



# Housing Act 1996

## 1996 CHAPTER 52

### PART VIII

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Miscellaneous*

#### **219 Directions as to certain charges by social landlords**

- (1) The Secretary of State may give directions to social landlords about the making of service charges in respect of works of repair, maintenance or improvement—
  - (a) requiring or permitting the waiver or reduction of charges where relevant assistance is given by the Secretary of State, and
  - (b) permitting the waiver or reduction of charges in such other circumstances as may be specified in the directions.
- (2) A direction shall not require the waiver or reduction of charges by reference to assistance for which application was made before the date on which the direction was given, but subject to that directions may relate to past charges or works to such extent as appears to the Secretary of State to be appropriate.
- (3) Directions which require or permit the waiver or reduction of charges have corresponding effect—
  - (a) in relation to charges already demanded so as to require or permit the non-enforcement of the charges, and
  - (b) in relation to charges already paid so as to require or permit a refund.
- (4) For the purposes of this section “social landlord” means—
  - (a) an authority or body within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies), other than a housing co-operative, or
  - (b) a registered social landlord.

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- (5) In this section “assistance” means grant or other financial assistance of any kind; and directions may specify what assistance is relevant for the purposes of this section, and to what buildings or other land any assistance is to be regarded as relevant.
- (6) The provisions of section 220 supplement this section.

## **220 Directions as to certain charges: supplementary provisions**

- (1) Directions under section 219 may make different provision for different cases or descriptions of case.

This includes power to make—

- (a) different provision for different social landlords or descriptions of social landlords, and
  - (b) different provision for different areas.
- (2) Directions under section 219 requiring the reduction of a service charge may specify the amount (or proportion) of the reduction or provide for its determination in such manner as may be specified.
  - (3) Directions under section 219 permitting the waiver or reduction of a service charge may specify criteria to which the social landlord is to have regard in deciding whether to do so or to what extent.
  - (4) The Secretary of State shall publish any direction under section 219 relating to all social landlords or any description of social landlords in such manner as he considers appropriate for bringing it to the notice of the landlords concerned.
  - (5) For the purposes of section 219 “service charge” means an amount payable by a lessee of a dwelling—
    - (a) which is payable, directly or indirectly, for repairs, maintenance or improvements, and
    - (b) the whole or part of which varies or may vary according to the relevant costs.
  - (6) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the social landlord, or a superior landlord, in connection with the matters for which the service charge is payable.

For this purpose costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.

- (7) In this section—
  - “costs” includes overheads, and
  - “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling.

## **221 Exercise of compulsory purchase powers in relation to Crown land**

- (1) This section applies to any power to acquire land compulsorily under—
  - (a) the Housing Act 1985,
  - (b) the Housing Associations Act 1985,
  - (c) Part III of the Housing Act 1988 (housing action trust areas), or

- (d) Part VII of the Local Government and Housing Act 1989 (renewal areas).
- (2) Any power to which this section applies may be exercised in relation to an interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown, but only with the consent of the appropriate authority.
- (3) In this section “Crown land” means land in which there is a Crown interest or a Duchy interest.

For this purpose—

“Crown interest” means an interest belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department; and

“Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall.

- (4) For the purposes of this section “the appropriate authority”, in relation to Crown land, is—
- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of that land;
- (c) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (d) in relation to land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
- (e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department.
- (5) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

## **222 Miscellaneous minor amendments**

The enactments mentioned in Schedule 18 have effect with the amendments specified there, which are miscellaneous minor amendments relating to housing.

Part I relates to housing management.

Part II relates to housing finance.

Part III relates to orders in relation to property in family and matrimonial proceedings, &c.

Part IV relates to other housing provisions.

### *General*

## **223 Offences by body corporate**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in such a capacity, he as well as the body corporate is guilty of an offence and liable to be proceeded against and punished accordingly.

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- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## **224 The Common Council of the City of London**

- (1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act which in their opinion may be better regulated and managed by means of a committee.
- (2) A committee so appointed—
- (a) shall consist as to a majority of its members of members of the Common Council, and
  - (b) shall not be authorised to borrow money or to make a rate,
- and shall be subject to any regulations and restrictions which may be imposed by the Common Council.
- (3) A person is not, by reason only of the fact that he occupies a house at a rental from the Common Council, disqualified from being elected or being a member of that Council or any committee of that Council; but no person shall vote as a member of that Council, or any such committee, on a resolution or question which is proposed or arises in pursuance of this Act and relates to land in which he is beneficially interested.
- (4) A person who votes in contravention of subsection (3) commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale; but the fact of his giving the vote does not invalidate any resolution or proceeding of the authority.

## **225 The Isles of Scilly**

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **226 Corresponding provision for Northern Ireland**

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of section 120 (payment of housing benefit to third parties)—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **227 Repeals**

The enactments specified in Schedule 19 are repealed to the extent specified.

## **228 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses of the Secretary of State incurred in consequence of this Act, and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be paid out of the National Loans Fund any increase attributable to this Act in the sums so payable under any other enactment.
- (3) Any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

## **229 Meaning of “lease” and “tenancy” and related expressions**

- (1) In this Act “lease” and “tenancy” have the same meaning.
- (2) Both expressions include—
  - (a) a sub-lease or a sub-tenancy, and
  - (b) an agreement for a lease or tenancy (or sub-lease or sub-tenancy).
- (3) The expressions “lessor” and “lessee” and “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or terms, shall be construed accordingly.

## **230 Minor definitions: general**

In this Act—

- “assured tenancy”, “assured shorthold tenancy” and “assured agricultural occupancy” have the same meaning as in Part I of the Housing Act 1988;
- “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
- “housing action trust” has the same meaning as in the Housing Act 1988;
- “housing association” has the same meaning as in the Housing Associations Act 1985;
- “introductory tenancy” and “introductory tenant” have the same meaning as in Chapter I of Part V of this Act;
- “local housing authority” has the same meaning as in the Housing Act 1985;
- “registered social landlord” has the same meaning as in Part I of this Act;
- “secure tenancy” and “secure tenant” have the same meaning as in Part IV of the Housing Act 1985.

### *Final provisions*

## **231 Extent**

- (1) The provisions of this Act extend to England and Wales, and only to England and Wales, subject as follows.
- (2) The following provisions also extend to Scotland—
  - Part IV (housing benefit and related matters), and
  - the provisions of this Part so far as relating to Part IV.

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- (3) Section 226 (power to make corresponding provision for Northern Ireland) also extends to Northern Ireland.
- (4) Any amendment or repeal by this Act of an enactment has the same extent as the enactment amended or repealed, except that—
- (a) amendments or repeals of provisions of the Housing Associations Act 1985, other than in consequence of paragraph 1 of Schedule 18 to this Act (repeal of Part IV of the Housing Act 1988), do not extend to Scotland,
  - (b) amendments or repeals of provisions of the Housing Act 1988 relating to registered housing associations do not extend to Scotland,
  - (c) amendments or repeals of provisions of the Asylum and Immigration Appeals Act 1993 or the Asylum and Immigration Act 1996 do not extend to Scotland or Northern Ireland, and
  - (d) repeals of the following provisions do not extend to Scotland—
    - (i) section 24(5)(a) and (c) of the Local Government Act 1988,
    - (ii) section 182 of the Local Government and Housing Act 1989,
    - (iii) paragraph 21(3) of Schedule 6 to the Charities Act 1993, and
    - (iv) provisions in Schedule 26 to the Local Government, Planning and Land Act 1980.
- (5) Any power conferred by this Act to make consequential amendments or repeals of enactments may be exercised in relation to enactments as they extend to any part of the United Kingdom.

## **232 Commencement**

- (1) The following provisions of this Act come into force on Royal Assent—
- section 110 (new leases: valuation principles),
  - section 120 (payment of housing benefit to third parties), and
  - sections 223 to 226 and 228 to 233 (general provisions).
- (2) The following provisions of this Act come into force at the end of the period of two months beginning with the date on which this Act is passed—
- sections 81 and 82 (restriction on termination of tenancy for failure to pay service charge),
  - section 85 (appointment of manager by the court),
  - section 94 (provision of general legal advice about residential tenancies),
  - section 95 (jurisdiction of county courts),
  - section 221 (exercise of compulsory purchase powers in relation to Crown land),
  - paragraph 24 (powers of local housing authorities to acquire land for housing purposes), paragraph 26 (preserved right to buy) and paragraphs 27 to 29 of Schedule 18 (local authority assistance in connection with mortgages), and
  - sections 222 and 227, and Schedule 19 (consequential repeals), in so far as they relate to those paragraphs.
- (3) The other provisions of this Act come into force on a day appointed by order of the Secretary of State, and different days may be appointed for different areas and different purposes.

- (4) An order under subsection (3) shall be made by statutory instrument and may contain such transitional provisions and savings as appear to the Secretary of State to be appropriate.

**233 Short title**

This Act may be cited as the Housing Act 1996.