986**
- Charges for Gas.
  - Metering.
116. **Insolvency Act 1996 and Insolvency Rules 1986**
- Disclaimer of tenancies.
117. **Business Names Act 1985**
- Obligations to give details of ownership.
118. **Housing Act 1985**
- Information to be detailed in a rent book.
  - Duty to notify local housing authority of overcrowding.
  - Restrictions on overcrowding.
119. **Landlord and Tenant Act 1985**
- Disclosure of landlord's identity.
  - Disclosure of directors etc of corporate landlord.
  - Duty to inform the tenant of assignment of landlord's interests.
  - Duty to inform the tenant of possible right to acquire landlord's interest.
  - Provision of rent books (weekly tenants).
  - Fitness for human habitation (low rent tenancies).
  - Information to be supplied by companies where rent book is required.
  - Repairing obligations in short leases. These extend to 7 items including the structure, exterior, electrical installations, gas installations, water supply, drainage, and facilities for the use of water.
  - Restrictions on contracting out/items for which a service charge can be levied.
  - Specific performance of landlord's repairing obligation.
  - Provision relating to the reasonableness of service charges and consultation requirement.
  - Reserve power to limit rents (applicable to regulated tenancies under the Rent Act 1977).
  - Time limit to recover service charges.
  - Service charge information - notice to accompany a demand.

- Procedures relating to obtaining access to inspect/carry out repairs.
- 120. **County Courts Act 1984**
  - Restrictions on forfeiture for non-payment of rent.
- 121. **Building Act 1984**
  - Compliance with building regulations.
  - Duty to deposit plans/building notice.
  - Provision of drainage and water supply.
  - Provision of closets.
  - Provision of food storage.
  - Dangerous building provisions.
- 122. **Rent Books (Form of Notices) Regulations 1982**
  - Format for rent books.
- 123. **Housing Act 1980**
  - Protected shorthold tenancies.
  - Tenants improvements
- 124. **Limitation Act 1980**
  - Statutory time limit for possession actions.
- 125. **Notices to Quit (Prescribed Information) Regulations 1980**
  - Words to be included in notices to quit at common law.
- 126. **The Regulated Tenancies (Procedure) Regulations 1980**
  - Procedure for the Rent Officer on determining rents.
- 127. **Rent Act 1977 (Forms etc) Regulations 1980**
  - Forms for use under the Rent Act 1977.
- 128. **Rent Regulation (Cancellation of Registration of Rent) Regulations 1980**
  - Cancellation of registered rents.
- 129. **Torts (Interference with Goods) Act 1977**
  - Disposal of uncollected goods, furniture etc.
- 130. **Rent Act 1977**

*Only applicable to tenancies granted prior to the implementation of the Housing Act 1988.*

  - Restrictions on obtaining possession of properties let on regulated tenancies.
  - Grounds of possession (20 different grounds)
  - Restrictions applicable in the case of resident landlords.
  - A scheme of registration of fair rents and application of rent limits.
  - Rents controlled in relation to restricted contracts.
  - Restrictions on obtaining possession of property subject to restricted contracts.
  - Restrictions on premiums.
  - Statutory succession rules.
  - Restrictions on levy of distress.
  - Access for repairs.
  - Provisions related to shared accommodation.
  - Increase of rent provisions.
- 131. **Protection from Eviction Act 1977**



- Prohibition on unlawful eviction.
  - Prohibition of harassment.
  - Restriction on the re-entry/eviction without due process.
  - Form of notices to quit - to contain prescribed information.
  - Excluded tenancies and licences (where tenants share living accommodation with their landlords)
132. **Unfair Contract Terms Act 1977**
- Restrictions on excluding liability for personal injuries etc.
133. **Criminal Law Act 1977**
- Restriction on use of force to secure entry to property.
134. **Health and Safety at Work Act 1974**
- Criminal offence not to comply with gas safety regulations.
135. **Control of Pollution Act 1974**
- Disposal of controlled waste.
136. **Health and Safety at Work etc Act 1974**
- Duty of every employer/self-employed person to conduct his/her undertaking to ensure persons not in his/her employment but who may be affected thereby are not exposed to risk to their health or safety.
  - Legionella.
  - Duty in relation to common parts of flats and bedsits.
137. **Matrimonial Causes Act 1973**
- Transfer of tenancy into sole name after marriage breakdown.
138. **The Greater London Council (General Powers) Act 1973**
- Restriction on short term letting in London: any occupation of a property for money for less than 90 nights constitutes a material change of use for planning purposes.
139. **Defective Premises Act 1972**
- Duty on landlord in respect of defective premises to do work in a workmanlike manner.
  - Liability for personal injuries death and damage to property caused by disrepair.
140. **Misuse of Drugs Act 1971**
- Liability of owner for use of premises for smoking of cannabis/consumption of certain drugs.
141. **Housing Act 1961**
- Disrepair.
142. **Public Health Act 1961**
- Repair of drains.
143. **Cost of Leases Act 1958**
- Restrictions on recovery of legal costs.
144. **Occupier's Liability Act 1957**
- Obligations regarding the common parts of flats or houses in multiple occupation.
145. **Sexual Offences Act 1956**
- Landlord letting premises for use as a brothel.
146. **Rights of Entry (Gas and Electricity Boards) Act 1954**
- Warrants to secure entry to property.

147. **Accommodation Agencies Act 1953**
  - Criminal offence to demand payment for registering the names of people who are looking for a property to rent.
148. **Prevention of Damage by Pests Act 1949**
  - Obligations in relation to removal of vermin.
  - Duty to notify the local authority of rats and mice.
  - Duty to remove rubbish.
149. **Leasehold Property (Repairs) Act 1938**
  - Restrictions on enforcing repairing covenants in longer leases of small houses.
150. **Public Health Act 1936**
  - Defective closets.
  - Defective drains.
  - Building over sewers.
  - Overflowing and leaking cess pools.
  - Cleansing of verminous premises.
  - Sanitary systems.
  - Restriction on water supply.
151. **Landlord and Tenant Act 1927**
  - Restrictions on claims for dilapidations.
  - Provisions relating to covenants not to assign, sub-let etc.
152. **Law of Property Act 1925**
  - Requirements as to circumstances in which the tenancy agreement must be in writing or by way of a deed (where it exceeds 3 years).
  - Restrictions on the payments for Licences to Assign.
  - Restrictions on right to forfeit long Leases.
  - Provisions as to service of Notices.
153. **Law of Distress (Amendment) Act 1908**
  - Notice to be given to sub tenants for rent in arrears to be paid to head landlord.
154. **Common Law Procedure Act 1852**
  - Restrictions on forfeiting a fixed term tenancy.
155. **Distress for Rent Act 1737**
  - Provision for landlords where tenants desert premises.
  - Tenants remaining in premises after they give notice to quit to pay double rent.
156. **Landlord & Tenant Act 1730**
  - Persons holding over after expiry of fixed term lease can be required to pay double the yearly value.

## COMMON LAW

In addition to Statutory Regulations there are various obligations under common law. This document does not cover case law but there are hundreds of cases that landlords need to be aware of when providing a high-quality service to their tenants.

## NOTES:

1. The above list assumes compliance with duties where required. Provisions relating to enforcement have therefore normally been excluded, as have provisions regarding rights of entry usually. Powers to require information/documents are included.
2. All the regulations are in force or the Government is actively introducing them.
3. This summary only gives an overview of relevant legal duties. Reference must be made to the relevant legislation for full details.
4. Duties have been included which are specifically relevant to the ownership/management of residential property. Generally, obligations relating to all businesses (e.g. in respect of employment laws or company law where the landlord is a corporate body) have been omitted. Likewise, no reference is made to court procedure rules or rules/procedures relating to the Rent Assessment Committee/Residential Property Tribunal.
5. No specific reference has been made to regulations requiring payment of fees in respect of HMO licensing.
6. Generally speaking, all of the above create legal obligations or in some instances effectively create legal obligations in relation to property inventories and compliance with relevant fire safety guidance.
7. With the exception of housing benefit no reference is made to state welfare benefits nor is any reference made to taxation obligation except in relation to Council tax.
8. In addition, there is a large amount of good practice but unless this effectively gives rise to a legal obligation this is not referred to.
9. Only obligations under Acts of Parliament or regulations are included.
10. From time to time legislation and regulations are amended. Often this has been done by altering the first set of regulations concerned. Where this is done references are included to the original regulations as amended and the amending regulations themselves are not included or counted.
11. Commencement Orders are ignored.
12. This list has been compiled by reference to various sources of information including the Government Legislation Website, Hill & Redman Landlord & Tenant, Stones Justices Manual, Planning Law Practice and CPAGs Housing Benefit and Council Tax Legislation. Internal RLA records have also been consulted, especially in relation to Health & Safety Legislation affecting the private rented sector.

### For further information:

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