

SCHEDULES

SCHEDULE 25

MINOR AND CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND SAVINGS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

1 In section 15 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (protection of tenure of furnished, and certain other, rented premises by extension of provisions of the 1977 Act applying to restricted contracts) there is inserted, after subsection (1), the following subsection—

“(1A) This section does not apply in relation to any tenancy entered into after the commencement of section 69(2) of the Housing Act 1980.”.

2 In section 16 of the Act of 1951 (protection of tenure of rented premises not within section 15, by extension of the Rent Acts) for subsections (4) to (7) there are substituted the following subsections—

“(4) The rent for any rental period shall be the amount payable for the last rental period of the tenancy qualifying for protection but subject to adjustment from time to time in accordance with section 46 or 47 of the Rent Act 1977 (adjustment, with respect to rates, services and furniture, of recoverable rent for statutory periods before registration).

(5) Subsection (4) above has effect subject to any agreement between the parties for the payment of a lower rent; and where a lower rent is agreed it shall not be increased in accordance with section 46 or 47 of the Act of 1977 but may, notwithstanding anything in any other enactment, be increased by agreement in writing between the parties up to the amount payable under subsection (4) above.”.

3 In sections 17 and 18 of the Act of 1951 (which relate respectively to premises which include accommodation shared otherwise than with the landlord and to premises occupied in connection with employment under a licence or a rent-free letting) in each case in subsection (2) for the words " to (7) " there are substituted the words " and (5) ".

Housing Act 1957 (c. 56)

4 Section 5 of the 1957 Act (prohibition of back-to-back houses) is hereby repealed.

5 In section 96 of the 1957 Act, in paragraph (d) the words " by them ", and paragraph (e), are hereby repealed.

6 In section 119(3) of the 1957 Act (financial assistance for housing associations) the words from " with the consent " to " the Minister " and the words from " The Minister's power " to the end are hereby repealed.

7 In section 126 of the 1957 Act (power of county councils to provide houses for their employees) there are added, at the end, the words " and any land so acquired or appropriated may be disposed of by the council as if the council were a local authority ".

8 In Schedule 3 to the 1957 Act (procedure for authorising compulsory purchases under Part III) for sub-paragraph (4) of paragraph 3 there is substituted the following sub-paragraph—

“(4) Where any objection not withdrawn has been made on the ground that a building included in the order is not unfit for human habitation, the local authority shall not later than 28 days before the date of the enquiry or hearing—

- (a) serve upon the objector a notice in writing stating what facts have emerged as their principal grounds for being satisfied that the building is so unfit; and
- (b) send a copy of the notice to the Secretary of State.”

This paragraph does not apply in relation to an order under sections 43 or 51 of the 1957 Act made before the commencement of this paragraph.

Housing (Financial Provisions) Act 1958 (c.42)

9 In section 43(1) of the Housing (Financial Provisions) Act 1958 (power of local authorities to make advances) the words " subject to such conditions as may be approved by the Minister" are omitted.

County Courts Act 1959 (c.22)

10 In section 109(4)(b) of the County Courts Act 1959 for the word " document" there is substituted the word " enactment ".

Building Societies Act 1962 (c.37)

11 In Schedule 3 to the Building Societies Act 1962 (permitted classes of additional security) in paragraph 3(1) for " local authorities " substitute " bodies " and in paragraph 3(2)(a), after " England and Wales" insert " section 111 of the Housing Act 1980 " and in paragraph 3(2)(c) after "Northern Ireland" insert " any statutory provision for the time being in force in Northern Ireland and made for purposes corresponding to those of section 111 of the Housing Act 1980 ".

12 After paragraph 13 of that Schedule insert—

“14 An agreement under section 111 of the Housing Act 1980 (agreement by local authority or Housing Corporation to indemnify building society in respect of mortgagor's default) or under any statutory provision for the time being in force in Northern Ireland and made for purposes corresponding to those of that section.”.

Housing Act 1964 (c.56)

- 13 In Schedule 1 to the Housing Act 1964, for paragraph 4(1) (authentication of fixing of Corporation's seal by signature of chairman or member) substitute—

“(1) The fixing of the Corporation's seal may be authenticated by the signature of the Chairman or of any other person authorised for that purpose.”.

Matrimonial Homes Act 1967 (c.75)

- 14 In section 1(5) of the Matrimonial Homes Act 1967 after " be treated as possession by the other spouse " insert " and for purposes of Chapter II of Part I of the Housing Act 1980 be treated as occupation by the other spouse " .

- 15 In section 7(1) of that Act, after paragraph (b) insert—

“or

(c) a secure tenancy within the meaning of section 28 of the Housing Act 1980”;

and for "subsection (2) or (3)" substitute " subsection (2), (3) or (3A) " .

- 16 In section 7(2) of that Act, after "the Rent Act 1977 " insert " or a secure tenancy within the meaning of section 28 of the Housing Act 1980 " ; and at the end of the subsection add " and where the said spouse is a successor within the meaning of Chapter II. of Part I of that Act, his or her former spouse shall be deemed also to be a successor within the meaning of that Chapter " .

- 17 In section 7(3) of that Act for "widow" substitute " the surviving spouse " .

Building Societies Act (Northern Ireland) 1967 (c.31 N.I.)

- 18 In Schedule 3 to the Building Societies Act (Northern Ireland) 1967 (permitted classes of additional security) in paragraph 3(1) after " certain local authorities " insert " or the Housing Corporation " and in paragraph 3(2)(b), after " England and Wales " insert " section III. of the Housing Act 1980 .

- 19 After paragraph 13 of that Schedule insert—

“14 An agreement under section 111 of the Housing Act 1980 (agreement by local authority or Housing Corporation to indemnify building society in respect of martgagor's default).”.

Prices and Incomes Act 1968 (c.42)

- 20 In section 12(1) of the Prices and Incomes Act 1968 (provision for local authorities to increase rents under periodic tenancies without giving notice to quit) after " tenancy " , where first occurring, insert " which is not a secure tenancy within the meaning of section 28 of the Housing Act 1980 " .

Housing Act 1969 (c. 33)

- 21 In section 85 of the 1969 Act (provisions relating to orders and regulations under the Act), after subsection (1) there is inserted the following subsection—

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

“(1A) Any order or regulation made under this Act may make different provision with respect to different cases or descriptions of case, including different provision for different areas.”.

Chronically Sick and Disabled Persons Act 1970 (c.44)

22 In section 3(1) of the Chronically Sick and Disabled Persons Act 1970 (duty of housing authorities to have regard to special needs of chronically sick or disabled persons) the words from " and any proposals " to the end are hereby repealed.

Local Government Act 1972 (c.70)

23 In section 131(2) of the Local Government Act 1972 (enactments which are not affected by Parts VII and VIII of that Act) after paragraph (k) there is inserted the following paragraph—

“(l) the Housing Act 1980”.

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

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- (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.
- (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—

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

“(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.”

Rent (Agriculture) Act 1976 (c.80)

32 In section 7 of the Rent (Agriculture) Act 1976, at the end of subsection (6) (definition of "tenant"), there are added the words "and 'tenancy' shall be construed accordingly ".

33 In section 13 of the Act of 1976 (application for registration of rent)—

- (a) for the words " three years " in subsection (7) there are substituted the words " two years "; and
- (b) in subsection (3) for the words " Schedule 7" there are substituted the words " Schedule 12 ".

Rent Act 1977 (c.42)

34 In section 16 of the 1977 Act (landlord's interest belonging to housing co-operative) for the words " paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975 " there are substituted the words " paragraph 1 of Schedule 20 to the Housing Act 1980 ".

35 Sections 18(4) and 115 of the 1977 Act (modification of Act in cases where controlled tenancies converted into regulated tenancies) are hereby repealed; and in that Act, after section 18, there is inserted the following section—

“18A Modification of Act for controlled tenancies converted into regulated tenancies.

Schedule 17 to this Act applies for the purpose of modifying the provisions of this Act in relation to a tenancy which, by virtue of any of the following enactments, was converted from a controlled tenancy into a regulated tenancy, that is to say—

- (a) section 18(3) of this Act;
- (b) paragraph 5 of Schedule 2 to the Rent Act 1968 (which was superseded by section 18(3));
- (c) Part VHI of this Act;
- (d) Part III of the Housing Finance Act 1972 (which was superseded by Part VIII);
- (e) Part IV of the Act of 1972 (conversion by reference to rateable values);
- (f) section 64 of the Housing Act 1980 (conversion of remaining controlled tenancies into regulated tenancies).”.

- 36 In section 19(5) of the 1977 Act (furnished lettings etc. which are not restricted contracts) after paragraph (a) insert—
- “(aa) under the contract the interest of the lessor belongs to a body mentioned in section 14 of this Act;”.
- 37 In section 45(4) of the 1977 Act, for the words "to 48" there are substituted the words " and 47 " .
- 38 In section 49 of the 1977 Act, for the words "46(2) or 48(3) " there are substituted the words " or 46 " .
- 39 In section 55 of the 1977 Act (general provisions for phasing of rent increases), in subsection (3), for paragraph (b) there is substituted the following paragraph—
- “(b) the provisions of section 89 of this Act do not apply to it; and”.
- 40 In sections 68(4), 69(1)(b)(ii) and (4), 73(1)(a), and 88(4)(b) of the 1977 Act for the words " three years" and " 3 years," where-ever occurring, there are substituted the words " 2 years " .
- This paragraph does not apply in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his confirmation is noted in the register, before the commencement of this paragraph.
- 41 In section 70(3) of the 1977 Act (matters to be disregarded in determining fair rent) paragraphs (c) and (d) are hereby repealed.
- 42 In section 78(5) of the 1977 Act, for the words " subsection (1) " there are substituted the words " subsection (2) " .
- 43 In section 79 of the 1977 Act-
- (a) in subsection (1) for the words " local authority " there are substituted the words " president of every rent assessment panel ";
 - (b) in subsection (2) for the words " local authority " there are substituted the words " rent assessment panel ";
 - (c) subsection (4) is hereby repealed ; and
 - (d) in subsection (5) for the words " local authority " there are substituted the words " president of the rent assessment panel concerned " .
- 44 In section 79 of the 1977 Act there is inserted, at the end, the following subsection—
- “(6A) Every local authority shall, before the expiry of the period of three months beginning with the commencement of paragraph 44 of Schedule 25 to the Housing Act 1980, send to the president of the appropriate rent assessment panel the register previously kept by the authority under this section.”
- 45 In section 85 of the 1977 Act—
- (a) in the definition of " register" for the words " local authority " there are substituted the words " president of the rent assessment panel concerned " ; and
 - (b) in the definition of " rent tribunal" for the words from " has " onwards there are substituted the words " shall be construed in accordance with section 72 of the Housing Act 1980 " .
- 46 In section 88(2) of the 1977 Act (rent limits for housing association tenancies) for the words " sections 89 and 90 " there are substituted the words " section 89 " .

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

- 47 (1) Section 116 of the 1977 Act (provision where tenant refuses to allow landlord to carry out works) is amended as follows.
- (2) For subsection (1) there is substituted the following subsection—
- “(1) This section applies where a dwelling-house is subject to a statutory tenancy and the landlord wishes to carry out works which cannot be carried out without the consent of the tenant.”
- (3) For subsection (3) there is substituted the following subsection—
- “(3) The condition is—
- (a) that the works were specified in an application for an improvement, or intermediate, grant under Part VII of the Housing Act 1974 and the application has been approved, or
- (b) that the works are specified in a certificate issued by a local authority and stating that if an application were to be made by the landlord for such a grant in respect of the works, the application would be likely to be approved.”
- (4) In subsection (5) the words " sections 4(4) or 10 of the Housing Act 1969 or " are hereby repealed.
- 48 In section 129(1) of the 1977 Act (mortgages to which Part X applies), for paragraph (b) there is substituted the following paragraph—
- “(b) are regulated mortgages as defined in section 131 of this Act.”
- 49 In section 132(1) of the 1977 Act (powers of court to mitigate hardship to mortgagors under regulated mortgages), for the words from " relate only " to " such a mortgage " there are substituted the words " become exercisable, in relation to a regulated mortgage, ".
- 50 In section 136 of the 1977 Act (interpretation of Part X), in paragraph (b) for the words from " and ' mortgage ' " to " include " there is substituted the word " includes ".
- 51 Section 138(3) of the 1977 Act (effect on furnished sub-tenancy of determination of superior unfurnished tenancy) shall have effect, and be deemed always to have had effect, as if for the words from " meaning " to the end there were substituted the words " same meaning as it has for the purposes of section 137(2) of this Act ".
- 52 In section 145 of the 1977 Act (which limits the rent recoverable under tenancies of certain subsidised private houses), for subsections (3) and (4) (which apply to conditions limiting the rent under controlled tenancies) and subsection (5) (which applies Schedule 21 to that Act to conditions limiting the rent under other tenancies) there are substituted the following subsections—
- “(3) If any condition to which this section applies limits the rent under a tenancy, the condition shall limit, or have effect as if it limited, the rent—
- (a) if the tenancy is a regulated tenancy which is not a converted tenancy within the meaning of Schedule 17 to this Act, to the rent which would be recoverable if the tenancy had been converted from being a controlled tenancy upon the commencement of section 64 of the Housing Act 1980 and accordingly as if it were a converted tenancy;

- (b) if the tenancy is a converted tenancy, or a housing association tenancy within the meaning of Part VI of this Act, to the rent recoverable under this Act;
- (c) if the tenancy is a protected occupancy or statutory tenancy within the meaning of the Rent (Agriculture) Act 1976, to the rent recoverable in accordance with that Act; and
- (d) in any other case, to such rent as may from time to time be, or have been, agreed between the landlord and the local authority or as may, in default of agreement, be or have been determined by the Secretary of State.
- (4) Subject to subsection (5) below, in subsection (3) above 'local authority', in relation to any premises, means the council of the London borough or district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.
- (5) In the case of houses the construction of which was promoted by the Greater London Council or in respect of which improvement grants were made by that council under the Housing (Financial Provisions) Act 1958, the reference in subsection (3) above to the local authority shall be construed as a reference to the Greater London Council.”
- 53 In section 149 of the 1977 Act (powers of local authorities for purposes of giving information), in subsection (1)(a), for subparagraph (iii) there is substituted the following sub-paragraph—
- “(iii) Part II, and section 136, of the Housing Act 1980;”.
- 54 In section 153(1) of the 1977 Act (application to Isles of Scilly), for the words " 103 to 106 " there are substituted the words " 102A to 106A ".
- 55 Section 155(1) of the 1977 Act (which modifies provisions of that Act in relation to certain old controlled tenancies) is hereby repealed.
- 56 In Schedule 10 to the 1977 Act (rent assessment committees)—
- (a) in paragraph 2 the words from "and, if the Secretary of State " to the end ; and
- (b) paragraph 10;
- are hereby repealed.
- 57 In Schedule 15 to the 1977 Act (grounds for possession of dwelling-houses), in paragraph (i) in Case 9, for the words " controlled tenancy " there are substituted the words " tenancy which was then a controlled tenancy " .
- Case 9 has effect, as so amended, in relation to any tenancy which was a controlled tenancy on the date mentioned in paragraph (i) notwithstanding that it ceased to be a controlled tenancy before the commencement of this paragraph.
- 58 In Schedule 15 to the 1977 Act, in paragraph 4 in Part IV, for the words " paragraph 1 " there are substituted the words " paragraph 3 ",
- at the end of paragraph (a) there are inserted the words " (other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of this Schedule) ",
- and at the end of paragraph (b) there are inserted the words " of a kind mentioned in paragraph (a) above ".

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

- 59 In Schedule 17 to the 1977 Act (modification of Act where controlled tenancy converted into regulated tenancy)—
- (a) in the definition of "converted tenancy", for paragraphs (a) and (b) there are substituted the words " any of the enactments mentioned in section 18A of this Act. "; and
 - (b) paragraphs 3 and 4 are hereby repealed ; and
 - (c) in paragraph 7, for the words from the beginning to " shall not" there are substituted the words " None of the enactments mentioned in section 18A of this Act shall ".
- 60 In Schedule 24 to the 1977 Act (savings and transitional provisions)—
- (a) in paragraph 6(4) for the words "paragraph 1(1)" there are substituted the words " paragraph 1(c) "; and
 - (b) in paragraph 16 for the words " sections 44(1), (2), 38 and 72(4)" there are substituted the words " sections 44(1). 45(2), 57 and 72(7) ".

Protection from Eviction Act 1977 (c.43)

- 61 The Protection from Eviction Act 1977 shall apply, where a person has been let into possession of a dwelling-house under the terms of a rental purchase agreement (within the meaning of section 88 of this Act) as if—
- (a) the dwelling-house had been let to him as a dwelling under a tenancy which is not a statutorily protected tenancy (within the meaning of section 3 of that Act) ; and
 - (b) that tenancy had come to an end on the termination of the agreement or of his right to possession under it.