

SCHEDULES

SCHEDULE 25

MINOR AND CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND SAVINGS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

Rent Act 1977 (c.42)

34 In section 16 of the 1977 Act (landlord's interest belonging to housing co-operative) for the words " paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975 " there are substituted the words " paragraph 1 of Schedule 20 to the Housing Act 1980 ".

35 Sections 18(4) and 115 of the 1977 Act (modification of Act in cases where controlled tenancies converted into regulated tenancies) are hereby repealed; and in that Act, after section 18, there is inserted the following section—

“18A Modification of Act for controlled tenancies converted into regulated tenancies.

Schedule 17 to this Act applies for the purpose of modifying the provisions of this Act in relation to a tenancy which, by virtue of any of the following enactments, was converted from a controlled tenancy into a regulated tenancy, that is to say—

- (a) section 18(3) of this Act;
- (b) paragraph 5 of Schedule 2 to the Rent Act 1968 (which was superseded by section 18(3));
- (c) Part VHI of this Act;
- (d) Part III of the Housing Finance Act 1972 (which was superseded by Part VIII);
- (e) Part IV of the Act of 1972 (conversion by reference to rateable values);
- (f) section 64 of the Housing Act 1980 (conversion of remaining controlled tenancies into regulated tenancies).”.

36 In section 19(5) of the 1977 Act (furnished lettings etc. which are not restricted contracts) after paragraph (a) insert—

“(aa) under the contract the interest of the lessor belongs to a body mentioned in section 14 of this Act;”.

37 In section 45(4) of the 1977 Act, for the words "to 48" there are substituted the words " and 47 ".

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- 38 In section 49 of the 1977 Act, for the words "46(2) or 48(3) " there are substituted the words " or 46 ".
- 39 In section 55 of the 1977 Act (general provisions for phasing of rent increases), in subsection (3), for paragraph (b) there is substituted the following paragraph—
“(b) the provisions of section 89 of this Act do not apply to it; and”.
- 40 In sections 68(4), 69(1)(b)(ii) and (4), 73(1)(a), and 88(4)(b) of the 1977 Act for the words " three years" and " 3 years," where-ever occurring, there are substituted the words " 2 years " .
This paragraph does not apply in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his confirmation is noted in the register, before the commencement of this paragraph.
- 41 In section 70(3) of the 1977 Act (matters to be disregarded in determining fair rent) paragraphs (c) and (d) are hereby repealed.
- 42 In section 78(5) of the 1977 Act, for the words " subsection (1) " there are substituted the words " subsection (2) " .
- 43 In section 79 of the 1977 Act—
(a) in subsection (1) for the words " local authority " there are substituted the words " president of every rent assessment panel " ;
(b) in subsection (2) for the words " local authority " there are substituted the words " rent assessment panel " ;
(c) subsection (4) is hereby repealed ; and
(d) in subsection (5) for the words " local authority " there are substituted the words " president of the rent assessment panel concerned " .
- 44 In section 79 of the 1977 Act there is inserted, at the end, the following subsection—
“(6A) Every local authority shall, before the expiry of the period of three months beginning with the commencement of paragraph 44 of Schedule 25 to the Housing Act 1980, send to the president of the appropriate rent assessment panel the register previously kept by the authority under this section.”
- 45 In section 85 of the 1977 Act—
(a) in the definition of " register" for the words " local authority " there are substituted the words " president of the rent assessment panel concerned " ; and
(b) in the definition of " rent tribunal" for the words from " has " onwards there are substituted the words " shall be construed in accordance with section 72 of the Housing Act 1980 " .
- 46 In section 88(2) of the 1977 Act (rent limits for housing association tenancies) for the words " sections 89 and 90 " there are substituted the words " section 89 " .
- 47 (1) Section 116 of the 1977 Act (provision where tenant refuses to allow landlord to carry out works) is amended as follows.
(2) For subsection (1) there is substituted the following subsection—
“(1) This section applies where a dwelling-house is subject to a statutory tenancy and the landlord wishes to carry out works which cannot be carried out without the consent of the tenant.”

(3) For subsection (3) there is substituted the following subsection—

“(3) The condition is—

- (a) that the works were specified in an application for an improvement, or intermediate, grant under Part VII of the Housing Act 1974 and the application has been approved, or
- (b) that the works are specified in a certificate issued by a local authority and stating that if an application were to be made by the landlord for such a grant in respect of the works, the application would be likely to be approved.”

(4) In subsection (5) the words " sections 4(4) or 10 of the Housing Act 1969 or " are hereby repealed.

48 In section 129(1) of the 1977 Act (mortgages to which Part X applies), for paragraph (b) there is substituted the following paragraph—

“(b) are regulated mortgages as defined in section 131 of this Act.”.

49 In section 132(1) of the 1977 Act (powers of court to mitigate hardship to mortgagors under regulated mortgages), for the words from " relate only " to " such a mortgage " there are substituted the words " become exercisable, in relation to a regulated mortgage, ".

50 In section 136 of the 1977 Act (interpretation of Part X), in paragraph (b) for the words from " and ' mortgage ' " to " include " there is substituted the word " includes ".

51 Section 138(3) of the 1977 Act (effect on furnished sub-tenancy of determination of superior unfurnished tenancy) shall have effect, and be deemed always to have had effect, as if for the words from " meaning" to the end there were substituted the words " same meaning as it has for the purposes of section 137(2) of this Act ".

52 In section 145 of the 1977 Act (which limits the rent recoverable under tenancies of certain subsidised private houses), for subsections (3) and (4) (which apply to conditions limiting the rent under controlled tenancies) and subsection (5) (which applies Schedule 21 to that Act to conditions limiting the rent under other tenancies) there are substituted the following subsections—

“(3) If any condition to which this section applies limits the rent under a tenancy, the condition shall limit, or have effect as if it limited, the rent—

- (a) if the tenancy is a regulated tenancy which is not a converted tenancy within the meaning of Schedule 17 to this Act, to the rent which would be recoverable if the tenancy had been converted from being a controlled tenancy upon the commencement of section 64 of the Housing Act 1980 and accordingly as if it were a converted tenancy;
- (b) if the tenancy is a converted tenancy, or a housing association tenancy within the meaning of Part VI of this Act, to the rent recoverable under this Act;
- (c) if the tenancy is a protected occupancy or statutory tenancy within the meaning of the Rent (Agriculture) Act 1976, to the rent recoverable in accordance with that Act; and
- (d) in any other case, to such rent as may from time to time be, or have been, agreed between the landlord and the local authority or as may,

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in default of agreement, be or have been determined by the Secretary of State.

(4) Subject to subsection (5) below, in subsection (3) above 'local authority', in relation to any premises, means the council of the London borough or district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.

(5) In the case of houses the construction of which was promoted by the Greater London Council or in respect of which improvement grants were made by that council under the Housing (Financial Provisions) Act 1958, the reference in subsection (3) above to the local authority shall be construed as a reference to the Greater London Council.”.

53 In section 149 of the 1977 Act (powers of local authorities for purposes of giving information), in subsection (1)(a), for subparagraph (iii) there is substituted the following sub-paragraph—

“(iii) Part II, and section 136, of the Housing Act 1980;”.

54 In section 153(1) of the 1977 Act (application to Isles of Scilly), for the words " 103 to 106 " there are substituted the words " 102A to 106A " .

55 Section 155(1) of the 1977 Act (which modifies provisions of that Act in relation to certain old controlled tenancies) is hereby repealed.

56 In Schedule 10 to the 1977 Act (rent assessment committees)—

(a) in paragraph 2 the words from "and, if the Secretary of State " to the end ; and

(b) paragraph 10;

are hereby repealed.

57 In Schedule 15 to the 1977 Act (grounds for possession of dwelling-houses), in paragraph (i) in Case 9, for the words " controlled tenancy " there are substituted the words " tenancy which was then a controlled tenancy " .

Case 9 has effect, as so amended, in relation to any tenancy which was a controlled tenancy on the date mentioned in paragraph (i) notwithstanding that it ceased to be a controlled tenancy before the commencement of this paragraph.

58 In Schedule 15 to the 1977 Act, in paragraph 4 in Part IV, for the words " paragraph 1 " there are substituted the words " paragraph 3 " ,

at the end of paragraph (a) there are inserted the words " (other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of this Schedule) " ,

and at the end of paragraph (b) there are inserted the words " of a kind mentioned in paragraph (a) above " .

59 In Schedule 17 to the 1977 Act (modification of Act where controlled tenancy converted into regulated tenancy)—

(a) in the definition of "converted tenancy", for paragraphs (a) and (b) there are substituted the words " any of the enactments mentioned in section 18A of this Act. " ; and

(b) paragraphs 3 and 4 are hereby repealed ; and

(c) in paragraph 7, for the words from the beginning to " shall not" there are substituted the words " None of the enactments mentioned in section 18A of this Act shall " .

- 60 In Schedule 24 to the 1977 Act (savings and transitional provisions)—
- (a) in paragraph 6(4) for the words "paragraph 1(1)" there are substituted the words " paragraph 1(c) "; and
 - (b) in paragraph 16 for the words " sections 44(1), (2), 38 and 72(4)" there are substituted the words " sections 44(1). 45(2), 57 and 72(7) ".