
STATUTORY INSTRUMENTS

1974 No. 1791 (C. 30)

**HOUSING, ENGLAND AND
WALES HOUSING, SCOTLAND**

The Housing Act 1974 (Commencement No. 3) Order 1974

Made - - - - 30th October 1974

The Secretary of State, in exercise of the powers conferred upon him by section 131(3) and (4) of the Housing Act 1974 and of all other powers enabling him in that behalf, hereby makes the following order:—

- 1.—(1) This order may be cited as the Housing Act 1974 (Commencement No. 3) Order 1974.
(2) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.
2. The provisions of the Housing Act 1974 specified in Schedule 1 to this order shall come into operation on 2nd December 1974.
3. The savings contained in Schedule 2 to this order shall have effect.

30th October 1974

Anthony Crosland
Secretary of State for the Environment

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SCHEDULE 1

Section 3(3), (4) and (5).

Sections 15 to 17.

Section 18 (except in so far as it is already in operation).

Sections 19 to 28.

Parts IV, V, VI, VII, and VIII.

Section 106.

Sections 109 to 112.

Sections 114 to 116.

Section 119(1) in so far as it relates to paragraph 3(2) of Schedule 11 and so much of paragraph 4 of Schedule 11 as relates to the insertion in section 27(1) of the Housing Subsidies Act 1967 of the paragraph:—

“(f) the Housing Corporation”;

Section 120.

Section 123.

Section 126.

Section 130(1) in so far as it relates to paragraphs 1, 4, 9, 10(5), 12, 14, 17, 20, 23(5), (6) and (7), 24 to 29, 33, 36 and 37 of Schedule 13.

Section 130(3) (except in so far as it relates to paragraphs 1 and 2 of Schedule 14).

Section 130(4) in so far as it relates to the repeals specified in the Table below.

Schedule 3 (except in so far as it is already in operation).

Schedule 4 to 7.

Schedule 10.

In Schedule 11, paragraph 3(2) and so much of paragraph 4 as relates to the insertion in section 27(1) of the Housing Subsidies Act 1967 of the paragraph:—

“(f) the Housing Corporation”;

Paragraphs 1, 4, 9, 10(5), 12, 14, 17, 20, 23(5), (6) and (7), 24 to 29, 33, 34, 36 and 37 of Schedule 13.

Schedule 14 (except paragraphs 1 and 2).

Schedule 15 in so far as it relates to the repeals specified in the Table below.

TABLE

REPEALS

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1964 c.56	The Housing Act 1964	Part II. Sections 57 and 59. In section 72(1) the words “of twelve months” in each place where they occur.
1969 c.33	The Housing Act 1969	Part I (including Schedule 1, but except section 21).

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		In section 30, subsections (2) and (3).
		Section 36.
		In section 37(4), paragraph (b) and the word “or” immediately preceding it.
		In section 40(2)(a) the words “ Part I of this Act other than sections 17 to 22”.
		Section 41.
		In section 70 the words “section 20 or”.
		Section 75(2)(b).
		Sections 76 and 77.
		In section 88(1) the words “Part I” .
		In Schedule 8 paragraphs 25 to 28 and 31.
1972 c.47	The Housing Finance Act 1972	In Schedule 1, in paragraph 1(1)(d), the word “or” at the end of sub-paragraph (iii).
1972 c.70	The Local Government Act 1972	In section 171(1) the words “section 6(4) of the Housing Act 1969” .

SCHEDULE 2

SAVINGS

1. The bringing into effect by this order of the repeal of any provision of Part II of the Housing Act 1964 shall not affect the continued exercise by a local authority of their powers under that Part of that Act in pursuance of any representations under section 19 of that Act which have been made, or any preliminary notice under section 20 of that Act which has been served, before 2nd December 1974.

2. Sections 57 and 59 of the Housing Act 1964 and sections 70 and 76 of and paragraphs 25, 26 and 27 of Schedule 8 to the Housing Act 1969 shall, notwithstanding the repeal of any of their provisions, have effect for the purpose of the continued exercise by a local authority of their powers under Part II of the Housing Act 1964 in accordance with paragraph 1 of this Schedule.

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EXPLANATORY NOTE

This Order, which applies to England, Scotland and Wales, brings into operation on 2nd December 1974 the following provisions of the Housing Act 1974:—

Section 3(3), (4) and (5) which relates to the powers of the Housing Corporation to acquire land compulsorily.

Sections 15 to 17, 18 (except in so far as it is already in operation), and 19 to 28 and Parts II and III of Schedule 3 which contain provisions in relation to the registration, supervision and control of housing associations by the Housing Corporation, and special rules applicable to tenancies of registered and certain other housing associations.

Part IV and Schedule 4 which contain provisions relating to the declaration of housing action areas and their treatment, to the powers of local authorities in such areas and related matters, and provide for the requirement to notify local authorities of certain notices to quit and disposals in relation to housing accommodation in such areas.

Part V and Schedule 5 which together make further provisions in relation to general improvement areas and amend Part II of the Housing Act 1969 (1969 c.33).

Part VI which contains provisions relating to the declaration of priority neighbourhoods and their treatment, to the powers of local authorities in priority neighbourhoods and related matters, and provides for the requirement to notify local authorities of certain notices to quit and disposals in relation to housing accommodation in priority neighbourhoods.

Part VII and Schedule 6 which contain provisions for financial assistance by the making of grants towards the improvement, repair and conversion of dwellings and provide for the imposition of conditions on the making of grants and for matters related to such grants.

Part VIII which provides for the compulsory improvement of dwellings, the powers and duties of local authorities in connection therewith and for related matters.

Section 106 and Schedule 7 which relate to the inclusion of lodging houses and hostels provided by local authorities in housing revenue accounts and make consequential amendments to Schedule 1 to the Housing Finance Act 1972 (1972 c.47).

Sections 109 to 112 and 114 to 116 and Schedule 10 which make provision for the retention of listed buildings within clearance areas declared under Part III of the Housing Act 1957 (1957 c.56) and for the making of rehabilitation orders in respect of houses within certain clearance areas and for related matters.

Section 119(1) in so far as it brings into force paragraph 3(2) (extending option mortgage subsidy to self-build societies) and paragraph 4 (declaring the Housing Corporation to be a qualifying lender for option mortgage subsidy purposes) of Schedule 11.

Section 120 which provides for certain tax exemptions for self-build societies.

Section 123 which relates to the form and content of certain notices to quit.

Section 126 which provides for the enforceability of certain covenants in agreements relating to development land.

Section 130(1) and paragraphs 1, 4, 9, 10(5), 12, 14, 17, 20, 23(5), (6) and (7), 24 to 29, 33, 34, 36 and 37 of Schedule 13, which relate to minor and consequential amendments to provisions of existing statutes in relation to various matters.

Section 130(3) and Schedule 14 (except paragraphs 1 and 2) which make certain transitional provisions and savings.

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Section 130(4) and Schedule 15 in relation to the repeal of certain provisions set out in the Table to Schedule 1 of the Order.

This Order also provides for certain savings, in respect of provisions repealed, in relation to proceedings taken before 2nd December 1974 for the compulsory improvement of dwellings.