



Housing Act 1980

1980 CHAPTER 51

PART IV

JURISDICTION AND PROCEDURE

86 Jurisdiction of county court and rules of procedure.

- [^{F1}(1) A county court has jurisdiction to determine any question arising under Part III of this Act (tenant's improvements) and to entertain any proceedings brought thereunder.
- (2) The jurisdiction conferred by this section includes jurisdiction to entertain proceedings on any question whether any consent required by section 81 was withheld or unreasonably withheld, notwithstanding that no other relief is sought than a declaration.]
- [^{F2}(3) If a person takes proceedings in the High Court which, by virtue of this section, he could have taken in the county court he is not entitled to recover any costs.]
- (4) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to this Part of this Act.
- (5) The rules and directions may provide—
- (a) for the exercise of any registrar of a county court of any jurisdiction exercisable under this section; and
 - (b) for the conduct of any proceedings in private.
- (6) The power to make rules under this section is exercisable by statutory instrument and any such instrument is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 86(1)(2) substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, [Sch. 2 para. 44\(2\)](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Housing Act 1980, Part IV. (See end of Document for details)

F2 S. 86(3) repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3)(4), 125(7), **Sch. 20**

87 **F3**

Textual Amendments
F3 S. 87 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), **s. 3 Sch. 1 Pt. I**

88 Discretion of court in certain proceedings for possession.

- (1) Where, under the terms of a rental purchase agreement, a person has been let into possession of a dwelling-house and, on the termination of the agreement or of his right to possession under it, proceedings are brought for the possession of the dwelling-house, the court may—
 - (a) adjourn the proceedings; or
 - (b) on making an order for the possession of the dwelling-house, stay or suspend execution of the order or postpone the date of possession;
 for such period or periods as the court thinks fit.
- (2) On any such adjournment, stay, suspension or postponement the court may impose such conditions with regard to payments by the person in possession in respect of his continued occupation of the dwelling-house and such other conditions as the court thinks fit.
- (3) The court may revoke or from time to time vary any condition imposed by virtue of this section.
- (4) In this section “rental purchase agreement” means an agreement for the purchase of a dwelling-house (whether freehold or leasehold property) under which the whole or part of the purchase price is to be paid in three or more instalments and the completion of the purchase is deferred until the whole or a specified part of the purchase price has been paid.
- (5) This section extends to proceedings for the possession of a dwelling-house which were begun before the commencement of this section unless an order for the possession of the dwelling-house was made in the proceedings and executed before the commencement of this section.

89 Restriction on discretion of court in making orders for possession of land.

- (1) Where a court makes an order for the possession of any land in a case not falling within the exceptions mentioned in subsection (2) below, the giving up of possession shall not be postponed (whether by the order or any variation, suspension or stay of execution) to a date later than fourteen days after the making of the order, unless it appears to the court that exceptional hardship would be caused by requiring possession to be given up by that date; and shall not in any event be postponed to a date later than six weeks after the making of the order.
- (2) The restrictions in subsection (1) above do not apply if—
 - (a) the order is made in an action by a mortgagee for possession; or

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- (b) the order is made in an action for forfeiture of a lease; or
- (c) the court had power to make the order only if it considered it reasonable to make it; or
- (d) the order relates to a dwelling-house which is the subject of a restricted contract (within the meaning of section 19 of the 1977 Act); or
- (e) the order is made in proceedings brought as mentioned in section 88(1) above.

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