



# Housing Act 1974

## 1974 CHAPTER 44

An Act to extend the functions of the Housing Corporation and provide for the registration of, and the giving of financial assistance to, certain housing associations; to make further provision in relation to clearance areas and other areas in which living conditions are unsatisfactory or otherwise in need of improvement; to provide for the making of grants towards the improvement, repair and provision of housing accommodation and for the compulsory improvement of such accommodation; to amend the law relating to assistance for house purchase and improvement and expenditure in connection with the provision and improvement of housing accommodation and of hostels; to raise the rateable value limits under the Leasehold Reform Act 1967; to amend the Housing Finance Act 1972; to amend the law relating to the rights and obligations of landlords and tenants and the enforceability of certain covenants relating to the development of land; and for purposes connected therewith. [31st July 1974]

### Modifications etc. (not altering text)

- C1** Act repealed (S.) except ss. 11, 18(2)–(6), 129, 130 and 131, Sch. 3 Pt. III, and Sch. 13 paras. 42–46 by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

### Commencement Information

- I1** Act partly in force at Royal Assent partly prospective

## PART I

### THE HOUSING CORPORATION: EXTENDED FUNCTIONS

<sup>F1</sup>**1**— .....

**10.**

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

**Textual Amendments**

**F1** Pt. I (ss. 1–12) repealed, except s. 11, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, Sch. 1 Pts. I, II

**11 Exclusion of certain disposals of land from tax on chargeable gains.**

After section 342 of the <sup>M1</sup>Income and Corporation Taxes Act 1970 there shall be inserted the following section:—

**“342A Disposals by Housing Corporation and certain housing associations.**

- (1) In any case where—
  - (a) the Housing Corporation dispose of any land to a registered housing association, or
  - (b) a registered housing association disposes of any land to another registered housing association, or
  - (c) in pursuance of a direction of the Housing Corporation given under Part II of the Housing Act 1974 requiring it to do so, a registered housing association disposes of any of its property, other than land, to another registered housing association, or
  - (d) a registered housing association or an unregistered self-build society disposes of any land to the Housing Corporation,

both parties to the disposal shall be treated for the purposes of corporation tax in respect of chargeable gains or, as the case may require, capital gains tax as if land or property disposed of were acquired from the Housing Corporation, registered housing association or unregistered self-build society making the disposal for a consideration of such amount as would secure that on the disposal neither a gain nor a loss accrued to the Corporation or, as the case may be, that association or society.

- (2) In this section “registered housing association and “self-build society have the same meanings as in Part I of the Housing Act 1974.”

**Modifications etc. (not altering text)**

**C2** The text of Ss. 11, 118(3)(4), Sch. 13 paras. 42(1)(b)(2)(3), 43(1)(a)(c), 43(2)–(4), 44–46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

**Marginal Citations**

**M1** 1970 c. 10.

<sup>F2</sup>12 .....

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

**Textual Amendments**

- F2** Pt. I (ss. 1–12) repealed, except s. 11, by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, Sch. 1 Pts. I, II

**PART II**

REGISTRATION OF HOUSING ASSOCIATIONS

<sup>F3</sup>**13**— .....  
**17.**

**Textual Amendments**

- F3** Pt. II (ss. 13–28) repealed (except s. 18(2)–(6) for Scotland) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, Sch. 1 Pts. I, II

**18 Special rules applicable to tenancies of registered and certain other housing associations.**

<sup>F4</sup>(1) .....

[<sup>F4</sup>(2) If at any time, by virtue of [<sup>F5</sup>section 5(4) of the Rent (Scotland) Act 1984], a tenancy ceases to be one to which . . . <sup>F6</sup>, or sections 60 to 66 of the <sup>M2</sup>Housing (Financial Provisions) (Scotland) Act 1972 apply, and becomes a protected tenancy for the purposes of . . . <sup>F6</sup>, or of the <sup>M3</sup>Rent (Scotland) Act 1971, that tenancy shall be a regulated tenancy and the housing association which is the landlord under that tenancy shall give notice in writing to the tenant, . . . <sup>F7</sup>, informing him that his tenancy is no longer excluded from protection under . . . <sup>F6</sup> or the Rent (Scotland) Act 1971.

(3) If, without reasonable excuse, a housing association fails to give notice to a tenant under subsection (2) above within the period of 21 days beginning on the day on which his tenancy becomes a protected tenancy, the association shall be liable on summary conviction to a fine not exceeding [<sup>F8</sup>level 3 on the standard scale].

(4) Where an offence under subsection (3) above committed by a body corporate is proved too have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

<sup>F9</sup>(5) .....

(6) The provisions of Schedule 3 to this Act shall have effect for supplementing this section, and Part I of that Schedule shall come into force on the passing of this Act.]

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*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

**Textual Amendments**

- F4** Pt. II (ss. 13–28) repealed (except s. 18(2)–(6) for Scotland) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, Sch. 1 Pts. I, **II**
- F5** Words substituted (S.) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 25**
- F6** Words repealed by [Rent Act 1977 \(c. 42\)](#), **Sch. 25**
- F7** Words repealed by [Tenants' Rights, Etc. \(Scotland\) Act 1980 \(c. 52, SIF 61\)](#), s. 84, **Sch. 5**
- F8** Words substituted (S.) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F9** 18(5) repealed (S.) by [Tenants' Rights, Etc. \(Scotland\) Act 1980 \(c. 52, SIF 61\)](#), s. 84, **Sch. 5**

**Marginal Citations**

- M2** 1972 c. 46.
- M3** 1971 c. 28.

<sup>F10</sup>19— .....  
28.

**Textual Amendments**

- F10** Pt. II (ss. 13–28) repealed (except s. 18(2)–(6) for Scotland) by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, Sch. 1 Pts. I, **II**

**PART III**

<sup>F11</sup>29— .....  
35.

**Textual Amendments**

- F11** Pt. III (ss. 29–35) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pts. I, II, **Sch. 4 para. 15(2)**

**PARTS IV—VIII**

<sup>F12</sup>36— .....  
104.

**Textual Amendments**

- F12** Pts. IV–VIII (ss. 36–104) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt I** (with a saving for s. 79 in the [Housing Act 1985 \(c. 68, SIF 61\)](#), s. 432, **Sch. 15 Pt. III para. 3(1)**)

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*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

## PART IX

### MISCELLANEOUS

<sup>F13</sup>**105** .....  
—117.

#### Textual Amendments

**F13** Ss.105–117, repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. 1](#) (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and ss. 107, 109, 116A, 117 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

#### **118 Rateable value limits for enfranchisement or extension under Leasehold Reform Act 1967.**

<sup>F14</sup>(1) .....

(2) In any case where, by virtue only of the amendments of section 1 of the <sup>M4</sup>Leasehold Reform Act 1967 effected by subsection (1) above, the right specified in subsection (1) of that section is conferred on a tenant, section 19 of that Act (retention of management powers for general benefit of neighbourhood) shall have effect in relation to the house and premises to which the tenant’s right applies as if for the reference in subsection (1) of that section to an application made within two years beginning with the commencement of Part I of that Act there were substituted a reference to an application made within two years beginning with the date on which this Act is passed.

<sup>X1</sup>(3) After subsection (4) of section 1 of the Leasehold Reform Act 1967 there shall be inserted—

“(4A) At any time the tenant may take the action provided in Schedule 8 to the Housing Act 1974 for his rateable value to be adjusted and in all such cases the agreed rateable value or that determined by the Court or District Valuer shall be the rateable value for the purposes of that Act.”

<sup>X1</sup>(4) In section 9 of the Leasehold Reform Act 1967 (purchase price of enfranchisement) there shall be inserted after subsection (1):—

“(1A) Notwithstanding, the foregoing subsection, the price payable for a house and premises, the rateable value of which is above £1,000 in Greater London and £500 elsewhere, on a conveyance under section 8 above, shall be the amount which at the relevant time the house and premises, if sold in the open market by a willing seller, might be expected to realise on the following assumptions :

- (a) on the assumption that the vendor was selling for an estate in fee simple, subject to the tenancy, but on the assumption that this Part of this Act conferred no right to acquire the freehold ;
- (b) on the assumption that at the end of the tenancy the tenant had the right to remain in possession of the house and premises under the provisions of Part I of the Landlord and Tenant Act 1954 ;

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- (c) on the assumption that the tenant has no liability to carry out any repairs, maintenance or redecorations under the terms of the tenancy or Part I of the Landlord and Tenant Act 1954;
- (d) on the assumption that the price be diminished by the extent to which the value of the house and premises has been increased by any improvement carried out by the tenant or his predecessors in title at their own expense ;
- (e) on the assumption that (subject to paragraph (a) above) the vendor was selling subject, in respect of rentcharges and other rents to which section 11(2) below applies, to the same annual charge as the conveyance to the tenant is to be subject to, but the purchaser would otherwise be effectively exonerated until the termination of the tenancy from any liability or charge in respect of tenant's incumbrances ; and
- (f) on the assumption that (subject to paragraphs (a) and (b) above) the vendor was selling with and subject to the rights and burdens with and subject to which the conveyance to the tenant is to be made, and in particular with and subject to such permanent or extended rights and burdens as are to be created in order to give effect to section 10 below.

(1B) For the purpose of determining whether the rateable value of the house and premises is above £1,000 in Greater London, or £500 elsewhere, the rateable value shall be adjusted to take into account any tenant's improvements in accordance with Schedule 8 to the Housing Act 1974."

(5) This section shall come into force on the passing of this Act.

#### Editorial Information

**X1** The text of Ss. 11, 118(3)(4), Sch. 13 paras. 42(1)(b)(2)(3), 43(1)(a)(c), 43(2)–(4), 44–46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

#### Textual Amendments

**F14** S. 118(1) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

#### Marginal Citations

**M4** [1967 c. 88](#).

## 119 Option mortgages.

- (1) Subject to the following provisions of this section, Part II of the <sup>M5</sup>Housing Subsidies Act 1967 (assistance for house purchase and improvement) shall be amended in accordance with Schedule 11 to this Act and the amendments of section 28 of that Act contained in paragraph 5 of that Schedule shall be deemed to have taken effect on 18th April 1974.
- (2) Until 6th April 1980, nothing in paragraphs 1(2) and 2 of Schedule 11 to this Act or in paragraphs (ix) to (xi) of section 24(3) of the said Act of 1967 shall have effect in relation to a loan if—
  - (a) the option notice in respect of the loan was signed on or before 26th June 1974, or

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- (b) the loan was made in pursuance of an offer in writing made by the lender to the borrower on or before 26th June 1974 and the option notice was signed as mentioned in section 24(3)(b) of the said Act of 1967.
- (3) Until the expiry of the period of 3 months beginning on the appointed day, nothing in paragraphs 1(2) and 2 of Schedule 11 to this Act or in paragraphs (ix) to (xi) of section 24(3) of the said Act of 1967 shall have effect in relation to a loan (being a loan to which subsection (2) above does not apply) if the option notice in respect of the loan was signed after 26th June 1974 and before the day appointed for the coming into operation of this <sup>F15</sup>subsection].
- (4) The Secretary of State may by regulations made by statutory instrument make such transitional provisions as he considers appropriate for the purpose of securing the proper application of Part II of the said Act of 1967—
  - (a) on and after 6th April 1980 in relation to a loan to which subsection (2) above applies; and
  - (b) after the expiry of the period specified in subsection (3) above in relation to a loan to which that subsection applies.
- (5) Without prejudice to the generality of the power conferred by subsection (4) above, in relation to a loan to which the power applies, regulations under that subsection—
  - (a) may require things to be done before the date on which the said Part II is to apply to the loan; and
  - (b) may make such modifications of the said Part II as the Secretary of State considers appropriate.
- (6) A statutory instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

**F15** Word substituted by [Housing Rents and Subsidies Act 1975 \(c. 6\)](#), [Sch. 5 para. 23](#) and [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\)](#), [Sch. 3 para. 14](#).

**Marginal Citations**

**M5** 1967 c. 29.

<sup>F16</sup>**120** .....

**Textual Amendments**

**F16** S. 120 repealed by [Income and Corporation Taxes Act 1988 \(c.1, SIF 63:1\)](#), s. 844, [Sch. 31](#), [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

<sup>F17</sup>**121** .....  
—128.

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### Textual Amendments

**F17** Ss. 121–130 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. I](#) (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and ss. 121–123, 127, 128 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

### [<sup>F18</sup>129 Interpretation.

(1) In the application of this Act in England and Wales—

“the Corporation means the Housing Corporation;

“dwelling means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part;

“hostel means a building wherein is provided, for persons generally or for a class or classes of persons, residential accommodation (otherwise than in separate and self-contained sets of premises) and either board or facilities for the preparation of food adequate to the needs of those persons, or both;

“house in multiple occupation means a house which is occupied by persons who do not form a single household, exclusive of any part thereof which is occupied as a separate dwelling by persons who do form a single household;

“housing association has the meaning assigned to it by section 189(1) of the <sup>M6</sup>Housing Act 1957;

“improvement grant and “intermediate grant have the meanings assigned to them by section 56(2) of this Act;

“operative date means 1st April 1975 or such later date as may be specified under, and for the purposes of, section 17(1) of this Act;

“registered, except in the expression “registered charity means registered in the register of housing associations established under section 13 of this Act, and “registration and “unregistered shall be construed accordingly;

“registered charity means a charity of which particulars are entered in the register of charities established under section 4 of the <sup>M7</sup>Charities Act 1960;

“repairs grant and “special grant have the meanings assigned to them by section 56(2) above.

(2) In the application of this Act in Scotland—

“charge includes a heritable security;

“the Corporation means the Housing Corporation;

“dwelling means a house within the meaning of section 208(1) of the <sup>M8</sup>Housing (Scotland) Act 1966;

“heritable security has the meaning assigned to it by section 12 of this Act;

“hostel has the same meaning as in section 21(4) of the <sup>M9</sup>Housing (Financial Provisions) (Scotland) Act 1968;

“housing association has the meaning assigned to it by section 208(1) of the Housing (Scotland) Act 1966;

“local authority has the meaning assigned to it by section 1 of the Housing (Scotland) Act 1966;

“mortgage means a heritable security and “mortgagee means the creditor in such a security;



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“operative date has the same meaning as in subsection (1) above;  
“registered means registered in the register of housing associations established under section 13 of this Act, and “registration and “unregistered shall be construed accordingly.

- (3) 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.
- (4) In paragraph (b) of subsection (3) above any reference to a person’s son or daughter includes a reference to any step-son or step-daughter, [<sup>F19</sup>and any illegitimate son or daughter] of that person, and “son-in-law and “daughter-in-law shall be construed accordingly.
- (5) Any reference in this Act to any other enactment shall be construed as referring to that enactment as amended by or under any other enactment, including this Act.]

#### Textual Amendments

**F18** Ss. 121–130 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and ss. 121–123, 127, 128 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

**F19** Words substituted by [Children Act 1975 \(c. 72\)](#), **Sch. 3 para. 83**

#### Marginal Citations

**M6** 1957 c. 56.

**M7** 1960 c. 58.

**M8** 1966 c. 49.

**M9** 1968 c. 31.

#### [<sup>F20</sup>130 Amendments, transitional provisions, savings and repeals.

- (1) Schedule 13 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, shall have effect.
- (2) In Schedule 13 to this Act, the amendments of the <sup>M10</sup>Land Compensation Act 1973 and the <sup>M11</sup>Land Compensation (Scotland) Act 1973 shall have effect in the case of persons displaced on or after the date of the passing of this Act.
- (3) The transitional provisions and savings in Schedule 14 to this Act shall have effect.
- <sup>X2</sup>(4) The enactments specified in schedule 15 to this Act are hereby repealed to the extent specified in the third column of that Schedule.]

#### Editorial Information

**X2** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1)(a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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#### Textual Amendments

- F20** Ss. 121–130 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and ss. 121–123, 127, 128 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

#### Marginal Citations

- M10** 1973 c. 26.  
**M11** 1973 c. 56.

### 131 Short title, citation, commencement and extent.

(1) This Act may be cited as the Housing Act 1974.

[<sup>F21</sup>(2) This Act and the Housing Acts 1957 to 1973 may be cited together as the Housing Acts 1957 to 1974.]

(3) Except in so far as any provision of this Act otherwise provides, this Act shall come into operation on such day as the Secretary of State may by order appoint, and different days may be so appointed for different provisions and for different purposes.

(4) Without prejudice to any express saving contained in Schedule 14 to this Act, an order under subsection (3) above appointing a day for the coming into operation of any provision of Schedule 13 or Schedule 15 to this Act may contain such savings with respect to the operation of that provision as appear to the Secretary of State to be appropriate [<sup>F22</sup>and an order under subsection (3) above may be revoked or varied by a further order under that subsection which may itself contain such savings with respect to the effect of the revocation or variation as appear to the Secretary of State to be appropriate].

(5) [<sup>F23</sup>Parts IV, V, VI, VII, and VIII and,], in Part IX, sections [<sup>F23</sup>105, 106, 108,][<sup>F24</sup>[<sup>F23</sup>110 to][116], 118, [<sup>F23</sup>124, 125 and 126]of this Act extend to England and Wales only.

(6) [<sup>F25</sup>Sections 107 and 116A of this Act extend] to Scotland only.

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

#### Textual Amendments

- F21** S. 131(2) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales)  
**F22** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), **Sch. 11 para. 42**  
**F23** Words repealed [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales)  
**F24** Words inserted by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\)](#), **Sch. 3 para. 17**  
**F25** Words substituted by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\)](#), **Sch. 3 para. 17**

#### Modifications etc. (not altering text)

- C3** Power of appointment conferred by s. 131(3) partly exercised: [S.I. 1974/1406](#), 1562, 1791, 1975/374, 1113, 1979/1214

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## SCHEDULES

### <sup>F26</sup>SCHEDULE 1

#### Textual Amendments

**F26** Schs. 1, 5 Pt. II paras. 1, 2, 3, 5 and Schs. 7, 9, 10A repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c.26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

### <sup>F27</sup>SCHEDULE 2

#### Textual Amendments

**F27** Sch. 2 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

### SCHEDULE 3

Section 18.

#### HOUSING ASSOCIATION TENANCIES

### <sup>F28</sup>PARTS I, II

#### Textual Amendments

**F28** Sch. 3 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and Sch. 3 Pts. I, II repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

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## [<sup>F29</sup>PART III]

### M12 APPLICATION OF RENT (SCOTLAND) ACT 1971

#### Textual Amendments

**F29** Sch. 3 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and Sch. 3 Pts. I, II repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

#### Marginal Citations

**M12** 1971 c. 28.

- 13 (1) The provisions of this paragraph apply on and after the operative date in any case where—
- (a) a tenancy of a dwelling-house under which the interest of the landlord belonged to a housing association has come to an end at a time before the operative date (whether before or after the passing of this Act), and
  - (b) on the date when it came to an end, the tenancy was one to which sections 60 to 66 of the 1972 Act applied, and
  - (c) if the tenancy had come to an end after the operative date it would, by virtue of section 18(1) of this Act, have then been a protected tenancy.
- (2) No order for possession of the dwelling-house shall be made which would not be made if the tenancy had been a protected tenancy at the time it came to an end.
- (3) Where a court has made an order for possession of the dwelling-house before the operative date, but the order has not been executed, the court, if of opinion that the order would not have been made if the tenancy had been a protected tenancy when it came to an end may, on the application of the person against whom it was made, rescind or vary it in such manner as the court thinks fit for the purpose of enabling him to continue in possession.
- (4) If on the operative date the person who was the tenant under the tenancy which has come to an end duly retains possession of the dwelling-house, he shall be deemed to do so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant on the termination of a protected tenancy under which he was the tenant.
- (5) If on the operative date a person duly retains possession of the dwelling-house as being a person who, in the circumstances described in paragraph 1(3)(c) above, would have been the first successor, within the meaning of Schedule 1 to the 1971 Act he shall be deemed to do so as the statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 2 or paragraph 3 of that Schedule.
- (6) If on the operative date a person duly retains possession of the dwelling-house as being a person who, in the circumstances described in paragraph 1(3)(c) above, would have become the statutory tenant on the death of a first successor, he shall be deemed to do so as the statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 6 or paragraph 7 of Schedule 1 to the 1971 Act.

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*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

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- (7) References in the preceding provisions of this paragraph to a person duly retaining possession of a dwelling-house are references to his retaining possession without any order for possession having been made or, where such an order has been made,—
- (a) during any period while its operation is postponed or its execution is suspended; or
  - (b) after it has been rescinded.
- (8) Subject to sub-paragraph (9) below, the tenancy referred to in sub-paragraph (1) above shall be treated as the original contract of tenancy for the purposes of section 12 of the 1971 Act (terms and conditions of statutory tenancies) in relation to a statutory tenancy imposed by any of sub-paragraphs (4) to (6) above.
- (9) The court may by order vary all or any of the terms of a statutory tenancy imposed by any of sub-paragraphs (4) to (6) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by the provisions of sections 22 and 23 of the 1971 Act).
- 14 (1) This paragraph applies to—
- (a) a tenancy which becomes a protected tenancy by virtue of section 18(1) of this Act;
  - (b) a statutory tenancy which is deemed to arise under paragraph 13 above; and
  - (c) a statutory tenancy arising on the termination of any such tenancy as is referred to in head (a) or (b) of this sub-paragraph.
- (2) The contractual rent limit for any contractual period of a tenancy to which this paragraph applies or the limit of rent recoverable for any statutory period of that tenancy shall be determined as follows—
- (a) where no rent has been registered for the dwelling-house under the previous housing association tenancy, the limit for the purposes of section 19(1) or, subject to sections 22 to 24, of section 21(1) of the 1971 Act, shall be the rent recoverable for the last rental period of that tenancy determined in accordance with section 62(3) of the 1972 Act, until either—
    - (i) a rent is registered for the dwelling-house under Part IV of the 1971 Act, or
    - (ii) a rent agreement with a tenant having security of tenure is entered into with respect to the dwelling-house;
  - (b) where a rent has been registered for the dwelling-house under the previous housing association tenancy and the rent recoverable for the last rental period of that tenancy was that registered rent, the limit, for the purposes of section 19(2) or section 21(2) of the 1971 Act, but subject to the provisions of those sections, shall be the registered rent until either—
    - (i) a new rent is registered for the dwelling-house under Part IV of the 1971 Act, or
    - (ii) the rent registered for the dwelling-house is cancelled in terms of section 44A of the 1971 Act;
  - (c) where a rent has been registered for the dwelling-house under the previous housing association tenancy and the rent recoverable for the last rental period of that tenancy was determined in accordance with section 63 of the 1972 Act, the limit, for the purposes of section 19(2) or of section 21(2) of the 1971 Act, shall be the rent limit as determined in accordance with the said section 63 of the 1972 Act and, for this purpose, that registration and the provisions of sections 62(4), 63(2) to (4) and 67 of that Act shall subject to

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the provisions of sub-paragraph (3) of this paragraph, continue to apply or, as the case may require, shall apply to the rent of a dwelling-house under a tenancy to which this paragraph applies as if that tenancy had been a tenancy to which sections 60 to 66 of the 1972 Act applied, until either—

- (i) a new rent is registered for the dwelling-house under Part IV of the 1971 Act, or
  - (ii) the rent registered for the dwelling-house is cancelled in terms of section 44A of the 1971 Act;
- (d) where a rent has been registered for the dwelling-house and the Secretary of State has given a direction under section 64(4) of the 1972 Act, specifying the rent limit for the dwelling-house under the previous housing association tenancy, the limit, for the purposes of section 19(2) or of section 21(2) of the 1971 Act, shall be the rent limit specified in the direction and, for this purpose, the provisions of sections 62(1), (2), (4) and (5), 64 and 67 of the 1972 Act shall continue to apply or, as the case may require, shall apply to the rent of a dwelling-house under a tenancy to which this paragraph applies as if that tenancy had been a tenancy to which sections 60 to 66 of the 1972 Act applies, until—
- (i) the direction ceases to have effect (whether because any condition included in the direction is not complied with or because the period for which the direction has effect ends), or
  - (ii) a new rent is registered for the dwelling-house under Part IV of the 1971 Act (whether or not the new rent exceeds the rent provisionally registered or the rent specified in the direction);

and where any of the events specified in the foregoing provisions of this sub-paragraph take place the said limits shall be determined in accordance with the provisions of the Rent (Scotland) Acts 1971 and 1972.

- (3) In the application, by virtue of sub-paragraph (2)(c) of this paragraph, of subsection (2) of section 63 of the 1972 Act to the rent of a dwelling-house subject to a statutory tenancy which is deemed to arise under paragraph 13 above, that subsection shall be deemed to have continued to apply throughout the period between the termination of the tenancy referred to in paragraph 13(1)(a) above and the operative date; but nothing in this sub-paragraph shall affect the rent recoverable for that dwelling-house at any time during that period.
- (4) In the case where sub-paragraph (2)(c) of this paragraph applies, and the rent limit therein referred to is the rent limit as determined in accordance with section 63 of the 1972 Act, any notice of increase under section 21(2)(b) of the 1971 Act shall not increase the rent for any statutory period of a tenancy to which this paragraph applies above the rent limit as so determined, and any such notice which purports to increase it further shall have effect to increase it to that limit but no further.
- (5) In the application of section 24(1) of the 1971 Act (increase of rent for improvements) to a tenancy to which this paragraph applies, for the reference to 8th December 1965 (the date after which the improvement must be completed) there shall be substituted a reference to the operative date.
- (6) Section 42 of the 1971 Act (determination of fair rent) shall apply in relation to a tenancy to which this paragraph applies as if the reference in subsection (3) of the said section 42 to the tenant under the regulated tenancy included references to the tenant under the previous housing association tenancy.

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- (7) Any right conferred upon a tenant by section 31 of the 1971 Act, as applied by section 62(5) of the 1972 Act, to recover any amount by deducting it from rent should be exercisable by deducting it from rent for any rental period beginning after the tenancy has become a tenancy to which this paragraph applies to the same extent as the right would have been exercisable if the tenancy had not become such a tenancy.
- (8) The fact that the tenancy has become a tenancy to which this paragraph applies should not be taken as affecting any court proceedings which are pending under section 67(3) of the 1972 Act at the time when the tenancy becomes such a tenancy and a decision on which may affect the recoverable rent for any period before that time or the rent under the tenancy to which this paragraph applies so far as that depends upon the recoverable rent before that time.
- 15 The sheriff shall have jurisdiction, either in the course of any proceedings relating to a dwelling-house or on an application made for the purpose by the landlord or the tenant, to determine any question—
- (a) as to the application of this Part of this Schedule to any tenancy or as to any matter which is or may become material for determining any such question, or
  - (b) as to the amount of rent recoverable under a tenancy to which paragraph 13 above applies;
- and section 123(1) of the 1971 Act shall apply to any application to the sheriff under this paragraph as it applies to any application under any of the provisions mentioned in section 123(3) of that Act.
- 16 In this Part of this Schedule—
- “the 1971 Act means the <sup>M13</sup>Rent (Scotland) Act 1971;
  - “the 1972 Act means the <sup>M14</sup>Housing (Financial Provisions) (Scotland) Act 1972;
  - “the court means “the sheriff;
  - “the previous housing association tenancy, in relation to a tenancy to which paragraph 14 above applies, means the tenancy to which sections 60 to 66 of the 1972 Act applied which either became the protected tenancy by virtue of section 18(1) of this Act or came to an end as mentioned in paragraph 13(1)(a) above; and
- other expressions used in this Part of this Schedule which are also used in the Rent (Scotland) Acts 1971 and 1972 shall have the same meanings in this Part as they have in those Acts.

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**Marginal Citations**

**M13** 1971 c. 28.

**M14** 1972 c. 46.

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*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

<sup>F30</sup>SCHEDULE 4

**Textual Amendments**

**F30** Schs. 4, 6, 10, 14 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

SCHEDULE 5

<sup>F31</sup>PART I

**Textual Amendments**

**F31** Sch. 5 Pt. I, Pt. II para. 4 repealed by Housing Act 1980 (c. 51, SIF 61), s. 152(3), **Sch. 26**

PART II

<sup>F32</sup>1—3. ....

**Textual Amendments**

**F32** Schs. 1, 5 Pt. II paras. 1, 2, 3, 5 and Schs. 7, 9, 10A repealed by Housing (Consequential Provisions) Act 1985 (c.71, SIF 61), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c.26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F33</sup>4. ....

**Textual Amendments**

**F33** Sch. 5 Pt. I, Pt. II para. 4 repealed by Housing Act 1980 (c. 51, SIF 61), s. 152(3), **Sch. 26**

<sup>F34</sup>5. ....

**Textual Amendments**

**F34** Schs. 1, 5 Pt. II paras. 1, 2, 3, 5 and Schs. 7, 9, 10A repealed by Housing (Consequential Provisions) Act 1985 (c.71, SIF 61), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c.26, SIF 61), ss. 335, 339(3), **Sch. 24**



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## F35 SCHEDULE 6

### Textual Amendments

**F35** Schs. 4, 6, 10, 14 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, [Sch. 1 Pt. 1](#) (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

## F36 SCHEDULE 7

### Textual Amendments

**F36** Schs. 1, 5 Pt. II paras. 1, 2, 3, 5 and Schs. 7, 9, 10A repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), s. 3, [Sch. 1 Pt. 1](#) (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c.26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

## SCHEDULE 8

Section 118.

### REDUCTION OF RATEABLE VALUE IN CASE OF CERTAIN IMPROVEMENTS

- 1 (1) Where the tenant, or any previous tenant, has made or contributed to the cost of an improvement on the premises comprised in the tenancy and the improvement is one to which this Schedule applies, then, if the tenant serves on the landlord a notice in the prescribed form requiring him to agree to a reduction under this Schedule, their rateable value as ascertained for the purposes of [F37 section 1 of the Leasehold Reform Act 1967]F37 shall be reduced by such amount, if any, as may be agreed or determined in accordance with the following provisions of this Schedule.
- (2) This Schedule applies to any improvement made by the execution of works amounting to structural alteration, extension or addition.

### Textual Amendments

**F37** Words in [Sch. 8 para. 1\(1\)](#) substituted (3.10.1980) by [Housing Act 1980 \(c. 51\)](#), ss. 141, 153(4), [Sch. 21 para. 8\(a\)](#); S.I. 1980/1406, art. 3, [Sch.](#)

- 2 (1) The amount of any such reduction may at any time be agreed in writing between the landlord and the tenant.
- (2) Where, at the expiration of a period of six weeks from the service of a notice under paragraph 1 of this Schedule any of the following matters has not been agreed in writing between the landlord and the tenant, that is to say,—

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- (a) whether the improvement specified in the notice is an improvement to which this Schedule applies;
  - (b) what works were involved in it;
  - (c) whether the tenant or a previous tenant under the tenancy has made it or contributed to its cost; and
  - (d) what proportion his contribution, if any, bears to the whole cost;
- the county court may on the application of the tenant determine that matter, <sup>F38</sup> ...
- (3) An application under the last foregoing sub-paragraph must be made within six weeks from the expiration of the period mentioned therein or such longer time as the court may allow.

#### Textual Amendments

**F38** Words in Sch. 8 para. 2(2) repealed (3.10.1980) by Housing Act 1980 (c. 51), ss. 141, 152(3), 153(4), Sch. 21 para. 8(b), Sch. 26; S.I. 1980/1406, art. 3, Sch.

- 3 (1) Where, after the service of a notice under paragraph 1 of this Schedule, it is agreed in writing between the landlord and tenant or determined by the county court—
- (a) that the improvement specified in the notice is one to which this Schedule applies, and what works were involved in it, and
  - (b) that the tenant or a previous tenant under the tenancy has made it or contributed to its cost, and, in the latter case, what proportion his contribution bears to the whole cost, then if, at the expiration of a period of two weeks from the agreement or determination, it has not been agreed in writing between the landlord and the tenant whether any or what reduction is to be made under this Schedule, and the tenant, within four weeks from the expiration of that period, makes an application to the valuation officer for a certificate under the next following sub-paragraph, that question shall be determined in accordance with the certificate unless the landlord and the tenant otherwise agree in writing.
- (2) On any such application the valuation officer shall certify—
- (a) whether or not the improvement has affected the rateable value on the 1st April, 1973 (as ascertained for the purposes of [<sup>F39</sup> section 1 of the Leasehold Reform Act 1967]<sup>F39</sup>), of the hereditament of which the premises consist or, as the case may be, in which they are wholly or partly comprised, and
  - (b) if it has, the amount by which the rateable value would have been less if the improvement had not been made.
- (3) An application for such a certificate shall be in the prescribed form and shall state the name and address of the landlord, and the Valuation Officer shall send a copy of the certificate to the landlord.
- (4) Where the amount of the reduction under this Schedule falls to be determined in accordance with such a certificate, it shall be equal to the amount specified in pursuance of head (b) of sub-paragraph (2) of this paragraph, but proportionately reduced in any case where a proportion only of the cost was contributed by the tenant or a previous tenant under the tenancy.
- (5) Where at the time of an application for a certificate under this paragraph a proposal for an alteration in the valuation list relating to the hereditament is pending and

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*Changes to legislation:* There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)

the alteration would have effect from a date earlier than the 2nd April, 1973, the Valuation Officer shall not issue the certificate until the proposal is settled.

**Textual Amendments**

**F39** Words in [Sch. 8 para. 3\(2\)](#) substituted (3.10.1980) by [Housing Act 1980 \(c. 51\)](#), ss. 141, 153(4), [Sch. 21 para. 8\(c\)](#); S.I. 1980/1406, art. 3, [Sch.](#)

[<sup>F40</sup>4 Where a notice under paragraph 1 of this Schedule is served on or after 21st December 1979, the tenant shall bear the reasonable costs incurred by the landlord in investigating any matter specified in it.]

**Textual Amendments**

**F40** [Sch. 8 para. 4](#) inserted (3.10.1980) by [Housing Act 1980 \(c. 51\)](#), ss. 141, 153(4), [Sch. 21 para. 8\(d\)](#); S.I. 1980/1406, art. 3, [Sch.](#)

**FORM . . .**

*Leasehold Reform Act 1967*

Notice by Tenant to Landlord of Tenant's Improvements affecting Rateable Value

Date

To/landlord of

1 [I] [A previous tenant of the above mentioned premises under the tenancy] [made] [contributed to the cost of] the improvement[s] to the above mentioned premises particulars of which are set out in the First Schedule hereto (Note 1).

2 I hereby require you to agree to a reduction in the rateable value of the premises for the purposes of the Leasehold Reform Act 1967.

3 I propose that the rateable value shall be reduced to £ (Note 2).

4 If you do not agree to this reduction (Note 3), do you agree that—

- (a) the improvement[s] [is] [are] [an] improvement[s] made by the execution of works amounting to the structural alteration or extension of the premises or a structural addition thereto;
- (b) the works set out in the Second Schedule hereto were involved in the making of the improvement[s];
- (c) [I] [A previous tenant under the tenancy] [made the improvement[s]] [contributed to the cost of the improvement[s]];
- (d) the proportion of the cost borne by me or a previous tenant is

Signature of tenant .

*First Schedule*

Description of Improvement(s)

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## *Second Schedule*

### Description of Works

Strike out words in square brackets if inapplicable.

#### Note 1

The improvement must be one made by the execution of works amounting to the structural alteration or extension of the premises or a structural addition thereto, e.g. the erection of a garage in the grounds.

#### Note 2

If the amount of the reduction is agreed in writing between the landlord and the tenant, the amount of the reduced rateable value as so agreed will be substituted for the purposes of the <sup>M15</sup>Leasehold Reform Act 1967, for the rateable value on 1st April, 1973.

**Marginal Citations**

**M15** 1967 c. 88.

#### Note 3

If the amount of the reduction is not agreed in writing between the landlord and the tenant, the Valuation Officer will have to decide whether the improvement has affected the rateable value of the premises, and if so, what that value would have been had the improvement not been made. The name and address of the Valuation Officer can be obtained from the local authority. Before, however, an application is made to the Valuation Officer, the landlord and the tenant must try to agree in writing on the items mentioned at (a) to (d) of this paragraph, or such of those items as are material. If at the end of a period of six weeks after the service of this notice any of these items have not been agreed, the tenant may, within a further six weeks or so much longer time as the court may allow, apply to the county court to settle the matter.

If it has either been agreed or determined by the county court that there has been an improvement of the kind described in Note 1 involving specified works, and that the improvement was carried out by the tenant or a previous tenant, or that the tenant or a previous tenant contributed to its cost, and in the latter case what proportion the contribution bears to the whole cost of the works, then, if within a period of two weeks after the agreement or determination of the county court the landlord and the tenant have still not agreed in writing whether any or what reduction is to be made, the tenant has a further four weeks in which to make an application in the statutory form to the Valuation Officer for a certificate as to whether or not the improvement has affected the rateable value, and if so, the amount by which that value would have been less if the improvement had not been made.

## **FORM . . .**

### *Leasehold Reform Act 1967*

Application by Tenant to Valuation Officer for Certificate as to Reduction for the purposes of the Leasehold Reform Act 1967, in the Rateable Value of premises on account of Tenant's Improvements

Date

To the Valuation Officer.

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*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

1 I am the tenant of , and my landlord is

of

2 It has been [agreed in writing between me and my landlord] [determined by the county court] that the improvement[s] specified in the First Schedule hereto [is an improvement] [are improvements] to which [<sup>F41</sup>Schedule 8 to the Housing Act 1974]<sup>F41</sup> applies, and that I or a previous tenant under the tenancy made the improvement[s] or contributed to [its] [their] cost, and that the works specified in the Second Schedule hereto were involved in the improvement[s].

#### Textual Amendments

**F41** Words in [para. 2](#) of the second Form set out in Sch. 8 substituted (3.10.1980) by [Housing Act 1980](#) (c. 51), ss. 141, 153(4), [Sch. 21 para. 8\(e\)](#); S.I. 1980/1406, art. 3, [Sch.](#)

3 It has not been agreed between me and my landlord whether any or what reduction is to be made under said Schedule [<sup>F42</sup>8]<sup>F42</sup> in the rateable value of the premises for the purposes of the <sup>M16</sup>Leasehold Reform Act 1967, and I hereby make application to you for a certificate under paragraph 3(2) of the said Schedule [<sup>F42</sup>8]<sup>F42</sup>(Note 4).

#### Textual Amendments

**F42** Words in [para. 3](#) of the second Form set out in Sch. 8 substituted (3.10.1980) by virtue of [Housing Act 1980](#) (c. 51), ss. 141, 153(4), [Sch. 21 para. 8\(e\)](#); S.I. 1980/1406, art. 3, [Sch.](#)

#### Marginal Citations

**M16** [1967 c. 88.](#)

Signature of Tenant

*First Schedule*

Description of Improvement(s)

*Second Schedule*

Description of Works

Strike out words in square brackets if inapplicable.

Note 4

If the Valuation Officer certifies that the rateable value would have been less but for the improvement by the amounts mentioned in the certificate, the rateable value will be reduced by those amounts for the purposes of the Leasehold Reform Act 1967 except in the case where a proportion only of the cost was contributed by the tenant, in which case the amounts of the reductions will be proportionately reduced accordingly.

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## F<sup>43</sup>SCHEDULE 9

### Textual Amendments

**F43** Schs. 1, 5 Pt. II paras. 1, 2, 3, 5 and Schs. 7, 9, 10A repealed by [Housing \(Consequential Provisions\) Act 1985 \(c.71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c.26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

## F<sup>44</sup>SCHEDULE 10

### Textual Amendments

**F44** Schs. 4, 6, 10, 14 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

## F<sup>45</sup>SCHEDULE 10A

### Textual Amendments

**F45** Ss.105–117, repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and ss. 107, 109, 116A, 117 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

## F<sup>46</sup>SCHEDULES 11

### Textual Amendments

**F46** Sch. 11 repealed by [Finance Act 1982 \(c. 39, SIF 63:1\)](#), s. 157(6), **Sch. 22 Pt. V**

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

<sup>F47</sup>SCHEDULES 12

**Textual Amendments**

**F47** Sch. 12 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

SCHEDULE 13

Section 130.

MINOR AND CONSEQUENTIAL AMENDMENTS

<sup>F48</sup><sub>1</sub> .....

**Textual Amendments**

**F48** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F49</sup><sub>2</sub> .....

**Textual Amendments**

**F49** Sch. 13 para. 2 repealed (E.W.) by Criminal Law Act 1977 (c. 45), **Sch. 13** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3) Sch. 24

<sup>F50</sup><sub>3—11</sub> .....

**Textual Amendments**

**F50** Sch. 13 paras. 3–11, 19, 20 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F51</sup><sub>12—</sub>  
15.

**Textual Amendments**

**F51** Sch. 13 Paras. 12–15, 18 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F52</sup><sub>16, 17</sub> .....

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

**Textual Amendments**

**F52** Sch. 13 Paras. 16, 17, 25–29, 33, 34, 37 repealed (E.W.) by Rent Act 1977 (c. 42), **Sch. 25** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F53</sup>18 .....

**Textual Amendments**

**F53** Sch. 13 Paras. 12–15, 18 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F54</sup>19, 20. ....

**Textual Amendments**

**F54** Sch. 13 paras. 3–11, 19, 20 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F55</sup>21 .....

**Textual Amendments**

**F55** Sch. 13 para. 21 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pts. I, II

<sup>F56</sup>22 .....

**Textual Amendments**

**F56** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

23 <sup>F57</sup>(1) .....

<sup>F58</sup>(2) .....

<sup>F57</sup>(5) .....

**Textual Amendments**

**F57** Sch. 13 paras. 1, 22, 23(1), 23(5)(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F58** Sch. 13 paras. 23(2)–(4) repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. II** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

<sup>F59</sup>24 .....



*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

**Textual Amendments**

**F59** Sch. 13 paras. 24, 30–32, 35, 36, 40(6), Sch. 15 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F60** 25— . . . . .  
29.

**Textual Amendments**

**F60** Sch. 13 Paras. 16, 17, 25–29, 33, 34, 37 repealed (E.W.) by Rent Act 1977 (c. 42), **Sch. 25** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F61** 30–32 . . . . .

**Textual Amendments**

**F61** Sch. 13 paras. 24, 30–32, 35, 36, 40(6), Sch. 15 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F62** 33, 34. . . . .

**Textual Amendments**

**F62** Sch. 13 Paras. 16, 17, 25–29, 33, 34, 37 repealed (E.W.) by Rent Act 1977 (c. 42), **Sch. 25** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F63** 35, 36. . . . .

**Textual Amendments**

**F63** Sch. 13 para. 21 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pts. I, II

**F64** 37 . . . . .

**Textual Amendments**

**F64** Sch. 13 Paras. 16, 17, 25–29, 33, 34, 37 repealed (E.W.) by Rent Act 1977 (c. 42), **Sch. 25** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

*The <sup>M17</sup>Land Compensation Act 1973*

**Marginal Citations**

**M17** 1973 c. 26.

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

38 (1) In the Land Compensation Act 1973 (in this Schedule referred to as “the 1973 Act”), in section 29 (right to home loss payment where person displaced from dwelling) subsection (1) shall be amended as follows :—

<sup>F65</sup>(a) . . . . .

[<sup>F66X3</sup>(b) in paragraph (c) after the words “the carrying out of there shall be inserted the words “any improvement to the dwelling or of<sup>F67</sup> . . . ]

[<sup>F66X3</sup>(c) for the words from “the acquiring authority to the end of the subsection there shall be substituted the following paragraphs :—

“(i) where paragraph (b) above applies, the acquiring authority ;

(ii) where paragraph (b) above applies, the authority who made the order, passed the resolution, accepted the undertaking or served the notice ;

(iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment ; and

(iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment.”]

[<sup>F66X3</sup>(2) After subsection (3) of that section there shall be inserted the following subsection:—

“(3A) For the purposes of this section a person shall not be treated as displaced from a dwelling on consequence of the acceptance of an undertaking, of the service of such an improvement notice as is mentioned in subsection (1)(b) above or of the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of the carrying out of the works specified in the undertaking or notice or, as the case may be, of the improvement in question.”]

[<sup>F66X3</sup>(3) In subsection (7) of that section <sup>F68</sup> . . . the words “and “redevelopment includes a change of use shall be omitted and at the end of that subsection there shall be inserted the following subsection:—

“(7A) In this section—

“improvement includes alteration and enlargement ; and “redevelopment includes a change of use.”]

#### Editorial Information

**X3** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

**F65** Sch. 13 paras. 38(1)(a), 39(1)(a) repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(4), **Sch. 12 Pt. II** and (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

**F66** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

**F67** Words repealed (E.W.) by [Housing Rents and Subsidies Act 1975 \(c. 6\)](#), **Sch. 6 Pt. IV**

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

**F68** Sch. 13 para. 39(1)(c) repealed (E.W.) by Housing Rents and Subsidies Act 1975 (c. 6), **Sch. 6 Pt. IV** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

39 (1) In section 37 of the 1973 Act (disturbance payments for persons without compensatable interests) subsection (1) shall be amended—

<sup>F69</sup>(a) .....

[<sup>F70X4</sup>(b) by inserting, in paragraph (c), after the words “the carrying out of the words “any improvement to a house or building on the land or of ;]

<sup>F71</sup>(c) .....

[<sup>F70X4</sup>(d) by making the like amendments as are specified, in relation to section 29(1) of that Act, in paragraph 38(1)(c) above.]

[<sup>F70X4</sup>(2) Subsection (3) of that section shall be amended as follows :—

(a) for the words “or redevelopment as is mentioned in paragraph (a) or (c) there shall be substituted the words “improvement or redevelopment as is mentioned in paragraph (a), (c) or (d);

(b) for the words “or undertaking there shall be substituted the words “undertaking or improvement notice;

(c) for the words “or the undertaking was accepted there shall be substituted the words “the undertaking was accepted or the notice was served.]

[<sup>F70X4</sup>(3) After subsection (3) of that section there shall be inserted the following subsection:—

“(3A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of the acceptance of an undertaking, of the service of such an improvement notice as is mentioned in paragraph (b) of that subsection or of the carrying out of any improvement to a house or building unless he is permanently displaced in the carrying out of the works specified in the undertaking or notice, as the case may be, of the improvement in question.”]

[<sup>F70X4</sup>(4) In subsection (9) of that section after the word “undertaking there shall be substituted the word ““improvement.]

#### Editorial Information

**X4** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

**F69** Sch. 13 paras. 38(1)(a), 39(1)(a) repealed by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(4), **Sch. 12 Pt. II** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F70** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F71** Sch. 13 para. 39(1)(c) repealed (E.W.) by Housing Rents and Subsidies Act 1975 (c. 6), **Sch. 6 Pt. IV** and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

40<sup>F72X5</sup>(1) In section 39 of the Act of 1973 (duty to rehouse residential occupiers) in paragraph (c) of subsection (1) after the words “the carrying out of there shall be inserted the words “any improvement to a house or building on the land of or . . . <sup>F73</sup>.]

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

[<sup>F72X5</sup>(2) In subsection (3) of that section after the word “demolition there shall be added the words “or improvement.”]

[<sup>F72X5</sup>(3) In subsection (6) of that section after the words “such acquisition there shall be inserted the word “improvement, after the words “paragraph (b) of that subsection there shall be inserted the words “or of such an improvement notice as is mentioned in paragraph (d) of that subsection and for the words “or the undertaking was accepted there shall be substituted the words “the undertaking was accepted or the notice was served.”]

[<sup>F72X5</sup>(4) After subsection (6) of that section there shall be inserted the following subsection:—

“(6A) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of the acceptance of an undertaking, of the carrying out of any improvement to a house or building or of the service of such an improvement notice as is mentioned in paragraph (d) of that subsection unless he is permanently displaced from the residential accommodation in question in consequence of the carrying out of the works specified in the undertaking, the carrying out of the improvement or, as the case may be, the carrying out of the works specified in the notice.”]

[<sup>F72X5</sup>(5) In subsection (7) of that section for the words “subsection (8) there shall be substituted the words “subsections (8) and (8A).”]

<sup>F74</sup>(6) . . . . .

[<sup>F72X5</sup>(7) In subsection (9) of that section after the word “undertaking there shall be inserted the word “improvement.”]

**Editorial Information**

**X5** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Textual Amendments**

**F72** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

**F73** Words repealed (E.W.) by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(4), **Sch. 12 Pt. II**

**F74** Sch. 13 paras. 24, 30–32, 35, 36, 40(6), Sch. 15 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

[<sup>F75X6</sup>4(1) In section 43 of the 1973 Act (power to defray expenses in connection with acquisition of new dwellings) in subsection (1),—

- (a) for the words “any such acquisition as is mentioned in section 39(1)(a) above, there shall be substituted the words “any of the events specified in paragraph (a) to (d) of section 39(1) above; and
- (b) for the words “the acquiring authority there shall be substituted the words “then, according to the nature of the event in consequence of which he was displaced, the acquiring authority who made the order, passed the resolution,

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

accepted the undertaking or served the notice or the authority carrying out the improvement or redevelopment.

- (2) In subsection (4) of that section for the words “and (6) there shall be substituted the words “(6) and (6A) and for the words “subsection (1)(a) there shall be substituted the words “any provision of subsection (1).]

#### Editorial Information

- X6** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F75** Sch. 13 paras. 1, 22, 23(1), 23(5)–(7), 38(1)(b)(c), 38(2)(3), 39(1)(b)–(d), 39(2)–(4), 40(1)–(5), 40(7), 41 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

### *The <sup>M18</sup>Land Compensation (Scotland) Act 1973*

#### Marginal Citations

- M18** 1973 c. 56.

- 42 (1) In section 27 of the Land Compensation (Scotland) Act 1973 (right to home loss payment where person displaced from dwelling), subsection (1) shall be amended as follows :—

<sup>x7</sup>(a) in paragraph (c) after the words “the carrying out of there shall be inserted the words “any improvement to the dwelling or of<sup>F76</sup>. . .

<sup>x8</sup>(b) for the words “the acquiring authority to the end of the subsection there shall be substituted the following paragraphs:—

“(i) where paragraph (a) above applies, the acquiring authority ;

(ii) where paragraph (b) above applies, the authority who made the order, passed the resolution or accepted the undertaking ;

(iii) where paragraph (c) above applies, the authority carrying out the improvement or redevelopment ; and

(iv) where paragraph (d) above applies, the housing association carrying out the improvement or redevelopment.”

- <sup>x8</sup>(2) After subsection (3) of that section there shall be inserted the following subsection :

“(3A) For the purposes of this section a person shall not be treated as displaced from a dwelling in consequence of the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of of the carrying out of the improvement in question.”

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

<sup>x8</sup>(3) In subsection (7) of that section the words “and “redevelopment includes a change of use shall be omitted and at the end of that subsection there shall be inserted the following subsection :—

“(7A) In this section

“improvement includes alteration and enlargement; and

“redevelopment includes a change of use.”

#### Editorial Information

**X7** The text of Ss. 130(4), Sch. 13 paras. 38(1)(b)(c), 38(2)(3), 39(1)(b)(d), 39(2)–(4), 40(1)–(5)(7), 41, 42(1) (a) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**X8** The text of Ss. 11, 118(3)(4), Sch. 13 paras. 42(1)(b)(2)(3), 43(1)(a)(c), 43(2)–(4), 44–46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

#### Textual Amendments

**F76** Words repealed by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c.28\)](#), **Sch. 4**

43 (1) In section 34 of that Act (disturbance payments for persons without compensatable interests), subsection (1) shall be amended—

<sup>x9</sup>(a) by inserting, in a paragraph (c), after the words “the carrying out of, the words “any improvement to a house or building on the land or of;

<sup>F77</sup>(b) .....

<sup>x9</sup>(c) by making the amendments as are specified, in relation to section 27(1) of that Act, in paragraph 42(1)(b) above.

<sup>x9</sup>(2) After subsection (3) of that section for the words “or redevelopment as is mentioned in paragraph (a) or (c) there shall be substituted the words “improvement or redevelopment as is mentioned in paragraph (a) or (d).

<sup>x9</sup>(3) After subsection (3) of that section there shall be inserted the following subsection :—

“(3) For the purposes of subsection (1) above a person shall not be treated as displaced in consequence of the carrying out of any improvement to a house or building unless he is permanently displaced in consequence of the carrying out of the improvement in question.”

<sup>x9</sup>(4) In subsection (8) of that section after the word “undertaking there shall be inserted the word “improvement.

#### Editorial Information

**X9** The text of Ss. 11, 118(3)(4), Sch. 13 paras. 42(1)(b)(2)(3), 43(1)(a)(c), 43(2)–(4), 44–46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

#### Textual Amendments

**F77** Sch. 13 para. 43(1)(b) repealed by [Housing Rents and Subsidies \(Scotland\) Act 1975 \(c. 28\)](#), **Sch. 4**

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

- <sup>x10</sup>44 (1) In section 36 of that Act (duty to rehouse residential occupiers) in paragraph (c) of subsection (1) after the words “the carrying out of there shall be inserted the words “any improvement to a house or building on the land or of.
- (2) In subsection (3) of that section after the word “demolition there shall be added the words “or improvement.
- (3) In subsection (6) of that section after the words “such acquisition there shall be inserted the word “improvement.
- (4) In subsection (9) of that section after the word “undertaking there shall be inserted the word “improvement.

**Editorial Information**

**X10** The text of Ss. 11, 118(3)(4), Sch. 13 paras. 42(1)(b)(2)(3), 43(1)(a)(c), 43(2)–(4), 44–46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

- <sup>x11</sup>45 (1) In section 40 of that Act (power to defray expenses in connection with the acquisition of new dwellings) in subsection (1)—
- (a) for the words “any such acquisition as is mentioned in section 36(1)(a) above, there shall be substituted the words “any of the events specified in paragraphs (a) to (c) of section 36(1) above; and
- (b) for the words “the acquiring authority there shall be substituted the words “then, according to the nature of the event in consequence of which he was displaced, the acquiring authority, the authority who made the order, passed the resolution or accepted the undertaking or the authority carrying out the improvement or re-development.
- (2) In subsection (4) of that section for the words “subsection (1)(a) there shall be substituted the words “any provisions of subsection (1).

**Editorial Information**

**X11** The text of Ss. 11, 118(3)(4), Sch. 13 paras. 42(1)(b)(2)(3), 43(1)(a)(c), 43(2)–(4), 44–46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

<sup>M19</sup>*Local Government (Scotland) Act 1973*

**Marginal Citations**

**M19** 1973 c. 65.

PROSPECTIVE

- <sup>x12</sup>46 (1) Section 131(3) shall cease to have effect.

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Act 1974. (See end of Document for details)*

(2) In Schedule 12, in paragraph 6, in the substituted section 1 for the words “sections 152 and 153 there shall be substituted the words “section 152; and paragraph 11 shall be omitted.

**Editorial Information**  
**X12** The text of Ss. 11, 118(3)(4), Sch. 13 paras. 42(1)(b)(2)(3), 43(1)(a)(c), 43(2)–(4), 44–46 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

F78 SCHEDULE 14

**Textual Amendments**  
**F78** Schs. 4, 6, 10, 14 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

.....

F79 SCHEDULE 15

**Textual Amendments**  
**F79** Sch. 13 paras. 24, 30–32, 35, 36, 40(6), Sch. 15 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. 1** (by s. 6(3) it is provided that s. 3 and Sch. 1 Pt. 1 of the Act extend to England And Wales) and (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

.....



**Status:**

Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing Act 1974.