

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 4.

#### CONSEQUENTIAL AMENDMENTS

##### *Brine Pumping (Compensation for Subsidence) Act 1891 (c. 40)*

- 1 (1) Notwithstanding anything in section 50 of the Brine Pumping (Compensation for Subsidence) Act 1891 (persons excluded from right to compensation), a local authority is entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to houses belonging to them which were provided under a housing scheme towards the losses on which the Secretary of State, or any predecessor of his, was liable to contribute under the <sup>M1</sup>Housing, Town Planning, &c. Act 1919 at any time before 10th August 1972.
- (2) In sub-paragraph (1) “local authority” means a county council, district council or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.

#### Marginal Citations

M1 1919 c. 35.

##### *Coal Mining (Subsidence) Act 1957 (c. 59)*

- 2 (1) The Coal Mining (Subsidence) Act 1957 is amended as follows.
- (2) In section 1(4) (cases in which NCB may make payment instead of executing remedial works)—
- (a) in paragraph (b) (dwelling-houses likely to be acquired for clearance) for “Part III of the Housing Act 1936” substitute “Part IX of the Housing Act 1985” and for “subsection (2) or (3) of section forty of the said Act of 1936” substitute “section 587 of the said Act of 1985”;
  - (b) in paragraph (c) (clearance orders) for “either of the said Parts III” substitute “the said Part III”;
  - (c) in the passage following paragraph (c) for “either of the said Part ASIII” in the first place where it occurs substitute “under Part IX of the said Act of 1985 or Part III of the said Act of 1950” and in the second place where it occurs substitute “the said Part III”;
  - (d) in paragraph (ii) of the proviso (consultation with relevant local authority) for “the local authority for the purposes of Part II of the Housing Act 1936” substitute “the local housing authority within the meaning of the Housing Act 1985” and after “Scotland” insert “the local authority”.
- (3) In Schedule 1 (obligations of NCB as regards houses rendered uninhabitable)—

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- (a) in paragraph 2(1)(a)(i) (standard of alternative accommodation) for “the local authority for the purposes of Part VI of the Housing Act 1936” substitute “the local housing authority within the meaning of the Housing Act 1985” and after “or, as the case may be” insert “the local authority”;
  - (b) in the proviso to paragraph 5(3) (limit on rent payable) for “the local authority for the purposes of Part V of the Housing Act 1936 or” substitute “the local housing authority within the meaning of the Housing Act 1985 or the local authority”.
- (4) In Schedule 2 (determination of amount of depreciation), in paragraph 2(1) (determination of value of property)—
- (a) in the passage following paragraph (c) for the words from “a closing order” to “1953” substitute “a closing order under section 266 of the Housing Act 1985”;
  - (b) in paragraph (i) of the proviso for the words from “a demolition order” to “1953” substitute “a demolition or closing order under section 266 of the Housing Act 1985”;
  - (c) in the same provision for “section one of the Slum Clearance Act 1956” substitute “Part I of Schedule 24 to the Housing Act 1985” and for “within the meaning of the said Act of 1956” substitute “as defined in paragraph 4(2) (a) of that Part of that Schedule”.

*Town and Country Planning Act 1959 (c. 53)*

- 3 In section 26 of the Town and Country Planning Act 1959 (consents to disposal of land by certain authorities), in subsection (5) (exceptions)—
- (a) omit paragraph (a);
  - (b) after that paragraph insert—
    - “(aa) to a disposal for which consent is required under section 32 or 43 of the Housing Act 1985 (disposal of land held for housing purposes);”.

4 ..... F1

**Textual Amendments**

**F1** Sch. 2 paras. 4, 24(2)(a)(3)(a)(c)(4)(a), 49 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), [Sch. 12 Pt. II](#)

5, 6. .... F2

**Textual Amendments**

**F2** Sch. 2 paras. 5, 6 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), [ss. 54\(3\)\(a\)\(5\), 120\(2\)](#), Sch. 19 Pt. I

*Pipelines Act 1962 (c. 58)*

- 7 (1) The Pipelines Act 1962 is amended as follows.
- (2) In section 28(4) (recovery of expenses incurred in executing demolition order)—

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- (a) for “Subsections (2) to (5) of section twenty-three of the Housing Act 1957” substitute “The provisions of section 272 of the Housing Act 1985”;
  - (b) for “Part II” in each place where it occurs substitute “Part IX”.
- (3) In section 30 (recovery of possession of building to be demolished)—
- (a) in subsection (1) for “Section seventy-three of the Housing Act 1957” substitute “Section 286 of the Housing Act 1985”;
  - (b) in subsection (2) for “section seventy-three of the said Act of 1957” substitute “section 286 of the Housing Act 1985”;
  - (c) in subsections (1) and (2) for “Part III” wherever occurring substitute “Part IX”.

*Industrial and Provident Societies Act 1965 (c. 12)*

- 8 In section 6(1) of the Industrial and Provident Societies Act 1965 (maximum shareholding in society), in paragraph (b) (exception for certain local authority holdings) for the words from “section 119(3)” to the end substitute “section 58(2) or 59(2) of the Housing Associations Act 1985”.

*Compulsory Purchase Act 1965 (c. 56)*

- 9 In section 27 of the Compulsory Purchase Act 1965 (acquiring authority to make good deficiency in rates), in subsection (1) (excepted cases) for “an acquisition of land under the Housing Act 1957” substitute “an acquisition of land under any Part of the Housing Act 1985 other than Part VIII (area improvement)”.

*Housing (Scotland) Act 1966 (c. 49)*

- [<sup>F3</sup>10 (1) The Housing (Scotland) Act 1966 is amended as follows.
- (2) Sections 162, 165, 177, 178, 186, 193 and 194 (general provisions with respect to housing functions of local authorities) apply in relation to sections 59 and 61 of the Housing Associations Act 1985 (functions of local authorities in relation to housing associations) as they apply in relation to provisions of the 1966 Act.
  - (3) In section 175(2) (compulsory purchase by Scottish Special Housing Association at request of Housing Corporation), for “section 3(5) of the Housing Act 1974” substitute “section 88(5) of the Housing Associations Act 1985”.
  - (4) In section 208(1) (general interpretation), for the definition of “housing association” substitute—

““housing association” has the same meaning as in the Housing Associations Act 1985;”.]

**Textual Amendments**

- F3** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

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*General Rate Act 1967 (c. 9)*

- 11 In Schedule 13 to the General Rate Act 1967 (determination whether premises used as a private dwelling), in paragraph 2(1) (hereditaments used for letting of rooms)—
- (a) in paragraph (b) after “the Act” insert “or in accordance with applications approved under section 18 of the Housing Act 1969”;
  - (b) in paragraph (c) after “that Act” insert “or in respect of which grants or contributions have been made to a housing association under Part I of the Housing Act 1969”.

*Leasehold Reform Act 1967 (c. 88)*

- 12 In section 3(1) of the Leasehold Reform Act 1967 (meaning of “long tenancy”), in paragraph (b) of the proviso for “otherwise than by virtue of section 37A of the Housing Act 1980 (assignments by way of exchange)”, substitute “otherwise than by virtue of section 92 of the Housing Act 1985 (assignments by way of exchange)”.

*Greater London Council (General Powers) Act 1967 (c.xx)*

- 14 In section 15 of the Greater London Council (General Powers) Act 1967 (application of provisions of Compulsory Purchase Act 1965 to acquisition by agreement of land for certain housing purposes), in subsection (1) for “Part V of the Act of 1957”, in both places where it occurs, and for “the said Part V”, substitute “Part II of the Housing Act 1985”.

*National Loans Act 1968 (c.13)*

- 15 In Schedule 4 to the National Loans Act 1968 (local loans), in paragraph 3 (certain loans for housing purposes) for the words from “or section 47” to the end substitute “, section 451 of the Housing Act 1985 or section 67 or 68 of the Housing Associations Act 1985 (certain loans for housing purposes)”.

*[<sup>F4</sup> Housing (Financial Provisions) (Scotland) Act 1968 (c.31)]*

**Textual Amendments**

**F4** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 16 (1) Section 25 of the Housing (Financial Provisions) (Scotland) Act 1968 (advances to Scottish Special Housing Association) is amended as follows.
- (2) In subsection (1)(d) advances where Association act as agent for Housing Corporation) for “section 11(1) of the Housing Act 1964” substitute “section 100 of the Housing Associations Act 1985”.
- (3) For subsection (4) (application of financial and accounting provisions) substitute—
- “(4) The Treasury may issue to the Secretary of State out of the National Loans Fund such sums as are necessary to enable him to make advances under this section; and any sums received by the Secretary of State in repayment of such advances shall be paid into the National Loan Fund.

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- (4A) The Secretary of State shall—
- (a) prepare in respect of each financial year an account in such form and manner as the Treasury may direct, of sums issued to him for advances under this section, and of sums received by him under this section, and of the disposal by him of those sums respectively, and
  - (b) send it to the Comptroller and Auditor-General not later than the end of November in the following financial year;
- and the Comptroller and Auditor-General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.”.

*Housing (Scotland) Act 1969 (c.34)*

- 17 In section 59 of the Housing (Scotland) Act 1969 (exchequer contributions towards expenditure in improving residential areas), in subsection (8) (definitions: “housing association”) for “Housing Act 1974” substitute “Housing Associations Act 1985”.

*Income and Corporation Taxes Act 1970 (c.10)*

- 18 (1) The Income and Corporation Taxes Act 1970 is amended as follows.
- (2) ..... F5
- (4) In section 342 (disposals of land between the Housing Corporation and housing societies)—
- (a) after “section 5 of the Housing Act 1964” insert “or paragraph 5 of Schedule 7 to the Housing Associations Act 1985”;
  - (b) for “housing society” and “society”, wherever occurring, substitute “housing association” and “association”;
  - (c) for “Part I of the Housing Act 1964” substitute “the Housing Associations Act 1985”.
- (5) In section 342A (disposals by certain housing associations)—
- (a) in subsection (1) for “Part II of the Housing Act 1974” substitute “Part I of the housing Associations Act 1985”;
  - (b) in subsection (2) for “Part I of the Housing Act 1974” substitute “the Housing Associations Act 1985”.

**Textual Amendments**

**F5** Sch. 2 paras. 18(2)(3), 28, 31 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844(4), [Sch. 31](#)

*Local Authority Social Services Act 1970 (c.42)*

- 19 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to Social Services Committee), at the end add—

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“Housing Act 1985 Section 72(b)	Co-operation in relation to homeless persons and persons threatened with homelessness.”.
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*Chronically Sick and Disabled Persons Act 1970 (c.44)*

20 For section 3 of the Chronically Sick and Disabled Persons Act 1970 (Duties of housing authorities) substitute—

**“3 Duties of housing authorities.**

- (1) A local housing authority in discharging their duty under section 8 of the Housing Act 1985 to consider housing conditions in their district and the needs of their district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons.
- (2) A local authority for the purposes of Part VII of the Housing (Scotland) Act 1966 in discharging their duty under section 137 of that Act to consider housing conditions in their district and the needs of their district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons; and any proposals prepared and submitted to the Secretary of State by the authority under that section for the provision of new houses shall distinguish any houses which the authority propose to provide which make special provision for the needs of such persons.”.

*Fire Precautions Act 1971 (c.40)*

21 (1) Section 36 of the Fire Precautions Act 1970 (loans to meet expenditure on certain alterations) is amended as follows.

(2) For subsection (8) (terms of loan) substitute—

“(8) The local authority’s offer may in particular include provision—

- (a) for the advance to be made by instalments from time to time as the alterations progress;
- (b) for repayment either by instalments of principal or by an annuity of principal and interest combined;
- (c) that in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority;
- (d) that the balance for the time being unpaid may be repaid on one of the usual quarter days by the person for the time being entitled to the equity of redemption after one month’s written notice of intention to repay has been given to the local authority.”.

(3) In subsection (9) (application to Scotland) for paragraph (d) substitute—

- “(d) in subsection (8) for “on one of the usual quarter days” there shall be substituted “any term of Whitsunday or Martinmas” and for “the

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person for the time being entitled to the equity of redemption” there shall be substituted “the debtor”.”.

22 ..... F6

**Textual Amendments**

**F6** Sch. 2 paras. 22, 24(8) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1

*Local Government Act 1972 (c.70)*

23 In section 131(2) of the Local Government Act 1972 (saving for special provisions regulating land transactions), after paragraph (13) insert—  
“(m) the Housing Act 1985”.

*Land Compensation Act 1973 (c.26)*

24 (1) The Land Compensation Act 1973 is amended as follows.

(2) In section 29 (home loss payments)—

- (a) ..... F7
- (b) for subsection (1)(d) (improvement &c. by certain housing associations) substitute—
  - “(d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered under the Housing Associations Act 1985”;
- (c) at the end of subsection (2) (but not as part of paragraph (b)) there shall continue to be the words “and in a case within subsection (1)(d) above, unless the displacement occurred on or after 31st July 1974 (on which date the housing Act 1974 was passed)”;
- (d) for subsection (7) substitute—

“(7) In this section “a housing order or undertaking” means—

- (a) a demolition or closing order, or an obstructive building order, under Part IX of the Housing Act 1985 (slum clearance);
- (b) a closing order under section 368(4) of that Act (closing of multi-occupied house with inadequate means of escape from fire);
- (c) an undertaking accepted under section 211, 264 or 368 of that Act (undertaking in lieu of improvement notice or housing order).”.

(3) In section 37 (disturbance payments)—

- (a) ..... F7
- (b) for subsection (1)(d) (improvement &c. by ;certain housing associations) substitute—





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(9) section 87 (general interpretation) for the definitions of “housing association” and “registered” substitute—

““housing association” has the same meaning as in the Housing Associations Act 1985 and “registered”, in relation to a housing association, means registered under that Act;”.

**Textual Amendments**

- F7** Sch. 2 paras. 4, 24(2)(a)(3)(a)(c)(4)(a), 49 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(4), **Sch. 12 Pt. II**
- F8** Sch. 2 paras. 22, 24(8) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1**

*Housing Act 1974 (c. 44)*

- 25 (1) The Housing Act 1974 is amended as follows.
- (2) In section 18(2) (certain housing association tenancies within the Rent (Scotland) Act 1984) for “subsection (1) above” substitute “section 5(4) of the Rent (Scotland) Act 1984”.
- (3) In Schedule 3 (provisions supplementary to section 18), in paragraphs 13(1)(c) and 14(1)(a) and in paragraph 16 in the definition of “the previous housing association tenancy,” for section 18(1) of this Act substitute “section 5(4) of the Rent (Scotland) Act 1984”.

*Friendly Societies Act 1974 (c. 46)*

- 26 In section 51 of the Friendly Societies Act 1974 (power of friendly society to invest in housing association), in subsection (4) (definition of “housing association”) for the words from “means” to the end substitute “has the same meaning as in the Housing Associations Act 1985”.

27 ..... **F9**

**Textual Amendments**

- F9** Sch. 2 paras. 27, 35(3) repealed by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(3), **Sch. 12 Pt. I**

28 ..... **F10**

**Textual Amendments**

- F10** Sch. 2 paras. 18(2)(3), 28, 31 repealed by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844(4), **Sch. 31**

29 ..... **F11**

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**Textual Amendments**

**F11** Sch. 2 para. 29 repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#) s. 83(5) Sch. 6 Pt. I

*Greater London Council (General Powers) Act 1975 (c.xxx)*

- 30 (1) Section 7 of the Greater London Council (General Powers) Act 1975 (byelaws as to parking, &c. on housing estates) is amended as follows.
- (2) In subsection (1) (extension of power to make byelaws)—
- (a) for “subsection (1) of section 112 of the Housing Act 1957” substitute “section 23(1) of the Housing Act 1985”, and
- (b) for “Part V” substitute “Part II”.
- (3) In subsection (2) (extension of ancillary provisions) for “the said section 112” substitute “section 23(1) of the Housing Act 1985”.
- 31 ..... **F12**

**Textual Amendments**

**F12** Sch. 2 paras. 18(2)(3), 28, 31 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844(4), [Sch. 31](#)

*Development of Rural Wales Act 1976 (c.75)*

- 32 In section 8 of the Development of Rural Wales Act 1976 (assistance from public authorities and others), in subsection (4) for the words from “the Housing Act 1974” to the end substitute “the Housing Associations Act 1985”.

*Rent (Agriculture) Act 1976 (c.80)*

- 33 (1) The Rent (Agriculture) Act 1976 is amended as follows.
- (2) In section 5 (no statutory tenancy where landlord’s interest belongs to certain authorities or bodies), in subsection (4) (certain housing associations) for the words from “belong to a housing association” to the end substitute—
- “belong to a housing association which—
- (a) is registered under the Housing Associations Act 1985, or
- (b) is a co-operative housing association within the meaning of that Act.”.
- (3) In section 27 (rehousing: application to housing authority), for subsection (3) substitute—
- “(3) In this Act the “housing authority concerned” is the local housing authority within the meaning of the Housing Act 1985.”.
- (4) In Schedule 4 (grounds for possession of dwelling-house)—

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- (a) in paragraph 4 of Case I (alternative accommodation privately provided: accommodation unsuitable if overcrowded), and
  - (b) in Case XIII (dwelling-house overcrowded),
- for “the Housing Act 1957” substitute “Part X of the Housing Act 1985”.

(5) In Schedule 5 (terms of statutory tenancy)—

- (a) in paragraph 6(1) (landlord’s repairing obligations) and in paragraph 12(4) (b)) (variation of statutory tenancy) for “section 32 of the Housing Act 1961” substitute “section 11 of the Landlord and Tenant Act 1985”;
- (b) in paragraph 6(2) for “the said section 32” substitute “the said section 11”.

34

F13

**Textual Amendments**

**F13** Sch. 2 para. 34 repealed by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 101(1), Sch. 15 Pt. I

*Rent Act 1977 (c.42)*

35 (1) The Rent Act 1977 is amended as follows.

(2) In section 15 (certain housing association tenancies), for subsection (3) (associations to which the section applies) substitute—

“(3) A housing association falls within this subsection if—

- (a) it is registered under the Housing Associations Act 1985, or
- (b) it is a co-operative housing association within the meaning of that Act.”.

(3) ..... F14

(4) In section 78 (powers of rent tribunals on reference of restricted contract) in subsection (5) (meaning of “housing authority”) for the words from “means a council” to the end substitute “means a local housing authority within the meaning of the Housing Act 1985”.

(5) In section 86 (meaning of “housing association tenancy” for purposes of Part VI)—

- (a) in subsection (3) (definition of “housing association”) for the words from “has the meaning assigned” to the end substitute “has the same meaning as in the Housing Associations Act 1985”;
- (b) in subsection (3A) (definition of “co-ownership tenancy”) for “falls within section 15(3)(d) of this Act” substitute “is a co-operative housing association within the meaning of the Housing Associations Act 1985”.

(6) In section 88 (rent limit for certain housing association tenancies), in subsection (7) (conditions imposed under certain enactments to be disregarded in determining rent limit)—

- (a) for paragraph (b) substitute—
  - “(b) paragraph 2 of Part II of Schedule 15 to the Housing Act 1985, or any corresponding earlier enactment”;
- (b) for paragraph (d) substitute—

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- “(d) section 33 of the Housing Act 1985, or any corresponding earlier enactment;”.
- (c) for the words from “(which impose” to “houses)” substitute “which imposes a rent limit in respect of the dwelling-house”.
- (7) In section 92 (conversion of housing association tenancies), in subsection (5) (definition of “housing association”) for “section 189(1) of the Housing Act 1957” substitute “the Housing Associations Act 1985”.
- (8) For section 101 (overcrowded dwelling-houses) substitute—

**“101 Over-crowded dwelling-houses.**

At any time when a dwelling-house is overcrowded within the meaning of Part X of the Housing Act 1985 in such circumstances as to render the occupier guilty of an offence, nothing in this Part of this Act shall prevent the immediate landlord of the occupier from obtaining possession of the dwelling-house.”.

- (9) In section 116 (power of court to authorise carrying out of works without consent of statutory tenant)—
- (a) in subsection (3)(a) (works approved for grant) for “Part VII of the Housing Act 1974” substitute “Part XV of the Housing Act 1985”;
- (b) in subsection (3)(b) (works likely to be approved for grant) for “a local authority” substitute “the local housing authority within the meaning of that Act”;
- (c) in subsection (5) (compliance with conditions as to time) for “local authority under section 82(1) of the Housing Act 1974” substitute “local housing authority under section 512(2) of the Housing Act 1985”.
- (10) In section 149(1) (powers of local authorities to provide information), for subparagraph (a)(i) substitute—
- “(i) sections 4 to 7 (provision of rent books) and sections 18 to 30 (service charges) of the Landlord and Tenant Act 1985,”.
- (11) In Schedule 15, Part IV (determination whether suitable alternative accommodation is or will be available)—
- (a) for “housing authority” wherever occurring substitute “local housing authority”;
- (b) in paragraph 6 (overcrowding) for “the Housing Act 1957” substitute “Part X of the Housing Act 1985”;
- (c) for paragraph 8 (meaning of “housing authority” and “district”) substitute—
- “8 In this Part “local housing authority” and “district” in relation to such an authority have the same meaning as in the Housing Act 1985.”
- (12) In Schedule 16 (further grounds for possession of dwelling-houses let to agricultural workers)—
- (a) for “the housing authority concerned” wherever occurring substitute “the local housing authority”;
- (b) in paragraph 4 of Case I (overcrowding) for “the Housing Act 1957” substitute “Part X of the Housing Act 1985”;

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- (c) for paragraph 7 of Case I (definition of “the housing authority concerned”) substitute—
- “7 In this Case and in Case II below “the local housing authority” has the same meaning as in the Housing Act 1985.”;
- (d) in paragraph 4 of Case II for “housing authority’s offer” substitute “local housing authority’s offer”.

#### Textual Amendments

**F14** Sch. 2 paras. 27, 35(3) repealed by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(3), Sch. 12 Pt. I

#### *Criminal Law Act 1977 (c.45)*

- 36 In section 7 (offence of adverse possession of premises) in subsection (5) (authorities whose prospective tenants are protected intending occupiers) for paragraph (c) substitute—
- “(c) a registered housing association within the meaning of the Housing Associations Act 1985.”.

#### *<sup>F15</sup> Housing (Homeless Persons) Act 1977 (c.48)*

#### Textual Amendments

**F15** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), Sch. 24

- 37 (1) The Housing (Homeless Persons) Act 1977, as it continues to apply in Scotland, is amended as follows.
- (2) In section 1(1) (definition of homelessness) after “if there is no accommodation” insert “in Scotland, England or Wales”.
- (3) In section 3(3) (inquiries as to local connection with another housing authority) after “housing authority” insert “in Scotland, England or Wales”.
- (4) In section 5(1)(a) (grounds for referral of application to another housing authority), in sub-paragraph (ii) for “another housing authority’s area” substitute “the area of another housing authority in Scotland, England or Wales”.
- (5) In section 9(1) (co-operation between authorities)—
- (a) in paragraph (a) after “another housing authority” insert “in Scotland, England or Wales”;
- (b) in paragraph (b) for “social services authority or a social work authority” substitute “social work authority in Scotland, England or Wales”.
- (6) After section 18 insert—

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**“ Application of this Act to cases arising in England and Wales.**

- (1) Section 5(3), (4) and (7) to (11) above (notification of application to another housing authority and duties to persons whose applications are so notified) apply—
- (a) to applications notified by an authority in England or Wales in pursuance of section 67 of the Housing Act 1985, and
  - (b) to persons whose applications are so notified,
- as they apply to cases arising under this Act.
- (2) Section 9 above (duty of authorities to co-operate with housing authority) applies to a request by a local housing authority in England or Wales under section 72 of the Housing Act 1985 as it applies to a request by a housing authority in Scotland.
- (3) In this Act, in relation to England and Wales—
- (a) “housing authority” means a local housing authority within the meaning of section 1 of the Housing Act 1985, and references to the area of such an authority are to their district within the meaning of section 2 of that Act, and
  - (b) “social work authority” means a local authority for the purposes of the Local Authority Social Services Act 1970, as defined in section 1 of that Act;
- and in section 9(1)(c) (requests for co-operation) “development corporation” includes a development corporation established under the New Towns Act 1981.”.
- (7) In section 19(1) (general interpretation), in the definition of “registered housing association” for the words from “registered in” to the end substitute “registered under the Housing Associations Act 1985”.
- (8) In section 21 (citation and extent), for subsection (4) substitute—
- “(4) This Act extends to Scotland only.”.]

*National Health Service Act 1977 (c.49)*

- 38 (1) The National Health Service Act 1977 is amended as follows.
- (2) In section 28A (payments by health authorities towards expenditure on community services), in subsection (2) (authorities to whom, and functions in respect of which, payments may be made)—
- (a) for paragraph (d) substitute—
    - “(d) to a local housing authority within the meaning of the Housing Act 1985, towards expenditure incurred or to be incurred by them in connection with their functions under Part II of that Act (provision of housing); and”;
  - (b) in paragraph (e) for sub-paragraph (i) substitute—
    - “(i) a registered housing association within the meaning of the Housing Associations Act 1985;”.

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- (3) In section 28B (payments by Secretary of State towards community services in Wales), in subsection (1)(b) for sub-paragraph (i) substitute—
- “(i) a registered housing association within the meaning of the Housing Associations Act 1985;”.
- (4) In section 123(1) (arrangements for housing of persons displaced by health service development), for paragraphs (a) to (c) substitute—
- “(a) a local housing authority within the meaning of the Housing Act 1985,
- (b) a housing association or housing trust within the meaning of the Housing Associations Act 1985;”.

*[<sup>F16</sup> Housing (Financial Provisions) (Scotland) Act 1978 (c.14)*

**Textual Amendments**

**F16** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 39 (1) The Housing (Financial Provisions) (Scotland) Act 1978 is amended as follows.
- (2) In section 5 (financial assistance to voluntary organisations), in subsection (2) for the words from “in the register” to “1974” substitute “under the Housing Associations Act 1985”.
- (3) In section 7 (restriction on certain exchequer payments)—
- (a) in subsection (7) (housing association grant) for “section 29 of the Housing Act 1974” substitute “Part II of the Housing Associations Act 1985”;
- (b) in subsection (8) (hostel deficit grants) for “section 33 of the Housing Act 1974” substitute “section 55 of the Housing Associations Act 1985”.]

*[<sup>F17</sup> Home Purchase Assistance and Housing Corporation Guarantee Act 1978 (c.27)]*

**Textual Amendments**

**F17** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 40 (1) The Home Purchase Assistance and Housing Corporation Guarantee Act 1978, as it continues to apply in Scotland, is amended as follows.
- (2) In section 2(5) (exclusion of Restrictive Trade Practices Act 1976) after “this Act” insert “, or the corresponding English or Northern Ireland provisions;”.
- (3) In section 3 (modifications of building society law), after “under this Act”, wherever occurring, insert “, or the corresponding English or Northern Ireland provisions;”.
- (4) After section 3 insert—

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985, SCHEDULE 2. (See end of Document for details)*

### “3A Corresponding English or Northern Ireland provisions.

The references in this Act to the corresponding English or Northern Ireland provisions are to, respectively, sections 445 to 449 of the Housing Act 1985 and Part IX of the Housing (Northern Ireland) Order 1981.”.

(5) For section 6(3) substitute—

“(3) This Act extends to Scotland only.”.

(6) In the Schedule (recognised lending and savings institutions)—

- (a) in paragraph 1 (building societies) for “designated under section 1 of the House Purchase and Housing Act 1959” substitute “designated for the purposes of the Trustee Investments Act 1961”;
- (b) in paragraph 13 (savings institutions recognised under other provisions) for the words from “legislation” to the end substitute “the corresponding English or Northern Ireland provisions”

#### *National Health Service (Scotland) Act 1978 (c.29)*

41 In section 16A of the National Health Service (Scotland) Act 1978 (payments by Health Boards towards expenditure on community services), in subsection (2) (payments to certain bodies towards expenditure on provision of housing accommodation) for paragraph (a) substitute—

“(a) a registered housing association within the meaning of the Housing Associations Act 1985;”.

#### *[<sup>F18</sup> Homes Insulation Act 1978 (c.48)]*

#### **Textual Amendments**

**F18** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

42 In the Homes Insulation Act 1978, as it continues to apply in Scotland, for section 4(2) substitute—

“(2) This Act extends to Scotland only.”.

#### *Finance Act 1980 (c.48)*

43 In section 97 of the Finance Act 1980 (stamp duty: certain shared ownership leases to be stamped as conveyances), in subsection (3) (bodies granting leases to which the section applies) for paragraphs (a) and (b) substitute—

- “(a) a local housing authority within the meaning of the Housing Act 1985;
- (b) a housing association registered under the Housing Associations Act 1985 or Article 124 of the Housing (Northern Ireland) Order 1981;”.



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*Housing Act 1980 (c.51)*

- 44 (1) The Housing Act 1980 is amended as follows.
- (2) In section 86 (jurisdiction of county court), for subsections (1) and (2) substitute—
- “(1) A county court has jurisdiction to determine any question arising under Part III of this Act (tenant’s improvements) and to entertain any proceedings brought thereunder.
- (2) The jurisdiction conferred by this section includes jurisdiction to entertain proceedings on any question whether any consent required by section 81 was withheld or unreasonably withheld, notwithstanding that no other relief is sought than a declaration.”.
- [<sup>F19</sup>(3) In section 140 (exclusion of shared ownership tenancies from Leasehold Reform Act 1967), in subsection (6) definition of “registered housing association”) for “section 13 of the Housing Act 1974” substitute “the Housing Associations Act 1985”.]
- (4) In Schedule 9 (provisions consequential on amendment of definition of “housing trust” in the Rent Act 1977)—
- (a) in paragraphs 2 and 4 for “Chapter II of Part I of this Act” substitute “Part IV of the Housing Act 1985 (secure tenancies)”;
- (b) in paragraph 5 for “Section 33 of this Act” substitute “Section 83 of the Housing Act 1985 (notice of proceedings for possession)”.

**Textual Amendments**

**F19** Sch. 2 paras. 44(3), 45(2) repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(3), [Sch. 12 Pt. I](#)

*[<sup>F20</sup> Tenants’ Rights, &c. (Scotland) Act 1980 (c.52.)*

**Textual Amendments**

**F20** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 45 (1) The Tenants’ Rights, &c. (Scotland) Act 1980 is amended as follows.
- [ In section 1(10) (landlords relevant to qualifying period for right to purchase and discount), in paragraph (e) (certain housing cooperatives) for “paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975” substitute “section 27 of the Housing Act 1985”.]
- <sup>F21</sup>(2) (3) In section 10(2) (landlord condition for secure tenancies), in paragraph (e) (registered housing associations) for “the Housing Act 1974” substitute “the Housing Associations Act 1985”.
- (4) For section 11 (special provision for certain housing associations) substitute—

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**“Special provision for certain housing associations.**

- (1) A tenancy shall not be a secure tenancy at any time when the interest of the landlord belongs to a registered housing association which is a co-operative housing association.
- (2) This Part of this Act (with the exception of sections 16, 17 and 21 to 25) shall apply to a tenancy at any time when the interest of the landlord belongs to a housing association which is a co-operative housing association and is not registered.
- (3) If a registered housing association which is a co-operative housing association ceases to be registered, it shall notify those of its tenants who thereby become secure tenants.
- (4) Notice under subsection (3) shall be given in each tenant concerned, within the period of 21 days beginning with the date on which the association ceases to be registered.
- (5) In this section—
  - (a) references to registration in relation to a housing association are to registration under the Housing Associations Act 1985, and
  - (b) “co-operative housing association” has the same meaning as in that Act.”.]

**Textual Amendments**

**F21** Sch. 2 paras. 44(3), 45(2) repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(3), [Sch. 12 Pt. I](#)

*Local Government, Planning and Land Act 1980 (c.65)*

- 46 (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 152(1)(c) (power to confer on urban development corporations functions with respect to home insulation), for “section 1 of the Homes Insulation Act 1978” substitute “section 521 of the Housing Act 1985”.
  - (3) In section 153(1) (power to confer local authority housing functions on urban development corporation) for the words from “the Housing Acts 1957 to 1975 and the Housing Act 1980” substitute “the Housing Act 1985 or the Housing Associations Act 1985”.
  - (4) In Schedule 12 (prescribed expenditure for purposes of controls on capital expenditure), in paragraph 1(e) (certain expenditure on land) for “Part V of the Housing Act 1957” substitute “Part II of the Housing Act 1985”.

*Highways Act 1980 (c.66)*

- 47 In section 36(2) of the Highways Act 1980 (general definition of highways maintainable at the public expense), in paragraph (b) (highways constructed by local authorities under housing powers)—

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- (a) for “Part V of the Housing Act 1957” substitute “Part II of the Housing Act 1985”;
- (b) for “the said Part V”, in each place where it occurs, substitute “the said Part II”.

*Finance Act 1981 (c.35)*

48 In section 107 of the Finance Act 1981 (stamp duty: sale of houses at discount by local authorities, &c. in subsection (3) (authorities to whose dispositions the section applies)—

- (a) in paragraph (b) for “local authority within the meaning of Part V of the Housing Act 1957” substitute “local housing authority within the meaning of the Housing Act 1985”;
- (b) in paragraph (f) for “section 13 of the Housing Act 1974” substitute “the Housing Associations Act 1985”.

49 ..... F22

**Textual Amendments**

**F22** Sch. 2 paras. 4, 24(2)(a)(3)(a)(c)(4)(a), 49 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), [Sch. 12 Pt. II](#)

*Greater London Council (General Powers) Act 1981 (c.xvii)*

- 50 (1) Part IV of the Greater London Council (General Powers) Act 1981 (control of overcrowding in certain hostels) is amended as follows.
- (2) In section 9(1) (overcrowding notices), in the proviso (cases where similar restrictions are in force), for the words from “applied” to the end substitute “for the time being applied to the premises by a registration scheme under section 346 of the Housing Act 1985, a direction under section 354 of that Act, or an overcrowding notice under section 358 of that Act”.
- (3) In section 12(1) (penalties), in the proviso (exclusion where a person previously convicted under other similar provisions), for the words from “section 90(13)” to the end substitute “section 355(2) or 358(4) of the Housing Act 1985”.
- (4) In section 16 (premises exempted from controls)—
- (a) in paragraph (e) (registered common lodging houses), for “section 238 of the Act of 1936” substitute “Part XII of the Housing Act 1985”;
  - (b) in paragraph (l) (premises run by registered housing associations), for “Part II of the Housing Act 1974” substitute “the Housing Associations Act 1985”.

*Housing (Northern Ireland) Order 1981 (S.I. 1981/156) (N.I. 3)*

51 (1) The Housing (Northern Ireland) Order 1981 is amended as follows.

(2) ..... F23

(3) After that Article insert—

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*“Exclusion of Restrictive Trade Practices Act 1976*

155A Section 16(3) and (5) of the Restrictive Trade Practices Act 1976 (recommendations by services supply associations to members) do not apply to recommendations made to lending and savings institutions about the manner of implementing Articles 153 and 154, or the corresponding English or Scottish provisions, provided that the recommendations are made with the approval of the Department of the environment for Northern Ireland, or, as the case may be, the Secretary of State, which may be withdrawn at any time on one month’s notice.”.

(4) In Article 156 (indemnity agreements with building societies), at the end add—

“(7) Section 16(3) and (5) of the Restrictive Trade Practices Act 1976 (recommendations by services supply associations) do not apply to a recommendation made about the making of agreements under this Article, or under the corresponding provisions in England and Wales (namely, section 442 of the Housing Act 1985 and section 84 of the Housing Associations Act 1985), provided that the recommendations are made with the approval of the Department of the Environment for Northern Ireland, or, as the case may be, of the Secretary of State, which may be withdrawn at any time on one month’s notice.”.

(5) In Schedule 10 (institutions recognised for purposes of the scheme for assisting first-time buyers)—

- (a) ..... F23
- (b) in Part II (savings institutions) in paragraph 12 after “section 1 of the Home Purchase Assistance and Housing Corporation Guarantee Act 1978” insert “or section 446 of the Housing Act 1985”.

**Textual Amendments**

**F23** Sch. 2 para. 51(2)(5)(a) repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120(2)(3), [Sch. 19 Pt. III](#)

*Civil Aviation Act 1982 (c.16)*

52 In paragraph 4 of Schedule 2 to the Civil Aviation Act 1982 (enactments for purposes of which the Civil Aviation Authority are statutory undertakers) for “Part III of the Housing Act 1957” substitute “sections 283, 296 and 611 of the Housing Act 1985”.

*Social Security and Housing VBenefits Act 1982 (c.24)*

53 In section 35(1) of the Social Security and Housing Benefits Act 1982 (interpretation of Part II)—

(a) before the definition of “Housing Revenue Account rebate” insert—

““Housing Revenue Account dwelling”, in relation to a local authority, means a dwelling which is within the authority’s Housing Revenue Account (within the meaning of Part XIII of the Housing Act 1985) and is not—

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- (a) a dwelling for the time being let on a long tenancy at a low rent within the meaning of the Lease-hold Reform Act 1967, or
- (b) a dwelling no longer owned by the authority;”;
- (b) in the definition of “Housing Revenue Account rebate” omit the words “(within the meaning of the Housing Finance Act 1972)”.

54 ..... F24

**Textual Amendments**

**F24** Sch. 2 para. 54 repealed by [Capital Allowances Act 1990 \(c. 1, SIF 63:1\)](#), s. 164, [Sch. 2](#)

*Greater London Council (General Powers) Act 1982 (c.i)*

- 55 In section 4 of the Greater London Council (General Powers) Act 1982 (removal of vehicles illegally parked on housing estates)
- (a) in subsection (1) for the words from “subsection (1)” to “Housing Act 1957” substitute “section 23(1) of the Housing Act 1985 (byelaws for regulation of authority’s houses)”;
  - (b) in the same subsection for “Part V of the said Act of 1957” substitute “Part II of the Housing Act 1985”;
  - (c) in subsection (2) for “the said section 112” substitute “section 23(1) of the Housing Act 1985”.

*Matrimonial Homes Act 1983 (c.19)*

- 56 (1) The Matrimonial Homes Act 1983 is amended as follows.
- (2) In section 1(6) (occupation under the Act by one spouse to be treated as occupation by the other) for “for the purposes of Chapter II of Part I of the Housing Act 1980” substitute “for the purposes of Part IV of the Housing Act 1985 (secure tenancies)”.
- (3) In Schedule 1 (transfer of certain tenancies on divorce, &c.)—
- (a) in paragraph 1(1)(c) for “within the meaning of section 28 of the Housing Act 1980” substitute “within the meaning of section 79 of the Housing Act 1985”;
  - (b) in paragraph 2(1) for “within the meaning of the Housing Act 1980” substitute “within the meaning of the Housing Act 1985”;
  - (c) in paragraph 2(3) for “within the meaning of Chapter II of Part I of the Housing Act 1980” substitute “within the meaning of Part IV of the Housing Act 1985”.

*County Courts Act 1984 (c.28)*

- 57 (1) The County Courts Act 1984 is amended as follows.
- (2) In section 66(1) (trial by jury: cases for trial without jury), in paragraph (c) (housing appeals) for “the Housing Act 1957” substitute “the Housing Act 1985”.

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- (3) In section 77 (appeals), in subsection (6) (restriction of appeal on question of fact where court has unfettered discretion whether or not to order possession), in paragraph (e) for “section 34(3)(a) of the Housing Act 1980” substitute “section 84(2)(a) of the Housing Act 1985”.

*Building Act 1984 (c.55)*

- 58 (1) The Building Act 1984 is amended as follows.
- (2) In section 76(7) (power to act in respect of defective building notwithstanding that authority might have proceeded under housing powers) for “section 9 of the Housing Act 1957” substitute “Part VI of the Housing Act 1985 (repair notices)”.
- (3) In section 80(1)(a) and section 81(1)(a), and (3)(b) and (4)(b) (which relate to demolition orders) for “the Housing Act 1957” substitute “Part IX of the Housing Act 1985”.

*Rent (Scotland) Act 1984 (c.58)*

- 59 (1) The Rent (Scotland) Act 1984 is amended as follows.
- (2) In section 5 (now; protected or statutory tenancy where landlord’s interest belongs to certain authorities), in subsection (4) (certain housing associations) for the words from “belongs to” to the end substitute—
- “belongs to a housing association which—
- (a) is registered under the Housing Associations Act 1985, or
- (b) is a co-operative housing association within the meaning of that Act;
- nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord belongs at that time to such a housing association.”.
- (3) In section 61(1) (interpretation of Part VI), in the definition of “housing association” for the words from “meaning” to the end substitute “same meaning as in the Housing Associations Act 1985”.
- (4) In section 63(4) (lessors excluded from Part VII), in paragraph (e) (registered housing associations), for “Housing Act 1974” substitute “Housing Associations Act 1985”.

*Greater London Council (General Powers) Act 1984 (c.xxvii)*

- 60 (1) The Greater London Council (General Powers) Act 1984 is amended as follows.
- (2) In section 10 (registration of certain sleeping accommodation: buildings to which the provisions apply), in subsection (2) (exceptions)—
- (a) in paragraph (h) (premises run by registered housing association), for “Part II of the Housing Act 1974” substitute “the Housing Associations Act 1985”;
- (b) in paragraph (m) (registered common lodging houses), for “section 238 of the Public Health Act 1936” substitute “Part XII of the Housing Act 1985”.

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- (3) In section 39 (occupants removed from buildings to have authority housing need), for “the Housing (Homeless Persons) Act 1977” substitute “Part III of the Housing Act 1985 (housing the homeless)”.

*Local Government Act 1985 (c.51)*

- 61 In Schedule 13 to the Local Government Act 1985 (provisions with respect to residuary bodies) for paragraphs 22 and 23 (application of certain housing enactments) substitute—
- “22 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Housing Act 1985—
- sections 43 and 44 (consent required for certain disposals of houses),
  - sections 45 to 51 (restrictions on recovery of service charges after disposal of house),
  - Parts IV and V (secure tenancies and the right to buy),
  - sections 442 (so far as relates to agreements within subsection (1) (b)), 443, 444, 452 and 453 (provision in connection with local authority mortgages), and
  - Part XVI (assistance for owners of defective premises disposed of by local authorities and others).
- 23 A residuary body shall be treated as a local authority for the purposes of sections 84(5)(b) and 5(4) of the Housing Associations Act 1985 (consultation on forms of agreement and meaning of “relevant advance”).
- 24 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Landlord and Tenant Act 1985—
- section 14(4) (exclusion of implied repairing obligations), and
  - sections 18 to 30 (service charges).”.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the *Housing (Consequential Provisions) Act 1985*, SCHEDULE 2.