



Housing Act 1974

1974 CHAPTER 44

PART IX

MISCELLANEOUS

105 Secretary of States' control over certain expenditure by housing authorities in England and Wales

- (1) A housing authority may not incur any expenses in—
 - (a) providing dwellings by the conversion of houses or other buildings, or
 - (b) carrying out works required for the improvement of dwellings, with or without associated works of repair,except in accordance with proposals submitted by the authority to the Secretary of State and for the time being approved by him.
- (2) Any approval given by the Secretary of State under subsection (1) above may be given subject to such conditions, and may be varied in such circumstances, as appear to him to be appropriate, but before varying the terms of any such approval the Secretary of State shall consult the housing authority concerned.
- (3) In this section " housing authority " and " dwelling " have the same meanings as in Part VII of this Act.

106 Lodging-houses and hostels provided by local authorities and new town corporations in England and Wales

- (1) For the year 1975-76 and subsequent years, buildings, or parts of buildings, provided or converted for use as lodging-houses (that is to say, houses not occupied as separate dwellings) or as hostels shall be included among the buildings to which the requirements in subsection (1) of section 12 of the Housing Finance Act 1972 relate and, accordingly, subsection (2) of that section shall cease to have effect except with respect to years prior to the year 1975-76.

Status: This is the original version (as it was originally enacted).

- (2) No payment shall be made for the year 1975-76 or any subsequent year to a local authority or a new town corporation—
- (a) under section 40 of the Housing Act 1949 (Exchequer contributions for hostels),
 - (b) under section 15 or section 22 of the Housing (Financial Provisions) Act 1958 (grants for hostels),
 - (c) under section 92 of the Housing Finance Act 1972 (hostel subsidy), or
 - (d) so far as it relates to hostels, under any provision of the New Towns Act 1959 or the New Towns Act 1965,
- nor shall any such payment be made by virtue of section 14(6) of the Housing Subsidies Act 1967; and in this section " local authority " has, in relation to any of the enactments specified in paragraphs (a) to (c) above, the same meaning as in that enactment and " new town corporation " has the meaning assigned to it by section 106 of the Housing Finance Act 1972.
- (3) For the purposes of Part V of the Housing Act 1957 " housing accommodation " shall include, and be deemed always to have included, hostels (within the meaning of this Act), and any reference in that Part to a house shall be, and shall be deemed always to have been, construed accordingly.
- (4) In accordance with the preceding provisions of this section, Schedule 1 to the Housing Finance Act 1972 (the Housing Revenue Account) shall be amended in accordance with Schedule 7 to this Act.
- (5) In this section " year " means a financial year, and " the year 1975-76 " means the financial year beginning in 1975.

107 Hostels provided by housing authorities in Scotland

For the purpose of enabling the Secretary of State to make grants to housing authorities within the meaning of section 5(3)(c) of this Act in respect of their expenditure on housing projects relating to hostels, such an authority shall be treated as a registered housing association, and sections 29(1) to (7), 30(1) to (7), 33 and 35 of this Act shall apply accordingly, but otherwise for the said purpose Parts I to III of this Act shall not apply.

108 Abolition of clearance orders, etc.

- (1) The power of a local authority for the purposes of the Housing Act 1957 to make a clearance order under Part III of that Act (clearance and re-development) for the demolition of any building in a clearance area—
- (a) shall not be available with respect to any clearance area declared on or after the commencement date ; and
 - (b) shall cease to be available with respect to any other clearance area after the expiry of the period of 12 months beginning on the commencement date.
- (2) In the application of section 60 of the Housing Act 1957 (payments in respect of well-maintained houses in clearance areas) in relation to a house which is the subject of a compulsory purchase order or a clearance order made on or after the commencement date, for subsection (1) of that section there shall be substituted the subsections set out in Schedule 9 to this Act

- (3) This section shall come into operation at the expiry of the period of one month beginning with the date on which this Act is passed, and any reference in subsections (1) and (2) above to the commencement date is a reference to the day on which this section comes into operation.

109 General interpretation of section 110 to 115 for Scotland

- (1) In sections 110 to 115 the reference to an English enactment includes a reference to the corresponding Scottish enactment, and the corresponding Scottish enactments, except where the context otherwise implies or provides, are as follows—
- (a) the corresponding Scottish enactments to Part III of the Housing Act 1957 are Part III of the Housing (Scotland) Act 1966 and Part I of the Housing (Scotland) Act 1969;
 - (b) the corresponding Scottish enactments to sections 54 and 55 of the Town and Country Planning Act 1971 are respectively sections 52 and 53 of the Town and Country Planning (Scotland) Act 1972 ;
 - (c) the corresponding Scottish enactment to section 5 of the Compulsory Purchase Act 1965 is section 17 of the Lands Clauses Consolidation (Scotland) Act 1845 ;
 - (d) the corresponding Scottish enactments to section 9 of the Housing Act 1957 are section 11 of the Housing (Scotland) Act 1966 and section 24 of the Housing (Scotland) Act 1969;
 - (e) the corresponding Scottish enactment to Part V of the Housing Act 1957 is Part VII of the Housing (Scotland) Act 1966;
 - (f) the corresponding Scottish enactment to Part VI of the Town and Country Planning Act 1971 is Part VI of the Town and Country Planning (Scotland) Act 1972;
 - (g) the corresponding Scottish enactments to section 60 of, and Schedule 2 to, the Housing Act 1957 are section 49 of the Housing (Scotland) Act 1966 and section 11 of the Housing (Scotland) Act 1969 ;
 - (h) the corresponding Scottish enactment to section 8 of the Town and Country Planning (Amendment) Act 1972 is section 9 of that Act;
 - (i) the corresponding Scottish enactment to Schedule 2 to the Town and Country Planning (Amendment) Act 1972 is Schedule 3 to that Act;
 - (j) the corresponding Scottish enactment to Schedule 3 to the Housing Act 1957 is Schedule 3 to the Housing (Scotland) Act 1966 by virtue of section 7(3) of the Housing (Scotland) Act 1969;
 - (k) the corresponding Scottish enactments to section 43(2) of the Housing Act 1957 are section 37 of the Housing (Scotland) Act 1966 and section 6 of the Housing (Scotland) Act 1969;
 - (l) the corresponding Scottish enactments to section 49 of the Housing Act 1957 are section 41 of the Housing (Scotland) Act 1966 and section 9 of the Housing (Scotland) Act 1969,
 - (m) the corresponding Scottish enactments to section 169 of the Housing Act 1957 are section 5(3) of, and paragraph 19 of Schedule 1 to, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
 - (n) the corresponding Scottish enactments to Schedule 4 to the Housing Act 1957 are paragraphs 6, 15 and 16 of Schedule 1 to the said Act of 1947, and the corresponding Scottish enactment to paragraph 1 of the said paragraph 6;

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- (o) the corresponding Scottish enactment to section 30 of the Compulsory Purchase Act 1965 is paragraph 19 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
 - (p) the corresponding Scottish enactments to section 22 of the Compulsory Purchase Act 1965 are sections 117 and 118 of the Lands Clauses Consolidation (Scotland) Act 1845;
 - (q) the corresponding Scottish enactment to section 32 of the Land Compensation Act 1961 is section 40 of the Land Compensation (Scotland) Act 1963 ;
 - (r) the corresponding Scottish enactments to the reference to section 68 of and Schedule 5 to the Housing Act 1969 are sections 18 to 20 of the Housing (Scotland) Act 1969.
 - (s) the corresponding Scottish enactment to section 37 of the Land Compensation Act 1973 is section 34 of the Land Compensation (Scotland) Act 1973 ;
 - (t) the corresponding Scottish enactment to section 30 of the Land Compensation Act 1961 is section 38 of the Land Compensation (Scotland) Act 1963.
- (2) (a) The expression " clearance area " includes a housing treatment area which is to be dealt with by securing the demolition of all or some of the buildings in that area under section 4(2)(a) or 4(2)(c) of the Housing (Scotland) Act 1969 ;
- (b) " mortgagee" means the creditor in a heritable security.

110 Listed buildings subject to compulsory purchase orders under Part III of the Housing Act 1957

- (1) In this section references to a compulsory purchase order are to a compulsory purchase order made (at any time before or after the coming into operation of this section) under Part III of the Housing Act 1957.
- (2) Where a building to which a compulsory purchase order applies is (at any time after the making of the order) included in a list of buildings of special architectural or historic interest under section 54 of the Town and Country Planning Act 1971, the authority making the order may, subject to subsection (3) below, apply to the Secretary of State (and only to him) under section 55 of the Act of 1971 for his consent to the demolition of the building.
- (3) No such application may be made by virtue of subsection (2) above after the expiry of the period of three months beginning with the date—
- (a) on which the building is included in the said list, or
 - (b) on which this section comes into force,
- whichever is the later.
- (4) The following provisions of this section shall have effect where—
- (a) an application for consent has been made under the said section 55, by virtue of subsection (2) above, and has been refused, or
 - (b) in a case falling within subsection (3) above, the period of three months has expired without the authority having made such an application,
- and in this section " relevant date" means the date of the refusal or, as the case may be, of the expiry of the period of three months.
- (5) If, at the relevant date—
- (a) the building has not vested in the authority, and

- (b) no notice to treat has been served by the authority under section 5 of the Compulsory Purchase Act 1965, in respect of any interest in the building, the compulsory purchase order shall cease to have effect in relation to the building and, where applicable, the building shall cease to be comprised in a clearance area.
- (6) Where a building, which was included in a clearance area solely by reason of its being unfit for human habitation, ceases to be comprised in the clearance area by virtue of subsection (5) above, the authority concerned shall, in respect of the building, forthwith—
 - (a) serve a notice under section 9 of the Act of 1957 (power of local authority to require repair of unfit houses), or
 - (b) make a closing order under Part II of that Act,whichever is appropriate; and in the application of this subsection to Scotland the words from "solely" to "habitation" shall be omitted.
- (7) Where subsection (5) above does not apply, the authority shall cease to be subject to the duty imposed by Part III of the Act of 1957 to demolish the building, and in relation to any interest in the building which at the relevant date has not vested in the authority the compulsory purchase order shall have effect as if—
 - (a) in the case of a house, it had been made and confirmed under Part V of the Act of 1957, and
 - (b) in any other case, it had been made and confirmed under Part VI of the Act of 1971.
- (8) If the building, or any interest in the building, was vested in the authority at the relevant date it shall be treated—
 - (a) in the case of a house, as appropriated to the purposes of Part V of the Act of 1957, and
 - (b) in any other case, as appropriated to the purposes of Part VI of the Act of 1971.
- (9) As respects a building falling within subsection (2) above, the authority shall not serve notice to treat under section 5 of the Compulsory Purchase Act 1965 in respect of the building until after the relevant date.

111 Listed buildings in clearance areas, acquired by agreement

- (1) Where Part III of the Housing Act 1957 applies to a building purchased by a local authority by agreement, and at any time (before or after the coming into operation of this section) the building is included in a list of buildings of special architectural or historic interest under section 54 of the Town and Country Planning Act 1971, the authority may, subject to subsection (2) below, apply to the Secretary of State (and only to him) under section 55 of the Act of 1971 for his consent to the demolition of the building.
- (2) No such application may be made by virtue of subsection (1) above after the expiry of the period of three months beginning with the date—
 - (a) on which the building is included in the said list, or
 - (b) on which this section comes into force,whichever is the later.
- (3) where—

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- (a) an application for consent has been made under the said section 55, by virtue of subsection (1) above; and has been refused, or
 - (b) the period of three months mentioned in subsection (2) above has expired without the authority having made such an application,
- the authority shall cease to be subject to the duty, imposed by Part III of the Act of 1957, to demolish the building, which shall be treated—
- (i) in the case of a house, as appropriated to the purposes of Part V of the Act of 1957, and
 - (ii) in any other case, as appropriated to the purposes of Part VI of the Act of 1971.

112 Temporary provision for listed buildings subject to clearance orders

- (1) In this section references to a " clearance order " are to a clearance order made (at any time before or after the coming into operation of this section) under Part III of the Housing Act 1957.
- (2) Where a building to which a clearance order applies is, at any time after the confirmation of the order, included in a list of buildings of special architectural or historic interest under section 54 of the Town and Country Planning Act 1971, the authority making the order may, subject to subsection (3) below, apply to the Secretary of State (and only to him) under section 55 of the Act of 1971 for his consent to the demolition of the building.
- (3) No such application may be made by virtue of subsection (2) above after the expiry of the period of three months beginning with the date—
 - (a) on which the building is included in the said list, or
 - (b) on which this section comes into force,
 whichever is the later.
- (4) Where—
 - (a) an application for consent has been made under the said section 55, by virtue of subsection (2) above, and has been refused, or
 - (b) the period of three months mentioned in subsection (3) above has expired without the authority having made such an application,
 the building shall cease to be comprised in a clearance area or to be subject to the clearance order.
- (5) Where a building, which was included in a clearance area solely by reason of its being unfit for human habitation, ceases to be comprised in the clearance area by virtue of subsection (4) above, the authority concerned shall, in respect of the building, forthwith—
 - (a) serve a notice under section 9 of the Act of 1957 (power of local authority to require repair of unfit house) or
 - (b) make a closing order under Part II of that Act,
 whichever is appropriate; and in the application of this subsection to Scotland the words from " solely " to " habitation " shall be omitted.
- (6) Where a payment in respect of a house has been made by a local authority under section 60 of, or Schedule 2 to, the Act of 1957, or Schedule 5 to the Housing Act 1969, in connection with a clearance order, and by virtue of this section the house is excluded from the clearance area, then, if the person to whom the payment was made

is entitled to an interest in the house he shall, subject to subsection (7) below, repay the payment to the authority on demand.

- (7) No repayment shall be required by virtue of subsection (6) above in a case where the authority have made a closing order in respect of the house and—
- (a) no appeal has, within the time allowed, been made against the making of the order, or
 - (b) such an appeal has been made and has failed.

113 Application of provisions about listed buildings to buildings in conservation areas

- (1) Sections 110, 111 and 112 above shall, with the modifications mentioned in subsection (2) below, have effect in relation to buildings subject to directions made and confirmed under section 8 of the Town and Country Planning (Amendment) Act 1972 (control of demolition in conservation areas in England and Wales) as they have effect in relation to listed buildings.
- (2) The modifications subject to which those sections are to have effect by virtue of subsection (1) above are—
- (a) for references to section 55 of the Town and Country Planning Act 1971 there shall be substituted references to that section as applied by Schedule 2 to the Act of 1972; and
 - (b) for references to a building being included in a list under section 54 of the Act of 1971 there shall be substituted references to a building being subject to a direction made and confirmed under section 8 of the Act of 1972.

114 Temporary provision for rehabilitation of unfit houses

- (1) This section applies to any building comprised in a clearance area under Part III of the Housing Act 1957 which—
- (a) at any time before the date on which this section comes into operation, has been purchased by agreement by the local authority in whose area the clearance area falls, or
 - (b) is subject to a compulsory purchase order—
 - (i) made at any time before that date under the said Part III, and
 - (ii) which, at any time before the expiry of the period of three months beginning with that date, has been confirmed in accordance with Schedule 3 to the Act of 1957.
- (2) Where any building to which this section applies—
- (a) was included in the clearance area solely by reason of its being unfit for human habitation, and
 - (b) in the opinion of the authority concerned is capable of being, and ought to be, improved to the full standard,
- the authority may, subject to the provisions of this section and of Schedule 10 to this Act, make and submit to the Secretary of State an order under this section (a "rehabilitation order") in relation to that building.
- (3) In subsection (2) above "full standard" in England and Wales means the standard attained by a dwelling in respect of which the conditions mentioned in section 66(2) of this Act are fulfilled and in Scotland means the standard specified by virtue of

Status: This is the original version (as it was originally enacted).

section 16(3) of the Housing (Scotland) Act 1974; and in the application to Scotland of subsection (2)(a) above the words from "solely" to "habitation" shall be omitted.

- (4) Schedule 10 to this Act shall have effect for the purpose of supplementing the provisions of this section.

115 Compensation

- (1) It is hereby declared that where, under section 110 above, or Schedule 10 to this Act, a compulsory purchase order is to be treated as made under Part V of the Housing Act 1957 or Part VI of the Town and Country Planning Act 1971 compensation for the compulsory acquisition of the land comprised in the compulsory purchase order is to be assessed in accordance with the provisions applying to a compulsory acquisition under the said Part V (or, as the case may be, the said Part VI).
- (2) Where under section 110 above, or Schedule 10 to this Act, land or any interest in land within a clearance area is to be treated as appropriated by a local authority to the purposes of the said Part V, compensation for its compulsory acquisition shall (where it increases the amount) be assessed or reassessed in accordance with the provisions applying to a compulsory acquisition under the said Part V.
- (3) Where under section 111 above or Schedule 10 to this Act, any interest in land acquired by a local authority by agreement (after the declaration of the clearance area) is to be treated as appropriated for the purposes of the said Part V—
- (a) compensation shall (where subsection (2) above would have increased the amount) be assessed and paid as if the acquisition were a compulsory acquisition, under the said Part III, to which subsection (2) applied, but
 - (b) there shall be deducted from the amount of compensation so payable any amount previously paid in respect of the acquisition of that interest by the authority.
- (4) Where subsection (2) or subsection (3) above applies, the local authority shall serve on the person entitled to the compensation a notice in the prescribed form giving particulars of the amount of compensation payable in accordance with the provisions applying to a compulsory acquisition under the said Part V, and if the person served does not within twenty-one days from service of the notice accept the particulars, or if he disputes the amount stated, the question of disputed compensation shall be referred to the Lands Tribunal.
- (5) The notice shall be served not later than six months after (as the case may be)—
- (a) the relevant date as defined in section 110 above, or
 - (b) confirmation of the rehabilitation order,
- and section 30 of the Compulsory Purchase Act 1965 (service of notices) shall apply to the notice.
- (6) Subsection (2) above shall be left out of account in considering whether under section 22 of the Compulsory Purchase Act 1965 compensation has been properly paid for the land; and accordingly subsection (2) above shall not prevent an acquiring authority from remaining in undisputed possession of the land.
- (7) Where subsection (2) above makes an increase in compensation to be assessed in accordance with Schedule 2 to the Compulsory Purchase Act 1965 (absent and untraced owners)—

- (a) a deed poll executed under paragraph 2(2) of that Schedule before the latest date for service of a notice under subsection (5) above shall not be invalid because the increase in compensation had not been paid, and
 - (b) it shall be the duty of the local authority not later than six months after the said date to proceed under the said Schedule 2 and pay the proper additional amount into court.
- (8) In Scotland where subsection (2) makes an increase in compensation to be assessed in accordance with sections 56 to 60 and 63 of the Lands Clauses (Consolidation) (Scotland) Act 1845 (provisions dealing with absent and untraced owners)—
 - (a) a notarial instrument executed under section 76 of that Act before the latest date for service of a notice under subsection (4) above shall not be invalid because the increase in compensation had not been paid and
 - (b) it shall be the duty of the local authority not later than six months after the said date to proceed under the said sections and pay the proper additional amount into the Bank.
- (9) Any sum payable by virtue of this section shall carry interest at the rate prescribed under section 32 of the Land Compensation Act 1961 from the time of entry by the local authority on the land, or from vesting of the land or interest, whichever is the earlier, until payment.
- (10) In this section references to an increase in compensation shall be read as if payments under—
 - (a) sections 60 and 61 of and Schedule 2 to the Act of 1957 (payments in respect of well-maintained houses and payments to owner-occupiers),
 - (b) section 63(1) of the Act of 1957 or section 30 of the Land Compensation Act 1961 (allowances to persons displaced),
 - (c) section 68 of and Schedule 5 to the Housing Act 1969 (payments to owner-occupiers and others in respect of unfit houses purchased or demolished), and
 - (d) section 37 of the Land Compensation Act 1973 (disturbance payments for persons without compensatable interests),and any extra-statutory payments made by way of additional compensation were, to the extent that they were made to the person holding the interest in question, compensation in respect of the compulsory purchase.
- (11) In this section "prescribed" means prescribed by order made by the Secretary of State for the purposes of this section; and any order under this subsection shall be contained in a statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

116 Amendment of section 4 of the Compulsory Purchase Act 1965

In section 4 of the Compulsory Purchase Act 1965 (time limits for exercising powers under compulsory purchase orders) there shall be added at the end, the following paragraph:—

“For the purposes of this section no account shall be taken of any period during which an authority are, by virtue of section 110, 113, or 114 of the Housing Act 1974 (which relate among other things to unfit buildings in clearance or conservation areas) prevented from serving notice to treat under section 5 of this Act.”

Status: This is the original version (as it was originally enacted).

and the same amendment shall be made to section 116 of the Lands Clauses Consolidation (Scotland) Act 1845 with the substitution for the reference to section 5 of the Compulsory Purchase Act 1965 of a reference to section 17 of the said Act of 1845.

117 Removal of time limit for completing certain works eligible for higher rates of grants or contributions

- (1) In section 1 of the Housing Act 1971 (certain works carried out in local government areas wholly or partly in development areas or intermediate areas to be eligible for increased rates of grants or contributions) paragraph (b) of each of subsections (1) and (2) (which requires the works concerned to be completed before the expiration of a period of 3 years beginning with 23rd June 1971) shall not have effect in the case of works falling within subsection (2), subsection (3) or subsection (4) below.
- (2) Subsection (1) above applies to works which were the subject of an application to a local authority for an improvement grant, a standard grant or a special grant if the application was approved by the local authority on or before 30th September 1973 and—
 - (a) in the case of an application to a local authority in England and Wales for an improvement grant, if the local authority have, before 23rd June 1974, fixed as the amount of the grant (either originally or by way of variation under subsection (2) of section 2 of the Housing Act 1971) an amount which took account of the amendments of Part I of the Housing Act 1969 effected by subsection (1) of that section (increase of grant or maximum grant from one-half to 75 per cent. of the cost of the works); and
 - (b) in the case of an application to a local authority in Scotland for an improvement grant or a standard grant, if the local authority have, before 23rd June 1974, fixed as the amount of the grant (either originally or by way of variation under subsection (2) of section 3 of the Housing Act 1971) an amount which took account of the amendments of Parts I and II of the Housing (Financial Provisions) (Scotland) Act 1968 effected by subsection (1) of that section (increase of grant or maximum grant from one-half to 75 per cent. of the cost of the works).
- (3) Subsection (1) above also applies to works comprised in arrangements to which subsection (1) of section 21 of the Housing Act 1969 applies (contributions for dwellings provided or improved by housing associations under arrangements with local authorities) if an application for a contribution under that section containing particulars and estimates of those works was received by the Secretary of State on or before 30th September 1973.
- (4) Subsection (1) above also applies to works comprised in arrangements to which subsection (1) of section 16 or section 17 (in so far as the latter section applies to housing associations) of the Housing (Financial Provisions) (Scotland) Act 1968 applies (contributions for dwellings provided or improved by housing associations under arrangements with the Secretary of State or local authorities) if the Secretary of State had made arrangements under the said section 16 or had approved improvement proposals made under the said section 17 on or before 30th September 1973.
- (5) In this section "local authority", "improvement grant", "standard grant" and "special grant" have, in England and Wales, the same meanings as in Part I of the Housing Act 1969, and in Scotland "local authority" has the same meaning as in section 1

of the Housing (Scotland) Act 1966 and "improvement grant" and "standard grant" have the same meanings as in Part II of the Housing (Financial Provisions) (Scotland) Act 1968.

118 Raising of rateable value limits for enfranchisement or extension under Leasehold Reform Act 1967

- (1) In section 1 of the Leasehold Reform Act 1967, in subsection (1)(a) (certain tenants entitled to enfranchisement or extension of their leaseholds where rateable value is within certain limits on a particular day) after the words "rent and " there shall be inserted the words "subject to subsections (5) and (6) below " and after subsection (4) there shall be added the following subsections:—

“(5) If, in relation to any house and premises, the appropriate day for the purposes of subsection (1)(a) above falls on or after 1st April 1973 that subsection shall have effect in relation to the house and premises,—

- (a) in a case where the tenancy was created on or before 18th February 1966, as if for the sums of £200 and £400 specified in that subsection there were substituted respectively the sums of £750 and £1,500 ; and
- (b) in a case where the tenancy was created after 18th February 1966, as if for those sums of £200 and £400 there were substituted respectively the sums of £500 and £1,000.

(6) If, in relation to any house and premises,—

- (a) the appropriate day for the purposes of subsection (1)(a) above falls before 1st April 1973, and
- (b) the rateable value of the house and premises on the appropriate day was more than £200 or, if it was then in Greater London, £400, and
- (c) the tenancy was created on or before 18th February 1966,

subsection (1)(a) above shall have effect in relation to the house and premises as if for the reference to the appropriate day there were substituted a reference to 1st April 1973 and as if for the sums of £200 and £400 specified in that subsection there were substituted respectively the sums of £750 and £1,500.”

- (2) In any case where, by virtue only of the amendments of section 1 of the 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.

- (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.”

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

Status: This is the original version (as it was originally enacted).

“(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 has the right to remain in possession of the house and premises under the provisions of Part I of the Landlord and Tenant Act 1954;
- (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.

119 Option mortgages

- (1) Subject to the following provisions of this section, Part II of the 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

- (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 section.
- (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.

120 Tax exemptions for self-build societies

After section 341 of the Income and Corporation Taxes Act 1970 there shall be inserted the following section:—

“341A Self-build societies.

- (1) Where a self-build society makes a claim in that behalf for any year or part of a year of assessment during which the society was approved for the purposes of this section, rent to which the society was entitled from its members for the year or part shall be disregarded for tax purposes.
- (2) Where a claim under subsection (1) of this section has effect, any adjustment of the society's liability to tax which is required in consequence of the claim may be made by an assessment or by repayment or otherwise, as the case may require.
- (3) Where a self-build society makes a claim in that behalf for an accounting period or part of an accounting period during which it was approved for the purposes of this section, the society shall be exempt from corporation tax on chargeable gains accruing to it in the accounting period or part thereof on the disposal of any land to a member of the society.
- (4) References in this section to the approval of a self-build society are references to its approval by the Secretary of State, and the Secretary of State shall

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not approve a self-build society for the purposes of this section unless he is satisfied—

- (a) that the society is, or is deemed to be, duly registered under the Industrial and Provident Societies Act 1965 ; and
 - (b) that the society satisfies such other requirements as may be prescribed by or under regulations under subsection (6) below and will comply with such conditions as may for the time being be so prescribed.
- (5) An approval given for the purposes of this section shall have effect as from such date (whether before or after the giving of the approval) as may be specified by the Secretary of State and shall cease to have effect if revoked by him.
- (6) The Secretary of State may by statutory instrument make regulations for the purpose of carrying out the provisions of this section; and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.
- (7) Section 42 of the Taxes Management Act 1970 (procedure for making claims) shall not apply to a claim under this section, but such a claim shall be made to the inspector and shall be made not later than two years after the end of the year of assessment or accounting period to which, or to a part of which, it relates.
- (8) Subject to subsection (9) below, no claim under this section shall have effect unless it is proved that during the year or accounting period, or part thereof, to which the claim relates—
 - (a) no land owned by the society was occupied, in whole or in part and whether solely or as joint occupier, by a person who was not, at the time of his occupation, a member of the society ; and
 - (b) the society making the claim satisfies the condition specified in paragraph (a) of subsection (4) above and has complied with the conditions prescribed under paragraph (b) of that subsection and for the time being in force ;and for the purposes of paragraph (a) above, occupation by any other person in accordance with the will, or the provisions applicable on the intestacy, of a deceased member, shall be treated during the first six months after the death as if it were occupation by a member.
- (9) Notwithstanding the provisions of subsection (8) above, where, on a claim under this section, the Board are satisfied that the requirements of paragraphs (a) and (b) of that subsection are substantially complied with, they may direct that the claim shall have effect; but if, subsequently, information comes to the knowledge of the Board which satisfies them that the direction was not justified, they may revoke the direction and thereupon the liability of the society to tax for all relevant years or accounting periods shall be adjusted by the making of assessments or otherwise.
- (10) A claim under this section shall be in such form and contain such particulars as may be prescribed by the Board.
- (11) In this section—

" self-build society " has the same meaning as in Part I of the Housing Act 1974 ; and

" rent " includes any sums to which a self-build society is entitled in respect of the occupation of any of its land under a licence or otherwise."

121 Disclosure of landlord's identity

- (1) If after the coming into operation of this section the tenant of premises occupied as a dwelling makes a written request for the landlord's name and address to any person who demands or to the last person who received rent payable under the tenancy or to any other person for the time being acting as agent for the landlord in relation to the tenancy, and that person fails without reasonable excuse to supply a written statement of the name and address within the period of 21 days beginning with the day on which he receives the tenant's request, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (2) In any case where—
 - (a) in response to a request under subsection (1) above, a tenant is supplied with the name and address of the landlord of the premises concerned ; and
 - (b) the landlord is a body corporate ; and
 - (c) the tenant makes a further written request to the landlord for information under this subsection,the landlord shall, within the period of 21 days beginning with the day on which he receives the request under this subsection, supply to the tenant a written statement of the name and address of every director and the secretary of the landlord.
- (3) Any reference in subsection (1) or subsection (2) above to a person's address is a reference to his place of abode or his place of business or, in the case of a company, its registered office.
- (4) A request under subsection (2) above shall be deemed to be duly made to the landlord if it is made to an agent of the landlord or to a person who demands the rent of the premises concerned, and any such agent or person to whom such a request is made shall as soon as may be forward it to the landlord.
- (5) A landlord who fails without reasonable excuse to comply with a request under subsection (2) above within the period mentioned in that subsection and a person who fails without reasonable excuse to comply with any requirement imposed on him by subsection (4) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (6) Where an offence under subsection (1) or subsection (5) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, 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 be liable to be proceeded against and punished accordingly.
- (7) Where the affairs of a body corporate are managed by its members, subsection (6) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (8) In England and Wales proceedings for an offence under this section may be instituted by any of the following local authorities,—
 - (a) the council of a district or London borough ;

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- (b) the Greater London Council; and
- (c) the Common Council of the City of London.

(9) In this section—

" landlord " means the immediate landlord and, in relation to premises occupied under a right conferred by an enactment, includes the person who, apart from that right, would be entitled to possession of the premises;

" tenant " includes a sub-tenant and a tenant under a right conferred by an enactment, except that it does not include a tenant under a tenancy to which Part II of the Landlord and Tenant Act 1954 (business tenancies) applies.

(10) This section shall come into operation at the expiry of the period of one month beginning with the date on which this Act is passed.

122 Duty to inform tenant of a dwelling of assignment of landlord's interest

(1) If the interest of the landlord under a tenancy of premises which consist of or include a dwelling is assigned, the person to whom that interest is assigned (in this section referred to as " the new landlord ") shall, within the appropriate period, give notice in writing to the tenant of the assignment and of the name and address of the new landlord.

(2) In subsection (1) above " the appropriate period " means the period beginning on the date of the assignment in question and ending either two months after that date or, if it is later, on the first day after that date on which rent is payable under the tenancy.

(3) Subject to subsection (4) below, the reference in subsection (1) above to the new landlord's address is a reference to his place of abode or his place of business or, if the new landlord is a company, its registered office.

(4) If trustees as such constitute the new landlord, it shall be a sufficient compliance with the obligation in subsection (1) above to give the name of the new landlord to give a collective description of the trustees as the trustees of the trust in question, and where such a collective description is given—

- (a) the address of the new landlord for the purpose of that subsection may be given as the address from which the affairs of the trust are conducted; and
- (b) a change in the persons who are for the time being the trustees of the trust shall not be treated as an assignment of the interest of the landlord.

(5) If any person who is the new landlord under a tenancy falling within subsection (1) above fails, without reasonable excuse, to give the notice required by that subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(6) Where an offence under subsection (5) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(7) Where the affairs of a body corporate are managed by its members, subsection (6) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if here were a director of the body corporate.

- (8) In this section "tenancy" includes a subtenancy and a statutory tenancy, within the meaning of the Rent Act 1968 or of the Rent (Scotland) Act 1971, but does not include a tenancy to which Part II of the Landlord and Tenant Act 1954 (business tenancies) applies, and "tenant" shall be construed accordingly.
- (9) In this section—
- (a) in relation to England and Wales "assignment" includes any conveyance other than a mortgage or charge ; and
 - (b) in relation to Scotland "assignment" means a conveyance or other transfer (other than in security), and any reference to the date of the assignment means the date on which the conveyance or other transfer was granted, delivered or otherwise made effective.
- (10) This section shall come into operation at the expiry of the period of one month beginning with the date on which this Act is passed.

123 Form and content of certain notices to quit

- (1) In section 16 of the Rent Act 1957 or, in Scotland, section 131 of the Rent (Scotland) Act 1971 (minimum length of notice to quit) after the words "shall be valid unless it" there shall be inserted the words "is in writing and contains such information as may be prescribed and " and at the end of that section there shall be added the following subsections:—
- “(2) In this section "prescribed" means prescribed by regulations made by the Secretary of State by statutory instrument, and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (3) Regulations under this section may make different provision in relation to different descriptions of lettings and different circumstances.”
- (2) This section does not apply in relation to a notice to quit given before the day appointed for the coming into operation of this section.

124 Service charges

- (1) After section 91 of the Housing Finance Act 1972 there shall be inserted the following section:—

“91A Right to challenge service charges.

- (1) A service charge shall only be recoverable from the tenant of a flat—
- (a) in respect of the provision of chargeable items to a reasonable standard ; and
 - (b) to the extent that the liability incurred or amount defrayed by the landlord in respect of the provision of such items is reasonable; and if any works in respect of which a service charge is claimed are estimated to cost more than £250, at least two estimates of the cost of such works shall be obtained by the landlord or agent and one of the said estimates shall be from a firm wholly unconnected with them, in the manner described in Schedule 12 to this Act;

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and if any work in respect of which a service charge is claimed is estimated to cost more than £2,000, there shall be a duty upon the landlord or agent first to discuss it with the tenants' association or if no such body exists or is not wholly independent, then with individual tenants before it is proceeded with (except in cases of emergency) and only after such consultation shall estimates be obtained in accordance with the provisions of this section; and the consultation and expressed views of tenants or their association or both shall be produced to the Court in case of any dispute arising out of the operation of this section.

- (2) Any agreement made by a tenant of a flat other than an arbitration agreement within the meaning of section 32 of the Arbitration Act 1950 (whether the agreement is contained in an instrument letting the flat or not and whether it is made before the flat is let or not) shall be void in so far as it purports to provide for determination in a particular manner or on particular evidence (including, without prejudice to the generality of this subsection, determination on the basis of a certificate given by any person) of any question—
 - (a) whether chargeable items have been provided to a reasonable standard; or
 - (b) whether the liability incurred or amount defrayed by the landlord in respect of them was reasonable.
- (3) The High Court or the county court, on the application of the landlord or tenant of a flat, may by order, in relation to any chargeable items specified in the order, declare—
 - (a) that they have or have not been provided to a reasonable standard ; and
 - (b) that the amount alleged to be payable in respect of them is or is not reasonable,and may direct the amount to be paid by the tenant in consequence of the declaration.
- (4) Where in proceedings brought under the foregoing subsection (3) it is proved to the satisfaction of the Court that an association has been formed to represent the tenants one or more of whom are parties to the application and that the membership of such association comprises not less than 60 per cent. of the tenants eligible to belong thereto the Court may in making any order on the application further declare that the said association shall until further order of the Court be recognised for the purposes of this Act as the tenants' association entitled to exercise the rights conferred by this Act and the term " tenants' association" shall refer to such association so long as it is so recognised.
- (5) Regulations relating to the formation of such tenants' association may be made by the Secretary of State.
- (6) The county court may make a declaration under this section notwithstanding that the declaration is the only relief sought.
- (7) In this section " chargeable items " means any items for which a service charge may be payable, and other expressions used in this section have the meanings assigned to them by section 90(12) above.
- (8) This section does not apply—
 - (a) where the landlord is—
 - (i) a local authority or a county council, or

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- (ii) a new town corporation, or
 - (iii) the Housing Corporation, or
 - (iv) a housing association falling within paragraph (d) of subsection (1) of section 91 above, or
 - (v) an association or company the membership of which is wholly or mainly restricted to persons who are tenants in the same block or blocks of flats, or
- (b) where the tenant is a protected tenant or a statutory tenant within the meaning of the Rent Act 1968 or a lessee within the meaning of Part VI of that Act (furnished lettings).
- (9) This section does not apply in relation to an accounting year ending before 1st August 1974.”
- (2) The amendments of the Housing Finance Act 1972 specified in Schedule 12 to this Act shall have effect, subject to paragraph 5 of that Schedule.
- (3) This section shall come into operation at the expiry of the period of one month beginning with the date on which this Act is passed.

125 Specific performance of landlord's repairing covenants, etc.

- (1) In any proceedings in which a tenant of a dwelling alleges a breach on the part of his landlord of a repairing covenant relating to any part of the premises in which the dwelling is comprised, the court may, in its discretion, order specific performance of that covenant, whether or not the breach relates to a part of the premises let to the tenant and notwithstanding any equitable rule restricting the scope of that remedy, whether on the basis of a lack of mutuality or otherwise.
- (2) In this section—
- " landlord ", in relation to a tenant, includes any person against whom the tenant has a right to enforce a repairing covenant;
 - " repairing covenant " means a covenant to repair, maintain, renew, construct or replace any property ;
 - " statutory tenant " has the same meaning as in the Rent Act 1968; and
 - " tenant " includes a sub-tenant and a statutory tenant but does not include a tenant under a tenancy to which Part II of the Landlord and Tenant Act 1954 (business tenancies) applies, and any reference to the premises let to a tenant means, in relation to a statutory tenant, the premises of which he is the statutory tenant.
- (3) This section shall come into operation on the passing of this Act.

126 Enforceability of certain covenants in agreements relating to development land

- (1) The provisions of this section shall apply if a principal council (in the exercise of their powers under section 111 of the Local Government Act 1972 or otherwise) and a person having an interest in land in their area become parties to an instrument under seal executed for the purpose of securing the carrying out of works on that land or of facilitating the development of that land or of other land in which that person has an interest and the instrument is registered in the register of local land charges—

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- (a) by the proper officer, for the purposes of section 15 of the Land Charges Act 1925, of the local authority in whose area the land is situated, and
 - (b) in such manner as may be prescribed by rules under section 19 of that Act, and in this subsection " local authority" means a district council, a London borough council or the Common Council of the City of London.
- (2) If, in a case where this section applies,—
 - (a) the instrument contains a covenant on the part of any person having an interest in land, being a covenant to carry out any works or do any other thing on or in relation to that land, and
 - (b) the instrument defines the land to which the covenant relates, being land in which that person has an interest at the time the instrument is executed, and
 - (c) the covenant is expressed to be one to which this section applies,the covenant shall be enforceable (without any limit of time) against any person deriving title from the original covenantor in respect of his interest in any of the land defined as mentioned in paragraph (b) above and any person deriving title under him in respect of any lesser interest in that land as if that person had also been an original covenanting party in respect of the interest for the time being held by him.
- (3) Without prejudice to any other method of enforcement of a covenant falling within subsection (2) above, if there is a breach of the covenant as a result of a failure to carry out any works or to do any other thing on or in relation to any of the land to which the covenant relates, then, subject to subsection (4) below, the principal council who are a party to the instrument in which the covenant is contained may—
 - (a) enter on the land concerned and carry out the works or do any other thing which the covenant requires to be carried out or done ; and
 - (b) recover from any person against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise) any expenses incurred by the council in exercise of their powers under this subsection.
- (4) Before a principal council exercise their powers under subsection (3)(a) above they shall give not less than 21 days notice of their intention to do so to any person—
 - (a) who has for the time being an interest in the land on or in relation to which the works are to be carried out or other thing is to be done ; and
 - (b) against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise).
- (5) The Public Health Act 1936 shall have effect as if any reference to that Act in—
 - (a) section 277 thereof (power of councils to require information as to ownership of premises),
 - (b) section 283 thereof (notices to be in writing; forms of notices, etc.),
 - (c) section 288 thereof (penalty for obstructing execution of Act), and
 - (d) section 291 thereof (certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments),included a reference to subsections (1) to (4) above and as if any reference in those sections of that Act—
 - (i) to a local authority were a reference to a principal council; and
 - (ii) to the owner of premises were a reference to the holder of an interest in land.
- (6) In its application to a notice or other document authorised to be given or served under subsection (4) above or by virtue of any provision of the Public Health Act 1936

specified in subsection (5) above, section 233 of the Local Government Act 1972 (service of notices by local authorities) shall have effect as if any reference in that section to a local authority included a reference to the Common Council of the City of London.

- (7) In this section " principal council" means the council of a county, district or London borough, the Common Council of the City of London or the Greater London Council, and, subject to subsection (8) below, in relation to the Isles of Scilly, the Council of those Isles.
- (8) The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order direct that the provisions of subsections (1) to (6) of this section shall apply to the Isles of Scilly subject to such exceptions, adaptations and modifications, if any, as may be specified in the order.

127 Expenses and terms of payment of grants, etc.

- (1) Except as provided by section 7 of this Act, there shall be defrayed out of money provided by Parliament—
- (a) any sums required for the payment by the Secretary of State of grants, subsidies or contributions under this Act and any other expenses or outgoings of the Secretary of State under this Act;
 - (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act;
- and any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.
- (2) Any grant, subsidy or contribution payable by the Secretary of State under this Act shall be payable subject to such conditions as to records, certificates, audit or otherwise as the Secretary of State may, with the approval of the Treasury, impose.

128 Orders

- (1) Any power of the Secretary of State to make an order under any provision of this Act shall be exercisable by statutory instrument.
- (2) An order made by the Secretary of State under any provision of this Act may be varied or revoked by a subsequent order made under that provision.
- (3) Subject to subsection (4) below, a statutory instrument containing an order made under any of the preceding provisions of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) above shall not apply to an order made under any of sections 7, 46, 59, 64 or 78 of this Act

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;

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" 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 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 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 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 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;

" 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, 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.
- (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.

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 Land Compensation Act 1973 and the 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.
- (4) The enactments specified in Schedule 15 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

131 Short title, citation, commencement and extent

- (1) This Act may be cited as the Housing Act 1974.
- (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.
- (5) Parts IV, V, VI, VII, and VIII and, in Part IX, sections 105, 106, 108, 118, 124, 125 and 126 of this Act extend to England and Wales only.
- (6) Section 107 of this Act extends to Scotland only.
- (7) This Act does not extend to Northern Ireland.