

RPA Update

The RPA has now published the following key dates for BPS 2019, as follows:

- 13th March 2019 – BPS online applications open.
- 15th May 2019 – Deadline to submit BPS 2019 applications.
- 15th May 2019 – Deadline for land and entitlement transfers for the 2019 scheme.

And the following key dates for CSS and Capital Grants:

- 18th February 2019 – online applications open for CS mid-tier, higher tier and 2019 four wildlife offers. Applications close 31st July 2019.
- 18th February 2019 – self-service application packs for mid-tier available via email from this date. The deadline to request a pack is the 31st May 2019 and applications must be submitted by the 31st July 2019.
- 18th February 2019 – Hedgerows and Boundaries Capital Grants 2019 applications open. Deadline for applications is the 30th April 2019.

Countryside Stewardship

Updated guidance on submitting Countryside Stewardship capital claims has now been published and is available on www.gov.uk

CS Woodland Creation Grant

There is now a 'rolling application window' for this grant so applications can be submitted at any time during the year. Please note the following points, raised by the Forestry Commission:

- Allow at least five months for an application to be processed.
- Submission of a well thought out application should speed up processing time by reducing the number of changes required.
- Any land included in a CS Woodland Creation Grant application must be registered with the RPA. Before submitting an application, you should check the digital maps show the land correctly and thoroughly read the **Forestry Commission Operations Note 042** which gives further information about inclusion of land in the scheme and the impact on BPS payments.

The guidance can be found here:

https://www.forestry.gov.uk/pdf/ON042_v2.pdf/%24FILE/ON042_v2.pdf

- The government has guaranteed any agreements where funding is agreed before the end of 2020 will be honored for their full duration, even in the event of a no-deal Brexit.

Professional Advisors on all Rural Property Matters - Agricultural, Residential & Commercial



Orpwood House, School Road, Ardington, Wantage, Oxfordshire OX12 8PQ

Telephone 01235 862888

mail@adkin.co.uk www.adkin.co.uk

The Tenants Fees Act 2019

The Tenants Fees Act 2019 was given Royal Assent on the 12th February 2019. It is expected to come into force on the 1st June 2019.

The main feature to note is the prohibition this places on Landlords and Agents to charge tenants for anything other than the 'permitted payment' listed in Schedule 1 of the Act. These 'permitted payments' are:

- Rent
- Deposits (capped at 5 weeks rent for an annual rent below £50,000 or 6 weeks rent for an annual rent exceeding £50,000).
- Holding deposits – capped at one week's rent.
- Payment in the event of a default.
- Payment on variation or assignment of a tenancy (capped at £50 or 'reasonable cost' if higher).
- Payment on termination of a tenancy to cover landlord's losses or agent's costs.
- Payments in respect of council tax.
- Payment in respect of utilities, television licenses or communication services.

A term within a tenancy agreement that breaches the Act will not be enforceable.

Where holding deposits are taken they must be returned within seven days of:

- The tenant entering an agreement to rent the property.
- The landlord deciding not to proceed with the letting.
- The landlord and tenant failing to enter into the agreement by the agreed deadline, or 15 days after the deposit is taken if a deadline wasn't agreed.

Deposits can be retained when:

- The tenant fails to enter into an agreement.
- The tenant notifies the landlord before the deadline they don't intend to enter into a tenancy.
- The tenant gives false or misleading information.
- The prospective tenant did not have right to rent due to their immigration status and the landlord didn't know this at the time of taking the holding deposit.
- It is set off against the first rent payment or tenancy deposit.

Where a 'prohibited payment' (not included in Schedule 1) has been accepted by a landlord the landlord will be unable to regain possession under Section 21 of the Housing Act 1988 unless and until such payment is repaid. The same applies if a holding deposit has not been returned.

Trading Standards will have rights to charge fines up to £5,000 where prohibited payments have been made. Higher fines or criminal prosecutions will be applicable to repeat offenders.

The provisions of the bill won't apply to tenancies entered into before it comes into force or statutory periodic tenancies arising within 12 months after it comes into force, where the fixed term tenancy which preceded it was entered into before the Bill comes into force.