Housing Act 1974

1974 CHAPTER 44

PART II

REGISTRATION OF HOUSING ASSOCIATIONS

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

(1) On and after the operative date, the reference in subsection (5) of section 5 of the Rent Act 1968 or in subsection (4) of section 5 of the Rent (Scotland) Act 1971 to a housing association shall be construed as not extending to an unregistered housing association unless—

(a) the association is for the time being specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 ; or

(b) the association is a society registered under the 1965 Act and its rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assignment of tenancies to persons other than members ; or

(c) the association has made an application for registration to the Corporation before the operative date and the application has not been disposed of by the Corporation.

(2) If at any time, by virtue of subsection (1) above, a tenancy ceases to be one to which Part VIII of the Housing Finance Act 1972 applies, or sections 60 to 66 of the Housing (Financial Provisions) (Scotland) Act 1972 apply, and becomes a protected tenancy for the purposes of the Rent Act 1968, or of the 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, in such form as may be prescribed, informing him that his tenancy is no longer excluded from protection under the Rent Act 1968 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 £100.

(4) Where an offence under subsection (3) above 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, 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.

(5) In this section " prescribed" means prescribed by order made by the Secretary of State.

(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.