

SCHEDULES

SCHEDULE 4

Section 5(2).

SAVINGS

General saving for old transitional provisions

- 1 The repeal by this Act of a provision relating to the coming into force of a provision reproduced in the consolidating Acts does not affect the operation of that provision, in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect, in relation to the corresponding provision of the consolidating Acts.

General saving for old savings

- 2 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect.
- (3) Sub-paragraph (2) does not apply to the repeal of paragraph 23(3) of Schedule 1 to the Housing Rents and Subsidies Act 1975 (saving for orders under section 80 of the Housing Finance Act 1972).

Savings relating to the Common Council of the City of London

- 3 (1) The repeal by this Act of any provision not specifically reproduced in the consolidating Acts does not affect the powers of the Common Council of the City of London.
- (2) Sub-paragraph (1) applies in particular to the repeal of the following provisions (which as regards local authorities in general are superseded by provisions of the Local Government Act 1972 not applying to the Common Council)—
- section 47 of the Housing Act 1957 (treatment of land acquired for clearance), so far as it confers powers of appropriation and disposal, and section 26(5)(a) of the Town and Country Planning Act 1959 (consents to disposals) so far as it relates to that section,
 - section 137 of that Act (borrowing for purposes of housing operations outside authority's area),
 - section 138 and Schedule 8 of that Act (power to issue local housing bonds), and
 - section 35 of the Housing Act 1969 (restriction on disposal of land at an undervalue).

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- (3) Section 112(3) of the Housing Act 1957 (confirming authority for byelaws) continues to apply in relation to byelaws made under section 23 of the Housing Act 1985 by the Common Council.
- (4) Sections 166 to 169 of the Housing Act 1957 (authentication and service of documents) continue to apply in relation to the Common Council.
- (5) A reference in a provision of the consolidating Acts to the "proper officer" of a local authority shall be construed in relation to the Common Council of the City of London as a reference to any specific officer of that Council referred to in the corresponding provision repealed by this Act.

Saving for certain powers of existing companies and associations

- 4 (1) The repeal by this Act of—
 - (a) section 127 of the Housing Act 1957 (power of certain companies, &c. to provide housing for their employees), or
 - (b) section 47(4) of the Housing (Financial Provisions) Act 1958 or section 24(3) of the Housing (Financial Provisions) (Scotland) Act 1968 (power of certain companies, &c. to borrow from Public Works Loan Commissioners),
 does not affect the powers of any company, association or society in relation to which the provision in question applied before 1st April 1986.
- (2) The repeal by this Act of section 47(8) of the Housing (Financial Provisions) Act 1958 (quasi-incorporation of certain bodies for certain housing purposes) does not affect the status of any company, association or society in relation to which the provision applied before 1st April 1986.
- (3) The repeal by this Act of section 47(9) of the Housing (Financial Provisions) Act 1958 (borrowing powers of certain housing associations) does not affect the power of any housing association to which that provision applied before 1st April 1986 to raise money on loan at a rate of interest not exceeding that determined by the Treasury for the purposes of the definition of "housing association" in section 1 of the Housing Associations Act 1985.

Options granted by local authorities before 8th August 1980

- 5 The limitations on a local authority's statutory power to dispose of houses acquired or appropriated for the purposes of Part V of the Housing Act 1957 shall not be taken to have prevented a local authority, at any time before 8th August 1980 (when the power of disposal conferred by section 91 of the Housing Act 1980 came into force), from granting to the tenant of a house an option to purchase the freehold of, or any other interest in, the house.

Conditions imposed under section 104 of the Housing Act 1957 before 8th August 1980

- 6 A condition imposed under section 104 of the Housing Act 1957 before 8th August 1980 which by virtue of paragraph 69(1) of Schedule 25 to the Housing Act 1980 was a local land charge immediately before the commencement of this Act continues to be a local land charge notwithstanding the repeal of that paragraph.

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Transfers under section 14 of the Housing (Homeless Persons) Act 1977

- 7 (1) The repeal by this Act of section 14 of the Housing (Homeless Persons) Act 1977 (transfers of property and staff) does not affect the operation of any order previously made under that section.
- (2) The transfer of an employee in pursuance of such an order shall be treated—
- (a) for the purposes of section 94 of the Employment Protection (Consolidation) Act 1978 (redundancy payments) as occurring on a change in the ownership of a business ;
 - (b) for the purposes of Schedule 13 to that Act (continuity of employment) as occurring on the transfer of an undertaking.

Operation of section 37 of the Housing Act 1980, as originally enacted

- 8 (1) Section 37 of the Housing Act 1980 (effect of assignment or subletting, &c.) as originally enacted shall be deemed never to have applied in relation to the assignment of secure tenancies.
- (2) Sub-paragraph (1) does not affect—
- (a) in the case of a periodic tenancy, the operation of a notice to quit served on the tenant before 26th August 1984 ;
 - (b) in the case of a tenancy for a term certain, any proceedings for forfeiture in pursuance of a notice served on the tenant before that date.

Modifications of conveyances and grants in consequence of the Housing and Building Control Act 1984

- 9 (1) This paragraph applies to a conveyance or grant executed in pursuance of Chapter I of Part I of the Housing Act 1980 (the right to buy) before 26th August 1984, when Part I of the Housing and Building Control Act 1984 came into force.
- (2) Where the conveyance or grant contains the covenant required by section 8(1) of the 1980 Act (repayment of discount on early disposal), the covenant has effect with' such modifications as may be necessary to bring it into conformity with the amendments made by section 5 of the 1984 Act.
- (3) Where the conveyance or grant contains such a covenant as was mentioned in section 19(1) of the 1980 Act (restriction on disposal of dwelling-houses in National Parks, &c), the covenant—
- (a) is binding not only on the purchaser and any successor in title of his but also on any person deriving title under him or any such successor, and
 - (b) has effect with such modifications as may be necessary to bring it into conformity with the amendments made by section 8 of the 1984 Act.
- 10 (1) This paragraph applies to a conveyance, grant or assignment executed in pursuance of section 104 of the Housing Act 1957 or section 122 of the Housing Act 1980 (voluntary disposals by local authorities or registered housing associations) before 26th August 1984, when Part I of the Housing and Building Control Act 1984 came into force.
- (2) Where the conveyance, grant or assignment contains the covenant required by section 104B(2) of the 1957 Act (repayment of discount on early disposal), the

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covenant has effect with such modifications as may be necessary to bring it into conformity with the amendments made by paragraph 1 of Schedule 6 to the 1984 Act.

- (3) Where the conveyance, grant or assignment contains such a covenant as was mentioned in section 104C(1) of the 1957 Act (restriction on disposal of dwelling-houses in National Parks, &c), the covenant—
- (a) is binding not only on the purchaser and any successor in title of his but also on any person deriving title under him or any such successor, and
 - (b) has effect with such modifications as may be necessary to bring it into conformity with the amendments made by paragraph 2 of Schedule 6 to the 1984 Act.

Section 35 of the Housing Act 1957

- 11 The provisions of Part IX of the Housing Act 1985 (slum clearance) apply in relation to a closing order made under section 35 of the Housing Act 1957 (retention of houses needed to support other buildings) as they apply to a closing order made under the proviso to section 17 of the 1957 Act.

Telecommunication apparatus in clearance area

- 12 Paragraph 33 of Schedule 3 to the British Telecommunications Act 1981 (provision for protection of certain telecommunication apparatus) continues to have effect in relation to any order under section 64 of the Housing Act 1957 (extinguishment of rights over land acquired for clearance) coming into force before the appointed day for the purposes of the Telecommunications Act 1984.

Definition of multiple occupation

- 13 (1) Any statutory provision passed or made before 25th August 1969 referring (in whatever terms) to a house which, or part of which, is let in lodgings or which is occupied by members of more than one family shall continue to have effect as if it referred to a house which is occupied by persons who do not form a single household.
- (2) In sub-paragraph (1) " statutory provision" means any provision contained in an Act of Parliament or in any order or other instrument made under an Act of Parliament.

Houses in multiple occupation: undertakings accepted, &c. before 27th October 1980

- 14 (1) The repeal by this Act of section 147 of the Housing Act 1980 does not affect the operation of any enactment in relation to a notice served, undertaking given or order made under section 16 of the Housing Act 1961 or section 60 of the Housing Act 1969 (houses in multiple occupation: means of escape from fire) before 27th October 1980.
- (2) In relation to a breach of an undertaking accepted under section 60 of the Housing Act 1969 before that date, the maximum fine under subsection (3) of that section is level 2 on the standard scale (within the meaning of section 75 of the Criminal Justice Act 1982).
- (3) Sub-paragraph (2) does not affect the provisions of section 60(3) of the Housing Act 1969 as to continuing offences.

Certain arrangements, &c. with housing associations

- 15 (1) The repeal by this Act of section 7 of the Housing Act 1961 or section 23 of the Housing (Financial Provisions) (Scotland) Act 1968 (advances to housing associations providing housing accommodation) does not affect the continued operation of that section in relation to advances or arrangements made before the repeal.
- (2) The repeal by this Act of section 34 of the Housing Act 1974 (transfer to Housing Corporation of rights of Secretary of State in relation to certain advances) does not affect the rights and obligations transferred by that section.

Use of existing forms, &c

- 16 Any document made, served or issued on or after 1st April 1986 which contains a reference to an enactment repealed by this Act shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of the consolidating Acts.