

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

The Housing Act 1988

- 101 In section 7 of the Housing Act 1988 (orders for possession), in subsection (3) for the words “subsection (6)” there shall be substituted “subsections (5A) and (6)”.
- (2) In subsection (4) of that section for the words “subsection (6)” there shall be substituted “subsections (5A) and (6)”.
- (3) After subsection (5) of that section there shall be inserted the following subsection—
- “(5A) The court shall not make an order for possession of a dwelling-house let on an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989 on any of the following grounds, that is to say,—
- (a) Grounds 1, 2 and 5 in Part I of Schedule 2 to this Act;
 - (b) Ground 16 in Part II of that Schedule; and
 - (c) if the assured periodic tenancy arose on the termination of a former 1954 Act tenancy, within the meaning of the said Schedule 10, Ground 6 in Part I of Schedule 2 to this Act.”
- 102 In section 15 of that Act (limited prohibition on assignment etc. without consent), in subsection (3) after the words “which is not a statutory periodic tenancy” there shall be inserted “or an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989”.
- 103 In section 21 of that Act (recovery of possession on expiry or termination of assured shorthold tenancy), in subsection (1)(a) for the words “a statutory periodic tenancy” there shall be substituted “an assured shorthold periodic tenancy (whether statutory or not)”.
- 104 In section 34 of that Act (new protected tenancies etc. restricted to special cases), in subsection (1) for paragraph (d) there shall be substituted the following paragraph—
- “(e) it is a tenancy under which the interest of the landlord was at the time the tenancy was granted held by a new town corporation, within the meaning of section 80 of the Housing Act 1985, and, before the date which has effect by virtue of paragraph (a) or paragraph (b) of subsection (4) of section 38 below, ceased to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981”.
- 105 (1) In section 35 of that Act (removal of special regimes for tenancies of housing associations etc.) in subsection (2) for paragraph (d) there shall be substituted the following paragraph—

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- “(e) it is a tenancy under which the interest of the landlord was at the time the tenancy was granted held by a new town corporation, within the meaning of section 80 of the Housing Act 1985, and, before the date which has effect by virtue of paragraph (a) or paragraph (b) of subsection (4) of section 38 below, ceased to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981”.
- (2) At the beginning of subsection (4) of that section there shall be inserted the words “Subject to section 38 (4A) below”.
- 106 (1) In section 38 of that Act (transfer of existing tenancies from public to private sector) at the beginning of subsection (3) there shall be inserted “Subject to subsections (4) and (4A) below”.
- (2) In subsection (4) of that section (special provisions for tenancies held of a new town corporation) after the words “Housing Act 1985” there shall be inserted “and which subsequently ceases to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981”.
- (3) After subsection (4) of that section there shall be inserted the following subsection—
- “(4A) Where, by virtue of a disposal falling within subsection (4) above and made before the date which has effect by virtue of paragraph (a) or paragraph (b) of that subsection, the interest of the landlord under a tenancy passes to a registered housing association, then, notwithstanding anything in subsection (3) above, so long as the tenancy continues to be held by a body which would have been specified in subsection (1) of section 80 of the Housing Act 1985 if the repeal of provisions of that section effected by this Act had not been made, the tenancy shall continue to be a secure tenancy and to be capable of being a housing association tenancy.”
- 107 In section 105 of that Act (consent required for subsequent disposals after change of landlords under Part IV),
- (a) at the end of subsection (4) (consent may be subject to conditions) there shall be added the words “and, without prejudice to the generality of the conditions subject to which consent may be given, a condition may be imposed requiring a payment by the new landlord either to the public sector landlord from whom he or, where subsection (3) above applies, a predecessor of his acquired the property or to such other person as may be specified in the consent”; and
- (b) in subsection (7) (exempt disposals) in paragraph (b) for the words from “having the right” onwards there shall be substituted “exercising the right to buy it under Part V of the 1985 Act”.
- 108 In Schedule 2 to that Act (grounds for possession of dwelling-houses let on assured tenancies), in Part I (grounds on which court must order possession), in Ground 6 in the paragraph following paragraph (c)—
- (a) after the words “joint tenants”, in the second place where they occur, there shall be inserted “of the dwelling-house concerned”;
- (b) for the words “of the dwelling-house concerned” there shall be substituted “or, as the case may be, under a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applied”; and

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- (c) after the words “earlier assured tenancy”, in the second place where they occur, there shall be inserted “or, as the case may be, to the grant of the tenancy to which the said Schedule 10 applied”.
- 109 In Schedule 2 to that Act (grounds for possession of dwelling-houses let on assured tenancies) at the end of Ground 6 (landlord intending to demolish or reconstruct) there shall be added the following paragraph—
- “For the purposes of this ground, every acquisition under Part IV of this Act shall be taken to be an acquisition for money or money’s worth; and in any case where—
- (i) the tenancy (in this paragraph referred to as “the current tenancy”) was granted to a person (alone or jointly with others) who, immediately before it was granted, was a tenant under a tenancy of a different dwelling-house (in this paragraph referred to as “the earlier tenancy”), and
 - (ii) the landlord under the current tenancy is the person who, immediately before that tenancy was granted, was the landlord under the earlier tenancy, and
 - (iii) the condition in paragraph (b) above could not have been fulfilled with respect to the earlier tenancy by virtue of an acquisition under Part IV of this Act (including one taken to be such an acquisition by virtue of the previous operation of this paragraph),
- the acquisition of the landlord’s interest under the current tenancy shall be taken to have been under that Part and the landlord shall be taken to have acquired that interest after the grant of the current tenancy.”
- 110 In Schedule 5 to that Act (Housing for Wales), in paragraph 5 (remuneration and allowances), in sub-paragraph (1)—
- (a) for the words “Secretary of State” there shall be substituted “Corporation”; and
 - (b) for the word “he” there shall be substituted “Secretary of State”.
- 111 In Schedule 6 to that Act, in paragraph 9 (amendments of section 15 of Housing Associations Act 1985), in sub-paragraph (2) for “(3)” there shall be substituted “(2A)”.
- 112 In Schedule 18 to that Act (enactments repealed) at the end of paragraph 4 at the end of that Schedule (scope of repeals of section 80 of the Housing Act 1985) there shall be added “and
- (c) do not have effect in relation to a tenancy while it is a housing association tenancy.”