

SCHEDULE 1

Articles 4 and 5

TRANSITIONAL PROVISIONS AND SAVINGS

1. The amendments made by sections 67 and 68 (amendments to the 1967 Act) do not have effect in a case where the right to acquire the freehold of a house and premises arises other than by virtue of any one or more of the provisions of section 1A and 1B of the 1967 Act in relation to a lease created after the third commencement date pursuant to a contract entered into before that date.

2. The amendments made by—

section 85 (amendments to Part III of the 1987 Act), and

section 187(2) in so far as it relates to the repeals in Schedule 22 in the 1987 Act

do not have effect in a case where a notice under section 27 of the 1987 Act (tenants' preliminary notice) was served before the third commencement date.

3. The amendment made by section 86 (amendment to Part IV of the 1987 Act) does not have effect in a case where an application under section 35(1) of the 1987 Act was made before the third commencement date.

4.—(1) The amendments made by—

sections 104 and 105,

sections 107 to 120,

section 187(1) in so far as it relates to paragraphs 11 to 25 of Schedule 21, and

section 187(2) in so far as it relates to the repeals in the 1985 Act, the Housing and Planning Act 1986(1) and in the Local Government and Housing Act 1989(2) specified in Schedule 2 to this Order

(amendments to Part V of the 1985 Act: the right to buy) do not have effect—

(a) in a case where a notice under section 122 of the 1985 Act (tenant's notice claiming to exercise the right to buy) is served before the second commencement date; and

(b) in relation to the operation of Part V of the 1985 Act as applied by the Local Government Reorganisation (Preservation of Right to Buy) Order 1986(3).

(2) For the purpose of paragraph (1)(a), no account shall be taken of any steps taken under section 177 of the 1985 Act (errors and omissions in notices).

(3) The amendments made by section 106 (exceptions to the right to buy) do not have effect in relation to the operation of Part V of the 1985 Act as applied by the Order mentioned in paragraph (1) (b).

5. The amendments made by—

sections 124 and 125 to Part III of the Housing Act 1988(4) (housing action trusts), and

section 187(2) in so far as it relates to the repeal in the Housing Act 1988 specified in Schedule 2 to this Order

do not have effect in relation to a proposed disposal in a case where a notice under section 84(2) of that Act was served before the second commencement date.

6. The substitution, by section 130, of section 27A of the 1985 Act shall have effect, in a case where a local housing authority who propose to enter into a management agreement have taken steps

(1) 1986 c. 63.

(2) 1989 c. 42.

(3) S.I.1986/2092.

(4) 1988 c. 50.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

before the second commencement date to comply with the requirements of section 27A(1) and (2) of the 1985 Act in the form in which it was in force immediately before the second commencement date, so as to enable the authority to take into account the steps already taken when determining what arrangements they consider appropriate for the purpose of section 27A(1) as substituted.

7. The substitutions made by sections 133 and 134 (priority of charges securing repayments of discount) do not have effect in relation to the order of priority between a charge taking effect by virtue of section 36 of the 1985 Act or paragraph 2 of Schedule 2 to the Housing Associations Act 1985⁽⁵⁾ (as the case may be) and any advance made before the second commencement date.

8. The substitution, by section 178, of section 157 of the Local Government, Planning and Land Act 1980⁽⁶⁾ does not have effect in a case where a notice under subsection (1) of that section was served before the second commencement date.

9.—(1) The amendment made by section 187(1) in so far as it relates to paragraph 5 of Schedule 21 (amendment to Part I of the Land Compensation Act 1973⁽⁷⁾) does not have effect in a case where the relevant date is before the third commencement date.

(2) In sub-paragraph (1) “relevant date” has the same meaning as in section 2 of the Land Compensation Act 1973.

10. Section 187(2) in so far as it relates to the repeals of sections 142 and 153B(1)(c) of the 1985 Act and in paragraphs 16B(4) of Schedule 6 to that Act does not have effect in relation to provisions in Part V of the 1985 Act relating to the preserved right to buy in a case where a person has the preserved right to buy (as defined in section 171A of that Act) before the second commencement date.

(5) 1985 c. 69.
(6) 1980 c. 65.
(7) 1973 C.26.