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SCHEDULES

SCHEDULE 25

MINOR AND CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND SAVINGS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

Housing Act 1974 (c.44)

- 24 In section 5 of the 1974 Act (disposal of land by Housing Corporation), in subsection (3) omit all after paragraph (f), and after that subsection insert—
- “(3A) The Corporation may sell or lease individual dwellings to persons for their own occupation ; but where the dwelling concerned was acquired by the Corporation by compulsory purchase under section 3(3), it shall not be disposed of under this subsection without the written consent of the Secretary of State.”.
- 25 In section 26(2) of the 1974 Act (cases in which payments may be made by registered housing associations to members) in paragraph (6)(iii) after " person " insert " either under his tenancy agreement with the association or ".
- 26 After section 103 of the 1974 Act insert—

“103A Full and reduced standard.

- (1) For the purposes of this Part of this Act, a dwelling shall be taken to attain the full standard if the following conditions are fulfilled with respect to it, namely—
- (a) that it is provided with all the standard amenities for the exclusive use of its occupants ; and
 - (b) that it is in reasonable repair (disregarding the state of internal decorative repair) having regard to its age and character and the locality in which it is situated ; and
 - (c) that it conforms with such requirements with respect to thermal insulation as may for the time being be specified by the Secretary of State for the purposes of this section ; and
 - (d) that it is in all other respects fit for human habitation (to be determined in accordance with section 4 of the Housing Act 1957); and
 - (e) that it is likely to be available for use as a dwelling for a period of 15 years or such other period as may for the time being be specified by the Secretary of State for the purposes of this subsection.

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- (2) Subject to subsection (3) below, a local authority may, if they consider it reasonable to do so, dispense wholly or in part with any of the conditions in subsection (1), and a dwelling shall be taken to attain the reduced standard if the conditions not dispensed with are fulfilled.
- (3) A local authority shall not dispense with the conditions in paragraph (a) of subsection (1) in a case where they are satisfied that the dwelling is, or forms part of, a house or building in respect of which they could by notice under section 15 of the Housing Act 1961 (power to require execution of works) require the execution of such works as are referred to in subsection (1) of that section.”.
- 27 In section 104 of the 1974 Act (Interpretation of Part VIII) the definitions of " the full standard " and " the reduced standard " are repealed.
- 28 (1) In section 114(1) of the 1974 Act (rehabilitation orders) paragraph (c) and the word "or" immediately preceding it are omitted, and after that subsection there is inserted the following subsection—
- “(1A) In the case of a clearance area comprising houses within subsection (1)(a) or (b) above, this section also applies to houses comprised in the area which have been included in it by virtue of section 49 of the Housing Act 1957.”.
- (2) Subsections (6) and (7) of section 114 are repealed.
- (3) In section 114(8)—
- (a) in the definition of "full standard" for "section 66(2)" substitute " section 103A(1) ";
- (b) in paragraph (b) of the definition of " Part III land ", for " section 43(2) " substitute " section 43 ".
- 29 After section 114 of the 1974 Act there is inserted the following section—
- “114A Effects of rehabilitation order.**
- (1) Where in the case of a rehabilitation order a local authority are freed by section 114(5) above from the duty to demolish or secure the demolition of houses included in a clearance area as being unfit for human habitation, the authority shall take such steps as are necessary—
- (a) to restore the houses so as to provide one or more dwellings to the full standard of section 103A above;
- (b) where they are not vested in the authority, to ensure that the houses are restored with that object.
- (2) A local authority may accept undertakings for the purposes of subsection (1) (b) above from the owner of the houses, or any other person who has or will have an interest in them or any of them, concerning works to be carried out to restore the houses as mentioned in that subsection, and the time within which the works are to be carried out”
- 30 In section 128 of the 1974 Act (provisions relating to orders under the Act), after subsection (1) there is inserted the following subsection—

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“(1A) An order made by the Secretary of State under any provision of this Act may make different provision with respect to different cases or descriptions of case, including different provision for different areas.”

31 In Schedule 10 to the 1974 Act (rehabilitation orders), in paragraph 6, there is added after sub-paragraph (b) the following subparagraph—

“and

(c) the notice land, so far as not comprised within sub-paragraph (a) or (b) above.”