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Post Event Newsletter July 2016 the London Landlord ►



## Welcome to the Post Networking & Summer BBQ Event edition of the London Landlord

The 2nd UKLAP Networking event held on 15 July 2016 was again a very successful event and demonstrated that good practice is a key issue for members. The event took place at the Taj Hotel set in the heart of Westminster, near Whitehall, Big Ben and House of Parliament. St. James Courtyard is one of the Capital's most idyllic spaces, set around a historic cherub-ordained Victorian Fountain. The event was both informative with the two key note speakers demonstrating the major changes which the private rented sector (PRS) is currently under going and giving some indications that further changes are in the wind.

Once seated 200 plus guests comprising of sponsors, landlords, letting and managing agents, local authority officers and associated professionals from the private rented sector listened as Dave Princep, founder and Chair of LLAS and the UKLAP opened the proceedings and reviewed the successes and growth of the London Landlord Accreditation Scheme and the UK Landlord Accreditation Partnership, the biggest and most successful scheme in the country

Presentations were delivered by **Tony Gimple- Managing Director, Less Tax for Landlords,** whose presentation was on how to balance the contradictory demands of Capital Gains Tax, Corporation Tax, Inheritance Tax, Stamp Duty and Income Tax and pay less tax. Our 2<sup>nd</sup> Keynote speaker **David Whittaker- Managing Director, Mortgages for Business** gave a presentation on the forthcoming changes to the tax regime, the stricter underwriting rules for buy to let mortgage lending, the potential impact of the changes, & also explained how landlords can adapt and thrive, and identifies the financing options available or in the market.

Dave Princep (PRS Consultant) & Peter Littlewood (SLA Director) led the ever popular Quiz on PRS, which was both educational and very much enjoyed by everyone. Congratulations to the group that won the quiz. The 1st part of the networking day ended with a Q & A session to the panel of experts, which gave an opportunity for guests to share their views and have any burning questions answered.

Following on to the courtyard everyone tucked into a wonderful selection of food & drinks and the weather was just pefect for a BBQ. Feedback received so far from guests about the, presentations, venue and food is very positive and we had several request to host the event twice a year instead of once a year as we currently do. As the guests gathered, the background music played, everyone was networking around the fountain, many posing for photos and the Caricaturists performing, and there was laughter, enjoyment of each other's company and more drinking of course.

All in all, it was again another successful event. Thank you all for your continued contribution to LLAS/UKLAP success!

We look forward to seeing you all in November 2016 at the Conference and Training Event, details to be published soon at www.londonlandlords.org.uk

Jessica Alomankeh - UKLAP/LLAS Projects Manager





UKLAP Networking & BBQ Event



The Set up



The Sponsors of the BBQ Event 2016



Dave Princep (UKLAP Chair) welcomes the guests



Attentive audience



Tony Gimple presentation-Less Tax for Landlords-Premier Sponsor



Licensing Debate and Panel



Islington Council & UKLAP staff



Guests enjoing their drinks



Guests in the courtyard for the BBQ



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#### How will Brexit affect landlords and landlord laws? Solicitor David Smith gives some guidance

With the UK having voted to leave the European Union there will be changes and concerns throughout the UK and world economy.

In among these there are bound to be effects on landlords and tenants

#### **Economic Uncertainty**

It is inevitable that there will be a period of economic uncertainty. This will have knock-on effects for the economy more generally. The pound has initially dropped against other currencies which may make foreign investors consider the UK to be a less attractive investment target. Additionally, the stock markets have dropped markedly with lenders and house builders feeling a lot of the brunt. This may make lenders even more conservative with their lending and coupled with possible new criteria from the Bank of England around buy-to-let lending this may mean that there is very little available.

If house builders are weakened and have less value on the stock markets they will have trouble borrowing money and obtaining finance which will mean that house building targets will not be met. This will possibly drive house prices up more along with rents as the property shortage becomes ever more acute. Alternatively, if house prices fall dramatically this will be good for those looking to buy but will be very bad indeed for anyone who already has a mortgage (whether as a landlord or homeowner) as their loan to value ratio will change and they may even find themselves in negative equity.

In general, economic uncertainty is unlikely to be helpful in dealing with the primary problem in the PRS and the housing sector as a whole of a lack of housing supply.

Unfortunately, this is likely to remain a problem for some time as the two parties work through their leadership contests, a decision is made on whether a general election is to be called, and the UK goes through the process of giving the Article 50 notification and negotiating with the EU.

#### **Immigration**

Immigration has been a big deal in the referendum campaign, regardless of individual views as to its importance or the accuracy of statements made.

While there may be a desire to de-emphasis it now, the genie is out of the bottle and it is not a topic which can be easily put to one side. Any government will face pressure to keep immigration under control to some degree. The government has already passed two immigration acts in the last two years. If we are to leave the EU then there will presumably need to be a third Immigration Bill in order to fill the gaps in border controls left by leaving the EU and to set up the "points-based system" suggested by the leave campaigns or such other immigration control mechanism as is required.

This may also involve further regulation of landlords and will certainly cause further confusion as it is likely that different documents will need to be checked and the definitions of permanent and time-limited rights to rent will need to change.

#### **Delays in Other Changes**

Given the enormous amount of work required it is likely that a lot of other intended legislation will be put to one side. This will mean that potential changes in the operation of tenancy deposit protection which were being discussed by the government in order to simplify the process will likely not occur. The consultation on changes to the definition of HMOs and an extension of HMO licensing is also in danger of being set aside.



The implementation of the Housing and Planning Act which requires a lot of secondary legislation and guidance and the implementation of the second Immigration Act may also be delayed. There may also be knock-on effects for legislation that was proposed in the Queen's Speech.

#### **EU Legislation**

There is a certain amount of EU legislation that impacts the PRS. This is still in force right now but as part of the process of departure, it will be necessary for these to either be repealed or replaced with a home-grown version. These include the:

- Heat network regulations these affect HMOs particularly;
- Consumer Protection From Unfair Trading Regulations these are important as they deal with property misdescriptions and other trading issues;
- Energy Performance of Building Regulations these are the regulations which require tenants and property buyers to be provided with an EPC.

There are also a range of regulations which relate to the manner in which agents provide consumers with services and which require agents to give information – which are all derived from EU legislation.

It is not at all clear how this will be dealt with.

The easiest scenario would be for Parliament to pass an Act which simply says that all regulations made in support of EU directives continue as before regardless of the UK leaving the EU. They can then repeal or amend specific regulations individually.

Either way, nobody should count on an immediate bonfire of regulations now or after the UK formally leaves the EU. It is far more likely to be a gradual process.

#### Conclusion

While it will be frustrating, the only option for the PRS at this stage is to remain patient. Until there is more clarity about how the government is going to look and what their plans are to form a new relationship with the rest of the EU it will be hard to be sure as to what legislation is likely to stay or go. The best advice has to be to remain conservative and be prepared to adapt to the changing environment.

David Smith is a solicitor and partner at <u>Anthony Gold solicitors</u> and Policy Director at the Residential Landlords Association.

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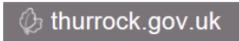
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## Serial fraudster who ran string of letting agencies Jailed for four and a half years

Letting agent who scammed dozens of tenants and landlords out of more than £220,000 of rents and deposits has been jailed for four and a half years

In one of the very worst cases involving a letting agent, Martin Marcus, 52, of Bushey, Hertfordshire, was sentenced at Harrow Crown Court after admitting five counts of fraud following a complex four-year investigation carried out by Barnet Council's Trading Standards team.

Marcus had pleaded guilty to the charges seven days into his trial.

The court heard how he fronted a string of letting agencies and used numerous aliases between 2009 and 2015 to pocket £221,000 from more than 60 tenants and landlords.

In what Judge Freya Newbery described as "an elaborate con trick", Marcus repeatedly offered tenants properties he had no right to let out, took deposits from multiple tenants for the same property, moved in different tenants than those promised, and used a variety of methods and excuses to hold on to thousands in deposits and rents.

Prior to sentencing, the court heard impact statements from victims describing how Marcus's scam had left some of them tens of thousands of pounds out of pocket, some without a home and others unable to care for ill relatives.

Gordon Menzies for the prosecution told the court: "This is a case which could be described as fraud, dishonesty or stealing. It was not clever but it was fraud and it worked."

Marcus used a number of company names including JMG Residential Ltd, Interlocate, Corporate Relocation and Churchill Residential, and used aliases including the names Jeffrey Lewis, Martin Champ and Robert Martin when carrying out the deception.

Requests from landlords and tenants for their money to be returned were met with excuses and in many cases cheques which bounced.

Mr Menzies told the court how landlords and tenants had been reassured that their money was held in a "ring fenced client account".

But Trading Standards investigators found transactions from the account including payments to Virgin Active, EasyJet, payments in Spain, payments to mobile phone companies and payments to Marcus's son.

Mr Menzies told the jury: "The client account was many things but it wasn't a client account."

He also told the court that analysis of bank accounts revealed that Marcus was in financial trouble with bank records showing that he had taken out multiple payday loans.

One landlady looking to rent out her property in Hertfordshire was contacted by Marcus who said he had a prospective tenant who was a HBOS employee, and who would be moving from New York to the UK for two years. The tenant did not exist. When she visited the property she found Marcus had moved in a family of eight who



Marcus had moved in tenants with no proper identification checks. They never paid rent and before they were eventually evicted they caused thousands of pounds of damage to furniture, brand new kitchen fixtures and fittings and to appliances. The rent from the property had been intended to help pay for the care of the landlady's mother.

At the same time a student contacted Marcus about renting the same property with several friends. She handed over more than £2,000 to secure the house, but after paying the money was unable to contact Marcus and the money was never returned.

Judge Newbery said that the fraud reached 'almost farcical proportions' with properties being let out over and over again.

In another case Marcus promised a landlord that he had found tenants for his property. The tenants, he was told, were a family who owned a successful winery in New Jersey, USA. He was even shown a website for the company.

But the Trading Standards investigation would reveal that the creation of the website could be traced back to Marcus' lettings agency.

In some cases, other letting agents had complained to Marcus about him lifting photos of properties they were advertising, and then marketing the properties himself.

The court heard that on one occasion Marcus even attempted to let out the house that he himself was in the process of being evicted from for the non-payment of rent.

Sentencing Marcus, Judge Newbery said: "You used each of your lettings agencies as a vehicle to defraud potential tenants, tenants and landlords. It's been said that because of your financial difficulties you were robbing Peter to pay Paul.

"Typically you would take money from landlords and tenants and not pay either back. Your tactic was to close down when it became too difficult and reopen under a different name. Even after you were interviewed in 2015 you ploughed on using the same modus operandi.

"When taken all together this was quite an elaborate con trick which you used over and over.

"There was a significant human cost to what you did with a considerable amount of stress involved for people trying to get their money back and this is something which has to be taken into account when sentencing you."

Four other defendants, Nadim Khan, Michael Page, James Day and Stacey Heffernan, were found not guilty of the same charges following a six-week trial. Martin Marcus's wife Corinne Marcus was acquitted of a charge of money laundering.

Cllr Richard Cornelius, Leader of Barnet Council, said: "This trial follows a long and very complex investigation led by the council's Trading Standards team into a fraud which left a great many people out of pocket."

The case illustrates the ease with which a conman was able to set up letting agency after letting agency. Currently, he would be able to do so again, although recently enacted legislation will make it a legal requirement for letting agents to keep client money in a separate account, and will also set up a database of rogue agents and landlords along with banning powers. The database will be available to central and local government, but not to prospective tenants and landlords, and not to agents who might be recruiting staff

Source: www.barnet.gov.uk/citizen-home/news/Letting-agent-jailed-for-rental-scam.html





David Whittaker presentation-Mortgages for Business-Premier Sponsor



Dave Princep & Peter Littlewood leading the PRS Quiz with the guests and the sponsors



Teamwork on the PRS Quiz



Attentive guests to David Whittakers presentation



The Q & A Panel taking questions from the guests



Guests in the courtyard for networking



Our guests are fully engaged



More networking



Guests being served the BBQ meal in the courtyard



Guests posing for pictures



#### Housing and Planning Act - what happens next

Rogue landlords can be banned from renting homes under new rules brought in by the Government's Housing and Planning Bill. New legislation also includes plans for the creation of database of criminal landlords and agents – as well as powers to impose civil penalties of up to £30,000.

The Government's Housing and Planning Bill finally received Royal Assent last week after a prolonged period of Parliamentary ping pong. So what happens next?

The Act applies to landlords in England. The sections affecting private renting survived largely unchanged, with the addition of two enabling amendments that will allow the introduction of electrical safety standards and checks, and a requirement to agents to hold client money protection. The new Act includes six measures designed to tackle rogue landlords and property agents:

- Banning orders for most prolific offenders
- Database of rogue landlords/property agents
- Civil penalties of up to £30,000
- Extension of Rent Repayment Orders
- Tougher Fit and Proper Person test for landlords
- Tenancy Deposit Protection Scheme data sharing.

It also includes a new mechanism allowing landlords to legally recover abandoned properties without needing to go to court. **So what happens next**?

#### **Banning Orders and 'Rogues' Database**

The Government has promised an autumn consultation on what offences could result in a banning order, with draft regulations published in early 2017 and the measures coming in to force in October 2017.

The database of rogue landlords and agents will be held by DCLG and updated by local authorities. Currently, only local authorities are proposed to have access to the register.

The RLA has raised concerns that the reputation of membership bodies for landlords and agents could be undermined if they are not be able to check if new or existing members are on the register. Again, regulations are required to establish what information will be held on the register, with implementation expected in October 2017.

#### Civil Penalties, Rent Repayment Orders and Fit and Proper Person Test

The Government expects to publish guidance on these aspects of the Act in March 2017, with the measures taking force in April 2017.

#### **Sharing Tenancy Deposit Scheme Data**

Local authorities will be able to request data from tenancy deposit protection schemes to help identify private rented property and landlords, take action against rogue landlords and enforce housing standards.

#### **Electrical Safety and Client Money Protection**

The Secretary of State can now bring forward proposals to ensure property agents (i.e. letting and managing agents) that hold client money, such as rent or service charges, belong to a client money protection scheme; and require that rented properties in the PRS meet acceptable electric safety standards. DCLG will consult on details of these proposals before regulations are published.

#### **Abandonment**

The Act includes a new statutory code enabling landlord to recover property if the assured short-hold tenant has abandoned it, without the need to serve a section 21 notice or obtain a possession order.



- Tenant must owe more than two months' consecutive rent and must, of course, have left the property.
- Landlord must give at least three warning notices on the tenant and two of those must be sent to the tenant and others too, including a deposit payer.
- The first notice can only be served if the rent is at least one month in arrears and the second notice must be served between two and four weeks after that notice, but the arrears must by then be two months.
- The third notice must be affixed to the property like the front door- at least 5 days before the landlord repossesses.
- Landlord must give at least eight weeks for the tenant to respond to the notices.
- Only if none of these notices are responded to saying the property is not abandoned and/or no rent at all is paid can the landlord repossess the property.

#### **Extension of Mandatory HMO Licensing**

Last year the Government consulted on proposals to extend the scope of mandatory licensing of HMOs. Ministers are still considering their response, but changes to include two storey buildings, flats above shops seem likely, as well as reducing the people/households threshold. Minimum room sizes may also be stipulated. Any changes are expected to be implemented in October 2017 For more info please visit <a href="http://news.rla.org.uk">http://news.rla.org.uk</a>



For more information:

tel: 020 8359 4475 email: housingconditions@barnet.gov.uk or visit www.barnet.gov.uk/empty\_properties



#### Medway Landlord Forum

Date: 18 October 2016

Venue: Gun Wharf, Dock Road, Chatham, ME5 OHZ

**Time**: First session 1pm - 4pm, registration from 12.30pm **Time**: Second session 5.30pm - 8.30pm,

registration from 5pm. For further info & to book a place, please email Lenka Wyatt at

lenka.trent@medway.gov.uk



#### Right to Rent - Immigration checks by landlords

From 1 February 2016 Right to Rent checks will have to be carried out by any landlord or agent who let privately rented accommodation- this will apply to the whole of England.

#### Why do landlords have to check the immigration status of prospective tenants?

Checking that a tenant has a right to be in the country is a new legal requirement that the government has introduced for private landlords. Landlords who let private rented accommodation must check that the tenant(s), and any other adult(s) who'll be living there, are in the country lawfully.

Anyone who rents accommodation to someone who isn't in the country lawfully without carrying out the checks may receive a civil penalty up to £3,000 for each adult living in their property who isn't a relevant national or has no right to rent.

Agents must carry out the checks if they're acting on a landlord's behalf and have agreed to do them. The checks also apply when people rent out all or part of their home, for example, when taking in a lodger or when subletting.



#### Who do the rules apply to?

The rules apply to landlords or agents who let private rented accommodation to someone as their **only or main home**. For a home to be an only or main home it must be either:

- the only property that the person lives in, or
- the property that they use for personal, legal or family matters.

A landlord shouldn't let accommodation to an adult who isn't a relevant national or who doesn't have a 'right to rent' under the new rules.

#### Who is a relevant national?

Relevant nationals are British citizens, EEA nationals and Swiss nationals. All of these people can rent accommodation but will still have to show evidence that they fall into one of these groups.

#### Who has a right to rent?

Someone who isn't a relevant national but who has leave to enter or remain in the UK has a right to rent accommodation. Leave to enter or remain means that the person has permission from the Home Office to be in the UK.

There is also a limited right to rent when a person's leave to enter or remain in the UK is for a limited period of time. People with a limited right to rent can rent accommodation but the landlord must do follow-up checks, usually when the person's leave is due to expire. In all cases, evidence of leave to enter or remain must be provided to the landlord who must keep a copy.

#### Do the rules only apply to tenancies?

There are certain types of accommodation that the rules don't apply to, including student halls of residence, accommodation provided by universities and colleges for their students including nominations for accommodation, care homes, hospitals and hospices.

#### What documents might a landlord want to see?

Typical documents that a landlord can check include a passport, national identity card, residence card or certificate of registration or naturalisation. If none of these are available two other specified documents will satisfy the checks. There is a full list of acceptable documents in a Code of Practice produced by the Home Office.

The landlord must take a copy of the documents provided. Landlords have to keep these copies for as long as the tenancy lasts and then for at least one year afterwards. Documents containing personal or sensitive data must be securely stored. Landlords aren't allowed to keep originals of documents.

## Can a tenant be evicted if they are not a relevant national or do not have a right to rent?

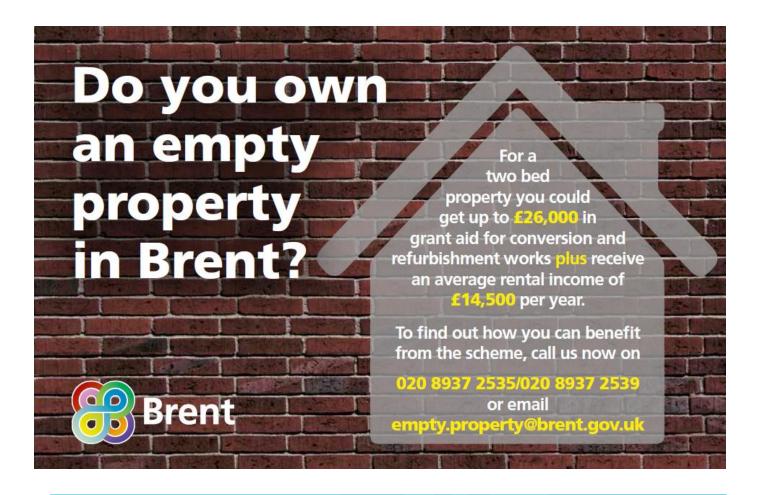
A landlord must still follow the proper legal process to evict a tenant who isn't a relevant national or who does not have a right to rent.



For more information please visit www. gov.uk/government/ publications/right-torent-landlords-code-ofpractice

There is also a Landlords Helpline: **0300 069 9799**.











#### **Lewisham Landlord Letting Scheme**

With this scheme you manage your property yourself on an Assured Shorthold Tenancy. Benefits include:

- one-off cash payment for new landlords
- continuous supply of tenants
- > four-week deposit bond
- free professional inventory
- fast-track payments from tenants on housing benefit.

#### Private Sector Leasing Scheme (PSL)

With the PSL scheme, we manage your property for you. Benefits include:

- guaranteed rent 52 weeks a year
- protection from LHA changes
- > no void or bad debts
- professional housing management services
- > property inspections.



Find out more – with no obligation.

www.lewisham.gov.uk/landlords • 020 8314 7086 / 9772 / 6753



Calling all Landlords, do you have a property in the London area? if yes, we want to hear from you.

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Camden Lettings Team on: camdenlettings@camden.gov.uk 020 7974 4158 camden.gov.uk/camdenlettings

#### **LANDLORDS**

Take the hassle out of letting your property.
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- Up to six months'
- Guaranteed rent for a year
- ✓ No fees

#### LANDLORDS

Do you have properties to let? Choose **Camden Lettings**.

- √ No fees
- Cash incentives available
- A choice of tenants
- Landlord resource centre and tenancy support





## London Borough of Lewisham additional landlord licensing scheme starts 23 September 2016

Lewisham Council have announced that their new additional landlord licensing scheme will come into **force on 23 September 2016.** 

Landlords are being encouraged to submit their applications early to avoid missing out on early-bird discounted application fees that are available until the scheme starts.

The new additional landlord licensing scheme was approved by Lewisham Council's Mayor and Cabinet meeting on 2 March 2016. The scheme applies borough wide and covers all Houses in Multiple Occupation (HMOs) located above commercial premises. This is where council officers say they have found the worst conditions in the private rented sector.

According to the Council, the private rented sector in Lewisham has doubled in size since 2001 and now consists of more than 30,000 units of accommodation, housing 25% of borough residents. Lewisham Council estimate that the scheme will require licensing of around 1,800 properties containing approximately 4,200 separate lettings.

Lewisham Council say that the licensing scheme will ensure that landlords manage their properties well and will help to improve the health and wellbeing of tenants. They also think the scheme will enable them to work better with landlords to ensure their homes are safe and properly managed and will contribute to sustaining the quality of the private rented sector in Lewisham.

#### **Licensing Public Consultation**

Lewisham Council consulted on the proposals for 12 weeks from 1 September to 24 November 2015 and sent out thousands of letters and emails encouraging people to take part.

Forty people attended a public consultation meeting and 136 on-line responses were received, combined with detailed responses from the National Landlords Association, Residential Landlords Association and Citizens Advice.

The council concluded that overall opinion was strongly in favour of an expanded licensing scheme and there was agreement that HMOs above commercial premises should be targeted.

#### Substantial rise in licence application fees

Following scheme approval, significant concern was raised about a proposed 278% increase in licence application fees. The council has set a fee of £500 "per let unit" for both the existing mandatory HMO licensing scheme and the new additional licensing scheme. Licences normally last for five years.

We understand that this is the fee per letting within a property. I.e. a single person occupying one room on a separate tenancy. The council have said that the fee will be capped at £5,000 per property for 10 or more lettings.

Lewisham Council are offering various fee discounts including a reduction of up to £50 per letting for applications submitted by 23 September, a reduction of up to £100 per letting for accredited landlords and a reduction of up to £250 per letting for registered charities.

Further information about property licensing in Lewisham is available at The Council Website: <a href="https://www.lewisham.gov.uk">www.lewisham.gov.uk</a>





WE NEED properties of all types in and outside of Haringey for waiting tenants.

We offer a range of benefits such as:



- Guaranteed rents
- No loss of income if property remains empty
- Long leases available 3 to 5 years
- Dedicated property management service at no extra cost
- Tenancy support available on assured shorthold lets
- Property experts with the local knowledge

If you have properties to let in Haringey or beyond, we have rental options to suit your needs. Contact us for a free rental valuation on

020 8489 1010 or landlords@haringey.gov.uk or visit haringey.gov.uk/letting



MOVE 51°N







Newham London

#### Are you a landlord, property developer or managing agent looking to let a property?

No commission, no fees, no hassle. Newham Council URGENTLY requires properties and wants to work in partnership with landlords and managing agents to rent

#### The council can offer:

- Up to £2,000 non-refundable cash incentive payment £200 non-refundable cash payment to hold a property
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#### Working with the council means:

- Ongoing landlord support and advice
  Support to maintain the tenancy
  Direct rent payments

- · Local housing allowance (LHA) rates paid

If you have any properties or would like to find out more about our Private Rented Sector Scheme, contact the Housing Supply team now.

Email: PRSsupply@newham.gov.uk





Thank you all for your continued contribution to LLAS/UKLAP success!

LLAS - www.londonlandlords.org.uk

RLA - www.rla.org.uk

SLA - www.southernlandlords.org

Landlord Law - www.landlordlaw.co.uk

TDP (The Deposit Protection Service) www.depositprotection.com

Landlordzone - www.landlordzone.co.uk

Accreditation Network UK (ANUK) www.anuk.org.uk

Landlord's useful links and information www.landlords-uk.net

Fire Protection Centre www.fireprotectioncentre.com

Direct Gov UK: Advice for tenants and landlords -

www.direct.gov.uk

Gas Safe Register – www.gassaferegister.co.uk

**National Inspection Council for Electrical** Installation Consulting (N.I.C.E.I.C) www.niceic.ora.uk

Online Planning and Building Regulations Resource - www.planningportal.gov.uk

The Residential Property Tribunal (RPTS) www.rpts.gov.uk

Health and Safety Executive - www.hse.gov.uk

HM Revenue & Customs - www.hmrc.gov.uk

The Court services - www.hmcourtsservice.gov.uk

The Office of Fair Trading - www.oft.gov.uk

The Department of Business Innovation & Skills - www.berr.gov.uk

