



Housing Act 1980

1980 CHAPTER 51

PART II

PRIVATE SECTOR TENANTS

Miscellaneous

78 Allowable premiums in relation to certain long tenancies.

- (1) Section 127 of the 1977 Act shall have effect and be deemed always to have had effect as if for paragraph (c) of subsection (2) there were substituted the paragraph set out in subsection (2) below and at the end of subsection (5) there were added the words set out in subsection (3) below.
- (2) The substituted paragraph is—
 - “(c) that the terms of the tenancy do not inhibit both the assignment and the underletting of the whole of the premises comprised in the tenancy.”
- (3) The added words are “ and for the purposes of subsections (2)(c) and (3B)(d) above the terms of a tenancy inhibit an assignment or underletting if they—”
 - (a) preclude it ; or
 - (b) permit it subject to a consent but exclude section 144 of the Law of Property Act 1925 (no payment in nature of fine) ; or
 - (c) permit it subject to a consent but require in connection with a request for consent the making of an offer to surrender the tenancy.
- (4) After subsection (3) of section 127 there are inserted the following subsections—
 - “(3A) If the conditions in subsection (3B) below are satisfied in respect of a tenancy, this Part of this Act shall not apply to that tenancy and, together with Part VII of the Rent Act 1968 and the enactments replaced by Part VII, shall be deemed never to have applied to it.
 - (3B) The conditions are that—

*Changes to legislation: There are currently no known outstanding effects
for the Housing Act 1980, Section 78. (See end of Document for details)*

- (a) the tenancy was granted before 16th July 1980 ;
- (b) a premium was lawfully required and paid on the grant of the tenancy ;
- (c) the tenancy was, at the time when it was granted, a tenancy at a low rent ; and
- (d) the terms of the tenancy do not inhibit both the assignment and the underletting of the whole of the premises comprised in the tenancy.

(3C) If the conditions in subsection (3D) below are satisfied in respect of a tenancy, this section shall have effect, in relation to that tenancy, as if for the words “ 20 years” and “ 21 years”, in subsections (2)(b) and (3) above there were substituted, respectively, the words “ 6 years” and “ 7 years”.

(3D) The conditions are that—

- (a) the tenancy is granted after 15th July 1980 ;
- (b) at the time when it is granted it is a tenancy at a low rent ; and
- (c) the terms of the tenancy ensure that any variation of the sums payable by the tenant otherwise than in respect of rates, services, repairs or maintenance, cannot lead to those sums exceeding an annual rate of two-thirds of the rateable value of the dwelling-house at the date when the variation is made.

For the purposes of this subsection the rateable value of a dwelling-house shall be ascertained in accordance with section 25 of this Act (disregarding subsection (4)) by reference to the value shown in the valuation list at the date when the variation is made.”

Modifications etc. (not altering text)

C1 The text of ss. 55(1), 59(2)(3), 61(1)–(7), 62, 63, 65(1)–(5), 66(1)–(4), 67–69, 70(1), 71, 73(1)–(4), 74(1)(2), 75, 76, 78, 79, 138, 141, 143(3), 148, 152(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Changes to legislation:

There are currently no known outstanding effects for the Housing Act 1980, Section 78.