



# Consumer Rights Act 2015

## 2015 CHAPTER 15

### PART 3

#### MISCELLANEOUS AND GENERAL

### CHAPTER 3

#### DUTY OF LETTING AGENTS TO PUBLICISE FEES ETC

#### **88** Supplementary provisions

(1) In this Chapter—

“the appropriate national authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers;

“assured tenancy” means a tenancy which is an assured tenancy for the purposes of the Housing Act 1988 except where—

- (a) the landlord is—
  - (i) a private registered provider of social housing,
  - (ii) a registered social landlord, or
  - (iii) a fully mutual housing association, or
- (b) the tenancy is a long lease;

“dwelling-house” may be a house or part of a house;

“fully mutual housing association” has the same meaning as in Part 1 of the Housing Associations Act 1985 (see section 1(1) and (2) of that Act);

“landlord” includes a person who proposes to be a landlord under a tenancy and a person who has ceased to be a landlord under a tenancy because the tenancy has come to an end;

“long lease” means a lease which—

- (a) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993, or

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*Status: This is the original version (as it was originally enacted).*

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(b) in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be a lease within paragraph (a) of this definition if the tenant’s total share (within the meaning given by that section) were 100%;

“registered social landlord” means a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996;

“tenant” includes a person who proposes to be a tenant under a tenancy and a person who has ceased to be a tenant under a tenancy because the tenancy has come to an end.

- (2) In this Chapter “local authority” means—
- (a) a county council,
  - (b) a county borough council,
  - (c) a district council,
  - (d) a London borough council,
  - (e) the Common Council of the City of London in its capacity as local authority, or
  - (f) the Council of the Isles of Scilly.
- (3) References in this Chapter to a tenancy include a proposed tenancy and a tenancy that has come to an end.
- (4) References in this Chapter to anything which is payable, or which a person is liable to pay, to a letting agent include anything that the letting agent claims a person is liable to pay, regardless of whether the person is in fact liable to pay it.
- (5) Regulations under this Chapter are to be made by statutory instrument.
- (6) A statutory instrument containing (whether alone or with other provision) regulations made by the Secretary of State under section 87(11) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing (whether alone or with other provision) regulations made by the Welsh Ministers under section 87(12) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) A statutory instrument containing regulations made by the Secretary of State under this Chapter other than one to which subsection (6) applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A statutory instrument containing regulations made by the Welsh Ministers under this Chapter other than one to which subsection (7) applies is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (10) Regulations under this Chapter—
- (a) may make different provision for different purposes;
  - (b) may make provision generally or in relation to specific cases.
- (11) Regulations under this Chapter may include incidental, supplementary, consequential, transitional, transitory or saving provision.