



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 6

MISCELLANEOUS AND GENERAL

Redress schemes: lettings and property management agents

84 Redress schemes: property management work

- (1) The Secretary of State may by order require persons who engage in property management work to be members of a redress scheme for dealing with complaints in connection with that work which is either—
 - (a) a redress scheme approved by the Secretary of State, or
 - (b) a government administered redress scheme.
- (2) “Redress scheme” and “government administered redress scheme” have the same meanings as in section 83.
- (3) The order may provide for the duty mentioned in subsection (1) to apply—
 - (a) only to specified descriptions of persons who engage in property management work;
 - (b) only in relation to specified descriptions of such work.
- (4) The order may also provide for the duty not to apply in relation to complaints of any specified description (which may be framed by reference to a description of person making a complaint).
- (5) Before making the order, the Secretary of State must be satisfied that all persons who are to be subject to the duty will be eligible to join a redress scheme before the duty applies to them.

Status: This is the original version (as it was originally enacted).

- (6) In this section, “property management work” means things done by any person (“A”) in the course of a business in response to instructions received from another person (“C”) where—
- (a) C wishes A to arrange services, repairs, maintenance, improvements or insurance or to deal with any other aspect of the management of premises in England on C’s behalf, and
 - (b) the premises consist of or include a dwelling-house let under a relevant tenancy.
- (7) However, “property management work” does not include—
- (a) things done by a person who is a social landlord for the purposes of Schedule 2 to the Housing Act 1996;
 - (b) things of a description, or things done by a person of a description, specified for the purposes of this section in an order made by the Secretary of State.
- (8) In subsection (6), “relevant tenancy” means—
- (a) a tenancy which is an assured tenancy for the purposes of the Housing Act 1988;
 - (b) a tenancy which is a regulated tenancy for the purposes of the Rent Act 1977;
 - (c) a long lease other than one to which Part 2 of the Landlord and Tenant Act 1954 applies;
 - (d) a tenancy of a description specified for the purposes of this section in an order made by the Secretary of State.
- (9) An order under subsection (8)(d) may not provide for a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies to be a relevant tenancy.
- (10) In subsection (8)(c), “long lease” means a lease which is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 or which, in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be such a lease if the tenant’s total share (within the meaning given by that section) were 100 per cent.