

# Publishing fee schedules (England)

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The Tenant Fees Act 2019 (the Act) is now in full force in England, following the end of the transition period. It remains vitally important that landlords and letting agents understand that the transparency of fees in the Consumer Rights Act 2015 (CRA) requiring fees be 'displayed clearly' has not changed, but was extended by the Act.

The Act extends the requirement to publish fees in the CRA to now include any third party sites where details of a property are advertised e.g. a property portal or other similar websites. However, it is acceptable for the advert to include a link to another website where fees are clearly displayed but they must be transparent and obvious to all prospective tenants.

Even though all fees to tenants are now banned, unless they are permitted by the Act, there is still a need for separate fees schedules for tenants depending on the circumstances, as well as the on-going schedule(s) for tenancies that fall outside the Act, and landlord fees.

For clarity, the Act only permits charging fees for the following:

<p><b>Refundable holding deposit</b> – up to 1 weeks' rent per property</p> <p><b>Tenancy deposit</b></p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th colspan="2">Annual rent</th> </tr> </thead> <tbody> <tr> <td>up to £50k</td> <td>£50k – 100k</td> </tr> <tr> <td>max 5 weeks</td> <td>max 6 weeks</td> </tr> </tbody> </table> <p><b>Rent</b></p> <p><b>Changes to a tenancy</b> i.e. of sharer, pet, permission to sub-let, permission to run a business from the property; any other amend that changes the contractual responsibilities (capped at up to £50 per change UNLESS the landlord or agent can prove the cost was higher and reasonable);</p> <p><b>Utilities</b> (gas/electric/water)</p> <p><b>Council tax</b></p>	Annual rent		up to £50k	£50k – 100k	max 5 weeks	max 6 weeks	<p><b>TV license</b></p> <p><b>Communication services</b></p> <p><b>Early termination/surrender fee</b></p> <p>('reasonable' loss suffered by the landlord) e.g. referencing, advertising, rent until the next tenant moves in (or until the fixed end date)</p> <p><b>Default fees – should be written into the tenancy agreement:</b></p> <ul style="list-style-type: none"> <li>• <b>Late payment of rent</b> only apply after 14 days (interest @ max 3% above base rate)</li> <li>• <b>Replacing locks/security fobs</b> (a new standard door key £3 - £10, a specialist door key £5 - £20, replacement key fob could be up to £50, with evidence)</li> </ul>
Annual rent							
up to £50k	£50k – 100k						
max 5 weeks	max 6 weeks						

## What does this mean?

When publishing your fees to tenants, you will need to provide separate lists for:

### 1. Existing tenancies

From 1st June 2020:

- Any fees written into a contract signed before the 1st June 2019 can no longer be charged when the tenancy ends or is renews, unless the fees are permitted
- All contracts signed on, or after, the 1st June 2019 should be on a new template and must not include any fees, other than those permitted

All fees, that aren't capped, must be justifiable and reasonable. The Government guidance provides more in-depth information [here](#).

### 2. Assured tenancies, company lets

While the Act does not apply to non-Housing Act tenancies or common law tenancies, there is still a requirement for all letting agents to display any fees under the CRA [here](#).

### 3. Landlords

Letting agents also have a duty to be open and transparent about the relevant fees payable by their landlord customers. This requirement can also be found in the CRA chapter 3 [here](#), paragraphs 85 and 86

## Penalties:

A letting agent who does not display fees correctly could end up with a fine of up to £5,000.

If an agent is also found to have charged a fee which is banned, the penalty is £5,000 per fee!

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