



Housing and Planning Act 2016

2016 CHAPTER 22

PART 2

ROGUE LANDLORDS AND PROPERTY AGENTS IN ENGLAND

CHAPTER 6

INTERPRETATION OF PART 2

54 Meaning of “letting agent” and related expressions

- (1) In this Part “letting agent” means a person who engages in letting agency work (whether or not that person engages in other work).
- (2) But a person is not a letting agent for the purposes of this Part if the person engages in letting agency work in the course of that person’s employment under a contract of employment.
- (3) In this Part “letting agency work” means things done by a person in the course of a business in response to instructions received from—
 - (a) a person (“a prospective landlord”) seeking to find another person to whom to let housing, or
 - (b) a person (“a prospective tenant”) seeking to find housing to rent.
- (4) But “letting agency work” does not include any of the following things when done by a person who does nothing else within subsection (3)—
 - (a) publishing advertisements or disseminating information;
 - (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or a prospective landlord;
 - (c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other.

Status: This is the original version (as it was originally enacted).

- (5) In this Part “English letting agency work” means letting agency work that relates to housing in England.

55 Meaning of “property manager” and related expressions

- (1) In this Part “property manager” means a person who engages in English property management work.
- (2) But a person is not a property manager for the purposes of this Part if the person engages in English property management work in the course of that person’s employment under a contract of employment.
- (3) In this Part “English property management work” means things done by a person in the course of a business in response to instructions received from another person (“the client”) where—
- (a) the client wishes the person to arrange services, repairs, maintenance, improvements or insurance in respect of, or to deal with any other aspect of the management of, premises on the client’s behalf, and
 - (b) the premises consist of housing in England let under a tenancy.

56 General interpretation of Part

In this Part—

- “banning order” has the meaning given by section 14;
 - “banning order offence” has the meaning given by section 14;
 - “body corporate” includes a body incorporated outside England and Wales;
 - “database” means the database of rogue landlords and letting agents established under section 28;
 - “English letting agency work” has the meaning given by section 54;
 - “English property management work” has the meaning given by section 55;
 - “financial penalty” means a penalty that—
 - (a) is imposed in respect of conduct that amounts to an offence, but
 - (b) is imposed otherwise than following the person’s conviction for the offence;
 - “housing” means a building, or part of a building, occupied or intended to be occupied as a dwelling or as more than one dwelling;
 - “letting”—
 - (a) includes the grant of a licence, but
 - (b) except in Chapter 4, does not include the grant of a tenancy or licence for a term of more than 21 years,
- and “let” is to be read accordingly;
- “letting agency work” has the meaning given by section 54;
 - “letting agent” has the meaning given by section 54;
 - “local housing authority” has the meaning given by section 1 of the Housing Act 1985;
 - “officer”, in relation to a body corporate, means—
 - (a) any director, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity;
 - “property agent” means a letting agent or property manager;

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

- “property manager” has the meaning given by section 55;
“residential landlord” means a landlord of housing;
“tenancy”—
- (a) includes a licence, but
 - (b) except in Chapter 4, does not include a tenancy or licence for a term of more than 21 years.