

## SCHEDULES

### SCHEDULE 1

Section 2.

#### EXCEPTIONS TO RIGHT TO BUY

##### PART I

###### CIRCUMSTANCES IN WHICH RIGHT DOES NOT ARISE

- 1 The landlord is a local authority and the dwelling-house is held by it otherwise than under Part V of the 1957 Act.
- 2 The landlord is a development corporation, the Commission for the New Towns or the Development Board for Rural Wales and—
  - (a) the dwelling-house is held by it for purposes not corresponding to those for which dwelling-houses are held by local authorities under Part V of the 1957 Act; and
  - (b) the landlord, or on appeal the Secretary of State, is of opinion that the right to buy ought not to be capable of being exercised with respect to the dwelling-house.
- 3 The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by physically disabled persons.
- 4 The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons of pensionable age and a social service or special facilities are provided in close proximity to the group of dwelling-houses for the only or main purpose of assisting those persons.
- 5 The landlord has, within six weeks of the service on it of a notice claiming to exercise the right to buy the dwelling-house, applied to the Secretary of State for a determination under this paragraph, and the Secretary of State has determined that the right to buy is not to be capable of being exercised with respect to the dwelling-house ; and he shall so determine if satisfied—
  - (a) that the dwelling-house is designed or specially adapted for occupation by persons of pensionable age ; and
  - (b) that it is the practice of the landlord to let it only for occupation by such persons.

##### PART II

###### CIRCUMSTANCES IN WHICH RIGHT CANNOT BE EXERCISED

- 1 The tenant is obliged to give up possession of the dwelling-house in pursuance of an order of the court, or will be so obliged at a date specified in such an order.

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- 2           A bankruptcy petition is pending or a receiving order is in force against the person or one of the persons to whom the right to buy belongs or he is an undischarged bankrupt or has made a composition or arrangement with his creditors the terms of which remain to be fulfilled.

## SCHEDULE 2

Section 17.

### CONVEYANCE OF FREEHOLD AND GRANT OF LEASE

#### PART I

##### COMMON PROVISIONS

###### *Rights to be conveyed or granted—general*

- 1           The conveyance or grant shall not exclude or restrict the general words implied under section 62 of the Law of Property Act 1925, unless the tenant consents or the exclusion or restriction is made for the purpose of preserving or recognising any existing interest of the landlord in tenant's incumbrances or any existing right or interest of any other person.

###### *Rights of support, passage of water, etc.*

- 2           (1) The conveyance or grant shall, by virtue of this Schedule, have the effect stated in sub-paragraph (2) below as regards—
- (a) rights of support for any building or part of a building;
  - (b) rights to the access of light and air to any building or part of a building;
  - (c) rights to the passage of water or of gas or other piped fuel, or to the drainage or disposal of water, sewage, smoke or fumes, or to the use or maintenance of pipes or other installations for such passage, drainage or disposal;
  - (d) rights to the use or maintenance of cables or other installations for the supply of electricity, for the telephone or for the receipt directly or by landline of visual or other wireless transmissions.
- (2) The effect is—
- (a) to grant with the dwelling-house all such easements and rights over other property, so far as the landlord is capable of granting them, as are necessary to secure to the tenant as nearly as may be the same rights as at the relevant time were available to him under or by virtue of the secure tenancy or any agreement collateral to it, or under or by virtue of any grant, reservation or agreement made on the severance of the dwelling-house from other property then comprised in the same tenancy ; and
  - (b) to make the dwelling-house subject to all such easements and rights for the benefit of other property as are capable of existing in law and are necessary to secure to the person interested in the other property as nearly as may be the same rights as at the relevant time were available against the tenant under or by virtue of the secure tenancy or any agreement collateral to it, or under or by virtue of any grant, reservation or agreement made as mentioned in paragraph (a) above.

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- (3) This paragraph—
- (a) does not restrict any wider operation which the conveyance or grant may have apart from this paragraph; but
  - (b) is subject to any provision to the contrary that may be included in the conveyance or grant with the consent of the tenant.

*Rights of way*

- 3 The conveyance or grant shall include—
- (a) such provisions (if any) as the tenant may require for the purpose of securing to him rights of way over land not comprised in the dwelling-house, so far as the landlord is capable of granting them, being rights of way that are necessary for the reasonable enjoyment of the dwelling-house ; and
  - (b) such provisions (if any) as the landlord may require for the purpose of making the dwelling-house subject to rights of way necessary for the reasonable enjoyment of other property, being property in which at the relevant time the landlord has an interest, or to rights of way granted or agreed to be granted before the relevant time by the landlord or by the person then entitled to the reversion on the tenancy.

*Covenants and conditions*

- 4 The conveyance or grant shall include such provisions (if any) as the landlord may require to secure that the tenant is bound by, or to indemnify the landlord against breaches of, restrictive covenants (that is to say covenants or agreements restrictive of the use of any land or premises) which affect the dwelling-house otherwise than by virtue of the secure tenancy or any agreement collateral to it and are enforceable for the benefit of other property.
- 5 Subject to Parts II and III below, the conveyance or grant may include such covenants and conditions as are reasonable in the circumstances.

*Meaning of "incumbrances", "tenant's incumbrances" and "relevant time"*

- 6 In this Schedule—
- (a) "incumbrances" includes personal liabilities attaching in respect of the ownership of land or of an interest in land though not charged on the land or interest;
  - (b) "tenant's incumbrance" means any incumbrance on the secure tenancy which is also an incumbrance on the reversion, and any interest derived directly or indirectly out of the secure tenancy ; and
  - (c) "the relevant time" means, in all cases, the date on which the tenant's notice claiming to exercise the right to buy is served.

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## PART II

### CONVEYANCE OF FREEHOLD

#### *General*

- 7 The conveyance shall not exclude or restrict the all estate clause implied under section 63 of the Law of Property Act 1925, unless the tenant consents or the exclusion or restriction is made for the purpose of preserving or recognising any existing interest of the landlord in tenant's incumbrances or any existing right or interest of any other person.
- 8 The conveyance shall be of an estate in fee simple absolute subject to—
- (a) tenant's incumbrances; and
  - (b) the burdens specified in paragraph 9 below ;
- but otherwise free of incumbrances.
- 9 The burdens referred to in paragraph 8 above are burdens in respect of the upkeep or regulation for the benefit of any locality of any land, building, structure, works, ways or watercourse.

#### *Covenants*

- 10 The conveyance shall be expressed to be made by the landlord as beneficial owner (thereby implying the covenant set out in Part I of Schedule 2 to the Law of Property Act 1925).

## PART III

### LEASES

#### *General*

- 11 (1) The lease shall be for a term of not less than 125 years at a rent not exceeding £10 per annum, and the following provisions shall have effect with respect to the other terms of the lease but subject to sub-paragraph (2) below.
- (2) If a building contains two or more dwelling-houses and the landlord has, since the passing of this Act, granted a lease of one of them for a term of not less than 125 years, any lease granted in pursuance of this Chapter of the other or one of the others may be for a term expiring at the end of that term and, if it is for such a term, the assumption stated in section 6(4)(a) shall be modified accordingly.

#### *Common use of premises and facilities*

- 12 Where the tenant enjoyed, during the secure tenancy, the use, in common with others, of any premises, facilities or services, the lease shall include rights to the like enjoyment, so far as the landlord is capable of granting them, unless otherwise agreed between the landlord and the tenant.

#### *Covenants by landlord*

- 13 (1) There shall be implied, by virtue of this Schedule, covenants by the landlord—

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- (a) to keep in repair the structure and exterior of the dwelling-house and of the building in which it is situated (including drains, gutters and external pipes) and to make good any defect affecting that structure ;
  - (b) to keep in repair any other property over or in respect of which the tenant has any rights by virtue of this Schedule;
  - (c) to ensure, so far as practicable, that any services which are to be provided by the landlord and to which the tenant is entitled (whether by himself or in common with others) are maintained at a reasonable level and to keep in repair any installation connected with the provision of those services.
- (2) The covenant to keep in repair implied by virtue of subparagraph (1)(a) above includes a requirement that the landlord shall rebuild or re-instate the dwelling-house and the building in which it is situated in the case of destruction or damage by fire, tempest, flood or any other cause against the risk of which it is normal practice to insure.
- (3) The county court may, by order made with the consent of the parties, authorise the inclusion in the lease or in any agreement collateral to it, of provisions excluding or modifying the obligations of the landlord under the covenants implied by this paragraph, if it appears to the court that it is reasonable to do so.

#### *Covenant by tenant*

- 14 Unless otherwise agreed between the landlord and the tenant there shall be implied, by virtue of this Schedule, a covenant by the tenant to keep the interior of the dwelling-house in good repair (including decorative repair).

#### *Avoidance of certain agreements*

- 15 Any provision of the lease or of any agreement collateral to it shall be void in so far as it purports—
- (a) to prohibit or restrict the assignment of the lease or the subletting, wholly or in part, of the dwelling-house; or
  - (b) to enable the landlord to recover from the tenant any part of the costs incurred by the landlord in discharging or insuring against his obligations under paragraph 13(1)(a) or 13(1)(b) above, or
  - (c) to authorise any forfeiture or impose on the tenant any penalty or disability in the event of his enforcing or relying on the preceding provisions of this Schedule ;

but subject to section 19 of this Act and paragraph 16 below.

- 16 A provision is not void by virtue of paragraph 15 above in so far as it requires the tenant to bear a reasonable part of the costs of carrying out repairs not amounting to the making good of structural defects or of the costs of making good any structural defects falling within paragraph 17 below or of insuring against risks involving such repairs or the making good of such defects.

- 17 A structural defect falls within this paragraph if—
- (a) the landlord has notified the tenant of its existence before the lease was granted ; or
  - (b) the landlord does not become aware of it earlier than 10 years after the lease is granted.

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## PART IV

### CHARGES ON FREEHOLD

- 18       Where there is a charge (however created or arising) on the freehold which is not a tenant's incumbrance, then—
- (a)   if it is not a rentcharge, the conveyance of the freehold in pursuance of the right to buy shall be effective to release the freehold from the charge, but the release shall not affect the personal liability of the landlord or any other person in respect of any obligation which the charge was created to secure ; and
  - (b)   whether or not it is a rentcharge, the charge shall not affect a lease granted in pursuance of the right to buy.
- 19       (1) Where the freehold is subject to a rentcharge which does not affect other land the conveyance shall be made subject to the rent-charge.
- (2) Where the freehold is subject to a rentcharge which also affects other land the conveyance shall be made subject to the rentcharge but shall contain a covenant by the landlord to indemnify the tenant and his successors in title in respect of any liability arising under the rentcharge.
- (3) In a case falling within sub-paragraph (2) above the landlord shall, immediately after the conveyance and if the rentcharge is of a kind which may be redeemed under the Rentcharges Act 1977, take such steps as are necessary to redeem the rentcharge, so far as it affects land owned by the landlord (including land treated by subparagraph (4) below as so owned).
- (4) For the purposes of the Rentcharges Act 1977 and of subparagraph (3) above any land which has been conveyed by the landlord in pursuance of the right to buy, but subject to the rentcharge, shall be treated as if it had not been so conveyed but had continued to be owned by the landlord.
- 20       In this Part of this Schedule " rentcharge " has the same meaning as in the Rentcharges Act 1977 ; and for the purposes of paragraph 19 above land is owned by a person if he is the owner of the land within the meaning of section 13(1) of that Act.

## SCHEDULE 3

Section 28.

### TENANCIES WHICH ARE NOT SECURE TENANCIES

#### *Long leases*

- 1       (1) A tenancy is not a secure tenancy if it is a long tenancy.
- (2) For the purposes of this paragraph a long tenancy is a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture, and —
- (a)   includes a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, unless it is a tenancy by sub-demise from one which is not a long tenancy; but

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- (b) does not include a tenancy granted so as to become terminable by notice after a death, unless it is a shared ownership tenancy.
- (3) For the purposes of this paragraph a tenancy is a " shared ownership tenancy " if—
- (a) it is granted by a housing association which, at the time of the grant, is registered under section 13 of the 1974 Act;
  - (b) it is granted at a premium which is calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it; and
  - (c) at the time it is granted it complies with the requirements of the regulations then in force under section 14G(4)(6) of this Act or, in the case of a tenancy granted before any such regulations have been brought into force, it complies with the first such regulations to be in force.

*Premises occupied under contract of employment*

- 2 (1) A tenancy is not a secure tenancy if the tenant is an employee of the landlord or, if not such an employee, is an employee of—
- (a) a local authority ;
  - (b) a development corporation ;
  - (c) the Commission for the New Towns ;
  - (d) a county council; or
  - (e) the Development Board for Rural Wales ;
- and his contract of employment requires him to occupy the dwelling-house for the better performance of his duties.
- (2) In this paragraph " contract of employment" means a contract of service or of apprenticeship, whether express or implied and (if express) whether oral or in writing.

*Social service and educational premises*

- 3 A tenancy is not a secure tenancy if the tenant is an employee of the landlord and—
- (a) the terms of the tenancy provide for the tenancy to terminate on the tenant ceasing to be employed by the landlord;
  - (b) the dwelling-house is held by the landlord for the purpose of any of its functions under the Education Act 1944 or under any of the enactments specified in Schedule 1 to the Local Authority Social Services Act 1970; and
  - (c) the dwelling-house forms part of a building held for those purposes or is within the curtilage of such a building.

*Land acquired for development*

- 4 A tenancy is not a secure tenancy if the dwelling-house is on land which has been acquired for development (within the meaning of section 22 of the Town and Country Planning Act 1971) and the dwelling-house is used by the landlord, pending development of the land, as temporary housing accommodation.

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*Accommodation for homeless persons*

- 5 A tenancy granted in pursuance of section 3(4), 4(3) or 5(6) of the Housing (Homeless Persons) Act 1977 is not a secure tenancy before the expiry of a period of twelve months beginning with the date on which the tenant has received the notification required by section 8(1) of that Act or, if he received a notification under section 8(5) of that Act, that notification, unless he has before the expiry of that period been notified by the landlord that the tenancy is to be regarded as a secure tenancy.

*Temporary accommodation for persons seeking employment*

- 6 A tenancy of a dwelling-house within any district or London borough which was granted to a person who was not immediately before the grant resident in the district or London borough is not a secure tenancy before the expiry of one year from the grant if—
- (a) it was granted to that person for the purpose—
    - (i) of meeting his need for temporary accommodation within the district or London borough in order to work there; and
    - (ii) of enabling him to find permanent accommodation there ; and
  - (b) before the grant of the tenancy—
    - (i) the tenant obtained employment, or an offer of employment, within the district or London borough ; and
    - (ii) the landlord notified the tenant in writing of the circumstances in which this exception applies and that in its opinion the proposed tenancy would fall within this exception;
- unless the tenant has before the expiry of that year been notified by the landlord that the tenancy is to be regarded as a secure tenancy.

*Short-term arrangements*

- 7 A tenancy is not a secure tenancy if—
- (a) the dwelling-house has been leased to the landlord with vacant possession for use as temporary housing accommodation ;
  - (b) the terms on which it has been leased include provision for the lessor to obtain vacant possession from the landlord on the expiry of a specified period or when required by the lessor;
  - (c) the lessor is not a body which is capable of granting secure tenancies; and
  - (d) the landlord has no interest in the dwelling-house other than under the lease in question or as mortgagee.

*Temporary accommodation during works*

- 8 A tenancy is not a secure tenancy if—
- (a) the dwelling-house has been made available for occupation by the tenant or his predecessor in title while works are carried out on the dwelling-house which he previously occupied as his home ; and
  - (b) the tenant (or his predecessor in title) was not a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home.



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#### *Agricultural holdings*

- 9 A tenancy is not a secure tenancy if the dwelling-house is comprised in an agricultural holding (within the meaning of the Agricultural Holdings Act 1948) and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

#### *Licensed premises*

- 10 A tenancy is not a secure tenancy if the dwelling-house consists of or comprises premises licensed for the sale of intoxicating liquor for consumption on the premises.

#### *Student lettings*

- 11 A tenancy of a dwelling-house is not a secure tenancy before the expiry of the period of exemption if—
- (a) it was granted for the purpose of enabling the tenant to attend a designated course at an educational establishment; and
  - (b) before the grant of the tenancy the landlord notified him in writing of the circumstances in which this exception applies and that in its opinion the proposed tenancy would fall within this exception ;

unless the tenant has before the expiry of that period been notified by the landlord that the tenancy is to be regarded as a secure tenancy.

A landlord's notice under sub-paragraph (b) above shall specify the educational establishment which the person concerned proposes to attend.

In this paragraph—

" designated course " means any course of a kind designated in regulations made by the Secretary of State for the purposes of this paragraph;

" educational establishment" means a university or establishment of further education ; and

" the period of exemption " means, in a case where the tenant attends a designated course at the educational establishment specified in the landlord's notice, the period ending six months after the tenant ceases to attend that (or any other) designated course at that educational establishment and, in any other case, the period ending six months after the grant of the tenancy.

#### *1954 Act tenancies*

- 12 A tenancy is not a secure tenancy if it is one to which Part II of the Landlord and Tenant Act 1954 applies.

#### *Almshouses*

- 13 A licence to occupy a dwelling-house is not a secure tenancy if—
- (a) the licence was granted by an almshouse charity ; and
  - (b) any sum payable by the licensee under the licence does not exceed the maximum contribution that the Charity Commissioners have from time to time authorised or approved for the almshouse charity as a contribution towards the cost of maintaining its almshouses and essential services in them.

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In this paragraph " almshouse charity " means a corporation or body of persons which is a charity within the meaning of the Charities Act 1960 and which is prevented by its rules or constituent instrument from granting a tenancy of the dwelling-house.

## SCHEDULE 4

Section 34.

### GROUNDS FOR POSSESSION OF DWELLING-HOUSES LET UNDER SECURE TENANCIES

#### PART I

##### GROUNDS ON WHICH COURT MAY ORDER POSSESSION

###### *Ground 1*

Any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed.

###### *Ground 2*

The tenant or any person residing in the dwelling-house has been guilty of conduct which is a nuisance or annoyance to neighbours, or has been convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes.

###### *Ground 3*

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling-house and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph " the common parts" means any part of a building comprising the dwelling-house, and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord.

###### *Ground 4*

The condition of any relevant furniture has deteriorated owing to ill-treatment by the tenant or any person residing in the dwelling-house and, in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph "relevant furniture" means any furniture provided by the landlord for use under the tenancy or for use in any of the common parts (within the meaning given in ground 3).

###### *Ground 5*

The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant.

###### *Ground 6*

The dwelling-house was made available for occupation by the tenant or his predecessor in title while works were carried out on the dwelling-house which he previously occupied as his only or principal home and—

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- (a) he (or his predecessor in title) was a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home ;
- (b) he (or his predecessor in title) accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on completion of the works, the other dwelling-house was again available for occupation by him under a secure tenancy; and
- (c) the works have been completed and the other dwelling. house is so available.

*Ground 7*

The dwelling-house is overcrowded, within the meaning of the 1957 Act, in such circumstances as to render the occupier guilty of an offence.

*Ground 8*

The landlord intends, within a reasonable time of obtaining possession of the dwelling-house—

- (a) to demolish or reconstruct the building or part of the building comprising the dwelling-house ; or
- (b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling-house;

and cannot reasonably do so without obtaining possession of the dwelling-house.

*Ground 9*

The landlord is a charity within the meaning of the Charities Act 1960 and the tenant's continued occupation of the dwelling-house would conflict with the objects of the charity.

*Ground 10*

The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the dwelling-house and—

- (a) there is no longer such a person residing in the dwelling house ; and
- (b) the landlord requires it for occupation (whether alone or with other members of his family) by such a person.

*Ground 11*

The landlord is a housing association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing; and—

- (a) either there is no longer such a person residing in the dwelling-house or the tenant has received from a local authority an offer of accommodation in premises which are to be let as a separate dwelling under a secure tenancy; and
- (b) the landlord requires the dwelling-house for occupation (whether alone or with other members of his family) by such a person.

*Ground 12*

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and—

- (a) a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs ;
- (b) there is no longer a person with those special needs residing in the dwelling-house; and
- (c) the landlord requires the dwelling-house for occupation (whether alone or with other members of his family) by a person who has those special needs.

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### *Ground 13*

The accommodation afforded by the dwelling-house is more extensive than is reasonably required by the tenant and—

- (a) the tenancy vested in the tenant, by virtue of section 30 of this Act, on the death of the previous tenant;
- (b) the tenant was qualified to succeed by virtue of subsection (2)(b) of that section ; and
- (c) notice of the proceedings for possession was served under section 33 of this Act more than six months, but less than twelve months, after the date of the previous tenant's death.

## **PART II**

### SUITABILITY OF ACCOMMODATION

1 (1) For the purposes of this Part of this Act, accommodation is suitable if it consists of premises—

- (a) which are to be let as a separate dwelling under a secure tenancy, or
- (b) which are to be let as a separate dwelling under a protected tenancy (other than one of a kind mentioned in subparagraph (2) below) within the meaning of the 1977 Act,

and, in the opinion of the court, the accommodation is reasonably suitable to the needs of the tenant and his family.

(2) The kind of protected tenancy referred to in sub-paragraph (1) above is one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of Schedule 15 to the 1977 Act (cases where court must order possession).

2 In detemining whether it is reasonably suitable to those needs regard shall be had to—

- (a) the nature of the accommodation which it is the practice of the landlord to allocate to persons with similar needs ;
- (b) the distance of the accommodation available from the place of work or education of the tenant and of any members of his family;
- (c) its distance from the home of any member of the tenant's family if proximity to it is essential to that member's or the tenant's well-being;
- (d) the needs (as regards extent of accommodation) and means of the tenant and his family ;
- (e) the terms on which the accommodation is available and the terms of the secure tenancy ;
- (f) if any furniture was provided by the landlord for use under the secure tenancy, whether furniture is to be provided for use in the other accommodation and, if it is, the nature of that furniture;

but where possession is sought on ground 7, accommodation otherwise reasonably suitable to the needs of the tenant and his family shall not be deemed not to be so by reason only that the permitted number of persons, computed under Schedule 6 to the 1957 Act in relation to the number and floor area of the rooms in it, is less than the number of persons living in the dwelling-house of which possession is sought.

- 3           Where the landlord is not a local authority for the purposes of Part V of the 1957 Act, a certificate of such an authority certifying that the authority will provide suitable accommodation for the tenant by a date specified in the certificate shall be conclusive evidence that suitable accommodation will be available for him by that date, if the dwelling-house of which possession is sought is situated in the district for supplying the needs of which the authority has power under that Part of that Act.

## SCHEDULE 5

Section 58.

### APPLICATION OF LANDLORD AND TENANT ACT 1954 TO ASSURED TENANCIES

- 1           The exceptions and modifications referred to in section 58(1) and (2) of this Act are as follows.
- 2           Sections 23,43 and 56 to 60B do not apply.
- 3           In relation to an assured tenancy the expression " the holding " (which is defined for the purposes of Part II in section 23(3)) means the property comprised in the tenancy.
- 4           (1) Section 30 applies as if—
- (a) for paragraph (d) in subsection (1) there were substituted the following paragraph—
    - “(d) that the landlord has offered and is willing to provide or secure the provision of suitable alternative accommodation for the tenant,”;
  - (b) in subsection (2) for the words from " a tenancy " to the end there were substituted the words " an assured tenancy or successive assured tenancies "; and
  - (c) at the end there were added the subsections set out in sub paragraph (2) below.
- (2) The following are the subsections added to section 30 in its application to assured tenancies—
- “(4) Accommodation shall be deemed to be suitable if it consists of either—
    - (a) premises which are to be let as a separate dwelling such that they will then be let on an assured tenancy or on a protected or secure tenancy, or
    - (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to that afforded by this Part of this Act in the case of an assured tenancy,and, in the opinion of the court, the accommodation fulfils the conditions mentioned below.
- (5) The conditions are that the accommodation is reasonably suitable to—
- (a) the needs of the tenant and his family as regards proximity to place of work ;
  - (b) the means of the tenant; and
  - (c) the needs of the tenant and his family as regards extent and character; and

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that if any furniture was provided for use under the assured tenancy in question, furniture is provided for use in the accommodation which is either similar to that so provided or is reasonably suitable to the needs of the tenant and his family.

(6) Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Housing Act 1957.

(7) In this section—

" assured tenancy " has the same meaning as in section 56 of the Housing Act 1980 ;

" protected tenancy " means a protected tenancy within the meaning of the Rent Act 1977, other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of Schedule 15 to that Act (cases where the court must order possession); and " secure tenancy " has the same meaning as in section 28 of the Act of 1980.”

5 Section 31A applies as if in subsection (1)(a) for the words " for the purposes of the business carried on by the tenant" there were substituted " as a residence for the tenant and his family " .

6 Section 34 applies as if in subsection (2)(b) for the words from "tenancies" to the end there were substituted the words " assured tenancies (within the meaning of section 56 of the Housing Act 1980); and " .

7 Section 37 applies as if for subsections (2) and (3) there were substituted the following subsection—

“(2) The said amount shall be the rateable value of the holding.”.

8 Section 38 applies as if in subsection (2) the words from the beginning to the end of paragraph (b), and subsection (3), were omitted.

9 Section 63(7)(a) applies as if reference to section 23(3) of the Act of 1954 were a reference to paragraph 3 of this Schedule.

## SCHEDULE 6

Section 59.

### APPLICATIONS FOR REGISTRATION OF RENT

1 Schedule 11 to the 1977 Act (applications for registration of rent) is amended as follows.

2 For paragraphs 2 and 3 there are inserted the following paragraphs—

“2 (1) Where the application is made jointly by the landlord and the tenant and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 1 above, that the rent specified in the application is a fair rent, he may register that rent without further proceedings.

(2) Where the rent officer registers a rent under this paragraph he shall notify the landlord and tenant accordingly.

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- 3 (1) In the case of an application which does not fall within paragraph 2 above, the officer shall serve on the landlord and on the tenant a notice—
- (a) stating the rent specified in the application ;
  - (b) stating any sum specified in the application in accordance with section 67(2)(b) of this Act; and
  - (c) inviting the person on whom the notice is served to state, within a period of not less than seven days after the service of the notice, whether he wishes the rent officer to consider, in consultation with the landlord and the tenant, what rent ought to be registered for the dwelling-house.
- (2) Where, in pursuance of section 67(2)(b), the application was accompanied by details of the landlord's expenditure in connection with the provision of services, a notice under this paragraph shall be accompanied by a copy of those details.
- 3A If, after service of a notice by the rent officer under paragraph 3 above, no request is made within the period specified in the notice for the rent to be considered as mentioned in paragraph 3(1)(c) above, the rent officer after considering what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, may—
- (a) determine a fair rent and register it as the rent for the dwelling-house; or
  - (b) confirm the rent for the time being registered and note the confirmation in the register ; or
  - (c) serve a notice under paragraph 4(2) below.”
- 3 For sub-paragraph (1) of paragraph 4 there is substituted the following sub-paragraph—
- “(1) Where, in response to a notice served by the rent officer under paragraph 3 above, the landlord or the tenant asks for the rent to be considered as mentioned in paragraph 3(1)(c), the rent officer shall serve a notice under this paragraph.”.
- 4 In sub-paragraph (2) of paragraph 4, for the word "notice" there are inserted the words " notice, or 14 days in a case falling within paragraph 3(1)(b) above ".
- 5 After sub-paragraph (3) of paragraph 4 there is inserted the following sub-paragraph—
- “(4) The rent officer may, where he considers it appropriate, arrange for consultations in respect of one dwelling-house to be held together with consultations in respect of one or more other dwelling-houses.”
- 6 In paragraph 5, for the words " and shall", immediately after sub-paragraph (b), there is substituted—
- “5A Where a rent has been registered or confirmed by the rent officer under paragraph 3A or 5 above, he shall”.
- 7 In paragraph 6(1) for " 5 " there is substituted " 5A ".

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

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## SCHEDULE 7

Section 66.

### AMENDMENT OF SCHEDULE 15 TO 1977 ACT

The following new Part is inserted at the end of Schedule 15 to the 1977 Act (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies)—

#### “PART V

##### PROVISIONS APPLYING TO CASES 11, 12 AND 20

- 1 In this Part of this Schedule—
- ' mortgage ' includes a charge and ' mortgagee ' shall be construed accordingly;
  - ' owner ' means, in relation to Case 11, the owner-occupier ; and
  - ' successor in title ' means any person deriving title from the owner, other than a purchaser for value or a person deriving title from a purchaser for value.
- 2 The conditions referred to in paragraph (c) in each of Cases 11 and 12 and in paragraph (e)(ii) of Case 20 are that—
- (a) the dwelling-house is required as a residence for the owner or any member of his family who resided with the owner when he last occupied the dwelling-house as a residence ;
  - (b) the owner has retired from regular employment and requires the dwelling-house as a residence ;
  - (c) the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death ;
  - (d) the owner has died and the dwelling-house is required by a successor in title as his residence or for the purpose of disposing of it with vacant possession ;
  - (e) the dwelling-house is subject to a mortgage, made by deed and granted before the tenancy, and the mortgagee—
    - (i) is entitled to exercise a power of sale conferred on him by the mortgage or by section 101 of the Law of Property Act 1925 ; and
    - (ii) requires the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power; and
  - (f) the dwelling-house is not reasonably suitable to the needs of the owner, having regard to his place of work, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that disposal in acquiring, as his residence, a dwelling-house which is more suitable to those needs.”.



## SCHEDULE 8

Section 73.

### CROWN ESTATE AND DUCHIES— CONSEQUENTIAL PROVISIONS

#### PART I

##### RENT ACT 1977

- 1 Where a tenancy granted before the commencement of section 73 of this Act becomes, or would but for its low rent become, a protected tenancy by virtue of that section, section 5 of the 1977 Act applies as if in relation to the dwelling-house the appropriate day were the commencement of that section.
- 2 In Part I of Schedule 15 to the 1977 Act the following is inserted after paragraph (b) of Case 6:
- “(bb) the commencement of section 73 of the Housing Act 1980, in the case of a tenancy which became a regulated tenancy by virtue of that section.”
- 3 In Part II of Schedule 15 to the 1977 Act any reference to the relevant date shall (notwithstanding paragraph 2 of Part III of that Schedule) be construed, in the case of a tenancy which becomes a regulated tenancy by virtue of section 73 of this Act as meaning the date falling six months after the passing of this Act.
- 4 (1) Part II of Schedule 18 to the 1977 Act applies to a tenancy which becomes a regulated tenancy by virtue of section 73 of this Act (unless it is a tenancy falling within sub-paragraph (2) below).
- (2) Nothing in Part IX of the 1977 Act applies to the assignment, before the end of the year 1990, of a tenancy which falls within this sub-paragraph; and a tenancy falls within this sub-paragraph if it was granted for a term certain and its terms do not inhibit both the assignment and the underletting of the whole of the premises comprised in the tenancy, and either—
- (a) it was granted before the commencement of section 73 of this Act and became a regulated tenancy by virtue of that section; or
- (b) it is a regulated tenancy by virtue of that section and was granted to a person who, at the time of the grant, was the tenant of the premises comprised in it under a regulated tenancy which also fell within this sub-paragraph.
- (3) For the purposes of sub-paragraph (2) above the terms of a tenancy inhibit an assignment or underletting if they—
- (a) preclude it; or
- (b) permit it subject to a consent but exclude section 144 of the Law of Property Act 1925 (no payment in nature of fine); or
- (c) permit it subject to a consent but require in connection with a request for consent the making of an offer to surrender the tenancy.

#### PART II

##### RENT (AGRICULTURE) ACT 1976

- 5 Where the question whether a person is a qualifying worker for the purposes of the Rent (Agriculture) Act 1976 arises by virtue of section 73 of this Act, Part II of

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Schedule 3 to that Act applies as if the date of operation for forestry workers were the commencement of that section.

6 Where a protected occupancy or statutory tenancy within the meaning of the Rent (Agriculture) Act 1976 arises at the commencement of section 73 of this Act, Cases VIII and X in Schedule 4 to that Act apply in relation to it as if the operative date were that commencement.

7 For the purpose of determining whether, at the commencement of section 73 of this Act, a person becomes a statutory tenant for the purposes of the Rent (Agriculture) Act 1976 and of applying that Act to him if he does, paragraph 3 of Schedule 9 to that Act applies as if the operative date were that commencement.

8 Paragraphs 6 and 7 above apply in relation to forestry workers as they apply in relation to other persons and paragraph 7 of Schedule 9 to the Rent (Agriculture) Act 1976 does not apply.

### PART III

#### GENERAL

9 Where an interest belongs to Her Majesty in right of the Duchy of Lancaster, then, for the purposes of Part I of the Landlord and Tenant Act 1954, the Rent (Agriculture) Act 1976 or the 1977 Act, the Chancellor of the Duchy of Lancaster shall be deemed to be the owner of the interest.

10 Where an interest belongs to the Duchy of Cornwall, then, for the purposes of Part I of the Landlord and Tenant Act 1954, the Rent (Agriculture) Act 1976 or the 1977 Act, the Secretary of the Duchy of Cornwall shall be deemed to be the owner of the interest.

### SCHEDULE 9

Section 74.

#### PROVISIONS SUPPLEMENTING SECTION 74

1 Paragraphs 2 to 6 below apply to any tenancy which was a protected or statutory tenancy but which, by virtue of the landlord becoming a "housing trust" within the meaning of section 15 of the 1977 Act, has ceased to be such a tenancy.

2 If the tenancy—

- (a) was a statutory tenancy ; and
- (b) would have become a secure tenancy had it previously been a protected tenancy;

it shall be treated for the purposes of Chapter II of Part I of this Act as if it were a secure tenancy for a term certain which, at the time when it ceased to be a statutory tenancy, came to an end by effluxion of time.

3 Registration of a rent, or of a different rent, for the dwelling-house shall be effected in pursuance of section 87 of the 1977 Act; but until such time as a rent is so registered—

- (a) the rent recoverable under the tenancy ; and

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- (b) where a rent was registered for the dwelling-house under Part IV of the 1977 Act, the time at which an application for a different registered rent may be made ;
- shall be determined as if the tenancy had continued to be a regulated tenancy.
- 4 If the tenant was a successor within the meaning of Schedule 1 to the 1977 Act he shall not be treated as a successor for the purposes of Chapter II of Part I of this Act.
- 5 Section 33 of this Act does not apply in any case where proceedings for possession were begun before the tenancy ceased to be a protected or statutory tenancy; but in such a case the court shall allow the parties to take such steps in relation to the proceedings as it considers appropriate in consequence of the tenancy becoming a secure tenancy.
- 6 (1) This paragraph applies in any case where—
- (a) the tenant died before the date on which the tenancy ceased to be a protected or statutory tenancy ; and
  - (b) there was then more than one member of his family entitled to succeed him as statutory tenant but no decision had, by that date, been reached as to which of them was to succeed.
- (2) In a case to which this paragraph applies, the person who is to be the secure tenant of the dwelling-house on the tenancy becoming a secure tenancy shall be selected by the landlord from among those mentioned in sub-paragraph (1)(b) above notwithstanding that the question may have been referred to the county court in accordance with paragraph 1(7) of Schedule 1 to the 1977 Act.

## SCHEDULE 10

Section 77.

### AMENDMENT OF PART VI OF RENT ACT 1977

- 1 (1) Section 86 of the 1977 Act is amended as follows.
- (2) In subsection (2) after the word " tenancy", where it first occurs, there are inserted the words " (other than a co-ownership tenancy) ".
- (3) In subsection (3), for the words from " is a registered society " to the end there are substituted the words " falls within section 15(3)(c)of this Act ".
- (4) After subsection (3) there is inserted the following subsection—
- “(3A) For the purposes of this section a tenancy is a ' co-ownership tenancy' if—
- (a) it was granted by a housing association which falls within section 15(3)(d) of this Act; and
  - (b) the tenant (or his personal representatives) will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling-house.”.
- (5) For subsection (4) there is substituted the following subsection—

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“(4) In this Part of this Act " housing trust" has the same meaning as in section 15 of this Act.”.

- 2 (1) For section 89 of the 1977 Act (phasing of progression to registered rent) there is substituted the following section—

**“89 Phasing of progression to registered rent.**

- (1) This section applies where a rent is registered for a dwelling-house (whether it is the first or any subsequent registration) unless at the date of registration there is no tenant and no person to whom a tenancy has been granted.
- (2) The rent for any rental period, or part of a rental period, falling within the period of delay imposed by Schedule 8 to this Act may be increased in accordance with that Schedule.
- (3) A notice of increase which purports to increase the rent further than permitted by Schedule 8 shall have effect to increase it to the extent permitted, but no further.
- (4) Nothing in this section or in Schedule 8 prevents or limits any increase in rent by virtue of section 71(4) of this Act as applied by section 87(2) of this Act.”.
- (2) In relation to a rent registered before the commencement of sub-paragraph (1) above, that sub-paragraph and Schedule 8 to the 1977 Act as applied by that sub-paragraph are subject to the following modifications.
- (3) The period of delay is a period ending one year after the end of the stage (within the meaning of section 89 of the 1977 Act as originally enacted) which last began before the commencement of sub-paragraph (1) above ; and—
- (a) for any period falling within that stage section 89 applies as originally enacted ; and
- (b) for any later period falling within the period of delay the permitted increase is whichever of the following is the greater—
- (i) the increase that would have been permitted if this Act had not been passed ; and
- (ii) the increase that would be permitted under Schedule 8 to the 1977 Act if the formula set out in paragraph 3 fas substituted by section 60(3) of this Act) were

$$P + \frac{1}{2} (R - P)$$

- 3 Sections 90 (special rent limit where previous rent limit exceeds registered rent) and 91 (procedure on application to Secretary of State under section 90) of the 1977 Act are hereby repealed.

- 4 In section 92 (conversion of housing association tenancies into regulated tenancies) in subsection (1) the words " in such form as may be prescribed " are hereby repealed.

- 5 (1) Section 93 of the 1977 Act (increase of rent without notice to quit) is amended as follows.

- (2) In subsection (1), for the words from " given by the landlord " to the end there are substituted the words " specifying the date on which the increase is to take effect and given by the landlord to the tenant not later than four weeks before that date. ".
- (3) For subsection (2) there is substituted the following subsection—
- “(2) Where a notice of increase is given under subsection (1) above and the tenant, before the date specified in the notice of increase, gives a valid notice to quit, the notice of increase does not take effect unless the tenant, with the written agreement of the landlord, withdraws his notice to quit before that date.”.
- (4) Subsection (3) is hereby repealed.
- (5) This paragraph only applies to notices of increase given after the commencement of this paragraph.

## SCHEDULE 11

Section 96.

SUPERSEDED ENACTMENTS RELATING TO SUBSIDIES,  
GRANTS AND CONTRIBUTIONS TO HOUSING AUTHORITIES**PART I**

## SUBSIDIES PAYABLE UNTIL 1980-81

The Housing Rents and Subsidies Act 1975 sections 2 and 4.  
The Development of Rural Wales Act 1976 section 18.

**PART II**

## CONTRIBUTIONS TOWARDS COSTS OF IMPROVEMENT OR CONVERSION

The Housing Act 1969 sections 17 to 19.  
The Housing Act 1971 sections 1 and 2.  
The Housing Act 1974 section 79.

## SCHEDULE 12

Section 107.

AMENDMENTS OF [HOUSING ACT 1974 \(C.44\)](#) PART VII (LOCAL AUTHORITY GRANTS)*Consideration of application for grant*

- 1 In section 57(3) (application not to be entertained unless certain conditions are complied with) for " entertain " substitute " approve ".

*Withdrawal of application for grant and submission of new one*

- 2 In section 57(6), omit the words " Except in so far as this Act otherwise provides " ; and after that subsection insert—

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“(6A) Subsection (6) does not apply if the relevant works have not been begun and either—

- (a) more than 2 years have elapsed since the date on which the previous application was approved ; or
- (b) the application is made with a view to taking advantage of orders under section 59 below.”

*Standard amenities*

3 After section 58(2) insert—

“(3) An order under subsection (2) above shall be subject to annulment in pursuance of a resolution of the House of Commons.”

*"Appropriate percentage"e for determining amount, or maximum amount, of grant*

4 For section 59 substitute—

**“59 Appropriate percentage.**

- (1) In this Part of this Act "the appropriate percentage " (which is relevant for determining the amount or the maximum amount of grant) shall be a percentage ascertained from orders made by the Secretary of State with the consent of the Treasury and in force when the application for grant is approved.
- (2) Orders under this section shall operate with respect to applications for grant approved after such date as may be specified in the applicable order; but an order shall not be made unless a draft of it has been approved by resolution of the House of Commons, and shall not specify a date earlier than die date of the laying of the draft.”

*Certificates of future occupation*

5 In section 60, substitute the following for subsections (3) and (4)—

“(3) A " certificate of owner-occupation" is a certificate stating that the applicant for the grant intends that, on or before the first anniversary of the certified date and throughout the period of 4 years beginning on that first anniversary, the dwelling will be the only or main residence of, and will be occupied exclusively by, either—

- (a) the applicant himself and members of his household (if any); or
- (b) a person who is a member of the applicant's family, or a grandparent or grandchild of the applicant or his spouse, and members of that person's household (if any).

(4) But in a case where application for grant is made by the personal representatives of a deceased person or by trustees, it is a certificate stating that the applicants are personal representatives or trustees and intend that, on or before the first anniversary of the certified date and throughout the period of 4 years beginning on that first anniversary, the dwelling will be the only or main residence of, and exclusively occupied by, either—

- (a) a beneficiary and members of his household (if any); or

- (b) a person related to a beneficiary by being a member of his family or a grandparent or grandchild of the beneficiary or his spouse, and members of that person's household (if any);

and "beneficiary" means a person who, under the will or intestacy or, as the case may require, under the terms of the trust, is beneficially entitled to an interest in the dwelling or the proceeds of sale of it."

- 6 In section 60(5), add at the end—

“(disregarding any part of that period in which neither of the above paragraphs applies but the dwelling is occupied by a person who is a protected occupier under the Rent (Agriculture) Act 1976).”.

*Improvement grants*

- 7 After section 62(4) insert—

“(5) Subsections (1) and (2) above do not apply to dwellings in housing action areas.

- (6) Those subsections do not apply where the application for an improvement grant is made in respect of a dwelling for a disabled occupant and it appears to the local authority that the works are needed to meet a requirement arising from the particular disability from which the disabled occupant suffers.”

- 8 Omit section 64(7).

*Intermediate grants*

- 9 For section 66 substitute—

**“66 Conditions of approval.**

A local authority shall not approve an application for an intermediate grant unless—

- (a) they are satisfied that on completion of the relevant works the dwellings or, as the case may be each of the dwellings, to which the application relates will be fit for human habitation (to be determined in accordance with section 4 of the Housing Act 1957); or
- (b) it seems reasonable in all the circumstances to do so even though the dwelling or dwellings will not reach that standard on completion of the relevant works.”

- 10 (1) In section 67(2) omit paragraph (b) and the word " and " immediately preceding it.

- (2) For section 67(3) substitute—

“(3) Where the relevant works specified in an application for an intermediate grant include works of repair or replacement which go beyond those needed, in the opinion of the local authority, to put the dwelling into 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 the period during which it is likely to be available for use as a dwelling, the local authority may, with the consent of the applicant, treat the application as varied so that the relevant works—

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- (a) are confined to works other than works of repair or replacement; or
  - (b) include only such works of repair or replacement as (taken with the rest of the relevant works) will, in the opinion of the local authority, put the dwelling into reasonable repair,
- and may approve the application as so varied.”
- (3) Omit section 67(4).
- 11 (1) In section 68(3)(a) for " £800 or such other amount as may be prescribed " substitute " the relevant limit ".
- (2) In section 68, after subsection (3) insert—
- “(3A) The relevant limit for the purposes of subsection (3)(a) above is—
- (a) £2,000 or such other amount as may be prescribed in a case where either—
    - (i) the dwelling will, in the opinion of the local authority, be put on completion of the relevant works into 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 the period during which it is likely to be available for use as a dwelling ; or
    - (ii) it appears to the local authority that the applicant could not without undue hardship finance the cost of the works necessary to put the dwelling into reasonable repair;
  - (b) in any other case, the amount obtained by multiplying the number of standard amenities to be provided on completion of the relevant works by £200 or such other amount as may be prescribed, but subject to a maximum of £800 or such other amount as may be prescribed.
- (3B) An order under subsection (3A) above prescribing an amount shall be subject to annulment in pursuance of a resolution of the House of Commons.”.

*Repairs grant*

- 12 (1) In section 71, for subsection (2) substitute—
- “(2) A local authority shall not in any case approve an application for a repairs grant unless—
- (a) they are satisfied that the relevant works are of a substantial and structural character ; or
  - (b) the relevant works satisfy requirements prescribed (with the consent of the Treasury).”
- (2) In section 71(3), omit paragraph (a) and after that subsection insert—
- “(3A) But an application for a repairs grant shall not be approved—
- (a) unless it is in respect of an old dwelling (within any meaning given to that expression by an order made by the Secretary of State); and
  - (b) in the case of a dwelling situated elsewhere than in a housing action area where the application is accompanied by a certificate of owner-occupation, unless the rateable value (at the date of the application) is within limits specified by an order so made.



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(3B) Orders under subsection (3A)(b) require the consent of the Treasury.”

13 After section 71 insert—

**“71A Mandatory repairs grant.**

In so far as an application for a repairs grant relates to the execution of works required by a notice under section 9 of the Housing Act 1957

- (a) section 60 above shall not apply ; and
- (b) the authority shall not refuse it if it is duly made and the authority are satisfied that the works are necessary for compliance with the notice.”

14 (1) After section 72(3), insert—

“(3A) An order under this section prescribing an amount shall be subject to annulment in pursuance of a resolution of the House of Commons.”

(2) For section 72(4) substitute—

“(4) The amount of a repairs grant—

- (a) so far as the grant is made in pursuance of section 71A above, shall be the appropriate percentage of the eligible expense ; and
- (b) otherwise shall be such as may be fixed by the local authority when they approve the application for the grant, but shall not exceed the appropriate percentage of the eligible expense.

(4A) With the notification under subsection (1) above the local authority shall send to the applicant a notification of the amount of the grant.”

(3) In section 72(5), for " subsection (4)" substitute " subsection (4A) "

*Special grants for houses in multiple occupation*

15 In section 56(2) of the Act, for paragraph (c) substitute—

“(c) a " special grant " in respect of works required for the improvement of a house in multiple occupation by the provision of (both or either)

- (i) standard amenities,
- (ii) means of escape from fire.”.

16 (1) In section 69, for subsection (2) substitute—

“(2) An application for a special grant must state by how many households and individuals the house concerned is occupied and (as applicable)—

- (a) the standard amenities with which it is already provided ;
- (b) the means of escape from fire which are already available.

(2A) Subject to section 69A, the application shall not be approved unless the local authority are satisfied that on completion of the relevant works the house will attain the relevant standard of repair.

(2B) If, in the opinion of the authority, the relevant works are more extensive than is necessary for the purpose of securing that the house will attain that standard, the authority may (with the consent of the applicant) treat the

application as varied so that the relevant works include only such works as seem to the local authority necessary for that purpose ; and they may then approve the application as so varied.

(2C) For the purposes of this section a house shall be taken to attain the relevant standard of repair if 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.”.

- (2) In section 84, at the end of the definition of " the relevant standard " add “and  
 (d) in relation to a special grant, the relevant standard referred to in section 69(2C) above.”

17 After section 69 insert—

**“69A Mandatory special grants.**

(1) In so far as an application for a special grant relates to the provision of standard amenities, the authority shall not refuse it if it is duly made and the authority are satisfied that the relevant works are necessary for compliance with so much of a notice under section 15 of the Housing Act 1961 as relates to standard amenities.

(2) In so far as such an application relates to the provision of means of escape from fire, the authority shall not refuse it if it is duly made and the authority are satisfied that the relevant works are necessary for compliance with a notice under Schedule 24 to the Housing Act 1980.”

18 (1) For section 70 substitute—

**“70** (1) Where a local authority approve an application for a special grant they shall determine the amounts of the expenses which they think proper to be incurred respectively for those of the relevant works which—

- (a) consist in providing standard amenities ;
- (b) relate to the provision of means of escape from fire ; and
- (c) consist of works of repair or replacement;

and the authority shall notify the applicant of the amounts so determined by them.

(2) If the applicant satisfies the local authority that the relevant works cannot be, or could not have been, carried out without additional works and that this could not have been reasonably foreseen at the time the application was made, the local authority may determine a higher amount under any of paragraphs (a) to (c) of subsection (1).

(3) The amount of a special grant—

- (a) so far as the grant is made in pursuance of section 69A above, shall be the appropriate percentage of the eligible expense ascertained under section 70A below; and
- (b) otherwise shall be such as may be fixed by the local authority when they approve the application for the grant but shall not exceed the appropriate percentage of the eligible expense ascertained under section 70A below.

(4) With the notification under subsection (1) above, the local authority shall send to the applicant a notification of the amount of the grant.

(5) If, after the amount of a special grant has been notified, the local authority under subsection (2) determine a higher amount under any of the heads of subsection (1), the eligible expense shall be recalculated under section 70A; and if the amount of it is then greater than when the application for grant was approved, the amount of the grant shall be increased, and the applicant notified, accordingly.”.

(2) In section 82(2) for " 70(3) " substitute " 70(2) ".

19 After section 70 insert—

**“70A Eligible expense for purposes of special grant.**

(1) Except in a case or description of case in respect of which the Secretary of State approves a higher eligible expense, the eligible expense for the purposes of a special grant shall be the aggregate of the contributory elements specified in the following subsections.

(2) As regards the provision of standard amenities, the contributory element is so much of the amount determined under section 70(1)(a) as does not exceed the aggregate of the amounts specified in the second column of Part I of Schedule 6 to this Act in relation to each of the standard amenities which are to be provided by the relevant works (so that, where the relevant works make provision for more than one standard amenity of the same description, a separate amount shall be aggregated for each of those amenities).

(3) As regards the provision of means of escape from fire, the contributory element is so much of the amount determined under section 70(1)(b) as does not exceed £6,750 or such other amount as may be prescribed.

(4) As regards works of repair or replacement, the contributory element is so much of the amount determined under section 70(1)(c) as does not exceed £2,000 or such other amount as may be prescribed.

(5) An order under this section prescribing an amount shall be subject to annulment in pursuance of a resolution of the House of Commons.”

*Standard of improvement, repair, etc.*

20 (1) In section 61(3)(6) for " good repair " substitute " reasonable repair ".

(2) In section 61 insert after subsection (4)—

“(4A) A local authority may dispense, to the extent they think fit, with any of the conditions specified in paragraphs (a) to (c) of subsection (3) if they are satisfied that the applicant could not, without undue hardship, finance the cost of the works without the assistance of a grant.”

(3) In section 71(5) for "good repair" substitute " reasonable repair ".

*Grant conditions*

21 In section 73(3)—

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

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- (a) for paragraph (a) substitute—
  - “(a) the applicant for the grant and—
    - (i) in a case where the application was accompanied by a certificate of owner-occupation with respect to the dwelling, any person who derives title to the dwelling through or under the applicant; or
    - (ii) in a case where the application was accompanied by a certificate of availability for letting with respect to the dwelling, any person who derives title to the dwelling through or under the applicant otherwise than by a conveyance for value;”.
- (b) after paragraph (a), insert—
  - “(aa) a person who is a member of the applicant's family or a grandparent or grandchild of the applicant or his spouse; and”
- (c) at the end of paragraph (b) insert—
  - “and
    - (bb) a person related to one who qualifies under paragraph (b) above, by being a member of his family or a grandparent or grandchild of his or of his spouse”.

22 At the end of section 73(4) insert—

“(disregarding any part of that period in which neither of the above paragraphs applies but the dwelling is occupied by a person who is a protected occupier under the Rent (Agriculture) Act 1976)”.

23 In section 74(1) after "they shall" insert " (subject to subsection (2A) below) " and after section 74(2) insert—

“(2A) Where, apart from this subsection, a local authority would be required to impose the conditions specified in subsection (2) above with respect to a dwelling in respect of which a certificate of owner-occupation has been given but it appears to the local authority that in the special circumstances of the case it would be reasonable to dispense with the conditions they shall not be required to impose the conditions.”.

24 (1) In section 74(3), after paragraph (c) insert “or

- (d) which is occupied by a person who is a protected occupier or statutory tenant under the Rent (Agriculture) Act 1976.”

(2) In section 74, after subsection (3), insert—

“(3A) There shall be disregarded for the purposes of subsection (3)(b) above any letting to the applicant for the grant or a member of his family, or a grandparent or grandchild of the applicant or his spouse.”

#### *Payment of grant by instalments*

25 In section 82, for subsection (4) substitute—

“(4) Where grant is paid in instalments, the aggregate of the instalments paid before the completion of the works shall not at any time exceed—

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

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- (a) in the case of intermediate grant, the appropriate percentage of the total cost of the works so far executed;
- (b) in the case of improvement grant, special grant or repairs grant, an amount bearing to that total cost the same proportion as the fixed amount of the grant bears to the eligible expense.”

*Repair and special grants (consequential)*

- 26 (1) In section 57(3) for " section 83 " substitute " sections 69A, 71A and 83 ".  
(2) At the beginning of section 57(5) insert " Except under section 69A or 71A ".

*Parliamentary control*

- 27 In section 128(4) after "46" insert " 58 " and after "64" insert " 68, 70A, 72 ".

*Tenants' grants (consequential)*

- 28 In section 57(3), after " below" insert " and section 106 of the Housing Act 1980 ".  
29 In section 60 insert after subsection (1)—  
“(1A) This section does not apply to an application made under section 106 of the Housing Act 1980”.
- 30 (1) At the end of section 73(3) insert—  
“and where an application for a grant is accompanied by a certificate under section 106(2) of the Housing Act 1980 this subsection shall apply with the substitution for references to the applicant of references to the person who gave the certificate. (2) In section 73(4) after " certificate of availability for letting " insert " or a certificate under the said section 106(2)”.
- 31 In section 74(1), after "subsection (3) below" insert " and section 106(4) of the Housing Act 1980. "  
32 In section 81(2), after "section 57(3) above" insert " or section 106(1) of the Housing Act 1980 ".

SCHEDULE 13

Section 109.

GENERAL IMPROVEMENT AREAS AND HOUSING ACTION AREAS

*General improvement areas*

- 1 (1) In Part II of the 1969 Act section 28 (for which subsection (1) of section 50 of the 1974 Act substituted the two sections set out in Part I of Schedule 5 to that Act) is restored as originally enacted, but with the substitution in subsection (1) of the words " can most appropriately be improved " for the original "ought to be improved".  
(2) Sub-paragraph (1) above does not affect the operation of the sections so substituted in any case where a preliminary resolution under the first of those sections was passed before the commencement of this Schedule.

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

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- 2 Subsections (2) to (4) of subsection 50 of the 1974 Act (termination by Secretary of State of status of general improvement area) shall cease to have effect.
- 3 In relation to any resolution passed by a local authority after the commencement of this Schedule section 30 of the 1969 Act (changes with respect to general improvement areas) shall have effect with the omission of the words " but such a resolution shall be of no effect unless approved by the Minister ".
- 4 In section 35 of the 1969 Act (disposal and appropriation of land)—
- (a) subsections (1), (3), (5) and (7) are hereby repealed ;
  - (b) in subsection (2) for the words from the beginning to " without his consent" there are substituted the words " Where any land is vested in a local authority for the purposes of this Part of this Act they shall not, without the consent of the Secretary of State ";
  - (c) in subsection (4) the words "the consent of the Minister under subsection (2) of this section " are hereby repealed; and
  - (d) in subsection (6) the words from "with the approval" to " particular case " are hereby repealed.
- 5 For section 37 of the 1969 Act (contributions to local authority expenditure incurred under Part II) there is substituted the following section:—
- “**37** (1) The Secretary of State may pay contributions to a local authority towards such expenditure incurred by them under this Part of this Act as he may determine.
- (2) A contribution under this section shall be a sum payable annually for a period of 20 years beginning with the financial year in which the expenditure towards which the contribution is made is incurred and that sum shall be equal to one-half of the annual loan charges referable to that expenditure.
- (3) The aggregate of the expenditure towards which contributions may be made under this section with respect to any general improvement area shall not exceed the sum arrived at by multiplying £400 by the number of dwellings stated by the local authority under the preceding provisions of this Part of this Act to be in the area; but two adjoining general improvement areas may for the purposes of this subsection be treated as one.
- (4) The Secretary of State may, with the consent of the Treasury, by order substitute, in subsection (2) above, another fraction for one-half and, in subsection (3) above, another amount for £400; and he may, with the consent of the Treasury, direct that, in the case of a general improvement area specified in the direction or of a general improvement area of a description so specified, subsections (2) and (3) above shall have effect as if a higher fraction or a greater amount were substituted for the fraction or amount for the time being specified therein.
- (5) An order under subsection (4) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.”
- 6 In section 38 of the 1969 Act after the word " Where " there are inserted the words " any contribution has been paid under section 37 of this Act towards " and the words from "has been approved " to " this Act" are omitted.

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

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*Housing action areas*

- 7 In relation to any resolution passed by a local authority after the commencement of this Schedule, section 38(2)(a) of the 1974 Act (incorporation of general improvement area or part thereof into housing action area) shall have effect with the omission of the words " and approved by the Secretary of State ".
- 8 Section 42 of the 1974 Act (duty to inform Secretary of State of action taken) shall cease to have effect.
- 9 (1) Section 45 of the 1974 Act is amended as follows.
- (2) For subsection (1) there is substituted the following subsection:—
- “(1) For the purpose of improving the amenities in a housing action area, the local authority may—
- (a) carry out on any land belonging to them works other than works to the interior of housing accommodation ; and
- (b) give assistance in accordance with this section towards the carrying out of such works by others ;
- and works which may be carried out or towards the carrying out of which assistance may be given under this section are in this section referred to as " environmental works ".”
- (3) For subsection (3) there is substituted the following subsection:—
- “(3) No assistance may be given under subsection (1) above towards works in respect of which an application for a grant under Part VII of this Act has been approved.”
- 10 (1) For section 46 of the 1974 Act there is substituted the following section: —
- “**46** (1) The Secretary of State may pay contributions to local authorities in respect of such expenditure incurred by them under section 45(1) above as he may determine.
- (2) A contribution under this section shall be a sum payable annually for a period of 20 years beginning with the financial year in which the expenditure towards which the contribution is made is incurred and that sum shall be equal to one-half of the annual loan charges referable to that expenditure.
- (3) For the purposes of subsection (2) above, the annual loan charges referable to any expenditure are the annual sum that, in the opinion of the Secretary of State, would fall to be paid by the local authority for the repayment of principal and payment of interest on a loan repayable over 20 years of an amount equal to the expenditure.
- (4) The aggregate of the expenditure towards which contributions may be made under this section with respect to any housing action area shall not exceed the sum arrived at by multiplying £400 by the aggregate of the number of dwellings, houses in multiple occupation and hostels stated by the local authority, in accordance with section 36(4)(c) above, to be in the area ; but two adjoining housing action areas may for the purposes of this subsection be treated as one.
- (5) The Secretary of State may, with the consent of the Treasury, by order substitute, in subsection (2) above, another fraction for one-half and, in

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

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subsection (4) above, another amount for £400 ; and he may, with the consent of the Treasury, direct that, in the case of a housing action area specified in the direction or of a housing action area of a description so specified, subsections (2) and (4) above shall have effect as if a higher fraction or a greater amount were substituted for the fraction or amount for the time being specified therein.

- (6) An order under subsection (5) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (7) Where a contribution has been paid under this section towards any expenditure, neither the expenditure nor the contribution shall be carried to the authority's Housing Revenue Account except with the consent of the Secretary of State.””

## SCHEDULE 14

Section 116.

### AMENDMENTS OF HOUSING SUBSIDIES ACT 1967 (C.29) PART II

- 1 In section 24 of the 1967 Act, after subsection (2) insert—
- “(2A) Prescribed conditions governing entitlement to subsidy may be imposed by reference to—
- (a) a borrower's personal circumstances;
  - (b) the amount of the loan and the terms of repayment;
  - (c) the use and occupation foreseen for the property on which the loan is secured ; and
  - (d) the existence and terms of any loans taken by a borrower or his spouse before the option notice ;
- and such other conditions may be prescribed as the Secretary of State thinks necessary to ensure that loans are subsidised only in proper cases, that subsidy is withdrawn when the conditions cease to be fulfilled, and that the borrower repays to the Secretary of State any sums paid by him under subsection (2)(a)(ii).”.
- 2 In section 24(3)(c) of the Act, for the words from "a declartion " to " section 24B of this Act is fulfilled " substitute—
- “the prescribed declaration with respect to his personal circumstances and the fulfilment of the subsidy conditions”;
- and in that subsection omit paragraph (d) and all after it.
- 3 In that section, omit subsections (4), (5) and (5A).
- 4 For sections 24A and 24B substitute—

#### “24A Duration of subsidy.

- (1) An option notice shall have effect for the period beginning with the date on which it is signed and ending with whichever of the following events first occurs, namely—
- (a) the satisfaction of the borrower's debt to the lender;



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- (b) the realisation of the security on the interest in land in question, whether or not the borrower's debt is fully satisfied thereby ;
- (c) that interest's ceasing to be security for the loan;
- (d) the vesting of the rights and obligations under the repayment contract of the borrower (or, in the case of joint borrowers, of both or all of them) in some other person who has become beneficially entitled to the interest;
- (e) subject to subsection (2) below, the vesting of the lender's rights under the repayment contract in some other person ;
- (f) if the number of the periodical payments referred to in section 24(1)(c) is not fixed by or ascertainable under the repayment contract, the expiration of 30 years from the beginning of the period for which the option notice has effect;
- (g) the taking effect of a direction under section 24(3A) with respect to the loan ;
- (h) any event which by regulations under section 24(2A) is made to terminate subsidy entitlement, in consequence of the subsidy conditions having ceased to be fulfilled or otherwise.

(2) If at the expiration of the period of 3 months beginning with the date of the vesting referred to in subsection (1)(e) above the other person there referred to is a qualifying lender, the option notice shall not cease to have effect by virtue of that paragraph; and the notice and the provisions of this Part of this Act shall be treated as having continued to have effect during that period as if the other person were a qualifying lender, notwithstanding that at any time during that period he was not so.”

- 5 (1) In section 26(1), for " subsections (2) to (6) of the said section 24 " substitute " sections 24(2) to (6) and 24A above. "
- (2) In section 26(2) for " subsections (2) to (6) of that section " substitute " sections 24(2) to (6) and 24A above " and for " the said subsections (2) to (6) " substitute " sections 24(2) to (6) and 24A above " .
- 6 (1) In section 27(1)(c) after sub-paragraph (iii) insert—
- “and
- (iv) other bodies whose activities and objects appear to him to qualify them for inclusion in this subsection” .
- (2) At the end of section 27(1) insert—
- “(g) trustee savings banks;
- (h) the Scottish Special Housing Association ;
- (j) the Development Board for Rural Wales.” .
- (3) In section 32(1) at the end insert—
- “" subsidy conditions" means conditions prescribed under section 24(2A) of this Act” .

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

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## SCHEDULE 15

Section 118.

### RENT REBATES AND ALLOWANCES

1 Part II of the 1972 Act is amended as follows.

2 For section 18 there is substituted the following section—

**“18 Rent rebates.**

- (1) It shall be the duty of every authority to maintain a scheme for granting, to persons who occupy as their homes dwellings let to them by the authority, rebates from rent calculated in accordance with the provisions of the scheme by reference to their needs and resources.
- (2) A scheme under this section is referred to in this Part of this Act as a 'rebate scheme'.
- (3) No rebate from the rent for any dwelling shall be granted by virtue of this section to any person—
  - (a) if he occupies the dwelling under a licence which was granted as a temporary expedient to a person who entered it, or any other land, as a trespasser (whether or not before the grant another licence of that or any other dwelling has been granted to him); or
  - (b) if he occupies the dwelling in pursuance of a contract of service with the authority the terms of which require that he shall be provided with a dwelling at a rent specified in the contract; or
  - (c) if Part II of the Landlord and Tenant Act 1954 (security of business tenants) applies to his tenancy.
- (4) Where a person who is not the tenant of a dwelling has a licence to occupy the dwelling, granted for a consideration, this Part of this Act, so far as it relates to rebate schemes, applies to the licence as it applies to a tenancy and, as so applied, has effect as if expressions appropriate to a licence were substituted for those appropriate to a tenancy.”.

3 For section 19 there is substituted the following section—

**“19 Rent allowances.**

- (1) It shall be the duty of every local authority to maintain a scheme for granting to private tenants who occupy as their homes dwellings in the authority's area allowances, calculated in accordance with the provisions of the scheme by reference to their needs and resources, towards the rent payable under their tenancies.
- (2) A scheme under this section is referred to in this Part of this Act as an 'allowance scheme'.
- (3) No allowance towards the rent of a dwelling shall be granted by virtue of this section to any person who occupies a dwelling in pursuance of a contract of service the terms of which require that he shall be provided with a dwelling at a rent specified in the contract.
- (4) In this Part of this Act 'private tenant' means a person who is a private tenant by virtue of any of the following provisions of this section.

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- (5) A person is a private tenant if—
- (a) he is a protected or statutory tenant for the purposes of the Rent Act 1977 ;
  - (b) he occupies a dwelling under a contract which is a restricted contract for the purposes of that Act;
  - (c) he occupies a dwelling under a contract which would be a restricted contract but for section 19(5)(c) of the Act of 1977 ;
  - (d) he occupies a dwelling let to him under an assured tenancy within the meaning of section 56 of the Housing Act 1980;
  - (e) he occupies a dwelling let to him by—
    - (i) a county council;
    - (ii) the Housing Corporation ;
    - (iii) a housing association;
    - (iv) a housing trust within the meaning of section 15 of the Act of 1977 ;and his tenancy would be a protected tenancy for the purposes of that Act but for section 14 or 15 of the Act of 1977 ;
  - (f) he occupies a dwelling let to him by a housing co-operative, as defined in paragraph 1 of Schedule 20 to the Housing Act 1980, and his tenancy would be a protected tenancy but for section 16 of the Act of 1977 or, where the housing co-operative is a housing association, but for sections 15 and 16 of the Act of 1977;
  - (g) he is a statutory tenant of premises under the Rent (Agriculture) Act 1976 and the rent payable under his tenancy is not less than two-thirds of the rateable value which is or was the rateable value of his dwelling on the appropriate day for the purposes of the Act of 1977; or
  - (h) he occupies hostel accommodation or shared accommodation.
- (6) In subsection (5)(h) above—
- ' hostel accommodation ' means accommodation in a building in which there is provided, for persons generally or for a class or classes of person, residential accommodation otherwise than in separate and self-contained sets of premises ; and
- ' shared accommodation ' means accommodation which a person occupies together with one or more other persons and of which he would be a private tenant by virtue of any of paragraphs (a) to (g) of subsection (5) above if he had the right to exclusive occupation of the accommodation.
- (7) A person is not a private tenant if he occupies a dwelling let to him by a housing association and he (or his personal representative) will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any conditions stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling.
- (8) Where a person occupies hostel accommodation under a licence, granted for a consideration, this Part of this Act, so far as it relates to allowance schemes, applies to the licence as it applies to a tenancy and, as so applied, has effect as

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if expressions appropriate to a licence were substituted for those appropriate to a tenancy.

(9) In this section ' local authority' does not include the Greater London Council.”.

4 In section 19A(1) for " (4) " there is substituted " (3) ".

5 (1) In section 20(5)—

(a) for paragraph (a) there is substituted the following paragraph—

“(a) that the general level of the rents charged by an authority is exceptionally high by comparison with the general level of the rents charged by other authorities.”;

(b) for paragraph (c) there is substituted the following paragraph—

“(c) that the general level of the rents charged by an authority for a class of dwelling, or of the rents paid by private tenants for a class of dwelling in the area of an authority, is exceptionally high by comparison with the general level of the rents charged by other authorities or, as the case may be, with the general level of the rents paid by private tenants elsewhere”; and

(c) paragraph (d) is hereby repealed.

(2) In section 20(7) the words from " section 19(8) " to " Schedule 3 to this Act" are hereby repealed.

6 (1) In section 24(5) the words " or their allowance scheme, as may be appropriate " and the words from " of Housing Revenue " to " housing account dwellings " are hereby repealed.

(2) For subsection (6) of section 24 there is substituted the following subsection—

“(6) An authority shall also furnish the statutory particulars of their rebate scheme to any person who becomes their tenant, on or before the date on which his tenancy commences.”.

(3) In section 24(9), for the words " tenant of a dwelling " there are substituted the words " private tenant ".

7 (1) In section 25(2), after paragraph (c) there are inserted the following words—

“, and

(d) exclusive of any part of the rent or residue which is fairly attributable to the provision of board”.

(2) In section 25(5). after the word " services" there are inserted the words " or board ".

8 (1) In section 26(1), the following are hereby repealed—

(a) in the definition of " allowance " the words from " but also " to the end;

(b) in the definition of " allowance scheme" the words from " and includes " to the end ; and

(c) the definition of " housing account dwelling ".

(2) In section 26(1) for the definition of " dwelling " there are substituted the following definitions—

“‘ dwelling ' means—

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- (a) in relation to a rebate scheme, any residential accommodation provided by an authority, whether or not comprising separate and self-contained premises; and
    - (b) in relation to an allowance scheme, any premises of which a person is a private tenant for the purposes of this Part of this Act;  
' housing association ' has the meaning assigned to it for the purposes of the Housing Act 1957 by section 189(1) of that Act.”.
  - (3) In section 26(1), for the definition of "tenant" there is substituted the following definition—
    - “ tenant ' means—
    - (a) in relation to a rebate scheme, a person who occupies a dwelling as mentioned in section 18 of this Act, including a successor in title of the person to whom the dwelling was originally let, and
    - (b) in relation to an allowance scheme, a private tenant.”.
- 9 In Schedule 4, in paragraph 1(3)(a) the words from " Housing " to " account" are hereby repealed.

## SCHEDULE 16

Sections 124 and 126.

### REGISTERED HOUSING ASSOCIATIONS

#### PART I

##### ACCOUNTING REQUIREMENTS FOR CHARITABLE

##### HOUSING ASSOCIATIONS

- 1 (1) The charity shall in respect of its housing activities—
  - (a) cause to be kept proper books of account showing its transactions and its assets and liabilities; and
  - (b) establish and maintain a satisfactory system of control of its books of account, its cash holdings and all its receipts and remittances.
- (2) The books of account must be such as to enable a true and fair view to be given of the state of affairs of the society in respect of its housing activities, and to explain its transactions in the course of those activities.
- 2 (1) The charity shall for each period of account prepare—
  - (a) a revenue account giving a true and fair view of the charity's income and expenditure in the period, so far as arising in connection with its housing activities,
  - (b) a balance sheet giving a true and fair view (as at the end of the period) of the state of the charity's affairs.
- (2) The revenue account and balance sheet must be signed by at least two trustees of the charity.
- 3 (1) The charity shall in each period of account appoint a qualified auditor to audit the accounts prepared to comply with paragraph 2.

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- (2) A person is qualified for the purposes of this paragraph if he is either a member of one of the following bodies—
- (a) the Institute of Chartered Accountants in England and Wales;
  - (b) the Institute of Chartered Accountants of Scotland ;
  - (c) the Association of Certified Accountants;
  - (d) the Institute of Chartered Accountants in Ireland ;
  - (e) any other body of accountants established in the United Kingdom and recognised by the Secretary of State for the purposes of section 161(1)(a) of the Companies Act 1948,
- or a person who is for the time being authorised by the Secretary of State under section 161(1)(b) of that Act as being a person with similar qualifications obtained outside the United Kingdom.
- (3) But none of the following shall be appointed—
- (a) any trustee, officer or servant of the charity or of an associated body;
  - (b) any person who is a partner of or in the employment of, or who employs, a trustee, officer or servant of the charity or of an associated body ; or
  - (c) a body corporate;
- and any body of persons is " associated " for this purpose (whether a corporate or unincorporated body, and whether or not itself a charity) if it is essentially under the same management or control as the charity.
- (4) A Scottish firm is qualified for appointment as auditor, notwithstanding sub-paragraph (3)(c) above, if each of the partners in it is qualified for appointment.
- 4 (1) The charity's auditor appointed under this Schedule shall make a report to the charity on the accounts examined by him.
- (2) The report shall state whether, in the auditor's opinion—
- (a) the revenue account gives a true and fair view of the income and expenditure of the charity in respect of its housing activities and of any other matters to which it relates ; and
  - (b) the balance sheet gives a true and fair view of the state of affairs of the charity as at the end of the period of account
- 5 (1) It shall be the duty of the charity's auditor so appointed, in preparing his report, to carry out such investigations as will enable him to form an opinion as to the following matters—
- (a) whether the charity has kept, in respect of its housing activities, proper books of account in accordance with the requirements of this Schedule;
  - (b) whether the charity has maintained a satisfactory system of control over its transactions in accordance with all those requirements; and
  - (c) whether the accounts are in agreement with the charity's books.
- (2) If the auditor is of opinion that the charity has failed in any respect to comply with this Schedule, or if the accounts are not in agreement with the books, the auditor shall state that fact in his report.
- (3) The auditor—
- (a) shall have a right of access at all times to the books, deeds and accounts of the charity, so far as relating to its housing activities, and to all other documents relating to those activities; and

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

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- (b) shall be entitled to require from the trustees or officers of the charity such information and explanations as he thinks necessary for the performance of his duties.
- (4) If the auditor fails to obtain all the information and explanations which, to the best of his knowledge and belief, are necessary for the purposes of his audit, he shall state that fact in his report.
- 6 A period of account for the purposes of this Schedule is 12 months or such other period not less than 6 months and not more than 18 months as the charity may with the consent of the Housing Corporation determine.

## PART II

### PAYMENTS TO CERTAIN COMMITTEE MEMBERS AND OTHERS

#### *Provisions substituted for subsections (3) to (6) of section 26 of the 1974 Act*

- “(3) The Corporation may from time to time specify the maximum amounts which may be paid by a registered 1965 Act association—
  - (a) by way of fees or other remuneration or by way of expenses to a member of the association who is not a member of its committee or an officer or employee of the association;
  - (b) by way of expenses to a member of its committee who is not an officer or employee of the association; or
  - (c) by way of expenses to an officer of the association who does not have a contract of employment with the association.
- (4) Different amounts may be specified under subsection (3) above for different purposes.
- (5) Where a registered 1965 Act association—
  - (a) pays any sum or makes any gift in breach of subsection (1) above ; or
  - (b) pays to any person a sum which exceeds any maximum amount specified in relation to that person under subsection (3) above;the sum or, as the case may be, the value of the gift or, in a case falling within paragraph (b) above, the amount by which the sum exceeds the maximum shall be recoverable by the association ; and proceedings for its recovery shall be taken by the association if the Corporation gives the association a direction to that effect.
- (6) For the purposes of subsection (3)(6) above and section 27 below, a person co-opted by the committee of a registered 1965 Act association to serve on the committee (whether he is a member of the association or not) shall be treated as a member of the committee.”

#### *Provision substituted for section 27 of the 1974 Act*

### “27 Payments and grant of benefits by registered 1965 Act associations.

- (1) Subject to subsection (5) below, a registered 1965 Act association shall not make any payment or grant any benefit to—
  - (a) a person who is, or at any time within the relevant period has been, a committee member, officer or employee of the association;

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- (b) a close relative of such a person ; or
  - (c) a business trading for profit in which a person falling within paragraph (a) above has a personal interest.
- (2) In subsection (1)(o) above, " the relevant period" means the period of 12 months immediately preceding the making of the payment or the grant of the benefit.
- (3) For the purposes of subsection (1)(c) above, a person has a personal interest in a business if he, or a close relative of his, either is one of the principal proprietors of the business or is directly concerned with its management.
- (4) Any sum paid, or the value of any benefit granted, by a registered 1965 Act association in breach of subsection (1) above shall be recoverable by the association; and proceedings for its recovery shall be taken by the association if the Corporation gives it a direction to that effect
- (5) This section does not apply to—
- (a) any payment made or benefit granted by a registered 1965 Act association to an officer or employee under his contract of employment with the association;
  - (b) any payment of expenses made by such an association to a member of its committee;
  - (c) any payment to which, by virtue of subsection (2) of section 26 above, subsection (1) of that section does not apply ; or
  - (d) any payment of expenses to which section 26(3)(c) above applies.
- (6) Where a tenancy of a house has been granted to, or to a close relative of, a person who later became a committee member, officer or employee of an association, nothing in this section prevents the grant to that tenant of a new tenancy (whether of that or any other house).
- (7) Nothing in this section prevents the grant or renewal of a tenancy by an association whose 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.
- (8) No sum shall be recoverable under this section in respect of a payment made or a benefit granted by a registered 1965 Act association in a case where an obligation to make the payment or grant the benefit was incurred by the association before the passing of the Housing Act 1980.”.

## SCHEDULE 17

Section 129.

### AMENDMENT AND EXTENSION OF SECTIONS 19 AND 20 OF [HOUSING ACT 1974 \(C.44\)](#)

#### *Appointment of persons to conduct inquiries*

- 1 In section 19, in subsection (1), the words " (who may or may not be a member of the Corporation's staff)" are hereby repealed; and after subsection (1) there is inserted the following subsection—

“(1A) No person who is, or at any time has been, a member of the Corporation's staff shall be appointed to conduct an inquiry under subsection (1) above.”.



*Duty of agents to give information*

2 In subsection (2) of section 19 after " officer " there is inserted " agent " and at the end of the section there is added the following: —

“(8) In subsection (2) above " agent" includes banker, solicitor and auditor; but nothing in this section requires the disclosure—

- (a) by a solicitor, of any privileged communication made to him in his capacity of a solicitor ; or
- (b) by a housing association's bankers, of any information as to the affairs of any of their other customers.”

*Suspension of committee members and others*

3 In section 20—

(a) after subsection (1)(a) there is inserted—

“(aa) by order suspend such a person for up to 6 months, pending determination whether he should be removed;”;

(b) after subsection (1) there is inserted—

“(1A) Where a person is suspended, the Corporation may give directions with respect to the performance of his functions and otherwise as to matters arising from the suspension.”;

(c) in subsection (5) after " subsection (2) above" there is inserted " or suspended under subsection (1)(aa) above ".

*Extension to registered charities which are not exempt charities*

4 The powers exercisable by the Housing Corporation under sections 19 and 20 may be exercised in relation to any registered housing association—

- (a) which is a registered charity and not an exempt charity; and
- (b) with respect to which, at the time the powers are exercised (in this Schedule referred to as the relevant time), the condition stated in paragraph 5 below is satisfied ;

but subject to the following provisions of this Schedule.

5 The condition mentioned in paragraph 4 above is that the housing association has at any time received a grant or loan under section 119(3) of the 1957 Act, section 9, 29, 31, 32 or 33 of the 1974 Act or under any enactment mentioned in paragraph 2 or 3 of Schedule 2 to that Act.

6 Sections 19 and 20 shall have effect in their application by virtue of paragraph 4 above as if—

- (a) the references in either section to a registered 1965 Act association included such an association as is mentioned in that paragraph;
- (b) the references in either section to an officer, agent or member or to a member of the committee included a trustee;
- (c) the references in section 19 to the association's business did not include any activities other than the association's housing activities;
- (d) the references in section 19 to the association's accounts did not include revenue accounts not relating to the association's housing activities, except in so far as such accounts are necessary for the auditing of revenue accounts which do so relate or of the association's balance sheet; and

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- (e) the auditor referred to in section 19(4) were an auditor qualified for the purposes of paragraph 3 of Schedule 16 to this Act.
- 7 The power under section 19(1), section 20(1)(a), section 20(1) (aa) or section 20(3) shall not be exercised by virtue of paragraph 4 above except after consultation with the Charity Commissioners; and nothing in this Schedule shall be taken to enable the Housing Corporation to appoint a trustee in excess of the maximum number permissible under the constitution of the housing association with respect to which the power under section 20(3) is exercisable.
- 8 A person appointed under section 20(3) as a member of the committee or a trustee of a housing association shall be entitled—
- (a) to attend, speak and vote at any general meeting of the association and to receive all notices of and other communications relating to any general meeting which a member of the association is entitled to receive ; and
- (b) to require a general meeting of the association to be convened within 21 days of a request to that effect made in writing to the committee or the trustees of the association.

*Proceedings for an offence*

- 9 In section 20(7), after " the consent of " there is inserted " the Director of Public Prosecutions or ".

SCHEDULE 18

Section 130.

AMENDMENTS OF HOUSING ACT 1974 (C. 44) PART III

*Shared ownership schemes*

- 1 (1) In section 29 of the 1974 Act (housing association grant) after subsection (2) there is inserted the following subsection: —
- “(2A) For the purposes of this section, " letting " includes the grant of a lease or licence to occupy—
- (a) on payment of a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it; or
- (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference directly or indirectly to the value of the dwelling.”
- (2) This paragraph shall be deemed always to have had effect.

*Cost of housing projects*

- 2 In section 29, after subsection (6) there is inserted the following subsection—
- “(6A) In determining the net cost of a housing project under subsection (6) above the Secretary of State may adopt the assessment of the body forwarding the application under subsection (3) above.”

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

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*Approved development programmes*

3 After section 29 there is inserted the following section—

**“29A Approved development programmes.**

(1) In this section " approved development programme " means any programme for the development of housing by registered housing associations prepared by the Housing Corporation or—

- (a) in England and Wales, by a council which has power under section 119 of the Housing Act 1957 to make loans to registered housing associations ; or
- (b) in Scotland, by a local authority ;

and approved for the time being by the Secretary of State for the purposes of this section.

(2) Where a registered housing association undertake a housing project which falls within an approved development programme, housing association grant may be paid under section 29 in respect of that project, notwithstanding that it has not been approved by the Secretary of State under section 29(1).”.

*Payment of housing association grant*

4 In subsection (1) of section 30—

- (a) after the words " the project is completed " where they occur in paragraphs (a) and (b) there are inserted the words " or its completion has become impossible "; and
- (b) for the words " before the project is completed " there are substituted the words " at an earlier time ".

5 After subsection (2) of section 30 there is inserted the following subsection—

“(2A) In any case where, by virtue of section 29A above, a housing project has not required the approval of the Secretary of State under section 29(1), the Secretary of State may impose such conditions as are mentioned in subsection (2) above before first making payment of housing association grant in respect of that project.”.

6 For subsection (3) of section 30 there are substituted the following subsections—

“(3) If, after the making of a housing association grant to a registered housing association—

- (a) any land to which the grant relates has been disposed of by the association in any manner ;
- (b) any condition imposed under subsection (2) above has not been complied with ; or
- (c) the Secretary of State is satisfied that any land to which the grant relates has ceased to be used, or to be available for use, for the purpose for which, at the time the project concerned was approved, it was intended that it should be used ;

the Secretary of State may reduce the amount of, or of any payment in respect of, the grant or suspend or discontinue any instalment of it or, where any payment has been made to the association in respect of the grant, direct the

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association to pay to him an amount equal to the whole, or such proportion as he may determine, of the amount so paid to the association.

(3A) Any amount which a registered housing association is directed to repay to the Secretary of State under subsection (3) above shall be recoverable as a simple contract debt, or in Scotland as a debt due under a contract, in any court of competent jurisdiction.”.

7 Subsection (5) of section 30 is hereby repealed.

*Management grant*

8 No grant shall be made under section 31 (management grants) except in pursuance of an application made before the passing of this Act; and accordingly that section shall cease to have effect except in relation to grants payable in pursuance of such applications.

*Revenue deficit grant*

9 In section 32 (deficit grants)—

(a) in subsection (1), the word " annual" is omitted and for the words " an accounting year of the association " there are substituted the words " any period ";

(b) in subsection (2)—

(i) in the words preceding the paragraphs for the words from "in respect of" to "association" there are substituted the words " to a registered housing association in respect of any period ";

(ii) in paragraph (a) for the words from "in respect of that year" to "end of that year" there are substituted the words " in respect of that period is made by the association to the Secretary of State not later than 15 months after the end of that period ";

(iii) in paragraph (c) for the words " accounting year " there is substituted the word " period ";

(c) for subsection (3) there is substituted the following subsection : —

“(3) For the purposes of this section, a registered housing association shall be treated as incurring a deficit on its revenue account for any period, if—

(a) its expenditure for that period which, in the opinion of the Secretary of State, is attributable to its housing activities and is reasonable and appropriate, having regard to all the circumstances; exceeds

(b) the income which, in the opinion of the Secretary of State, it might reasonably be expected to receive for that period in respect of its housing activities, including sums by way of grant or subsidy under any enactment other than this section;

and for this purpose—

(i) an association's housing activities are any of its activities not relating to hostels or, if the association is a registered charity and not an exempt charity, those of its activities not

relating to hostels which fall within section 133(2) of the Housing Act 1980 ; and

- (ii) an association's expenditure and income shall be calculated in such manner as the Secretary of State may, with the consent of the Treasury, from time to time determine.”;
- (d) subsection (4) shall cease to have effect except in relation to grants made in pursuance of applications made before the passing of this Act;
- (e) in subsection (5) for the words "accounting year" there is substituted the word " period " and for the words "that year" the words " that period " ;
- (f) in subsection (6) for the words "accounting year", in both places, there is substituted the word " period " ; and
- (g) subsection (8) is hereby repealed.

*Hostel deficit grant*

10 In section 33—

- (a) in subsection (1) for the words " an accounting year of the association " there are substituted the words " any period " ;
- (b) in subsection (2) for the words from "any accounting year" to "end of that year" there are substituted the words " any period unless an application in respect of that period is made by the association to the Secretary of State not later than 15 months after the end of that period " ;
- (c) in subsection (3)—
  - (i) in the words preceding the paragraphs, for the words "an accounting year of the association" there are substituted the words " any period " ; and
  - (ii) in paragraphs (a) and (b) for the word "year", wherever it occurs, there is substituted the word " period " ;
- (d) in subsection (4) for the words "accounting year of the association" there is substituted the word " period " and for the words "that year" the words "that period";
- (e) in subsection (5) for the words "accounting year" there is substituted the word " period " and for the words "that year" the words "that period"; and
- (f) in subsection (6) for the words "accounting year", in both places, there is substituted the word " period " and the words " before the expiry of that year " are omitted.

SCHEDULE 19

Section 136.

PROVISIONS REPLACING SECTIONS 90 TO 91A OF HOUSING FINANCE ACT 1972

*Service charge and relevant costs*

- 1 (1) For the purposes of this Schedule, a service charge is an amount payable by the tenant of a flat as part of or in addition to the rent—
- (a) which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the landlord's costs of management; and

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(b) the whole or part of which varies or may vary according to the relevant costs ; and the relevant costs are the costs or estimated costs (including overheads) incurred or to be incurred in any period (whether the period for which the service charge is payable or an earlier or later period) by or on behalf of the landlord or a superior landlord in connection with the matters for which the service charge is payable.

(2) Other expressions used in this Schedule are to be construed in accordance with paragraphs 16 to 20 below.

*Limitation of service charge*

2 The extent to which relevant costs are taken into account in determining the amount of a service charge payable for any period shall be limited in accordance with the following paragraphs, and the amount payable shall be limited accordingly ; and where the service charge is payable before the relevant costs are incurred—

- (a) no greater amount shall be so payable than is reasonable ; and
- (b) after the relevant costs have been incurred any necessary adjustments shall be made by repayment, reduction of subsequent charges or otherwise.

3 Costs are to be taken into account only to the extent that they are reasonably incurred, and costs incurred on the provision of services or the carrying out of works only if the services or works are of a reasonable standard.

4 (1) Where costs incurred on the carrying out of works on a building exceed the amount prescribed by or under this paragraph the excess is not to be taken into account unless the requirements of paragraph 5 below have been complied with or are dispensed with under paragraph 6 below.

(2) The prescribed amount is £25 multiplied by the number of flats in the building or £500, whichever is the greater, but the Secretary of State may by order substitute a different amount for £25 or £500 or both.

5 (1) The requirements are as follows.

(2) At least two estimates for the works shall be obtained, one of them from a person wholly unconnected with the landlord.

(3) A notice accompanied by a copy of the estimates shall be given to each of the tenants concerned or shall be displayed in the building so as to be likely to come to the notice of all those tenants and, if there is a recognised tenants' association for the building, the notice and copy of the estimates shall also be given to the secretary of the association.

(4) The notice shall describe the works to be carried out and invite observations on them and on the estimates and shall state the name and the address in the United Kingdom of the person to whom the observations may be sent and the date by which they are to be received.

(5) The date stated in the notice shall not be earlier than one month after the date on which it is given or displayed as required by subparagraph (3) above.

(6) The landlord shall have regard to any observations received in pursuance of the notice and, unless the works are urgently required, they shall not be begun earlier than the date specified in the notice.

- (7) For the purposes of this paragraph the tenants concerned are all the landlord's tenants of flats in the building by whom a service charge is payable to which the costs of the proposed works are relevant.
- 6 In any proceedings relating to a service charge the court, if satisfied that the landlord acted reasonably, may dispense with all or any of the requirements.

*Information as to relevant costs*

- 7 (1) If a tenant requests the landlord in writing to supply him with a written summary of the costs incurred in the relevant period defined in sub-paragraph (5) below which are relevant to the service charges payable or demanded as payable by the tenant in that or any other period, the landlord shall do so within six months of the end of the period or within one month of the request, whichever is the later.
- (2) If there is a recognised tenants' association for the building and the tenant consents, a request under sub-paragraph (1) above may be made by the secretary of the association instead of by the tenant and may then be for the supply of the summary to the secretary.
- (3) The summary shall set out those costs in a way showing how they are or will be reflected in demands for service charges and, if there are more than four flats in the building or the relevant costs relate also to another building, it must be certified by a qualified accountant as in his opinion a fair summary complying with this requirement and as being sufficiently supported by accounts, receipts and other documents which have been produced to him.
- (4) Where a tenant or the secretary has obtained such a summary as is referred to in sub-paragraph (1) above (whether in pursuance of this paragraph or otherwise) the tenant, or the secretary with the consent of the tenant may, within six months of obtaining it, require the landlord in writing to afford him reasonable facilities for inspecting the accounts, receipts and other documents supporting the summary and for taking copies or extracts from them, and the landlord shall then make such facilities available to the tenant or secretary for a period of two months beginning not later than one month after the request is made.
- (5) The relevant period mentioned in sub-paragraph (1) above is—
- (a) if the relevant accounts are made up for periods of 12 months, the last such period ending not later than the date of the request; and
  - (b) if none are made up for such a period, the period of 12 months ending with the request.

*Information held by superior landlord*

- 8 (1) If a request under paragraph 7(1) above relates in whole or in part to relevant costs incurred by or on behalf of a superior landlord, and the landlord to whom the request is made is not in possession of the relevant information—
- (a) he shall in turn make a written request for the relevant information to the person who is his landlord (and so on if that person is not himself the superior landlord) and the superior landlord shall then comply with the request within a reasonable time ; and
  - (b) it shall be the duty of the immediate landlord to comply with the tenant's or secretary's request, or that part of it which relates to the relevant costs

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incurred by or on behalf of the superior landlord, within the time allowed by paragraph 7 or within such further time, if any, as is reasonable in the circumstances.

- (2) If a request made under paragraph 7(4) above relates to a summary of costs incurred by or on behalf of a superior landlord, the landlord to whom the request is made shall forthwith inform the tenant or secretary of that fact and of the name and address of the superior landlord, and sub-paragraph (4) shall then apply as if the superior landlord were the immediate landlord.

*Service of requests under paragraph 7*

- 9 A request under paragraph 7 above shall be deemed to be duly served on a landlord if it is served on any agent of the landlord named as such in the rent book or similar document, or on the person who receives the rent on behalf of the landlord; and a person on whom a request is so served shall forward it as soon as may be to the landlord.

*Effect of assignment*

- 10 The assignment of a tenancy shall not affect the validity of a request made under paragraph 7 or 8 above before the assignment, but a person shall not be obliged to provide a summary or make facilities available more than once for the same flat and for the same period.

*Determination of reasonableness*

- 11 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, shall be void in so far as it purports to provide for a determination in a particular manner or on particular evidence of any question whether any amount payable before costs for services, repair, maintenance, insurance or management are incurred is reasonable, whether such costs were reasonably incurred or whether services or works for which costs were incurred are of a reasonable standard.
- 12 A county court may make a declaration that any such amount is or is not reasonable, that any such costs were or were not reasonably incurred or that any services or works are or are not of a reasonable standard, notwithstanding that no other relief is sought in the proceedings.

*Offences*

- 13 (1) If any person without reasonable excuse fails to perform any duty imposed on him by this Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500
- (2) Where an offence under this Schedule 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 an offence and be liable to be proceeded against and punished accordingly.



- (3) Where the affairs of a body corporate are managed by its members, sub-paragraph (2) 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.

*Exceptions*

- 14 (1) This Schedule does not apply to service charges payable by a tenant of any of the following bodies, that is to say—
- (a) a local authority or development corporation (as defined in section 50(1) of this Act),
  - (b) the council of a county,
  - (c) the Commission for the New Towns,
  - (d) the Development Board for Rural Wales,
- unless the tenancy is a long tenancy for the purposes of paragraph 1 of Schedule 3 to this Act.
- (2) Where this Schedule applies to a service charge payable by the tenant of a body mentioned in sub-paragraph (1) above—
- (a) paragraph 13 does not apply, and
  - (b) the persons who are qualified accountants include a member of the Chartered Institute of Public Finance and Accountancy and paragraph 17(2)(b) below does not apply.
- 15 This Schedule does not apply to service charges payable by the tenant of a flat the rent of which is registered under Part IV of the 1977 Act, unless the amount registered is, in pursuance of section 71(4) of that Act, entered as a variable amount.

*Definition of "flat", "qualified accountant", "landlord", "tenant" and "recognised tenants' association"*

- 16 A flat is a separate set of premises, whether or not on the same floor, which—
- (a) forms part of a building; and
  - (b) is divided horizontally from some other part of that building; and
  - (c) is constructed or adapted for use for the purposes of a dwelling and is occupied wholly or mainly as a private dwelling.
- 17 (1) A qualified accountant is a person qualified for the purposes of paragraph 3 of Schedule 16, but subject to sub-paragraph (2) below.
- (2) None of the following is a qualified accountant—
- (a) a body corporate, except a Scottish firm ;
  - (b) an officer or employee of the landlord or, where the landlord is a company, of a company which is the landlord's holding company or subsidiary (within the meaning of section 154 of the Companies Act 1948) or a subsidiary of the landlord's holding company; and
  - (c) a person who is a partner or employee of any such officer or employee.
- 18 " Landlord " includes any person who has a right to enforce payment of a service charge and, in relation to a flat occupied by a tenant under a right conferred by an enactment, also includes the person who, apart from that right, would be entitled to possession of the flat.

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- 19 "Tenant" includes a person occupying a flat under a right conferred by an enactment, and, where the whole or any part of the flat is sublet, includes also the sub-tenant.
- 20 A recognised tenants' association is an association of tenants of flats in a building which is recognised for the purposes of this Schedule either;—
- (a) by a notice in writing given by the landlord to the secretary of the association ; or
  - (b) by a certificate of one of the persons appointed by the Lord Chancellor under the 1977 Act to the panel of persons to act as members of a rent assessment committee for the registration area in which the building is situated.
- 21 (1) A notice given under paragraph 20(a) above may be withdrawn by the landlord by notice in writing given to the secretary of the association not less than six months before the date on which it is to be drawn ; and a certificate given under paragraph 20(b) above may be cancelled by one of the persons there mentioned.
- (2) The Secretary of State may by regulations specify the matters to which regard is to be had in giving or cancelling a certificate under paragraph 20(b) above.

## SCHEDULE 20

Section 139.

### HOUSING CO-OPERATIVES

- 1 In this Schedule " housing co-operative " means a society, company or body of trustees for the time being approved by the Secretary of State for the purposes of this Schedule.
- 2 (1) Where a local authority a new town corporation or the Development Board for Rural Wales has made an agreement with a housing co-operative and the agreement is one to which this Schedule applies, neither the agreement nor any letting of land in pursuance of it shall be taken into account in determining the authority's, corporation's or Board's reckonable expenditure or reckonable income under Part VI of this Act or as a ground for recovering, withholding or reducing any sum under section 102 ; but subject to sub-paragraph (2) below.
- (2) Sub-paragraph (1) above does not apply where the letting is a lease constituting shared ownership, except if, and to the extent that, the Secretary of State otherwise determines.
- (3) For the purposes of sub-paragraph (2) above a lease constituting shared ownership is a lease of a dwelling—
- (a) which is granted on payment of a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it; or
  - (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference directly or indirectly to the value of the dwelling.
- 3 The agreements to which this Schedule applies are agreements with a local authority made (whether before or after the passing of this Act) with the approval of the Secretary of State—
- (a) for the exercise by the co-operative, on such terms as may be provided in the agreement, of any of the local authority's powers relating to land in

which it has a legal estate and which the authority for the time being holds for the purposes of Part V of the 1957 Act, and the performance by the co-operative of any of the local authority's duties relating to such land ; or

- (b) for the exercise by the co-operative, in connection with any such land as is referred to in paragraph (a) above, of any of the local authority's powers under section 94 or 95 of the 1957 Act (powers to provide furniture, board and laundry facilities),

and agreements with a new town corporation or the Development Board for Rural Wales for the exercise by the co-operative, on such terms as may be provided in the agreement, of any of the corporation's or Board's powers under the New Towns Act 1965 or the Development of Rural Wales Act 1976 relating to land in which it has a legal estate.

- 4 The Secretary of State's approval to the making of any such agreement may be given either generally to local authorities or new town corporations or to any local authority or description of local authority or any new town corporation or description of new town corporation or the Development Board for Rural Wales, or in any particular case, and may be given unconditionally or subject to conditions.
- 5 Without prejudice to any power to let land conferred on a local authority a new town corporation or the Development Board for Rural Wales by an enactment, the terms of an agreement to which this Schedule applies may include terms providing for the letting of land to the housing co-operative by the local authority, new town corporation or Board.
- 6 A housing association registered under Part II of the 1974 Act shall not be entitled to a grant under Part III of that Act in respect of land for the time being comprised in an agreement to which this Schedule applies.

## SCHEDULE 21

Section 141.

AMENDMENTS OF LEASEHOLD REFORM ACT 1967  
(C.88) AND HOUSING ACT 1974 (C.44), SCHEDULE 8

- 1 (1) In section 1(1)(b) of the 1967 Act (period during which tenant must have occupied the premises as his residence) for "five years ", in both places, substitute " three years ".
- (2) In sections 9(3)(6) and 23(2)(b) of the 1967 Act (application for enfranchisement or extension of lease not to be made within five years of previous application) for " five years" substitute, in each case, " three years ".
- 2 For section 1(4A) of the 1967 (reduction of rateable value in consequence of tenants' improvements), substitute—
- “(4A) Schedule 8 to the Housing Act 1974 shall have effect to enable a tenant to have the rateable value of the house and premises reduced for purposes of this section in consequence of tenant's improvements.”.
- 3 In section 3(1) of the 1967 Act (meaning of " long tenancy "), the following words are inserted at the end of the proviso: "if either—
- (a) it was granted before 18th April 1980 or in pursuance of a contract entered into before that date ; or
- (b) the notice is capable of being given at any time after the death or marriage of the tenant, the length of the notice is not more than three months and the

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terms of the tenancy preclude both its assignment and the subletting of the whole of the premises comprised in it".

- 4 In section 16 of the 1967 Act (exclusion of rights which would otherwise accrue under extended tenancies), after subsection (1) insert—

“(1A) The Rent Act 1977 shall not apply to a tenancy extended under section 14 above; but if when this provision comes into force a rent is registered under Part IV of the 1977 Act for a dwelling-house which is the subject of an extended tenancy, the tenant shall not be obliged to pay more than the registered rent under the extended tenancy until the next rental period (within the meaning of the 1977 Act) after the landlord has served on him a notice in writing that the registered rent no longer applies.”.

- 5 In section 29 of the 1967 Act (reservation of future right to develop), after subsection (6A) insert—

“(6B) Where the landlord is a university body, the possible development for which land may be reserved by a covenant entered into to give effect to subsection (1) or (2) above includes development by a related university body (within the meaning of section 28(6)(b) above.”.

- 6 In paragraph 7(1)(b) of Schedule 1 to the 1967 Act, at the beginning insert " subject to paragraph 7A ", omit " (subject to paragraph 8 below) " and after paragraph 7 insert—

“7A (1) The price payable for a minor superior tenancy shall be calculated (except where it has been determined by agreement or otherwise before this paragraph comes into force) by applying the formula set out in sub-paragraph (5) instead of in accordance with section 9.

(2) " A minor superior tenancy " means a superior tenancy having an expectation of possession of not more than one month and in respect of which the profit rent is not more than £5 per year.

(3) " Profit rent" means an amount equal to that of the rent payable under the tenancy on which the minor superior tenancy is in immediate reversion, less that of the rent payable under the minor superior tenancy.

(4) Where the minor superior tenancy or that on which it is in immediate reversion comprises property other than the house and premises, the reference in sub-paragraph (3) to the rent payable under it means so much of that rent as is apportioned to the house and premises.

(5) The formula is—

$$P = \pounds \frac{R}{Y} - \frac{R}{Y(1+Y)^n}$$

where—

P = the price payable;

R = the profit rent;

Y = the yield (expressed as a decimal fraction) from 2 ½ per cent Consolidated Stock;

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n = the period, expressed in years (taking any part of a year as a whole year) which the minor superior tenancy would have to run if it were not extinguished by enfranchisement.

(6) In calculating the yield from 2 ½ per cent. Consolidated Stock, the price of that stock shall be taken to be the middle market price at the close of business on the last trading day in the week before the tenant gives notice in accordance with this Act of his desire to have the freehold.”

7 In paragraph 6(1)(b) of Schedule 3 to the 1967 Act (particulars to be included in tenants' notices of desire to have freehold or extended lease), after "show that" insert " (i) ", and at the end insert—

“(ii) at the material time the rateable value was within the limits specified for the purposes of section 1 ;”.

8 In Schedule 8 to the 1974 Act (procedure for obtaining reduction of rateable value for purposes of the 1967 Act)—

(a) in paragraph 1(1) (notice to landlord requiring agreement to reduction), for " subsection (1) of section 1 of this Act substitute " section 1 of the Leasehold Reform Act 1967 ";

(b) in paragraph 2(2) (determinations by county court), omit from " and any such determination " onwards ;

(c) in paragraph 3(2)(o) (valuation officer's certificate) for "subsection (1) of section 1 of this Act" substitute section I of the Leasehold Reform Act 1967 ";

(d) after paragraph 3 insert—

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

(e) in paragraph 2 of the second Form set out in the Schedule, for the words "Schedule Seven to the Leasehold Reform Act 1967" substitute " Schedule 8 to the Housing Act 1974 ", and in paragraph 3 of that Form for "Seven" substitute " 8 ".

## SCHEDULE 22

Section 142.

### LEASEHOLD VALUATION TRIBUNALS

#### PART I

##### SUPPLEMENTARY PROVISIONS

###### *Constitution of tribunals*

1 The president of a panel drawn up under Schedule 10 to the 1977 Act shall, when constituting a leasehold valuation tribunal, ensure that at least one of its members is a person who has experience in the valuation of land.

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### *Appeals*

- 2 No appeal shall lie from a decision of a leasehold valuation tribunal to the High Court by virtue of section 13(1) of the Tribunals and Inquiries Act 1971 and no case may be stated for the opinion of the High Court in respect of such a decision, but any person who—
- (a) appeared before a tribunal in proceedings to which he was a party; and
  - (b) is dissatisfied with its decision,
- may, within such time as rules under section 3(6) of the Lands Tribunal Act 1949 may specify, appeal to the Lands Tribunal.
- 3 A leasehold valuation tribunal shall not be treated as a person aggrieved for the purposes of section 3(4) of the Lands Tribunal Act 1949 (which enables a person aggrieved by a decision of the Tribunal on a point of law to require the Tribunal to state a case for decision of the Court of Appeal).
- 4 For the purposes of Part I of the Leasehold Reform Act 1967 a matter is to be treated as determined by a leasehold valuation tribunal—
- (a) if the tribunal's decision is not appealed against, on the expiration of the time for bringing an appeal; or
  - (b) if the decision is appealed against, and not set aside in consequence of the appeal, at the time when the appeal and any further appeal is disposed of by the determination of it and the expiration of the time for bringing a further appeal if any) or by its being abandoned or otherwise ceasing to have effect.

### *Costs*

- 5 The costs which a person may be required to bear under section 9(4) or 14(2) of the 1967 Act (matters the costs of which are to be borne by person giving notice of his desire to have the freehold or an extended lease) do not include costs incurred by a landlord in connection with a reference to a leasehold valuation tribunal.
- 6 Where the county court gives any such certificate as is authorised by section 20(4) of or paragraph 8(1) of Schedule 2 to the 1967 Act (certificate of unreasonable delay or default by landlord or tenant) the Lands Tribunal may make the like order as to costs of proceedings on an appeal before the Tribunal in relation to the matter in question as the county court is authorised to make by section 20(4) or paragraph 8(1).

### *Provision of information*

- 7 (1) Where a matter is referred to a leasehold valuation tribunal for determination, the tribunal may by notice in writing served on the tenant or landlord or on a superior landlord require him to give to the tribunal, within such period but not less than 14 days from the service of the notice as may be specified in the notice, such information as the tribunal may reasonably require.
- (2) If any person fails without reasonable cause to comply with any notice served on him under this paragraph he shall be liable, on summary conviction, to a fine not exceeding £200.

## PART II

### AMENDMENTS OF 1967 ACT

- 8 (1) In section 21(1) (jurisdiction of Lands Tribunal) for " the Lands Tribunal" substitute " a leasehold valuation tribunal ".
- (2) After section 21(1) insert—
- “(1A) An application to a leasehold valuation tribunal under subsection (1) above must be in the prescribed form and contain the prescribed particulars.
- (1B) No application may be made to a leasehold valuation tribunal under subsection (1) above to determine the price for a house and premises unless either—
- (a) the landlord has informed the tenant of the price he is asking; or
- (b) two months have elapsed without his doing so since the tenant gave notice of his desire to have the freehold under this Part of this Act.”.
- (3) In section 21(2), for " the Lands Tribunal" substitute " a leasehold valuation tribunal " and for " the Tribunal" substitute " a tribunal ".
- (4) In section 21(3) for "the Lands Tribunal" (twice) substitute " a leasehold valuation tribunal " and for " the Tribunal " substitute " a tribunal ".
- (5) For section 21(4) substitute—
- “(4) Without prejudice to the generality of section 102 of the County Courts Act 1959 or section 74 of the Rent Act 1977, the powers thereby conferred to make rules of procedure shall extend to prescribing the procedure consequent on any such transfer.”.
- (6) After section 21(4) insert—
- “(4A) The Secretary of State may make regulations prescribing—
- (a) the form of any application under subsection (1) above ; and
- (b) the particulars which it must contain ;
- and any such regulations shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (7) Section 21(5) (costs of proceedings before Lands Tribunal) is repealed.
- 9 In section 31(2)(a) (consent of Church Commissioners required to provisions of conveyance) after " the court" insert " a leasehold valuation tribunal ".
- 10 In paragraph 5(3) of Schedule 1 (price for intermediate leasehold interests) for "the Lands Tribunal" (twice) substitute " a leasehold valuation tribunal ".
- 11 In paragraph 2(2) of Schedule 2 (compensation payable to tenant for loss of house and premises) for "the Lands Tribunal" substitute " a leasehold valuation tribunal ".
- 12 Paragraph 8(2) of Schedule 2 (costs of proceedings before Lands Tribunal) is hereby repealed.

SCHEDULE 23

Section 145.

HOUSES IN MULTIPLE OCCUPATION : REVISED PENALTIES FOR CERTAIN OFFENCES

- 1           Sections 20 of the Housing Act 1961 and 61(6) of the 1969 Act are hereby repealed.
- 2           In section 13(4) of the Housing Act 1961 (contravention of, or failure to comply with, regulations prescribing management code) for paragraphs (a) and (b) there are substituted the words " to a fine not exceeding £200 ".
- 3           In section 19 of the Act of 1961 (directions to prevent or reduce overcrowding in houses in multiple occupation)—
- (a)   in subsection (9) (penalty for making false statement) for the words " twenty pounds " there is substituted " £50 "; and
- (b)   for subsection (11) (penalty for failing to comply with requirements of subsection (10)) there is substituted the following subsection—
- “(11) A person committing an offence under subsection (10) above shall be liable, on summary conviction, to a fine not exceeding £500.”.
- 4           In section 22(4) of the Act of 1961 (penalty for failing to provide information to local authority) for the words " ten pounds" there is substituted " £50 ".
- 5           (1) In Part II of the Act of 1961, after section 26, there is inserted the following section—

**“26A Execution of works under Part II.**

If any person, after receiving notice of the intended action—

- (a)   being the occupier of any premises, prevents the owner thereof or his officers, agents, servants or workmen, from carrying into effect with respect to those premises any of the provisions of this Part of this Act; or
- (b)   being the owner or occupier of any premises, prevents any officer, agent, servant or workman of the local authority, from so doing ;

a magistrates' court may order him to permit to be done on the premises all things requisite for carrying into effect those provisions and if he fails to comply with the order he shall be liable, on summary conviction, to a fine not exceeding £200 and to a further fine of £20 for every day or part of a day during which the failure continues.”.

- (2) Section 66 of the Housing Act 1964 is hereby repealed.
- 6           (1) In section 65(1) of the Housing Act 1964 (penalty for failure to execute works in respect of houses in multiple occupation) for paragraphs (a) and (b) there are substituted the words " to a fine not exceeding £500 ".
- (2) In Schedule 6 to the Criminal Law Act 1977 the entry relating to section 65(1) of the Act of 1964 is hereby repealed.
- 7           In section 75(6) of the Act of 1964 (penalty for failure to comply with magistrates' court order) for the words from " in respect of each day" to the end there are substituted the words " be liable, on summary conviction, to a fine not exceeding £200 and to a further fine of £20 for every day or part of a day during which the failure continues ".
- 8           (1) In section 61 of the Housing Act 1969 (offences and penalties) for " £100 " there is substituted " £500 ".



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- (2) In Schedule 6 to the Criminal Law Act 1977 the entry relating to section 61 of the 1969 Act is hereby repealed.
- 9 In section 64(7) of the 1969 Act (offence to contravene or fail to comply with scheme for registering houses in multiple occupation) for paragraphs (a) to (c) there are substituted the following paragraphs—
- “(a) if the offence is a contravention . of so much of the control provisions as relate—
- (i) to occupation, to a greater extent than permitted thereunder, of a house not registered in pursuance of those, provisions ;  
or
- (ii) to the occupation of a house registered in pursuance of those provisions by more households or persons than the registration permits ;  
to a fine not exceeding £500 ; and
- (b) in any other case to a fine not exceeding £50.”.

## SCHEDULE 24

Section 147.

### HOUSES IN MULTIPLE OCCUPATION : MEANS OF ESCAPE FROM FIRE

#### *Exercise of powers of local authority*

- 1 If it appears to a local authority that a house which is occupied by persons who do not form a single household is not provided with such means of escape from fire as the local authority considers necessary the local authority may exercise such of its powers under this Schedule as appear to it most appropriate ; and it shall do so if the house is of such description or occupied in such manner as the Secretary of State may by order specify.

#### *Powers available to local authority*

- 2 (1) The local authority may serve a notice on any person on whom a notice may be served under section 15 of the Housing Act 1961 specifying the works which in the opinion of the local authority are required to provide the necessary means of escape from fire and requiring the person on whom the notice is served to execute those works within such period, not less than twenty-one days from the service of the notice, as may be specified in the notice.
- (2) The period specified in the notice may from time to time be extended by the local authority.
- (3) Where the local authority serves a notice on any person under this paragraph it shall inform any other person who to its knowledge is an owner, lessee or mortgagee of the house of the fact that the notice has been served.
- 3 If it appears to the local authority that the means of escape from fire would be adequate if part of the house were not used for human habitation the local authority may secure that that part is not so used.

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4 The local authority may secure that part of the house is not used for human habitation and serve a notice under paragraph 2 above specifying such works only as in the opinion of the authority are required to provide the means of escape from fire which will be necessary if that part is not so used.

5 For the purpose of securing that a part of the house is not used for human habitation the local authority may, if after consultation with any owner or mortgagee it thinks fit to do so, accept an undertaking from him that that part will not be used for human habitation without the permission of the local authority.

6 If the local authority does not accept an undertaking under paragraph 5 above with respect to a part of the house, or if, in a case where it has accepted such an undertaking, that part of the house is at any time used in contravention of the undertaking, the local authority may make a closing order with respect to that part of the house.

#### *Enforcement*

7 Any person who, knowing that an undertaking has been accepted under paragraph 5 above, uses the part of the house to which the undertaking relates in contravention of the undertaking, or permits that part of the house to be so used, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a further fine of £5 for every day, or part of a day, on which he so uses it or permits it to be so used after conviction.

#### *Consultation with fire authority*

8 A local authority shall, before serving a notice, accepting an undertaking or making a closing order under this Schedule, consult with the fire authority concerned.

#### *Exclusion of Rent Act protection*

9 Nothing in the 1977 Act shall prevent possession being obtained of any part of a house which, in accordance with any undertaking in pursuance of this Schedule, cannot for the time being be used for human habitation.

#### *Interpretation*

10 In this Schedule expressions defined in the 1957 Act have the same meanings as in that Act.

#### *Application and amendment of enactments*

11 Part II of the 1957 Act shall apply to a closing order made under this Schedule as it applies to a closing order under section 18(1) of that Act, but the ground on which, under section 27(2) of that Act, the local authority is required to determine the order shall be that it is satisfied that the means of escape from fire with which the house is provided is adequate (owing to a change of circumstances) and will remain adequate if the part of the house with respect to which the order was made is again used for human habitation.

12 Any reference in the provisions relating to houses in multiple occupation (that is to say Part II of the Housing Act 1961, Part IV of the Housing Act 1964 and Part IV of the 1969 Act) to section 16 or Part II of the Housing Act 1961 shall be construed as

including a reference to this Schedule ; but the functions of a local authority under this Schedule shall not be among those referred to in section 70 of the 1969 Act (review of housing conditions by local authorities).

- 13 In section 29(7) of the Land Compensation Act 1973 for the words "section 60 of the Housing Act 1969" there are substituted the words " Schedule 24 to the Housing Act 1980 " and for the words " section 60(2) of the said Act of 1969 " the words " paragraph 5 of the said Schedule 24."

## SCHEDULE 25

Section 152.

### 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) ".

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*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

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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 mortgagor'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 ".

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*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—
- “(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

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- (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.
  - (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

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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—

“(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);



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- (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

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- (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".
- 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 " ,

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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 ".

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.

## PART II

### TRANSITIONAL PROVISIONS AND SAVINGS

62 For the purposes of section. 33 of this Act a notice served at any time after regulations are first made for the purposes of subsection (2) of that section, but before the commencement of that section shall be treated as duly served under that section if it would have been so treated had Chapter II of Part I of this Act then been in force.

63 Where, immediately before the commencement of section 60 of this Act, an increase in rent was subject to the provisions as to phasing of rent increases in Schedule 6 to the Rent (Agriculture) Act 1976. or in Schedule 8 or 9 to the 1977 Act that increase shall continue to be subject to those provisions as if this Act had not been passed.

64 Where the recoverable rent for any statutory period has been increased by a notice under section 48 of the 1977 Act, nothing in section 63 of this Act affects that increase or the operation of subsections (4) and (5) of section 48 in relation to the notice.

- 65 In a case where, by virtue of subsection (4) of section 52 of the 1977 Act, that section would not have applied to an agreement with a tenant having security of tenure had it not been replaced by the section substituted by section 68(2) of this Act, the substituted section 52 shall also not apply in relation to that agreement.
- 66 The repeal by this Act of subsections (4) and (5) of section 54 of the 1977 Act does not affect the operation of those subsections in relation to defaults occurring before the commencement of section 68 of this Act.
- 67 Where, immediately before the commencement of section 69(4) of this Act, a tenancy was, by virtue of section 12(2)(b) of the 1977 Act, a protected tenancy and not a restricted contract, the 1977 Act shall continue to apply in relation to that tenancy as if section 69(4) had not been enacted.
- 68 The repeals made by section 74 of this Act in section 15 of the 1977 Act shall not affect any tenancy which was, immediately before the commencement of section 74(1), a protected, or statutory tenancy but which would, were it not for this paragraph, have ceased to be such a tenancy by virtue of the repeal of section 15(4) (f).
- 69 (1) Any condition which, immediately before the commencement of section 91 of this Act, was a local land charge by virtue of section 104(5) of the 1957 Act shall continue to be a local land charge notwithstanding the provisions of section 91.
- (2) Section 104(3) of the 1957 Act shall have effect, in the period between the commencement of section 91 and the commencement of Chapter II of Part I of this Act as if Chapter II were in force.
- 70 Any directions given by the Secretary of State under section 24(5) of the Housing Subsidies Act 1967 shall, if in force at the commencement of section 114 of this Act, continue in force as if given under subsection (1)(a) of section 114 until revoked or varied.
- 71 Subsection (3A) of section 2 of the 1974 Act (inserted by section 123(4) of this Act) shall have effect, in the period between the commencement of section 123(4) and the commencement of Chapter II of Part I of this Act as if Chapter II were in force.
- 72 (1) This paragraph applies in relation to the exceptions in paragraphs 6 and 11 of Schedule 3 to this Act.
- (2) Notice given to a tenant at any time after 31st March 1980 but before the commencement of Schedule 3 shall be treated—
- (a) as duly given in accordance with paragraph 6(b)(ii) if it would have been so treated had paragraph 6 then been in force ; or
- (b) as duly given in accordance with paragraph 11(b) if it would have been so treated had paragraph 11, and the regulations first made under that paragraph designating courses, then been in force.
- 73 In relation to a tenancy (or licence) granted before 8th May 1980 Schedule 3 to this Act has effect as if the following paragraph were added at the end of it:
- “14 A tenancy is not a secure tenancy if—
- (a) the landlord is a charity within the meaning of the Charities Act 1960 ; and
- (b) before the tenancy was granted the tenant was informed in writing that the landlord intended to carry out works on the building or part of the building comprising the dwelling-house and could not

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reasonably do so without obtaining possession of the dwelling-house.”

- 74 Any approval given for the purposes of paragraph 9 of Schedule 1 to the 1975 Act shall have effect as an approval given for the purposes of Schedule 20 to this Act.
- 75 Section 5 of the 1977 Act (tenancies at low rents) shall continue not to apply to any tenancy which, immediately before the repeal by this Act of section 17 of the 1977 Act (categories of controlled tenancies) was a controlled tenancy by virtue of subsection (2) of section 17.
- 76 The repeals made by this Act in the 1975 Act do not affect the operation of orders made under paragraph 23 of Schedule 1 to that Act (power to apply subsidy provisions to housing associations).
- 77 Section 90 of the 1977 Act continues to have effect, notwithstanding its repeal by this Act, in relation to any direction given by the Secretary of State under that section.
- 78 Paragraphs 3 and 4 of Schedule 17 to the 1977 Act continue to have effect, notwithstanding paragraph 59 of this Schedule, in relation to a notice of increase served under paragraph 4 before the commencement of paragraph 59.

## SCHEDULE 26

Section 152.

## REPEALS

Chapter	Short Title	Extent of Repeal
1927 c. 36.	The Landlord and Tenant Act 1927.	In section 16, the words " and shall be so recoverable notwithstanding anything in Part II of the Rent Act 1977 "
1951 c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 16(2)(c) the words from " and that" to the end. Section 19(5).
1954 c. 56.	The Landlord and Tenant Act 1954.	Section 43(1)(c).
1957 c. 56.	The Housing Act 1957.	Section 5. Section 43(4). In section 91, the words from " and as often " to the end. Section 96(e). Sections 105(1), (2) and (5) and 106. Section 113(5). In section 119(3), the words from " with the consent " to "

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Chapter	Short Title	Extent of Repeal
1958 c. 42.	The Housing (Financial Provisions) Act 1958.	the Minister " and the words from " The Minister's power " to the end. Sections 14 and 15. In section 43(1), the words " subject to such conditions as may be approved by the Minister ".
1959 c. 62.	The New Towns Act 1959.	Section 45.
1961 c. 65.	The Housing Act 1961.	Section 4(2) and (5). Section 16. Section 20.
1964 c. 56.	The Housing Act 1964.	Section 65(1A). Section 66. In Schedule 4, paragraph 2.
1967 c. 29.	The Housing Subsidies Act 1967.	In section 24, in subsection (2), the words "in accordance with subsection (3) of this section"; in subsection (3), the words " Subject to subsections (4) and (5) of this section ", and the words from " and " (at the end of paragraph (c)) to the end of the subsection; and subsections (4), (5) and (5A). Section 24B In section 26, in subsection (1)(b)(ii), the words from " or the appropriate" to "later"; in subsection (1)(b)(iii), the words "or 1st April 1968, whichever is the later"; in subsection (2), paragraph (a), and the words from " and except " onwards; and subsection (3). Section 26A. Section 28A.
1967 c. 88.	The Leasehold Reform Act 1967.	Section 21(5).

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Chapter	Short Title	Extent of Repeal
1968 c. 72.	The Town and Country Planning Act 1968.	<p>In Schedule 1, in paragraph 7(1)(b), the words " (subject to paragraph 8 below) ".</p> <p>In Schedule 2, paragraph 8(2).</p> <p>Section 39.</p>
1969 c. 33.	The Housing Act 1969.	<p>Section 28A.</p> <p>Section 29B.</p> <p>In section 30 the words "but such a resolution shall be of no effect unless approved by the Minister ".</p> <p>In section 35, subsections (1) and (3), in subsection (4) the words "the consent of the Minister under subsection (2) of this section ", subsection (5), in subsection (6) the words from "with the approval" to " particular case" and subsection (7).</p> <p>In section 38, the words from " has been approved" to " this Act".</p> <p>Section 60.</p> <p>Section 61(6).</p> <p>In section 86(5), the words " and 37(7)".</p>
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	<p>In section 3(1), the words from " and any proposals " to the end.</p>
1971 c. 62.	The Tribunals and Inquiries Act 1971.	<p>In section 7(3) the words " 28(a) " and the words from " but" onwards.</p> <p>In section 13(1) the words " (a) or ".</p> <p>In Schedule 1 paragraph 28(a).</p>
1972 c. 5.	The Local Employment Act 1972.	<p>In Schedule 3, the entry relating to the Housing Act 1971.</p>



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Chapter	Short Title	Extent of Repeal
<a href="#">1972 c. 47.</a>	The Housing Finance Act 1972.	<p>Section 8.</p> <p>In section 20, in subsection (5), paragraph (d) and the words "or (d)(ii)", and in subsection (7) the words from " section 19(8) "to" Schedule 3 to this Act ".</p> <p>In section 24(5), the words " or their allowance scheme, as may be appropriate " and the words from " of Housing Revenue" to " housing account dwellings ".</p> <p>In section 26(1), in the definition of " allowance" the words from " but also " to the end, in the definition of " allowance scheme" the words from " and includes " to the end, and the definition of " housing account dwelling ".</p> <p>Sections 90 to 91A.</p> <p>In Schedule 3, Part II.</p> <p>In Schedule 4, in paragraph 1(3)(a) the words from " Housing " to " account", in paragraph 14(1), subparagraph (a), in subparagraph (b) the words " or 9" and sub-paragraph (f), and paragraphs 16 and 17.</p>
<a href="#">1972 c. 70.</a>	The Local Government Act 1972.	In Schedule 22, paragraph 2.
<a href="#">1973 c. 5.</a>	The Housing (Amendment) Act 1973.	<p>Section 1(1).</p> <p>Section 2.</p>
<a href="#">1974 c. 44.</a>	The Housing Act 1974.	<p>In section 5(3), all after paragraph (f).</p> <p>In section 13, in subsection (4) the words from " after consultation " to " section 14 below " and the words " after such consultation " and subsection (5)(a).</p> <p>Section 14.</p>

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Chapter	Short Title	Extent of Repeal
		<p>In section 19(1) the words from " (who " to " staff)".            Section 30(5).</p> <p>Section 31.</p> <p>In section 32, in subsection (1) the word " annual", and subsections (4) and (8).</p> <p>In section 33(6), the words " before the expiry of that year "            "</p> <p>In section 38(2)(a), the words " and approved by the Secretary of State "            "</p> <p>Section 42.</p> <p>Section 50.</p> <p>Sections 52 to 55.</p> <p>In section 56, in subsection (1)(d), the words "by the provision of standard amenities ", and in subsection (2)(d), the words " in a housing action area or a general improvement area "            "</p> <p>In section 57(6), the words " Except in so far as this Act otherwise provides", and paragraph (b).</p> <p>In section 62(3) the words from " and different limits "            to the end.</p> <p>Section 64(7).</p> <p>Section 67(2)(b) and (4).</p> <p>In section 71(3), paragraph (a).</p> <p>Section 79.</p> <p>In section 84, paragraph (b) of the definition of " the relevant standard "            "</p> <p>In section 104, the definitions of " the full standard " and " the reduced standard "            "</p>

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Chapter	Short Title	Extent of Repeal
1975 c. 6.	The Housing Rents and Subsidies Act 1975.	<p>In section 114, in subsection (1) paragraph (c) and the word " or " immediately preceding it, and subsections (6) and (7).</p> <p>In Schedule 5, Part I, and in Part II, paragraph 4.</p> <p>In Schedule 8, in paragraph 2(2) the words from "and any such determination " onwards.</p> <p>In Schedule 11, in paragraph 1, in sub-paragraph (2) the words following paragraph (b), sub-paragraph (3), and sub-paragraphs (5) and (6).</p> <p>Section 1(3).</p> <p>Section 2.</p> <p>Section 4.</p> <p>In Schedule 1, paragraphs 1 to 11, and 12(4)(a).</p> <p>In Schedule 5, paragraphs 8(3) and 18.</p>
1975 c. 57.	The Remuneration, Charges and Grants Act 1975.	Section 5.
1975 c. 76.	The Local Land Charges Act 1975.	In Schedule 1, the entry relating to the Housing Act 1957.
1976 c. 68.	The New Towns (Amendment) Act 1976.	Section 9(4) to (6).
1976 c. 71.	The Supplementary Benefits Act 1976.	In Schedule 7, paragraph 28.
1976 c. 75.	The Development of Rural Wales Act 1976.	<p>Section 18.</p> <p>In section 22, the word " 18 ".</p> <p>In Schedule 5, paragraphs 1 to 6 and, in paragraph 7(3), the words " or any element of a subsidy ".</p>
1976 c. 80.	The Rent (Agriculture) Act 1976.	In Schedule 4, in Case X, the words " Part II ", where they first occur.

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Chapter	Short Title	Extent of Repeal
1977 c. 42.	The Rent Act 1977.	<p>In Schedule 6, in paragraph 1 the definition of "specified sum " and sub-paragraphs (2) and (3) and paragraph 7.</p> <p>In section 5(1), the words " subject to section 17(2) of this Act".</p> <p>In section 15, in subsection (1) the words from " in respect " to "is fulfilled" and subsections (4) and (6).</p> <p>Section 17.</p> <p>In section 18, in subsection (1) the words from " which " to the end and subsections (3) and (4).</p> <p>In section 19(5)(6), the words " or of the Duchy of Lancaster or to the Duchy of Cornwall".</p> <p>In section 24, subsections (1) and (2).</p> <p>Sections 27 to 43.</p> <p>In section 44(1), the words " Schedule 9 ".</p> <p>In section 45(2), the words " paragraph 8(4) of Schedule 9".</p> <p>Sections 48 and 50.</p> <p>In section 51(3), paragraph (b) and the word " and " immediately before it.</p> <p>Section 53.</p> <p>In section 54, in subsection (1) the words " 52(6) or 53 ", and subsections (4) and (5).</p> <p>Section 56.</p> <p>In section 61(1), the definition of " improvement".</p> <p>Section 67(6).</p> <p>Section 68(6).</p>

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Chapter	Short Title	Extent of Repeal
		<p>In section 69(4) the words "Subject to section 67(6) of this Act" and paragraph (b).</p> <p>In section 70, in subsection (3), paragraphs (c) and (d) and subsection (5).</p> <p>In section 71(3)(a), the words from "subject to" to "this Act".</p> <p>Section 76.</p> <p>In section 77(1) the words "for the district in question".</p> <p>In section 78(2) the words "and the local authority".</p> <p>Section 79(4).</p> <p>Section 84(a) and (b).</p> <p>Section 86(5).</p> <p>In section 87, subsections (3) to (5).</p> <p>Sections 90 and 91.</p> <p>In section 92, in subsection (1), the words "in such form as may be prescribed", in subsection (5) the definition of "prescribed" and the word "and" immediately before it, and subsections (6) and (7).</p> <p>Section 93(3).</p> <p>Section 96(1) and (2).</p> <p>Sections 108 to 115.</p> <p>In section 116, in subsection (5) the words "sections 4(4) or 10 of the Housing Act 1969 or".</p> <p>Section 117.</p> <p>In section 118, in subsection (1) the words from "prescribed" to the end, and subsection (2).</p> <p>Section 130.</p>

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Chapter	Short Title	Extent of Repeal
		<p>In section 131(1), the words " but which is not a controlled mortgage ".</p> <p>Sections 133 to 135.</p> <p>In section 141, subsections (1)(c), (2) and (5)(a) and in subsection (1)(a) the words from " or whether a mortgage " to " of this Act ".</p> <p>In section 150, the words from "(other" to "31(9))".</p> <p>In section 152(1), the definition of " controlled tenancy ".</p> <p>Section 155(1).</p> <p>In Schedule 1, paragraph 8.</p> <p>In Schedule 2, paragraph (1) (c)(i).</p> <p>Schedules 3, 4 and 6.</p> <p>In Schedule 7, paragraph 4.</p> <p>In Schedule 8, in paragraph 1 the definition of " specified sum " and sub-paragraphs (5) and (6) and paragraph 8.</p> <p>Schedule 9.</p> <p>In Schedule 10, in paragraph 2 the words from " and, if the Secretary of State" to the end and paragraph 10.</p> <p>In Schedule 11, paragraphs 13, 14 and 15 to 25.</p> <p>In Schedule 12, in paragraph 1(c) the words from " (but" to "Act)", in paragraph 3 the words from " in the case " to "111(1) of this Act", in paragraph 4, sub-paragraph (1) and in sub-paragraph (2) the words from " in the case " to " section" and in paragraph 9(1), paragraph (b) and the word " or " immediately before.</p>

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Chapter	Short Title	Extent of Repeal
1977 c. 45.	The Criminal Law Act 1977.	<p>Schedule 13.</p> <p>In Schedule 14, paragraph 6.</p> <p>In Schedule 15, in Case 6 paragraph (a), Case 7 and in Case 10 the words " Part II or, as the case may be ".</p> <p>In Schedule 17, paragraphs 3, 4, 10 and 11.</p> <p>Schedule 19.</p> <p>In Schedule 20, in paragraph 1(1) the words " or controlled " and sub-paragraphs (6) and (7), in paragraph 3(2)(c) the words " or, as the case may be, Schedule 9", paragraph 4 and in paragraph 5 the definitions of " dwelling ", " notice of increase " and " rent limit".</p> <p>Schedules 21 and 22.</p> <p>In Schedule 23, paragraph 1, in paragraph 4 sub-paragraphs (g) to (i) and paragraphs 37 38 and 56(a).</p> <p>In Schedule 3, paragraph 25.</p> <p>In Schedule 6, the entries relating to sections 65(1) of the Housing Act 1964 and 61 of the Housing Act 1969.</p> <p>In Schedule 12, the entry relating to section 65 of the Housing Act 1964.</p>