



Housing Act 1969

1969 CHAPTER 33

PART VI

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

70 Review of housing conditions by local authorities

It shall be the duty of every local authority (within the meaning of the enactments mentioned in this section) to cause an inspection of their district to be made from time to time with a view to determining what action to take in the performance of their functions under Part II or III of the Act of 1957, Part II of the Housing Act 1961, section 20 or Part IV of the Housing Act 1964 or Part II of this Act, and for the purpose of carrying out that duty the authority and their officers shall comply with any directions the Minister may give and shall keep such records and supply him with such information as he may specify.

71 Standard of fitness for human habitation

In section 4(1) of the Act of 1957 (matters to be taken into account in determining unfitness for human habitation) the following shall be inserted after paragraph (c)—
“(cc) internal arrangement”,
and the word " storage " shall be omitted from paragraph (h).

72 Power of local authority to require repair of houses

In section 9 of the Act of 1957 (power to require repair of unfit house) the following subsection shall be inserted after subsection (1):—

“(1A) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that a house is in such state of disrepair that, although it is not unfit for human habitation, substantial repairs are required to bring it up to a reasonable standard, having regard to its age, character and locality, they may serve upon the person having control of the house a notice requiring him, within

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such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice, not being works of internal decorative repair.”

73 Increase of fine under s. 170 of Housing Act 1957

Section 170 of the Housing Act 1957 (power of local authority to require information as to ownership of premises) shall have effect, with respect to offences committed after the commencement of this Act, as if for the words " five pounds " there were substituted the words " fifty pounds " .

74 Power of local authority to make advances repayable on maturity

- (1) A local authority may, subject to such conditions as may be approved by the Minister, advance money to any person for the alteration, enlargement, repair or improvement of any dwelling, and the following provisions of this section shall apply with respect to an advance made under this section.
- (2) The principal of the advance, together with interest thereon, shall be secured by a mortgage of the borrower's interest in the dwelling, and the amount of the principal shall not exceed the value which, in accordance with a valuation duly made on behalf of the local authority, it is estimated that interest will bear when the alteration, enlargement, repair or improvement has been carried out.
- (3) The advance may be made by instalments from time to time as the works of alteration, enlargement, repair or improvement progress.
- (4) The advance shall be made on terms providing for the repayment of the principal at the end of a fixed period, with or without a provision allowing the authority to extend that period, and with a provision for repayment on the happening of a specified event before the end of that period or extended period, and on such other terms as the local authority may think fit, having regard to all the circumstances.
- (5) While repayment of the principal of an advance made under this section is not required in accordance with the terms of the advance, the local authority may suspend, with respect to so much of any sum borrowed by them as is referable to the advance or with respect to any sum paid in respect of the advance out of their Consolidated Loans Fund, any periodical provision for repayment that may be required by any enactment or by any scheme (whether made under section 55 of the Local Government Act 1958 or under any local enactment) by which the Fund was established.
- (6) The power conferred on a local authority by the preceding provisions of this section is without prejudice to any power to advance money exercisable by the authority under any other enactment; but where money is advanced by a local authority under section 43 of the Housing (Financial Provisions) Act 1958 for the acquisition of a house or the conversion into houses of any building, no money shall, in connection therewith, be advanced under this section for the alteration, enlargement, repair or improvement of that house or any of those houses.
- (7) The local authorities for the purposes of this section are the councils of counties, boroughs, urban districts and rural districts and the Common Council of the City of London.

75 Power of local authority to carry out works of improvement by agreement with and at expense of owner, etc.

- (1) A local authority for the purposes of Part I of this Act may by agreement with any person having the requisite interest execute at his expense any work towards the cost of which a grant under Part I of this Act is payable or might be paid on an application duly made and approved and any further work which it is in their opinion necessary or desirable to execute together with it.
- (2) The works with respect to which an agreement may be made under subsection (1) of this section include, if the works are to be carried out in a general improvement area, any works—
 - (a) the carrying out of which will or might be assisted under section 32(1)(a) of this Act; or
 - (b) towards the cost of which an improvement grant might be made under Part I of this Act if that cost were not below the limit imposed by section 2(3) of this Act; or
 - (c) which are works of external repair (including decorative repair) or replacement not included in the definition of "improvement" in section 27 of this Act.
- (3) In this section "the requisite interest", in relation to any works, means an interest in every parcel of land on which the works are to be carried out which is either an estate in fee simple absolute in possession or a term of years absolute of which not less than five years remain unexpired.

76 Amendment of Housing Act 1964 s. 43(3)

In relation to the exercise by a local authority of their powers under Part II of the Housing Act 1964 in pursuance of any representations under section 19 of that Act which are made, or any preliminary notice under section 20 of that Act which is served, after the commencement of this Act, section 43(3) of that Act (which requires a water closet to be, if reasonably practicable, in and readily accessible from the dwelling) shall have effect as if for the words "and readily accessible from" there were substituted the words "and accessible from within".

77 Extension of powers under s. 14 of Housing Subsidies Act 1967 to contributions in respect of conversion or improvement of dwellings

- (1) Section 14 of the Housing Subsidies Act 1967 (power to reduce, discontinue or transfer subsidies in certain circumstances) shall have effect as if the payments specified in subsection (2) of this section were annual subsidies within the meaning of that section.
- (2) The payments referred to in subsection (1) of this section are payments by the Minister under—
 - (a) section 15, 19 or 31(3) of the Housing Act 1949 ;
 - (b) section 9, 11 or 12 of the Housing (Financial Provisions) Act 1958;
 - (c) section 13 of the House Purchase and Housing Act 1959;
 - (d) section 17, 18, 19 or 21 of this Act;

and so much of any payment made by the Minister under section 37 of this Act as is referable to any expenditure incurred by a housing association and treated for the purposes of subsection (1) of that section as incurred by a local authority.

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- (3) In its application, by virtue of this section, to any payment referable to expenditure incurred by a housing association or development corporation in pursuance of arrangements made with a local authority under section 121 of the Act of 1957 or that section as applied by section 125 of that Act, section 14(5)(b) of the Housing Subsidies Act 1967 shall have effect as if those arrangements were included in the definition of " authorised arrangements " in section 21 of that Act and any dwelling improved in pursuance of the arrangements had been provided in pursuance thereof.

78 Power to increase subsidy for option mortgages

At the end of section 28 of the Housing Subsidies Act 1967 (aggregate amount of subsidy under Part II) there shall be added the following:—

- “(3) The Minister of Housing and Local Government, the Secretary of State for Wales and the Secretary of State for Scotland acting jointly may, with the approval of the Treasury, by order made by statutory instrument provide that with respect to interest payable for any period beginning on or after such date as may be specified in the order the calculation required by subsection (1)(b) of this section shall be made as if such higher percentages as may be specified in the order were substituted respectively for the two per cent, mentioned in that subsection and the one and three-quarters per cent, mentioned in subsection (2) of this section.
- (4) An order under this section—
- (a) may make different provision with respect to different cases or different classes of case and, in particular, with respect to repayment contracts providing for different rates of interest;
 - (b) may except from its provisions repayment contracts providing for such rates of interest as may be specified in the order ; and
 - (c) may include provision enabling the Minister to determine a rate of interest as representative of the rate applicable at any time under repayment contracts of any description made with a qualifying lender during any period and relating to loans not subsidised under this Part of this Act and, if that rate is different from that then applicable under any repayment contract made with that lender during that period but relating to a loan so subsidised, to treat that contract for the purposes of this section as if the rate so determined were then applicable thereunder.
- (5) The power to make an order under this section includes power to vary or revoke such an order by a subsequent order; but no such order shall be made unless a draft thereof has been laid before and approved by the Commons House of Parliament”.

79 Right to terminate period for which option notice has effect

- (1) In section 24(3) of the Housing Subsidies Act 1967 the following shall be inserted after paragraph (vi):—
- “(vii) the taking effect of a notice under section 26A of this Act.”
- (2) After section 26 of that Act there shall be inserted the following section:—
- (1) Where an option notice has been given in respect of a loan the person or persons in whom the rights and obligations under the repayment contract are

for the time being vested may by notice to the lender bring the period for which the option notice has effect to an end on 31st March of any year not earlier than 1973, but only if not less than five years have then elapsed since the date of the repayment contract.

- (2) A notice under this section must be in writing and in such form as the Minister may direct and must be given not less than three months before the date on which it is to take effect.”

80 Long tenancies at a low rent

- (1) In determining whether a long tenancy is, or at any time before the commencement of this Act was.—

- (a) a tenancy at a low rent within the meaning of the Rent Act 1968 or Part I of the Landlord and Tenant Act 1954; or
(b) a tenancy to which, by virtue of section 12(7) of the Act of 1920, the Rent Acts did not apply;

there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, services, repairs, maintenance, or insurance, unless it could not have been regarded by the parties as a part so payable.

- (2) Nothing in this section shall affect the amount of any payment which a tenant is or was liable to make for any rental period beginning before the commencement of this Act.

- (3) In this section—

" long tenancy " means a tenancy granted for a term certain exceeding twenty-one years, other than a tenancy which is, or may become, terminable before the end of that term by notice given to the tenant;

" the Act of 1920 " means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 ; and

" the Rent Acts " means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939.

81 Other long tenancies

- (1) Where a tenancy is both a protected tenancy within the meaning of the Rent Act 1968 and a long tenancy within the meaning of Part I of the Landlord and Tenant Act 1954, then.—

- (a) if the conditions specified in subsection (2) of this section are satisfied with respect to it, nothing in Part VII of the Rent Act 1968 (premiums &c.) or the enactments replaced by it shall apply or be deemed ever to have applied to the tenancy ;
(b) if any of those conditions are not satisfied with respect to it Schedule 7 to this Act shall apply and, if the tenancy was granted before the passing of this Act, be deemed always to have applied to it.

- (2) The conditions mentioned in subsection (1)(a) of this section are—

- (a) that the tenancy is not, and cannot become, terminable within twenty years of the date when it was granted by notice given to the tenant; and
(b) that, unless the tenancy was granted before the passing of this Act or was granted in pursuance of Part I of the Leasehold Reform Act 1967, the sums

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payable by the tenant otherwise than in respect of rates, services, repairs, maintenance or insurance are not, under the terms of the tenancy, varied or liable to be varied within twenty years of the date when it was granted nor, thereafter, more than once in any twenty-one years; and

- (c) that assignment or underletting of the whole of the premises comprised in the tenancy is not precluded by the terms of the tenancy and, if it is subject to any consent, there is neither a term excluding section 144 of the Law of Property Act 1925 (no payment in nature of fine) nor a term requiring in connection with a request for consent the making of an offer to surrender the tenancy.
- (3) Where the condition specified in subsection (2)(b) of this section would be satisfied with respect to a sub-tenancy but for a term providing for one variation, within twenty years of the date when the sub-tenancy was granted, of the sums payable by the sub-tenant, that condition shall be deemed to be satisfied notwithstanding that term, if it is satisfied with respect to a superior tenancy of the premises comprised in the sub-tenancy (or of those and other premises).
- (4) Nothing in this section shall affect the recovery, in pursuance of any judgment given or order or agreement made before 20th May 1969, of any amount which it was not lawful to receive under the law in force at the time it was received.
- (5) In this section and in Schedule 7 to this Act "grant" includes continuance and renewal and "premium" has the same meaning as in Part VII of the Rent Act 1968.

82 Price payable on enfranchisement of leasehold house

The Leasehold Reform Act 1967 shall have effect, and be deemed always to have had effect, as if in section 9(1) (which provides for the price to be paid by a tenant on an enfranchisement under the Act to be calculated on certain assumptions, by reference to a sale of the reversion in the open market by a willing seller) there had been inserted after the words "a willing seller" the words "(with the tenant and members of his family who reside in the house not buying or seeking to buy)", and as if at the end of section 9(1) there were added the words "The reference in this subsection to members of the tenant's family shall be construed in accordance with section 7(7) of this Act":

Provided that this section shall not have effect where the price has been determined (by agreement or otherwise) before the passing of this Act.

83 Amendment of Rent Act 1968 s. 46

At the end of section 46 of the Rent Act 1968 (determination of fair rent) there shall be added the following subsection:—

“(4) In this section 'improvement' includes the replacement of any fixture or fitting.”

Supplemental

84 Cost of acquisition involving periodical payments

In ascertaining for the purposes of section 18, 21 or 37 of this Act the cost of acquiring an estate or interest in a case where periodical payments fall to be made in connection with the acquisition that cost shall be taken to include such sum as the Minister may determine to be the capital equivalent of those payments.

85 Orders and regulations

- (1) Any order made by the Minister under any provision of this Act may be varied or revoked by a subsequent order made thereunder.
- (2) Any order made by the Minister under this Act and any regulations made under this Act shall be made by statutory instrument.
- (3) Any statutory instrument made under this Act, except one containing an order under section 22, 37, 50, 58 or 87 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

86 Interpretation

- (1) In this Act—
 - " the Act of 1957 " means the Housing Act 1957 ;
 - " housing association " has the meaning assigned to it for the purposes of the Act of 1957 by section 189(1) of that Act;
 - " land " includes any estate or interest in land ;
 - " the Minister ", except where it means the Secretary of State, means the Minister of Housing and Local Government and, in the application to Wales and Monmouthshire of any provision other than sections 18(3), 18(4), 21(5), 21(6) and 22 and other than the definition of " prescribed " in section 27 as it relates to section 2(3), 4(2), 5(2) or 6(4), means the Secretary of State;
 - " standard amenities " has the meaning assigned to it by section 7 of this Act.
- (2) For the purposes of this Act a person is a member of another's family if that person is—
 - (a) the other's wife or husband ; or
 - (b) a son or daughter or a son-in-law or daughter-in-law of the other, or of the other's wife or husband; or
 - (c) the father or mother of the other, or of the other's wife or husband.

In paragraph (b) of this subsection any reference to a person's son or daughter includes a reference to any step-son or stepdaughter, any illegitimate son or daughter, and any adopted son or daughter of that person, and " son-in-law " and " daughter-in-law " shall be construed accordingly.
- (3) Section 4 of the Act of 1957 (standard of fitness for human habitation) shall apply for the purposes of this Act.
- (4) For the purposes of this Act the cost of any works shall be taken to include the cost of the employment in connection with the works of an architect, engineer, surveyor, land-agent or other person in an advisory or supervisory capacity.
- (5) For the purposes of this Act the annual loan charges referable to any amount shall be, subject to sections 21(7) and 37(7) of this Act, the annual sum that, in the opinion of the Minister, would fall to be provided by a housing authority for the payment of interest on, and the repayment of, a loan of that amount repayable over a period of twenty years.
- (6) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended, and as including

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references thereto as applied, by any other enactment, including any enactment contained in this Act.

87 Application to Stilly Isles

Section 115 of the Rent Act 1968 (application to Isles of Scilly) shall have effect as if the reference therein to Part IV of that Act included a reference to Part III of this Act; and the other provisions of this Act shall have effect, in their application to the Isles of Scilly, subject to such exceptions, adaptations and modifications as the Minister may by order direct.

88 Power to repeal or amend local Acts

- (1) The Minister may by order repeal or amend any provision in any local Act passed before this Act where it appears to him that the provision is inconsistent with, or has become unnecessary, in consequence of any provision of Part I, Part II or section 64 of this Act.
- (2) Before making an order under this section the Minister shall consult with any local authority which appears to him to be concerned.
- (3) An order under this section may contain such transitional, supplementary or incidental provisions as appear to the Minister to be expedient.

89 Minor and consequential amendments, repeals and savings

- (1) The enactments mentioned in Schedule 8 to this Act shall have effect subject to the minor and consequential amendments specified therein.
- (2) The transitional provisions and savings contained in Schedule 9 to this Act shall have effect.
- (3) Subject to the savings contained in Schedule 9 to this Act, the enactments mentioned in Schedule 10 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

90 Expenses

Any expenses of the Minister under this Act and any expenses of the Minister under any other enactment which are attributable to the provisions of this Act shall be defrayed out of moneys provided by Parliament.

91 Citation, construction, commencement and extent

- (1) This Act may be cited as the Housing Act 1969.
- (2) This Act, the Housing Acts 1957 to 1965 and the Housing Subsidies Act 1967 may be cited together as the Housing Acts 1957 to 1969.
- (3) Part IV of this Act shall be construed as one with the Act of 1957.
- (4) This Act, except sections 80 to 82, shall not come into force until the expiration of the period of one month beginning with the date on which it is passed.
- (5) This Act, except sections 78 and 79, does not extend to Scotland.

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(6) This Act does not extend to Northern Ireland.