
STATUTORY INSTRUMENTS

1994 No. 133

HOUSING, ENGLAND AND WALES

**The Secure Tenants of Local Housing
Authorities (Right to Repair) Regulations 1994**

<i>Made</i>	- - - -	<i>25th January 1994</i>
<i>Laid before Parliament</i>		<i>31st January 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 96 of the Housing Act 1985(1) and of all other powers enabling them in that behalf, hereby make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994 and shall come into force on 1st April 1994.

Interpretation

2. In these Regulations—

“contractor” means a person prepared to carry out a qualifying repair(2) and (except in regulation 11) may include the landlord;

“first prescribed period” means (subject to regulation 11), in relation to repairing a defect described in column 1 of the Schedule, the period specified in column 2 opposite the description of that defect starting—

- (a) in a case where the landlord considers it necessary to inspect the dwelling-house to satisfy itself that a repair is a qualifying repair—
 - (i) if the day the landlord issues the repair notice under regulation 5(1)(c) to the contractor is a working day, on the first working day after the day of issue, and
 - (ii) in any other case, on the second working day after the day of issue, and
- (b) in any other case—

(1) 1985 c. 68; section 96 was substituted by section 121 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).

(2) See section 96(6) of the Housing Act 1985 and regulation 4 of these Regulations.

- (i) if the day the landlord receives the application for the qualifying repair to be carried out is a working day, on the first working day after that day, and
- (ii) in any other case, on the second working day after the day the application is received;

“second prescribed period” means (subject to regulation 11), in relation to repairing a defect described in column 1 of the Schedule, the period specified in column 2 opposite the description of that defect starting—

- (a) if the day the landlord receives notification from the tenant that he requires another contractor to carry out the qualifying repair is a working day, on the first working day after that day; and
 - (b) in any other case, on the second working day after the day the notification is received; and
- “working day” means a day which is not a public holiday, a Saturday or a Sunday.

Entitlement

3.—(1) Subject to and in accordance with these Regulations, secure tenants whose landlords are local housing authorities are entitled—

- (a) to have qualifying repairs carried out, at their landlords' expense, to the dwelling-houses of which they are such tenants; and
- (b) to receive compensation from their landlords if qualifying repairs are not carried out within a prescribed period.

(2) Paragraph (1) and the subsequent provisions of these Regulations do not apply in a case where the landlord has less than 100 dwelling-houses let to secure tenants on the day it receives an application from the tenant to have a repair carried out.

(3) Paragraph (1) and the subsequent provisions of these Regulations shall cease to apply in relation to a repair if—

- (a) the tenant informs the landlord that he no longer wants the repair carried out, or
- (b) the tenant, although he has been given a reasonable opportunity, fails—
 - (i) to provide details of the arrangements for the contractor to obtain access to the dwelling-house, or
 - (ii) to provide access for an inspection or for the repair to be carried out.

Prescribed description of repair

4. A repair to a dwelling-house which—

- (a) remedies a defect specified in column 1 of the Schedule, and
- (b) will not, in the opinion of the landlord, cost more than £250 to carry out,

is a repair of a prescribed description for the purpose of the definition of a qualifying repair in section 96(6) of the Housing Act 1985.

Repair notice

5.—(1) Where a secure tenant of a local housing authority applies to his landlord for a repair to be carried out to the dwelling-house of which he is the secure tenant—

- (a) if the landlord considers it necessary to inspect the dwelling-house to satisfy itself that the repair is (or is not) a qualifying repair, the landlord shall forthwith inspect the dwelling-house;

- (b) if the landlord is satisfied that the repair is not a qualifying repair, it shall notify the tenant of that and explain why it is so satisfied and give the tenant an explanation of the provisions of these Regulations; and
- (c) if the landlord is satisfied that the repair is a qualifying repair, the landlord shall issue a repair notice to a contractor and give to the tenant a copy of the notice and an explanation of the provisions of these Regulations.

(2) A repair notice shall contain a reference sufficient to identify the completed notice and shall specify—

- (a) the name of the secure tenant;
- (b) the address of the dwelling-house;
- (c) the nature of the repair;
- (d) the name, address and telephone number of the contractor who is to carry out the repair;
- (e) the arrangements made for the contractor to obtain access to the dwelling-house; and
- (f) the last day of the first prescribed period.

Substitute Contractor

6.—(1) Subject to paragraph (3) and regulation 8, if—

- (a) the qualifying repair has not been carried out within the first prescribed period, and
- (b) the tenant notifies the landlord that he requires another contractor to carry out the qualifying repair,

the landlord, where it is reasonably practicable, shall issue a further repair notice to another contractor and give a copy of the notice to the tenant.

(2) The further repair notice shall contain a reference sufficient to identify it and specify the matters referred to in regulation 5(2)(a) to (e) and the last day of the second prescribed period.

(3) Paragraph (1) does not apply if compliance with that paragraph would infringe the terms of a guarantee for work done or materials supplied of which the landlord has the benefit.

Compensation

7.—(1) Subject to regulation 8, the landlord shall pay the specified sum to the secure tenant if the qualifying repair has not been carried out within the second prescribed period.

- (2) In paragraph (1), “specified sum” means the lesser of £50 and
- $$£10 + (£2 \times N)$$

where

N is the number of days (counting part of a day as a complete day) in the period starting on the day after the second prescribed period ends and ending on the day on which the qualifying repair is completed.

(3) The landlord may set off any sums owed to it by the secure tenant against any compensation payable under this regulation.

Suspension of Prescribed Period

8. The first prescribed period or, as the case may be, the second prescribed period, shall be suspended for so long as there are circumstances of an exceptional nature, beyond the control of the landlord or the contractor who is to carry out the qualifying repair, which prevent the repair being carried out.

Notices

9. Any notice required to be issued or given by these Regulations may be issued or given by post.

Disputes

10. Any questions arising under these Regulations may be determined by the county court.

Transitional provision

11. In a case where a tenant applies to his landlord before 1st April 1996 for a qualifying repair to be carried out and, on the date the tenant applies, there is in force a contract between the landlord and a contractor—

- (i) which provides for the qualifying repair to be carried out by the contractor within a period which is longer than the first prescribed period, and
- (ii) which was entered into before 1st April 1994, or
- (iii) which was entered into on or after 1st April 1994 as a result of accepting an offer on the part of the contractor which was made in response to an invitation to submit such an offer and the invitation was given before 1st April 1994, the period provided for in the contract shall be substituted for the period specified in relation to the repair in column 2 of the Schedule.

Signed by authority of the Secretary of State

21st January 1994

G. S. K. Young
Minister of State,
Department of the Environment

25th January 1994

John Redwood
Secretary of State for Wales.

SCHEDULE

Regulations 2 and 4

1	2
Defect	Prescribed period (in working days)
Total loss of electric power	1
Partial loss of electric power	3
Unsafe power or lighting socket, or electrical fitting	1
Total loss of water supply	1
Partial loss of water supply	3
Total or partial loss of gas supply	1
Blocked flue to open fire or boiler	1
Total or partial loss of space or water heating between 31st October and 1st May	1
Total or partial loss of space or water heating between 30th April and 1st November	3
Blocked or leaking foul drain, soil stack, or (where there is no other working toilet in the dwelling-house) toilet pan	1
Toilet not flushing (where there is no other working toilet in the dwelling-house)	1
Blocked sink, bath or basin	3
Tap which cannot be turned	3
Leaking from water or heating pipe, tank or cistern	1
Leaking roof	7
Insecure external window, door or lock	1
Loose or detached bannister or hand rail	3
Rotten timber flooring or stair tread	3
Door entryphone not working	7
Mechanical extractor fan in internal kitchen or bathroom not working	7

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give secure tenants of local housing authorities rights relating to repairs to their homes which their landlords are obliged, under repairing covenants, to carry out. Such a tenant is given the right, if the first contractor does not complete qualifying repairs within specified time limits, to require the landlord to appoint a second contractor to carry out the repairs. The tenant is also given a right to compensation from his landlord if the repairs are not carried out within specified time limits after he has asked for a second contractor to be appointed.

Regulation 2 contains definitions and provides that landlords themselves are included in references to contractors in the Regulations.

Regulation 3 describes the circumstances in which the rights apply. A repair must be within a description of repair prescribed by regulation 4.

Regulation 5 sets out the procedure the landlord should follow if a tenant asks for a repair to be carried out. If the repair is a qualifying repair and is not carried out within specified time limits, regulation 6 entitles the tenant to require the landlord to appoint a different contractor to do the repair. If the repair still is not completed within specified time limits, the tenant may be entitled to compensation from the landlord under regulation 7.

Regulation 8 suspends, in exceptional circumstances, the specified time limits and regulation 11 extends the limits in the transitional cases described.

Regulation 9 provides that notices may be served by post and regulation 10 provides that disputes may be determined by the county court.