



# Housing Act 1980

## 1980 CHAPTER 51

### PART IX

#### GENERAL

##### *Housing Revenue Account and Housing Repairs Account*

#### **134 Working balance in Housing Revenue Account**

- (1) Section 1(3) of the 1975 Act (restriction on working balances in Housing Revenue Account) shall cease to have effect.
- (2) Any authority which keeps a Housing Revenue Account may from time to time carry to the credit of its general rate fund (or, as the case may be, the general fund or the general rate) the whole or part of any balance in its Housing Revenue Account.

#### **135 Housing Repairs Account**

- (1) Any local authority may, for the year 1981-82 and for subsequent years, keep an account (to be known as the Housing Repairs Account) in accordance with this section.
- (2) Every authority which keeps a Housing Repairs Account shall credit to the account—
  - (a) contributions from its Housing Revenue Account;
  - (b) income arising from the investment or other use of money credited to the account; and
  - (c) sums received by the authority in connection with the repair or maintenance of any of its housing stock, either from its tenants or from the sale of scrapped or salvaged materials.
- (3) Every such authority shall debit to its Housing Repairs Account—
  - (a) all expenditure incurred by it in connection with the repair or maintenance of any of its housing stock ;
  - (b) any amount which is carried to the credit of its Housing Revenue Account in accordance with subsection (5) below; and

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- (c) such expenditure incurred by it in connection with the improvement or replacement of any of its housing stock as may from time to time be determined by the Secretary of State.
- (4) Every such authority shall ensure that sufficient credits are carried to its Housing Repairs Account to secure that the account never shows a debit balance.
- (5) If an authority considers that any credit balance in its Housing Repairs Account at the end of a year will not be required for the purposes of that account, it may carry some or all of the balance to the credit of its Housing Revenue Account.
- (6) If an authority which has opened a Housing Repairs Account ceases to maintain the account, any balance shall be carried to its Housing Revenue Account.
- (7) In paragraph 3(1) of Schedule 1 to the 1972 Act (items to be debited to Housing Revenue Account)—
  - (a) at the end of sub-paragraph (c) there are added the words " (except where that expenditure is properly debited to the Housing Repairs Account) "; and
  - (b) after that sub-paragraph there is inserted the following sub-paragraph—
    - “(d) contributions from the account to the Housing Repairs Account.”
- (8) In paragraph 5(1) of Schedule 1 to the 1972 Act (Secretary of State's directions as to amounts to be credited or debited to Housing Revenue Account), after the words " Revenue Account" there are inserted the words " or, as the case may be, a Housing Repairs Account ".
- (9) Any determination by the Secretary of State under subsection (3)(c) above may be made to apply to local authorities generally or to a particular authority or group of authorities and may make different provision in respect of different cases or descriptions of case.
- (10) In this section—
  - " expenditure " includes loan charges;
  - " housing stock " means any house or other property within a local authority's Housing Revenue Account;
  - " local authority " means the council of a district or London borough, the Greater London Council, the Common Council of the City of London or the Council of the Isles of Stilly.

### *Service charges*

## **136 Service charges**

- (1) Schedule 19 to this Act shall have effect, in place of sections 90 to 91A of the 1972 Act, in relation to periods ending after the commencement of this section, but subject to subsection (2) below.
- (2) In relation to works begun earlier than six months after the commencement of this section—
  - (a) paragraphs 2 to 6 of Schedule 19 shall not apply, and
  - (b) sections 90 to 91A shall continue to apply.

### *Miscellaneous*

#### **137 Avoidance of certain unauthorised disposals**

- (1) If—
- (a) at any time after 18th July 1980 a local authority or a housing association has disposed of a house, and
  - (b) the disposal was one which, under section 104 of the 1957 Act or section 2 of the 1974 Act, required the consent of the Secretary of State or of the Housing Corporation (or would have required it had the relevant provisions been in force) but was made without that consent;
- then, unless the disposal was to an individual (or to two or more individuals) and did not extend to any other house, it shall be void (and, if made before the passing of this Act, be deemed always to have been void) and section 128(2) of the Local Government Act 1972 or, as the case may be, subsection (5A) (inserted by section 123(6) of this Act) of section 2 of the 1974 Act (protection of purchasers) shall not apply.
- (2) In this section " house " includes a flat and " the relevant provisions " means Part I and sections 91 and 123 of this Act.

#### **138 Displacement of residential occupiers by housing authority**

In section 42(1) of the Land Compensation Act 1973 (which requires an authority acquiring or redeveloping land to indemnify another authority against the cost of rehousing a person displaced by the acquisition or redevelopment but only if the displacing authority is not an authority having functions under Part V of the 1957 Act) after the words "Housing Act 1957 " (in paragraph ((b)) there are inserted the words " or (if they are such an authority) the land is acquired or redeveloped by them otherwise than in the discharge of those functions ".

#### **139 Housing co-operatives**

Schedule 20 has effect for making in relation to housing co-operatives provisions corresponding to paragraph 9 of Schedule 1 to the 1975 Act and certain other provisions.

#### **140 Exclusion of shared ownership tenancies from Leasehold Reform Act 1967**

- (1) Where, after the commencement of this section, a tenancy of a house is created by the grant of a lease at a premium and either—
- (a) the lease is granted by a body mentioned in subsection (2) below and complies with the conditions set out in subsection (3) below ; or
  - (b) the lease is granted by a registered housing association and complies with the conditions set out in subsection (4) below;
- the tenancy shall not be treated for the purposes of Part I of the Leasehold Reform Act 1967 (enfranchisement and extension of long leaseholds) as being a long tenancy at a low rent at any time when the interest of the landlord belongs to such a body or, as the case may be, to a registered association.
- (2) The bodies referred to in subsection (1)(a) above are

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- (a) the council of a district, the Greater London Council, the council of a London borough, the Common Council of the City of London or the Council of the Isles of Stilly;
  - (b) a development corporation established by an order made, or having effect as if made, under the New Towns Act 1965 ;
  - (c) the Commission for the New Towns ;
  - (d) the Development Board for Rural Wales.
- (3) The conditions mentioned in subsection (1)(a) above are
- (a) that the lease provides for the tenant to acquire the freehold, whether under an option to purchase or otherwise, for a consideration which is to be calculated in accordance with the terms of the lease and which is reasonable, having regard to the premium or premiums paid by the tenant under the lease ; and
  - (b) that it states the landlord's opinion that by virtue of this section the tenancy will not be a long tenancy at a low rent for the purposes of the Leasehold Reform Act 1967 at any time when the interest of the landlord belongs to a body mentioned in subsection (2) above.
- (4) The conditions mentioned in subsection (1)(b) above are—
- (a) that the lease is granted at a premium which is calculated by reference to a percentage of the value of the house or of the cost of providing it;
  - (b) that at the time when it is granted it complies with the requirements of regulations made by the Secretary of State for the purposes of this section ; and
  - (c) that it states the landlord's opinion that by virtue of this section the tenancy will not be a long tenancy at a low rent for the purposes of the Leasehold Reform Act 1967 at any time when the interest of the landlord belongs to a registered housing association.
- (5) If, in any proceedings in which it falls to be determined whether a lease complies with the condition in subsection (3)(a) above, the question arises whether the consideration payable by the tenant on acquiring the freehold is reasonable, it is for the landlord to show that it is.
- (6) In this section " registered housing association " means an association registered under section 13 of the 1974 Act.

#### **141 Amendments of Leasehold Reform Act 1967 etc.**

Sections 1, 3, 9, 16, 23 and 29 of, and Schedules 1 and 3 to, the Leasehold Reform Act 1967 and Schedule 8 to the 1974 Act are amended as shown in Schedule 21 to this Act.

#### **142 Leasehold valuation tribunals**

- (1) Any matter which under section 21(1), (2) or (3) of the Leasehold Reform Act 1967 is to be determined by the Lands Tribunal shall instead be determined by a rent assessment committee constituted under Schedule 10 to the 1977 Act.
- (2) A rent assessment committee shall, when constituted to make any such determination, be known as a leasehold valuation tribunal.
- (3) Part I of Schedule 22 to this Act has effect with respect to leasehold valuation tribunals, and the 1967 Act is amended in accordance with Part II of that Schedule.

### **143 Apportionment of rents**

- (1) Section 20(1) of the Landlord and Tenant Act 1927 (apportionment of certain rents and other payments) has effect as respects applications for apportionment made under that section after the passing of this Act with the substitution in the proviso of " £5 "for " two pounds " .
- (2) The Secretary of State may by order vary the amount there mentioned.
- (3) After section 20(1) of the said Act there is inserted the following subsection—
  - “(1A) An order of apportionment under sections 10 to 14 of the said Act of 1854 may provide for the amount apportioned to any part of the land in respect of which the rent or payment is payable to be nil.”.

### **144 Landlord's failure to disclose identity or give notice of assignment: increased penalties**

In relation to offences committed after the commencement of this section section 121(1) and (5) and section 122(5) of the 1974 Act shall have effect as if for " £200 " there were substituted " £500 " .

### **145 Houses in multiple occupation: revised penalties for certain offences**

Schedule 23 to this Act shall have effect, in relation to offences committed after the commencement of this section, for the purpose of altering penalties for certain offences relating to houses in multiple occupation.

### **146 Houses in multiple occupation: overcrowding**

- (1) For section 90 of the 1957 Act (overcrowding in houses let in lodgings) there is substituted the following section—
  - “**90 Overcrowding in houses let in lodgings.**
  - (1) If it appears to a local authority, in the case of a house within their district which is occupied by persons who do not form a single household, that an excessive number of persons is being or is likely to be accommodated on the premises having regard to the rooms available, the local authority may serve on the occupier of the premises or on any person having the control and management thereof, or on both, a notice under this subsection (an " overcrowding notice ") complying with subsections (2) and (3) below and including either—
    - (a) the requirement set out in subsection (4); or
    - (b) that set out in subsection (5).
  - (2) An overcrowding notice shall state, in relation to every room on the premises, what is in the authority's opinion the maximum number of persons by whom it is suitable to be occupied as sleeping accommodation at any one time or, as the case may be, that it is in their opinion unsuitable to be occupied as sleeping accommodation.

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- (3) An overcrowding notice may, in relation to any room, prescribe special maxima applicable in any case where some or all of the persons occupying the room are under such age as may be specified in the notice.
- (4) The requirement referred to in subsection (1)(a) is that the person on whom the overcrowding notice is served must refrain from—
- (a) knowingly permitting any room to be occupied as sleeping accommodation otherwise than in accordance with the overcrowding notice; or
  - (b) knowingly permitting such number of persons to occupy the premises as sleeping accommodation that it is not possible, without—
    - (i) one or more rooms to which the overcrowding notice relates being occupied as sleeping accommodation otherwise than in accordance with that notice ; or
    - (ii) any part of the premises which is not a room being occupied as sleeping accommodation;to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.
- (5) The requirement referred to in subsection (1)(b) is that the person on whom the overcrowding notice is served must refrain from—
- (a) knowingly permitting any room to be occupied by a new resident as sleeping accommodation otherwise than in accordance with the overcrowding notice ; or
  - (b) knowingly permitting a new resident to occupy any part of the premises as sleeping accommodation if it is not possible, without—
    - (i) one or more rooms to which the overcrowding notice relates being occupied as sleeping accommodation otherwise than in accordance with that notice ; or
    - (ii) any part of the premises which is not a room being occupied as sleeping accommodation;both to permit the new resident to so occupy any part of the premises and avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.
- (6) In subsection (5) above " new resident" means a person who was not, immediately before the date on which the overcrowding notice was served, living in the house.
- (7) Where a local authority have served an overcrowding notice on any person and that notice includes the requirement referred to in subsection (5) above, the local authority may, at any time, withdraw that overcrowding notice and serve on that person, in its place, an overcrowding notice which includes the requirement referred to in subsection (4) above.
- (8) Not less than seven days before serving an overcrowding notice, the local authority shall—
- (a) in writing inform the occupier of the premises and any person appearing to them to have the control and management thereof of their intention to serve the notice, and

- (b) ensure, so far as is reasonably possible, that every person living in the house is informed of that intention; and shall afford to any such person an opportunity of making representations regarding their proposal to serve the notice.
  - (9) The local authority may from time to time serve on the occupier of premises in respect of which an overcrowding notice is in force, a notice requiring him to furnish them within 7 days with a statement in writing giving all or any of the following particulars, that is to say—
    - (a) the number of individuals who are, on a date specified in the notice, occupying any part of the premises as sleeping accommodation ;
    - (b) the number of families or households to which those individuals belong ;
    - (c) the names of those individuals and of the heads of each of those families or households ; and
    - (d) the rooms used by those individuals and families or households respectively.
  - (10) Any person aggrieved by an overcrowding notice may, within twenty-one days after the date of service of the notice, appeal to the county court and—
    - (a) on any such appeal the court may make such order confirming, quashing or varying the notice as it thinks fit; and
    - (b) sections 37 and 38 of this Act shall apply in relation to an appeal under this section as they apply in relation to an appeal to the county court under Part II of this Act.
  - (11) A local authority may at any time, on the application of any person having an estate or interest in the house, revoke an overcrowding notice or vary it so as to allow more people to be accommodated in the house.
  - (12) If a local authority refuse an application under subsection (11) above, or do not within 35 days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to the county court, and on the appeal the court shall have power to revoke the notice or vary it in any manner in which it might have been varied by the local authority.
  - (13) Any person who contravenes an overcrowding notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.
  - (14) Any person who knowingly fails to comply with the requirements of a notice under subsection (9) above, or furnishes a statement which he knows is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.”
- (2) Nothing in this section shall affect the < operation of the 1957 Act, as it had effect immediately before the commencement of this section, in relation to any notice served under section 90 before that date.

#### **147 Houses in multiple occupation: means of escape from fire**

- (1) Schedule 24 shall have effect in place of section 16 of the Housing Act 1961 and section 60 of the 1969 Act except in relation to notices served, undertakings accepted or orders made before the commencement of this section.

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- (2) In relation to a breach after the commencement of this section of an undertaking accepted under section 60 of the 1969 Act subsection (3) of that section (fine on summary conviction) shall have effect as if for " £20 " there were substituted " £50 ".
- (3) The amendments and repeals made by this Act (except subsection (2) above) shall not affect the operation of any enactment in relation to any notice served, undertaking given or order made under the provisions replaced by this section.

#### **148 Rent assessment panels: pensions for presidents and vicepresidents**

In Schedule 10 to the 1977 Act (rent assessment committees) the following paragraph is inserted after paragraph 7—

“7A The Secretary of State may, with the consent of the Minister for the Civil Service, provide for the payment of pensions, allowances or gratuities to or in respect of any person nominated to act as president or vice-president of a panel.”.

#### **149 Power of local authority to require repair of houses**

In section 9 of the 1957 Act (power of local authority to require repair of unfit house) after subsection (1A) there are inserted the following subsections—

“(1B) Where a local authority, on a representation made by an occupying tenant, are satisfied that a house is in such a state of disrepair that, although it is not unfit for human habitation, the condition of the house is such as to interfere materially with the personal comfort of the occupying tenant, they may serve upon the person having control of the house such a notice as is mentioned in subsection (1A) above.

(1C) In subsection (1B) above, 'occupying tenant' has the same meaning, in relation to a dwelling which consists, or forms part, of the house concerned as it has in section 104 of the Housing Act 1974”.

### *Supplemental*

#### **150 Interpretation**

In this Act—

" protected tenant " and " statutory tenant " have the same meanings as in the 1977 Act;

" secure tenant" means the tenant under a secure tenancy and " secure tenancy " has the meaning given by section 28;

" the 1957 Act" means the Housing Act 1957 ;

" the 1969 Act" means the Housing Act 1969 ;

" the 1972 Act" means the Housing Finance Act 1972;

" the 1974 Act" means the Housing Act 1974;

" the 1975 Act" means the Housing Rents and Subsidies Act 1975;

" the 1977 Act" means the Rent Act 1977.



## **151 Regulations and orders**

- (1) Any power of the Secretary of State to make an order or regulations under this Act shall be exercisable by statutory instrument subject, except in the case of regulations under section 22(1), 33(2), 52(3), 56(7) or paragraph 11 of Schedule 3 or an order under section 52(4), 60 or 153 to annulment in pursuance of a resolution of either House of Parliament.
- (2) No order under section 52(4) or 60 shall be made unless a draft of it has been laid before Parliament and approved by a resolution of each House of Parliament.
- (3) Any order or regulation under this Act may make different provision with respect to different cases or descriptions of case, including different provision for different areas.
- (4) This section does not apply to the power of the Secretary of State to make vesting orders under section 24.

## **152 Amendments, savings, transitional provisions and repeals**

- (1) The enactments mentioned in Part I of Schedule 25 to this Act shall have effect subject to the amendments specified in that Schedule.
- (2) The savings and transitional provisions in Part II of that Schedule shall have effect.
- (3) The enactments specified in the first column of Schedule 26 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

## **153 Commencement**

- (1) Chapter I of Part I of this Act shall come into operation on the expiry of the period of eight weeks beginning with the day on which this Act is passed.
- (2) Chapter II of Part I shall come into operation on such day as the Secretary of State may by order appoint or, if no such order has been made, on the expiry of the period of eight weeks mentioned in subsection (1) above.
- (3) Sections 90 to 105, 108, 112, 113, 120, 122 to 127, 130, 131, 133 to 135, 137 to 140, 150, 151, 152(2) and 153 to 155 shall come into operation on the passing of this Act.
- (4) The remaining provisions of this Act shall come into operation on such day as the Secretary of State may by order appoint; and—
  - (a) different days may be appointed for different provisions ; and
  - (b) any provision may be brought into force on different days for England, Wales and Scotland.

## **154 Expenses and receipts**

- (1) There shall be paid out of moneys provided by Parliament the administrative expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums so payable under any other enactment.
- (2) Any sums received by the Secretary of State under section 102 or 131 shall be paid into the Consolidated Fund

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## **155 Short title and extent**

- (1) This Act may be cited as the Housing Act 1980.
- (2) Sections 114 to 116, 120 to 122(1), 123 to 133, 144, 151 to 153 of this Act, this section, Schedule 14, Part II of Schedule 16, paragraphs 1 to 3 of Schedule 17, Schedule 18, paragraphs 11 to 13, 24, 25 and 70 of Schedule 25 and the associated repeals in Schedule 26 extend to Scotland; but this Act does not otherwise so extend.
- (3) Sections 152(1), 153, this section and paragraphs 11, 12, 18 and 19 of Part I of Schedule 25 extend to Northern Ireland ; but this Act does not otherwise so extend.