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RENTERS' RIGHTS TOOLKIT

Local Authority investigatory powers



Under the Renters' Rights Act 2025, local housing authorities in England will gain new powers to investigate potential breaches of housing law by those involved in the private rented sector.

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Background

The Renters' Rights Bill received Royal Assent on 27 October 2025 and has now become an Act of Parliament and is not fully effective yet. Further regulations will need to be passed to bring large parts of the legislation into force.

Overview

From 27 December 2025, local housing authorities in England will gain new powers to investigate potential breaches of housing law by landlords, agents, and others involved in the private rented sector.

NB: These powers sit in Part 4 of the Renters' Rights Act 2025 and extend or amend powers under existing legislation such as the Housing Act 2004, Protection from Eviction Act 1977, and Housing and Planning Act 2016.

Key points for members to consider

Overview

Local authority officers may exercise these powers when investigating breaches of laws, provided they have written to the individual or company. These cases could include investigatory powers for:

- Illegal eviction or harassment (Protection from Eviction Act 1977).
- Tenancy and licensing breaches (Housing Acts 1988 & 2004).
- Letting agent and landlord offences (Enterprise & Regulatory Reform Act 2013, Housing & Planning Act 2016).
- Duties under the Renters' Rights Act 2025, including anti-discrimination offences.

NB: The Renters' Rights Act 2025 Chapter on anti-discrimination offences will not be enacted until a later date. This means that while agents and landlords should take steps to ensure they comply with the Act, it will not have come into force on 27 December.

Requests for information

Local authorities have the power to require information from individuals or organisations who have functioned as a landlord, agent, licensor, or marketer of a property within the past 12 months.

NB: They may also request information from anyone who holds, or has held, an estate or interest in the property, or who is acting on behalf of such a person.

Any request for information must be made in writing and must cite Section 114 of the Renters' Rights Act 2025. The notice must explain the consequences of not complying and may specify the required format, the deadline for response, and the person or department to whom the information should be sent.

NB: It is an offence not to provide the requested information without a reasonable excuse, and doing so may result in a fine of up to £1,000 (level 3 on the standard scale). It is also an offence to provide false or misleading information in response to such a notice. However, individuals keep the right to refuse to provide information if doing so would self-incriminate.

Entry of business premises

- **Without a Warrant** - local authority officers may enter rental sector business premises, but not residential properties, at reasonable times to obtain or seize evidence relevant to an investigation. Before entering, officers must give at least 24 hours' written notice to the occupier, unless doing so would defeat the purpose of the entry, such as in the case of a non-routine inspection. The occupier may waive the notice period if they consent to earlier entry. During the visit, officers are permitted to take equipment onto the premises and to make photographs, videos, or other recordings as part of their investigation.
- **With a Warrant** - if access to the premises has been refused, or if giving notice would risk the tampering or destruction of evidence, a justice of the peace may issue a warrant authorising entry. A warrant is valid for one month from the date of issue, and officers may use reasonable force if necessary to gain entry.
- **Documents Seized** - under Sections 122 and 123 of the Renters' Rights Act 2025, officers have the power to require or seize documents that are suspected to provide evidence of an offence. However, legally privileged material, such as communications between a solicitor and their client, cannot be taken. Additional powers of seizure are available under Section 50 of the Criminal Justice and Police Act 2001. Seized documents may be retained for up to three months, or longer if they are required for ongoing or pending proceedings.
- **Access to Seized Material** - individuals affected by the seizure may request access to, copies of, or photographs of the seized material under Section 124. A local authority may refuse such a request if granting access would be likely to prejudice or undermine an investigation. Where copies are provided, the authority may charge a reasonable fee to cover the cost of reproduction.
- **Appeals** - any disputes regarding the exercise of these powers are heard in the magistrates' court under Section 125, and decisions made by that court may be appealed to the Crown Court.

Entry of residential premises

- **Without a Warrant** - only specially authorised officers may enter residential premises without a warrant, and only for specific offences such as unlawful eviction under section 1 of the **Protection from Eviction Act 1977** or database-related offences under the **Renters' Rights Act 2025**. Officers must give at least 24 hours' written notice to occupiers and relevant owners (excluding landlords), unless all relevant persons waive their right to notice. Upon entry, officers must show official identification and written authorisation.
- **With a Warrant** - where entry without a warrant has been refused or is impractical, a justice of the peace may issue a warrant authorising entry. The warrant must specify the officer's name and the property address and allow entry at reasonable times using reasonable force if necessary. If the property is unoccupied at the time of entry, a notice must be left to inform the occupier.

Use of existing council data

Authorities can now utilise Council Tax, Housing Benefit, and Tenancy Deposit Scheme data to support investigations into potential housing law breaches. For example, to verify occupancy, overcrowding, or unlicensed Houses in Multiple Occupation (HMOs).

Amendments to the Housing Act 2004

Section 135 of the **Renters' Rights Act 2025** extends the document production powers in Section 235 of the **Housing Act 2004** to include Part 7 premises (qualifying residential properties). It also amends the entry notice rules in Section 239, allowing occupiers to waive the 24-hour notice requirement, and requiring owners to be notified after entry rather than beforehand.

Client Money Protection

Under Section 136 of the **Renters' Rights Act 2025**, local authorities continue to be responsible for enforcing Client Money Protection (CMP) scheme membership as required by Sections 133–134 of the **Housing and Planning Act 2016** and the Client Money Protection Regulations 2019. The new powers strengthen officers' ability to investigate and verify whether letting agents are members of an approved CMP scheme.

Further information

Renters' Rights Act 2025

<https://bills.parliament.uk/bills/3764>

Criminal Justice and Police Act 2001

<https://www.legislation.gov.uk/ukpga/2001/16/contents>

Protection from Eviction Act 1977

<https://www.legislation.gov.uk/ukpga/1977/43>

Housing Act 2004

<https://www.legislation.gov.uk/ukpga/2004/34/contents>

Housing and Planning Act 2016

<https://www.legislation.gov.uk/ukpga/2016/22/contents>

Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019

<https://www.legislation.gov.uk/uksi/2019/386>



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