Housing Act 1985

CHAPTER 68

HOUSING ACT 1985

PART I
INTRODUCTORY PROVISIONS

Local housing authorities

1 Local housing authorities.
2 The district of a local housing authority
3 Buildings situated in more than one district.

Other authorities and bodies

4 Other descriptions of authority.
5 Housing associations.
6 Housing trusts.
6A The Corporation

Supplementary provisions

7 Index of defined expressions: Part I.

PART II
PROVISION OF HOUSING ACCOMMODATION

Main powers and duties of local housing authorities

8 Periodical review of housing needs.
9 Provisions of housing accommodation.
10 Provision of furnishings and fittings.
11 Provision of board and laundry facilities.
11A Provision of welfare services.
12 Provision of shops, recreation grounds, etc.
13 Provision of streets, roads and open spaces and development generally.
14 Exercise of powers by authority outside district.

Powers of authorities in London

15 Additional powers of authorities in London.
16 Exercise of powers outside Greater London.

Acquisition of land, etc.

17 Acquisition of land for housing purposes.
18 Duties with respect to buildings acquired for housing purposes.
19 Appropriation of land.

Housing management

20 Application of housing management provisions.
21 General powers of management.
22 Allocation of housing.
23 Byelaws.
24 Rents.
25 Increase of rent where tenancy not secure.
26 Financial assistance towards tenants’ removal expenses.

Management agreements

27 Management agreements.
27A Consultation required before management agreement can be approved.
27AA Management agreements and compulsory competitive tendering.
27AB Management agreements with tenant management organisations.
27B Agreements with housing co-operatives under superseded provisions.

Consultation with respect to housing management

27BA Consultation with respect to management.

Proposals for co-operative management or ownership

27C Proposals for co-operative management or ownership.

Powers of county councils

28 Reserve powers to provide housing accommodation.
29 Provision of accommodation for employees of county councils.

Miscellaneous powers of other authorities and bodies

30 Application of provisions to development corporations, etc.
31 Power of bodies corporate to sell or let land for housing purposes.

Disposal of land held for housing purposes

32 Power to dispose of land held for purposes of this Part.
33 Covenants and conditions which may be imposed.
34 Consents under ss. 32 and 33.
34A Requirements to co-operate in relation to certain disposals
35 Repayment of discount on early disposal.
35A Increase in value of house attributable to home improvements
36 Liability to repay is a charge on the premises.
36A Right of first refusal for local authority
36B Consideration payable for disposal under section 36A
37 Restriction on disposal of dwelling-houses in National Parks, etc.
38 Relevant disposals.
39 Exempted disposals.
39A Treatment of deferred resale agreements for purposes of section 35
40 Meaning of “compulsory disposal”.
41 Exempted disposals which end liability under covenants.
42 Treatment of options.
43 Consent required for certain disposals not within s. 32.
44 Avoidance of certain disposals of houses without consent.

Restriction on service charges
45 Disposals in relation to which ss. 46 to 51 apply, etc. payable after disposal of house
46 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
47 Limitation of service charges.
48 Information as to relevant costs.
49 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
50 Offences.
51 Meaning of “qualified accountant”.

Miscellaneous
52 Compliance with minimum standards in erection of houses.
53 Prefabs deemed to be houses provided under this Part.

Supplementary provisions
54 Powers of entry.
55 Penalty for obstruction.
56 Minor definitions.
57 Index of defined expressions: Part II.

PART III
HOUSING THE HOMELESS

Main definitions
58 Homelessness and threatened homelessness.
59 Priority need for accommodation.
60 Becoming homeless intentionally.
61 Local connection.

Duties of local housing authorities with respect to homelessness and threatened homelessness
62 Inquiry into cases of possible homelessness or threatened homelessness.
63 Interim duty to accommodate in case of apparent priority need.
64 Notification of decision and reasons.
65 Duties to persons found to be homeless.
66 Duties to persons found to be threatened with homelessness.
67 Referral of application to another local housing authority.
68 Duties to persons whose applications are referred.
69 Provisions supplementary to ss. 63, 65 and 68.
70 Protection of property of homeless persons and persons threatened with homelessness.

Administrative provisions
71 Guidance to authorities by the Secretary of State.
72 Co-operation between authorities.

Assistance for voluntary organisations
73 Financial and other assistance for voluntary organisations concerned with homelessness.

Supplementary provisions
74 False statements, withholding information and failure to disclose change of circumstances.
75 Meaning of accommodation available for occupation.
76 Application of this Part to cases arising in Scotland.
77 Minor definitions.
78 Index of defined expressions: Part III.

PART IV
SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

Security of tenure
79 Secure tenancies.
80 The landlord condition.
81 The tenant condition.
82 Security of tenure.
82A Demotion because of anti-social behaviour
83 Proceedings for possession or termination: general notice requirements.
83ZA Notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour
83A Additional requirements in relation to certain proceedings for possession.
84 Grounds and orders for possession.
84A Absolute ground for possession for anti-social behaviour
85 Extended discretion of court in certain proceedings for possession.
85ZA Review of decision to seek possession on absolute ground for anti-social behaviour
85A Proceedings for possession: anti-social behaviour
86 Periodic tenancy arising on termination of fixed term.

Succession on death of tenant
86A Persons qualified to succeed tenant: England
87 Persons qualified to succeed tenant: Wales.
88 Cases where the tenant is a successor.
89 Succession to periodic tenancy.
90 Devolution of term certain.

Assignment, lodgers and subletting

91 Assignment in general prohibited.
92 Assignments by way of exchange.
93 Lodgers and subletting.
94 Consent to subletting.
95 Assignment or subletting where tenant condition not satisfied.

Repairs and improvements

96 Right to have repairs carried out.
97 Tenant’s improvements require consent.
98 Provisions as to consents required by s. 97.
99 Conditional consent to improvements.
99A Right to compensation for improvements.
99B Persons qualifying for compensation.
100 Power to reimburse cost of tenant’s improvements.
101 Rent not to be increased on account of tenant’s improvements.

Variation of terms of tenancy

102 Variation of terms of secure tenancy.
103 Notice of variation of periodic tenancy.

Provision of information and consultation

104 Provision of information about tenancies.
105 Consultation on matters of housing management.
106 Information about housing allocation.
106A Consultation before disposal to private sector landlord.

Flexible tenancies

107A Flexible tenancies
107B Review of decisions relating to flexible tenancies
107C Termination of flexible tenancy by tenant
107D Recovery of possession on expiry of flexible tenancy
107E Review of decision to seek possession

Miscellaneous

107 SECURE TENANCIES AND RIGHTS OF SECURE TENANTS
108 Heating charges
109 Provisions not applying to tenancies of co-operative housing associations.

Supplementary provisions

109A Acquisition of dwelling-house subject to statutory tenancy.
110 Jurisdiction of county court.
111 County court rules and directions.
111A Introductory tenancies
112 Meaning of “dwelling-house”.
113 Members of a person’s family.
Meaning of “landlord authority”.
Meaning of “long tenancy”.
Meaning of “introductory tenancy”.
Minor definitions.
Index of defined expressions: Part IV

PART V
THE RIGHT TO BUY

The right to buy

The right to buy.
Qualifying period for right to buy.
Exceptions to the right to buy.
Circumstances in which the right to buy cannot be exercised.
Restriction on exercising the right to buy in Wales
Exceptions to restriction on exercising the right to buy in Wales
Order suspending right to buy because of anti-social behaviour
Information to help tenants decide whether to exercise right to buy etc.
Provision of information

Claim to exercise right to buy

Tenant’s notice claiming to exercise right to buy.
Applications to suspend the right to buy etc in parts of Wales: effect on claims to exercise the right
Suspension of the right to buy in parts of Wales
Claim to share right to buy with members of family.
Landlord’s notice admitting or denying right to buy.
Landlord’s notice of purchase price and other matters.
Estimates and information about service charges.
Estimates and information about improvement contributions.
Reference period for purposes of ss. 125A and 125B.
Tenant’s notice of intention.
Landlord’s notice in default.

Purchase price

Purchase price.
Value of dwelling-house.
Determination of value by district valuer.
Determination of value: review notices
Review of determination of value
Discount.
Reduction of discount where previous discount given.
Limits on amount of discount

The right to a mortgage

...
Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 17 November 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Change of tenant or landlord after service of notice claiming right to buy

136 Change of secure tenant after notice claiming right to buy.
137 Change of landlord after notice claiming right to buy or right to a mortgage.

Completion of purchase in pursuance of right to buy

138 - Duty of landlord to convey freehold or grant lease.
138A Effect of initial demolition notice served before completion
138B Effect of final demolition notice served before completion
138C Compensation where demolition notice served
139 Terms and effect of conveyance or grant and mortgage.
140 Landlord’s first notice to complete.
141 Landlord’s second notice to complete.
142 ------------------------------
142A Termination of the right to acquire on rent to mortgage terms

Right to acquire on rent to mortgage terms

143 Right to acquire on rent to mortgage terms.
143A Right excluded by entitlement to housing benefit.
143B Right excluded if minimum initial payment exceeds maximum initial payment.
144 Tenant’s notice claiming right.
145 Tenant’s initial share.
146 Landlord’s notice admitting or denying right.
146A Tenant’s notice of intention.
146B Landlord’s notice in default.
147 Notice of landlord’s share and initial discount.
148 Determination of landlord’s share, initial discount etc.
149 Change of landlord after notice claiming right.
150 Duty of landlord to convey freehold or grant lease.
151 Terms and effect of conveyance or grant: general.
151A Redemption of landlord’s share.
151B Mortgage for securing redemption of landlord’s share.
152 Landlord’s first notice to complete.
153 Landlord’s second notice to complete.

Tenant’s sanction for landlord’s delays

153A Tenant’s notices of delay.
153B Payments of rent attributable to purchase price etc.

Registration of title

154 Registration of title.

Provisions affecting future disposals

155 Repayment of discount on early disposal.
155A Amount of discount which may be demanded by landlord: right to buy
155B Amount of discount which may be demanded by landlord: right to acquire on rent to mortgage terms
155C Increase attributable to home improvements
156 Liability to repay is a charge on the premises.
156A Right of first refusal for landlord etc.
157 Restriction on disposal of dwelling-houses in National Parks, etc.
158 Consideration for disposal under section 156A
159 Relevant disposals.
160 Exempted disposals.
161 Meaning of “compulsory disposal”.
162 Exempted disposals which end liability under covenants.
163 Treatment of options.
163A Treatment of deferred resale agreements for purposes of section 155

Powers of Secretary of State
164 Secretary of State’s general power to intervene.
165 Vesting orders for purposes of s. 164.
166 Other provisions supplementary to s. 164.
167 Power to give directions as to covenants and conditions.
168 Effect of direction under s. 167 on existing covenants and conditions.
169 Power to obtain information, etc.
170 Power to give assistance in connection with legal proceedings.

Power to extend right to buy, etc.
171 Power to extend right to buy, etc.

Preservation of right to buy on disposal to private sector landlord
171A Cases in which right to buy is preserved.
171B Extent of preserved right: qualifying persons and dwelling-houses.
171C Modifications of this Part in relation to preserved right.
171D Subsequent dealings: disposal of landlord’s interest in qualifying dwelling-house.
171E Subsequent dealings: termination of landlord’s interest in qualifying dwelling-house.
171F Subsequent dealings: transfer of qualifying person to alternative accommodation.
171G Land registration and related matters.
171H Disposal after notice claiming to exercise right to buy, etc.

Modifications of Leasehold Reform Act 1967 in relation to leases granted under this Part
172 Exclusion of leases where landlord is housing association and freeholder is a charity.
173 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
174 Leases granted under this Part to be treated as long leases at a low rent.
175 Determination of price payable.

Supplementary provisions
176 Notices.
177 Errors and omissions in notices.
178 Costs.
179 Provisions restricting right to buy, etc. of no effect.
180 Statutory declarations.
181 Jurisdiction of county court.
182 Power to repeal or amend local Acts.
PART VI
REPAIR NOTICES

Repair Notices

189 Repair notice in respect of unfit dwelling-house.
190 Repair notice in respect of dwelling-house or house in multiple occupation in state of disrepair but not unfit.
190A Effect on section 189 of proposal to include premises in group repair scheme.
191 Appeals against repair notices.
191A Execution of works by local housing authority by agreement
192 ........................................

Enforcement

193 Power of local housing authority to execute works.
194 Notice of authority’s intention to execute works.
195 Power of court to order occupier or owner to permit things to be done.
196 Power of court to authorise owner to execute works on default of another owner.
197 Powers of entry.
198 Penalty for obstruction.
198A Penalty for failure to execute works.

Provisions for protection of owner and others

199— ........................................
201 
202 Owner not in receipt of rents, &c. to receive notice of proceedings.
203 Saving for rights arising from breach of covenant, &c.
204 Effect of approved proposals for re-development.

Supplementary provisions

205 ........................................
206 ........................................
207 Minor definitions.
208 Index of defined expressions: Part VI.

PART VII

PART VIII
AREA IMPROVEMENT
Housing Act 1985 (c. 68)

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 17 November 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**Housing action areas**

239 Declaration of housing action area.
240 Steps to be taken after declaration of housing action area.
241 Functions of Secretary of State with respect to declaration of housing action area.
242 Incorporation into housing action area of land comprised in general improvement area.
243 General powers of local housing authority.
244 Environmental works.
245 Contributions by Secretary of State.
246 Duty to publish information.
247 Changes of ownership or occupation of land to be notified to local housing authority.
248 Form and contents of notification under s. 247.
249 Penalty for failure to notify, &c.
250 Exclusion of land from, or termination of, housing action area.
251 Extension of duration of housing action area.
252 Meaning of “housing accommodation” and related expressions.

**General improvement areas**

253 Declaration of general improvement area.
254 Steps to be taken after declaration.
255 General powers of local housing authority.
256 Power to apply for orders extinguishing right to use vehicles on highway.
257 Duty to publish information.
258 Exclusion of land from, or termination of, general improvement area.
259 Contributions by Secretary of State.

**Supplementary provisions**

259A Effect of resolutions relating to housing action area or general improvement area.
259B Effect of certain resolutions passed before commencement of s. 259A.
260 Powers of entry.
261 Penalty for obstruction.
262 Minor definitions.
263 Index of defined expressions: Part VIII

**PART IX**

**SLUM CLEARANCE**

Demolition or closing of unfit premises beyond repair at reasonable cost

264 Power to make closing order.
265 Demolition orders
266 ..................................................
267 Content of demolition ....
268 Service of copies of demolition order.
269 Right of appeal against order.
269A Appeals suggesting certain other courses of action
Demolition orders

270 Demolition orders: recovery of possession of building to be demolished.
271 Demolition orders: execution of order.
272 Demolition orders: expenses of local housing authority, &c.
273 Demolition orders: cleansing before demolition.
274 Demolition orders: power to permit reconstruction of condemned house.

274A Effect of certain enforcement action under the Housing Act 2004

275 Demolition orders: substitution of prohibition order to permit use otherwise than for human habitation

Closing orders

276 Closing orders: recovery of possession of house.
277 Closing orders: enforcement.
278 Closing orders: determination of order on premises being rendered fit.
279 Closing orders: substitution of demolition order.

280— .................................

282

Demolition of obstructive buildings

283 Buildings liable to be demolished as “obstructive buildings”.
284 Obstructive building order.
285 Right of appeal against obstructive building order.
286 Obstructive building order: recovery of possession of building to be demolished.
287 Execution of obstructive building order.
288 Obstructive buildings: expenses of local housing authority, &c.

Clearance areas

289 Declaration of clearance area.
290 Acquisition of land for clearance.
291 Method of dealing with land acquired for clearance.
292 Power to discontinue proceedings if acquisition of land proves unnecessary.
293 Property belonging to the local housing authority.
294 Extinguishment of public rights of way over land acquired.
295 Extinguishment of other rights over land acquired.
296 Apparatus of statutory undertakers.
297 Procedure for removal or alteration of apparatus under s. 296.
298 Electronic communications apparatus

299 .................................

Use of condemned houses for temporary housing accommodation

300 Purchase of houses liable to be demolished or to be subject to a prohibition order.
301 Retention of houses acquired for clearance.
302 Management and repair of houses acquired under s. 300 or retained under s. 301

Listed buildings

303 Meaning of “listed building”.
Demolition order not to be made in respect of listed building.

Building becoming listed when subject to compulsory purchase for clearance.

Building becoming listed when acquired by agreement for clearance.

Provisions for protection or assistance of owners

Saving for rights arising from breach of covenant, &c.

Approval of owner’s proposals for redevelopment.

Recovery of possession of premises for purposes of approved redevelopment.

Certificate of fitness resulting from owner’s improvements or alterations.

Consideration of proposals under s. 308 or s. 310 with respect to premises in clearance area.

Power of court to order occupier or owner to permit things to be done.

Power of court to authorise owner to demolish premises on default of another owner.

Power of court to determine lease where premises demolished . . . .

Power of tribunal to authorise execution of works on unfit premises or for improvement.

Supplementary provisions

Powers of entry.

Penalty for obstruction.

Minor definitions.

Index of defined expressions: Part IX.

PART X

OVERCROWDING

Definition of overcrowding

Definition of overcrowding.

The room standard.

The space standard.

Responsibility of occupier

Penalty for occupier causing or permitting overcrowding.

Exception: children attaining age of 1 or 10.

Exception: visiting member of family.

Licence of local housing authority.

Responsibilities of landlord

Penalty for landlord causing or permitting overcrowding.

Information to be contained in rent book.

Duty to inform local housing authority of overcrowding.
Powers and duties of local housing authority

334 Duty to inspect, report and prepare proposals.
335 Power to require information about persons sleeping in dwelling.
336 Power to require production of rent book.
337 Power of entry to determine permitted number of persons.
338 Notice to abate overcrowding.

Supplementary provisions

339 Enforcement of this Part.
340 Powers of entry.
341 Penalty for obstruction.
342 Meaning of “suitable alternative accommodation”.
343 Minor definitions.
344 Index of defined expressions: Part X

PART XI
HOUSES IN MULTIPLE OCCUPATION

Introductory

345 Meaning of “multiple occupation”.

Registration schemes

346 Registration schemes.
346A Contents of registration scheme.
346B Model schemes and confirmation of schemes.
347 Control provisions.
348 Control provisions: decisions on applications and appeals.
348A Control provisions: other decisions and appeals.
348B Special control provisions.
348C Special control provisions: general provisions as to decisions and appeals.
348D Special control provisions: occupancy directions.
348E Special control provisions: decisions and appeals relating to occupancy directions.
348F Special control provisions: “relevant management failure”.
348G Offences in connection with registration schemes.
349 Steps required to inform public about schemes.
350 Power to require information for purposes of scheme.
351 Proof of scheme and contents of register.

Fitness for the number of occupants

352 Power to require execution of works to render premises fit for number of occupants.
352A Recovery of expenses of notice under s. 352.
353 Appeal against notice under s. 352.
354 Power to limit number of occupants of house.
355 Effect of direction under s. 354.
356 Power to require information about occupation of house.
357 Revocation or variation of direction under s. 354.
Overcrowding

358 Service of overcrowding notice.
359 Contents of overcrowding notice.
360 Requirement as to overcrowding generally.
361 Requirement as to new residents.
362 Appeal against overcrowding notice.
363 Revocation and variation of notice.
364 Power to require information where notice in force.
365 Means of escape from fire; general provisions as to exercise powers.
366, 367 ....................................................
368 Means of escape from fire: power to secure that part of house not used for human habitation.

Standards of management

369 The management code.
370, 371 ....................................................
372 Power to require execution of works to remedy neglect of management.
373 Appeal against notice under s. 372.
374 ....................................................

Supplementary provisions as to works notices

375 Carrying out of works by local housing authority.
376 Penalty for failure to execute works.
377 Powers of court to facilitate execution of works, &c.
377A Works notices: improvement of enforcement procedures.
378 Provisions for protection of owners.
379 Making of control order.
380 Modification of control order where proprietor resides in part of house.
381 General effect of control order.
382 Effect of control order on persons occupying house.
383 Effect of control order in relation to furniture in case of furnished letting.
384 Appeal against control order.
385 General duties of local housing authority when control order is in force.
386 Duty to prepare management scheme.
387 Right of entry for inspection and carrying out of works.
388 Power to supply furniture and fittings.
389 Compensation payable to dispossessed proprietor.
390 Facilities to be afforded to dispossessed proprietor and others.
391 Power of court to modify or determine lease.
392 Expiry or revocation of control order.
393 Appeal against refusal to revoke control order.
394 Cessation of control order.

General supplementary provisions

395 Powers of entry.
395A Codes of practice.
396 Penalty for obstruction.
397 Warrant to authorise entry.
398 Meaning of “lessee”, “owner”, “person, having control” and similar expressions.
Minor definitions.

Index of defined expressions: Part XI.

PART XII

Introductory

Meaning of “common lodging house”.

Regulation of common lodging houses

No person to keep a common lodging house unless registered.

Register of common lodging house keepers and their houses.

Provisions with respect to registration.

Appeals against refusal of registration.

Byelaws as to common lodging houses.

Management and control of common lodging houses.

Offences.

Power of court on conviction to cancel registration and to disqualify for re-registration.

Enforcement

Duty of local housing authority to enforce this Part.

Powers of entry.

Penalty for obstruction.

Restriction on right to prosecute.

Supplementary provisions

Evidence in legal proceedings.

Power to apply provisions to Crown property

Index of defined expressions: Part XII.

PART XIII

GENERAL FINANCIAL PROVISIONS

Housing subsidy

Housing subsidy.

Calculation of housing subsidy for local housing authorities.

The base amount.

The housing costs differential.

The local contribution differential.

Calculation of housing subsidy for Board.

Recoupment of subsidy in certain cases.

Entitlement to subsidy in case of land subject to management agreement.

Borrowing powers

Continuance of certain powers to borrow for housing purposes.
Miscellaneous

429 The improvement for sale scheme.
429A Housing management: financial assistance etc.
430 — . . .
431 Control of expenditure by housing authorities on works of conversion or improvement.
432 Superseded contributions, subsidies, grants, and other financial matters.

Supplementary

433 Minor definitions.
434 Index of defined expressions: Part XIII.

PART XIV

LOANS FOR ACQUISITION OR IMPROVEMENT OF HOUSING

Local authority mortgages

435 Power of local authorities to advance money.
436 Terms of advance.
437 Power of local authority on disposal to leave amount outstanding on mortgage.
438 Local authority mortgage interest rates.
439 Requirements as to fitness of premises, &c.
440 Deposits in respect of maintenance or repair of mortgaged premises.
441 Waiver or reduction of payments in case of property requiring repair or improvement.

Local authority assistance in connection with mortgages

442 Agreement by local authority to indemnify mortgagee.
443 Local authority contributions to mortgage costs.
444 Relevant advances for the purposes of section 443.

Assistance for first-time buyers

445 Advances to recognised lending institutions to assist first-time buyers.
446 Forms of assistance and qualifying conditions.
447 Recognised lending institutions.
448 Recognised savings institutions.
449 Terms of advances and administration.
450 Modifications of building society law.

Loans in respect of service charges

450A Right to a loan in certain cases after exercise of right to buy.
450B Power to make loans in other cases.
450C Supplementary provisions as to regulations under s. 450A or 450B.

Other financial assistance in respect of service charges

450D Purchase of equitable interests

Miscellaneous

451 Loans by Public Works Loan Commissioners.
Vesting of house in authority entitled to exercise power of sale.
Further advances in case of disposal on shared ownership lease.
Exclusion of Restrictive Trade Practices Act: recommendations as to implementation of this Part.
Exclusion of Restrictive Trade Practices Act: agreements as to loans on security of new houses.
Advances under the Small Dwellings Acquisition Acts.

Supplementary provisions

Meaning of “house” and “house property”.
Minor definitions.
Index of defined expressions: Part XIV.

PART XV
GRANTS FOR WORKS OF IMPROVEMENT, REPAIR AND CONVERSION

Assistance for provision of separate service pipe for water supply.
Contributions under superseded enactments.

General supplementary provisions

Minor definitions.
Index of defined expressions: Part XV

PART XVI
ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Eligibility for assistance

Application for assistance.
Designation of defective dwellings by Secretary of State.
Variation or revocation of designation.
Meaning of “relevant interest”.
Conditions of eligibility: disposal by public sector authority, &c.
Construction of references to disposal, &c.
Exceptions to eligibility.

Determination of entitlement

Application not to be entertained where grant application pending or approved.
Determination of eligibility.
Determination of form of assistance to which applicant is entitled.
Conditions for assistance by way of reinstatement grant.
Meaning of “work required for reinstatement” and “associated arrangement”.
Notice of determination.
Assistance by way of reinstatement grant

541 Reinstatement grant.
542 Conditions of payment of reinstatement grant.
543 Amount of reinstatement grant.
544 Changes in work or expenditure.
545 Payment of reinstatement grant.
546 Repayment of grant for breach of condition.

Assistance by way of repurchase

547 Repurchase.
548 Repurchase by authority other than local housing authority.
549 Interest subject to right of pre-emption &c.
550 Compulsory purchase compensation to be made up to 95 per cent of defect-free value.
551 Supplementary provisions as to payments under s. 549 or 550.
552 Reimbursement of expenses incidental to repurchase.

Effect of repurchase on occupier

553 Effect of repurchase on certain existing tenancies.
554 Grant of tenancy to former owner-occupier.
555 Grant of tenancy to former statutory tenant.
556 Alternative accommodation under s. 554 or 555,
557 Request for tenancy under s. 554 or 555.
558 Interpretation of ss. 553 to 557.

Local schemes

559 Designation of defective dwellings under local schemes.
560 Variation or revocation of designation under local scheme.
561 Secretary of State’s control over designation, variation or revocation.

Miscellaneous

562 Duty of local housing authority to publicise availability of assistance.
563 Duties of public sector authority disposing of defective dwelling.
564 Reinstatement of defective dwelling by local housing authority.
565 Death of person eligible for assistance, &c.
566 Dwellings included in more than one designation.
567 Modifications of this Part in relation to shared ownership leases.
568 Extension of assistance to mortgagees.

Contributions by Secretary of State

569 Contributions by Secretary of State.
570 Power to vary relevant percentage.

Supplementary provisions

571 Service of notices.
572 Jurisdiction of county court.
573 Meaning of “public sector authority”.
574 Disposal of certain Crown interests in land treated as disposal by public sector authority.
575 Meaning of “dwelling” and “house”.
576 Meaning of “lending institution”.
577 Index of defined expressions: Part XVI.

PART XVII

COMPULSORY PURCHASE AND LAND COMPENSATION

Introductory
578 General enactments relating to compulsory purchase, &c., apply subject to this Part.
578A Modification of compulsory purchase order in case of acquisition of land for clearance.
579

Compulsory purchase
580—
581
582 Restriction on recovery of possession after making of compulsory purchase order.
583 Continuance of tenancies of houses compulsorily acquired and to be used for housing purposes.
584 Power to enter and determine short tenancies of land acquired or appropriated.
584A Compensation payable in case of prohibition and demolition orders.
584B Repayment on revocation of demolition or prohibition order.
585—
592

Other land Compensation Matters
593—
595
596 Power to compensate shop-keepers in areas affected by clearance.
597 Compensation payable on demolition of obstructive building.
598
599 Application of compensation due to another local authority.

Supplementary provisions
600 Powers of entry.
601 Penalty for obstruction.
602 Minor definitions.
603 Index of defined expressions: Part XVII.

PART XVIII

MISCELLANEOUS AND GENERAL PROVISIONS

General provisions relating to housing conditions
604 Fitness for human habitation.
604A Authority to consider guidance given by Secretary of State in deciding whether to take action under Section 189, Section 264, Section 265 or Section 289.
Consideration by local housing authority of housing conditions in their district.

Reports on particular houses or areas.

Environmental considerations

Local housing authority to have regard to environmental considerations.

Acquisition of ancient monuments, &c.

Enforceability of covenants, &c.

Enforcement of covenants against owner for the time being.

Power of court to authorise conversion of premises into flats.

Miscellaneous powers of local housing authorities

Removal or alteration of apparatus of statutory undertakers.

General provisions

Exclusion of Rent Act protection.

Liability of directors, &c. in case of offence by body corporate.

Power to prescribe forms &c.

Dispensation with advertisements and notices.

Local inquiries.

Service of notices.

The Common Council of the City of London.

The Inner and Middle Temples.

The Isles of Scilly.

Meaning of “lease” and “tenancy” and related expressions.

Meaning of “service charge” and related expressions.

Minor definitions: general.

Minor definitions: Part XVIII

Index of defined expressions: Part XVIII.

Final provisions

Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Tenancies which are not Secure Tenancies

Long leases

A tenancy is not a secure tenancy if it is...

Introductory tenancies

A tenancy is not a secure tenancy if it is...

Premises occupied in connection with employment

(1) Subject to sub-paragraph (4B)a tenancy is not a secure...
Land acquired for development
3 (1) A tenancy is not a secure tenancy if the...

Accommodation for homeless persons
4 A tenancy granted in pursuance of any function under Part...

Family intervention tenancies
4ZA (1) A tenancy is not a secure tenancy if it...

Accommodation for asylum-seekers
4A (1) A tenancy is not a secure tenancy if it...

Accommodation for persons with Temporary Protection
4B A tenancy is not a secure tenancy if it is...

Temporary accommodation for persons taking up employment
5 (1) Subject to sub-paragraphs (1A) and (1B), a tenancy is...

Short-term arrangements
6 A tenancy is not a secure tenancy if—

Temporary accommodation during works
7 A tenancy is not a secure tenancy if—

Agricultural holdings etc.
8 (1) A tenancy is not a secure tenancy if—

Licensed premises
9 A tenancy is not a secure tenancy if the dwelling-house...

Student lettings
10 (1) Subject to sub-paragraphs (2A) and (2B), a tenancy of...

1954 Act tenancies
11 A tenancy is not a secure tenancy if it is...

Almshouses
12 A licence to occupy a dwelling-house is not a secure...

SCHEDULE 2 — Grounds for Possession of Dwelling-Houses Let under Secure Tenancies
Part I — Grounds on which Court may order possession if it considers it reasonable

Ground 1
Rent lawfully due from the tenant has not been paid...
Ground 2
The tenant or a person residing in or visiting the...

Ground 2ZA
The tenant or an adult residing in the dwelling-house has...

Ground 2A
The dwelling-house was occupied (whether alone or with others) by...

Ground 3
The condition of the dwelling-house or of any of the...

Ground 4
The condition of furniture provided by the landlord for use...

Ground 5
The tenant is the person, or one of the persons,...

Ground 6
The tenancy was assigned to the tenant, or to a...
In this paragraph “premium” means any fine or other like...

Ground 7
The dwelling-house forms part of, or is within the curtilage...

Ground 8
The dwelling-house was made available for occupation by the tenant...

Part II — GROUNDS ON WHICH THE COURT MAY ORDER POSSESSION IF SUITABLE ALTERNATIVE ACCOMMODATION IS AVAILABLE

Ground 9
The dwelling-house is overcrowded, within the meaning of Part X,...

Ground 10
The landlord intends, within a reasonable time of obtaining possession...

Ground 10A
The dwelling-house is in an area which is the subject...

Ground 11
The landlord is a charity and the tenant’s continued occupation...

Part III — GROUNDS ON WHICH THE COURT MAY ORDER POSSESSION IF IT CONSIDERS IT REASONABLE AND SUITABLE ALTERNATIVE ACCOMMODATION IS AVAILABLE
Ground 12
The dwelling-house forms part of, or is within the curtilage...

Ground 13
The dwelling-house has features which are substantially different from those...

Ground 14
The landlord is a housing association or housing trust which...

Ground 15
The dwelling-house is one of a group of dwelling-houses which...

Ground 15A
The dwelling-house is in England, the accommodation afforded by it...

Ground 16
The dwelling-house is in Wales, the accommodation afforded by it...

Part IV — SUITABILITY OF ACCOMMODATION

1 For the purposes of section 84(2)(b) and (c) (case in...
2 In determining whether the accommodation is reasonably suitable to the...
3 Where possession of a dwelling-house is sought on ground 9...
4 (1) A certificate of the appropriate local housing authority that...

Part V — APPROVAL OF REDEVELOPMENT SCHEMES FOR PURPOSES OF GROUND 10A

1 (1) The Secretary of State may, on the application of...
2 (1) Where a landlord proposes to apply to the Secretary...
3 (1) In considering whether to give his approval to a...
4 The Secretary of State shall not approve a scheme or...
5 (1) Approval may be given subject to conditions and may...
6 Where the landlord is a private registered provider of social...
7 In this Part of this Schedule references to the landlord...

SCHEDULE 2A — Absolute ground for possession for anti-social behaviour: serious offences

Violent offences

1 Murder.
2 Manslaughter.
3 Kidnapping.
4 False imprisonment.
5 An offence under any of the following sections of the...
6 An offence under any of the following sections of the...
7 An offence under section 1 of the Infant Life (Preservation)...
8 An offence under section 1 of the Children and Young...
9 An offence under section 1 of the Infanticide Act 1938...
10 An offence under any of the following sections of the...
11 An offence under either of the following sections of the...
12 An offence under any of the following provisions of the...
13 An offence under either of the following sections of the...
14 An offence under section 5 of the Domestic Violence, Crime...

Sexual offences
15 An offence under section 33A of the Sexual Offences Act...
16 An offence under section 1 of the Protection of Children...
17 An offence under section 160 of the Criminal Justice Act...
18 An indictable offence under Part 1 of the Sexual Offences...

Offensive weapons
19 An offence under either of the following sections of the...
20 An offence under any of the following provisions of the...
21 An offence under either of the following sections of the...

Offences against property
22 An offence under any of the following sections of the...
23 An offence under section 1 of the Criminal Damage Act...
24 An offence under section 30 of the Crime and Disorder...

Road traffic offences
25 An offence under section 35 of the Offences against the...
26 An offence under section 12A of the Theft Act 1968...
27 An offence under any of the following sections of the...

Drug-related offences
28 An offence under any of the following provisions of the...
29 An offence under section 6 of that Act (restrictions of... 

Modern slavery
29A An offence under either of the following sections of the...

Inchoate offences
30 (1) An offence of attempting or conspiring the commission of...

Scope of offences
31 Where this Schedule refers to offences which are offences under...

SCHEDULE 3 — Grounds for Withholding Consent to Assignment by Way of Exchange

Ground 1
The tenant or the proposed assignee is subject to an...

Ground 2
Proceedings have been begun for possession of the dwelling-house of...
Ground 2ZA

Proceedings have been begun for possession of the dwelling-house, of...

Ground 2A

Either— a relevant order, a suspended anti-social behaviour possession...

Ground 2B

The dwelling-house is subject to a closure notice or closure...

Ground 3

The accommodation afforded by the dwelling-house is substantially more extensive...

Ground 4

The extent of the accommodation afforded by the dwelling-house is...

Ground 5

The dwelling-house— (a) forms part of or is within the...

Ground 6

The landlord is a charity and the proposed assignee’s occupation...

Ground 7

The dwelling-house has features which are substantially different from those...

Ground 8

The landlord is a housing association or housing trust which...

Ground 9

The dwelling-house is one of a group of dwelling-houses which...

Ground 10

The dwelling-house is the subject of a management agreement under...

SCHEDULE 3A — Consultation before Disposal to Private Sector Landlord

Disposals to which this Schedule applies

1 (1) This Schedule applies to the disposal by a local...

Application for Secretary of State’s consent

2 (1) The Secretary of State shall not entertain an application...

Requirements as to consultation

3 (1) The requirements as to consultation referred to above are...
Power to require further consultation

4 The Secretary of State may require the authority to carry...

Consent to be withheld if majority of tenants are opposed

5 (1) The Secretary of State shall not give his consent...

Guidance

5A (1) The appropriate person must give guidance to local authorities...

Protection of purchasers

6 The Secretary of State’s consent to a disposal is not...

SCHEDULE 4 — Qualifying Period for Right to Buy and Discount

Introductory

1 The period to be taken into account—

Periods occupying accommodation subject to public sector tenancy

2 A period qualifies under this paragraph if it is a...

3 For the purposes of paragraph 2 a person who, as...

4 (1) This paragraph applies where the public sector tenant of...

Periods occupying forces accommodation

5 A period qualifies under this paragraph if it is a...

Periods during which right to buy is preserved

5A A period qualifies under this paragraph if it is a...

Meaning of “public sector tenant”

6 (1) In this Schedule a “public sector tenant” means a...

The landlord condition

7 (1) The landlord condition is, subject to paragraphs 7A and...

7A (1) The landlord condition shall be treated as having been...

7B The landlord condition shall be treated as having been satisfied...

8 (1) The landlord condition shall also be treated as having...

The tenant condition

9 The tenant condition is that the tenant was an individual...

9A The tenant condition is not met during any period when...

Application to certain housing association tenancies

10 For the purpose of determining whether at any time a...

SCHEDULE 5 — Exceptions to the Right to Buy
Charities

1 The right to buy does not arise if the landlord...

Certain housing associations

2 The right to buy does not arise if the landlord...
3 The right to buy does not arise if the landlord...

Landlord with insufficient interest in the property

4 The right to buy does not arise unless the landlord...

Dwelling-houses let in connection with employment

5 (1) The right to buy does not arise if the...

Certain dwelling-houses for the disabled

6 Exceptions to the Right to Buy
7 The right to buy does not arise if the dwelling-house...
8 Exceptions to the Right to Buy
9 (1) The right to buy does not arise if—

Certain dwelling-houses for persons of pensionable age

10 (1) The right to buy does not arise if the...
11 (1) The right to buy does not arise if the...

Dwelling-houses held on Crown tenancies

12 (1) The right to buy does not arise if the...

Dwelling-house due to be demolished within 24 months

13 (1) The right to buy does not arise if a...
14 (1) A final demolition notice may only be served for...
15 (1) The Secretary of State may, on an application by...
15A (1) This paragraph applies if— (a) a final demolition notice...
16 (1) Any notice under paragraph 13, 15 or 15A...

SCHEDULE 5A — Initial demolition notices

Initial demolition notices

1 (1) For the purposes of this Schedule an “ initial...

Period of validity of initial demolition notice

2 (1) For the purposes of this Schedule an initial demolition...

Revocation or termination of initial demolition notices

3 (1) Paragraph 15(4) to (7A) of Schedule 5 (revocation notices)...

Transfer of initial demolition notices

3A (1) This paragraph applies if— (a) an initial demolition notice...
Restriction on serving further demolition notices

4 (1) This paragraph applies where an initial demolition notice (“..."

Service of notices

5 Paragraph 16 of Schedule 5 (service of notices) applies in...

Interpretation

6 (1) In this Schedule (other than paragraph 3A) any reference...

SCHEDULE 6 — Conveyance of Freehold and Grant of Lease in Pursuance of Right to Buy

Part I — COMMON PROVISIONS

Rights to be conveyed or granted—general

1 The conveyance or grant shall not exclude or restrict the...

Rights of support, passage of water, etc.

2 (1) The conveyance or grant shall, by virtue of this...

Rights of way

3 The conveyance or grant shall include— (a) such provisions (if...

Covenants and conditions

4A the conveyance or grant shall be expressed to be made...

4 The conveyance or grant shall include such provisions (if any)...  

5 Subject to paragraph 6, and to Parts II and III...

No charge to be made for landlord’s consent or approval

6 A provision of the conveyance or lease is void in...

Meaning of “incumbrances” and “tenant’s incumbrance”

7 In this Schedule— “incumbrances” includes personal liabilities attaching in respect...

Part II — CONVEYANCE OF FREEHOLD

General

8 The conveyance shall not exclude or restrict the all estate...

9 (1) The conveyance shall be of an estate in fee...

Covenants

10 Conveyance of Freehold and Grant of Lease in Pursuance of Right to Buy

Part III — LEASES

General

11 A lease shall be for the appropriate term defined in...
The appropriate term

12 (1) If at the time the grant is made the...

Common use of premises and facilities

13 Where the dwelling house is a flat and the tenant...

Covenants by the landlord

14 (1) This paragraph applies where the dwelling-house is a flat...
15 (1) This paragraph applies where the landlord’s interest in the...

Covenant by tenant

16 Unless otherwise agreed between the landlord and the tenant, there...

Service charges and other contributions payable by the tenant

16A (1) The lease may require the tenant to bear a...
16B (1) Where a lease of a flat requires the tenant...
16C (1) Where a lease of a flat requires the tenant...
16D (1) The Secretary of State may by order prescribe—
16E (1) Where a lease of a flat granted in pursuance...

Avoidance of certain provisions

17 (1) A provision of the lease, or of an agreement...
18 Where the dwelling-house is a flat, a provision of the...
19 A provision of the lease, or of an agreement collateral...

Part IV — CHARGES

Grant of lease

20 A charge (however created or arising) on the interest of...

Conveyance of freehold

21 (1) This paragraph applies to a charge (however created or...

Schedule 6A — REDEMPTION OF LANDLORD’S SHARE

Obligation to redeem landlord’s share in certain circumstances

1 (1) The conveyance or grant shall contain a covenant binding...

Right to redeem landlord’s share at any time

2 (1) The conveyance or grant shall include provision entitling the...

Value of landlord’s share and amount of final payment

3 The value of the landlord’s share shall be determined by...

Final discount

4 (1) Where a final payment is made by, or by...
Restrictions on and deductions from final discount

5 (1) Except where the Secretary of State so determines, a...

Right to make interim payment at any time

6 (1) The conveyance or grant shall include provision entitling the...

Landlord’s reduced share and interim discount

7 The landlord’s share after the making of an interim payment...

Value of dwelling-house

8 (1) For the purposes of the final payment or any...

Costs of independent valuation

9 The conveyance or grant shall include provision requiring any sums...

No charges to be made by landlord

10 A provision of the conveyance or grant is void in...

Other covenants and provisions

11 Subject to the provisions of this Schedule, the conveyance or...

Interpretation

12 (1) In this Schedule—“independent valuer” means an...

SCHEDULE 7 — . . .

1 The deed shall provide for repayment of the amount secured...

2 (1) The period over which repayment is to be made...

3 (1) The Secretary of State may by order—

4 The deed may contain such other provisions as may be—...

SCHEDULE 8 — . . .

Additional shares

1 (1) The lease shall state the tenant’s initial share of...

2 (1) Where the dwelling-house is a house and the landlord...

Additional contributions

3 (1) The consideration for an additional share (referred to in...

Rent

4 (1) The lease shall provide that, for any period for...

5 The lease shall provide that, for any period for which...

Payment for outstanding share on disposal

6 (1) The lease shall contain a covenant binding on the...

7 The lease shall provide that, on the discharge of a...

8 (1) Where the dwelling-house is a house and the landlord...
No disposals of part while share outstanding

9 (1) The lease shall contain a covenant binding on the...

Applications of provisions after disposal

10 (1) The lease shall provide that in the event of...

Value of dwelling-house or part

11 (1) For the purposes of paragraph 3 (additional contributions) and...

SCHEDULE 9 — . . .

Right to further advances

1 (1) The deed shall enable the tenant to require further...

Amount of further advance

2 The amount which a tenant exercising the right to a...
3 (1) The limit is that the aggregate of that amount...
4 (1) The Secretary of State may by regulations make provision...

Notice of amount and terms of further advance

5 As soon as practicable after the service on it of...

Terms of deed by which further mortgage is effected

6 Schedule 7 (terms of mortgage granted in pursuance of right...

Schedule 9A — Land Registration and Related Matters where Right to Buy Preserved

Statement to be contained in instrument effecting qualifying disposal

1 On a qualifying disposal, the disponor shall secure that the...

Registration of title on qualifying disposal

2 Land Registration and Related Matters where Right to Buy Preserved
3 Land Registration and Related Matters where Right to Buy Preserved

Entries on register protecting preserved right to buy

4 (1) This paragraph applies where the Chief Land Registrar approves...

Change of qualifying dwelling-house

5 (1) This paragraph applies where by virtue of section 171B(6)...

Effect of non-registration

6 (1) The rights of a qualifying person under this Part...

Statement required on certain disposals on which right to buy ceases to be preserved

7 (1) A conveyance of the freehold or grant of a...
Removal of entries on land register

8 Where the registered title to land contains an entry made...

Liability to compensate or indemnify

9 (1) An action for breach of statutory duty lies where—...

Meaning of disposal and instrument effecting disposal

10 References in this Schedule to a disposal or to the...

SCHEDULE 10 —

Introductory

1 The provisions of this Schedule have effect for enabling the...

Recovery of expenses

2 (1) The expenses are recoverable by the authority

Service of demand

3 (1) A demand for the expenses, together with interest in...

Interest

4 Expenses in respect of which a demand is served carry...

5 . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Appeals

6 (1) A person aggrieved by a demand for the recovery...

Expenses and interest recoverable from occupiers

6A (1) Where a demand becomes operative by virtue of paragraph...

Expenses and interest to be a charge on the premises

7 (1) The expenses recoverable by the authority, together with the...

Recovery of expenses and interest from other persons profiting from execution of works

8 (1) This paragraph applies only to notices under section 352,...

SCHEDULE 11 — . . .

SCHEDULE 12 — . . .

SCHEDULE 13 —

Part 1 — MANAGEMENT SCHEMES

Contents of management scheme

1 (1) The scheme shall give particulars of all works which,...
The estimate in the scheme of surpluses on revenue account

2 (1) References in this Schedule to the surpluses on revenue...

Appeal against scheme

3 (1) A person having an estate or interest in a...

Expenditure on works to be set against surpluses on revenue account

4 (1) An account shall be kept by the local housing...

Variation or review of surpluses on revenue account as settled by the scheme

5 The local housing authority may at any time vary a...

6 (1) The local housing authority, or a person having an...

Part II — COMPENSATION PAYABLE TO DISPOSESSED PROPRIETOR

Rate of compensation

7 The compensation payable by the local housing authority to the...

Ascertainment of gross value of house

8 Subject to the following provisions, the gross value of a...

9 (1) If the house forms part only of a hereditament,....

10 If the house consists or forms part of more than...

11 (1) The gross value of a hereditament whose rateable value...

12 Where after the date on which the control order comes...

The appropriate multiplier

13 (1) The appropriate multiplier for the purposes of this Part...

Calculation of rental value

13A (1) The rental value of a house is an amount...

Apportionment of compensation between proprietors of different parts of house

14 (1) If different persons are the dispossessed proprietors of different...

Part III — CESSATION OF CONTROL ORDER

General consequences of cessation of control order

15 (1) On and after the date on which a control...

16 (1) When a control order ceases to have effect, a...

Revocation of order by county court on appeal against making of order

17 (1) The provisions of this paragraph apply where a control...

18 (1) If a control order is revoked by the county...

19 (1) The provisions of this paragraph have effect for the...

Revocation of control order on further appeal

20 (1) If on an appeal from a decision of the...
Revocation of control order by county court on appeal against refusal to revoke

21 (1) The provisions of this paragraph apply where a control...

Part IV — CONTROL ORDER FOLLOWED BY COMPULSORY PURCHASE ORDER

Introductory

22 The provisions of this Part of this Schedule apply where...

Preparation and service of management scheme

23 (1) The local housing authority need not prepare or serve...

Control order ceases to have effect on acquisition of house

24 Where the compulsory purchase order is confirmed by the Secretary...

Balances payable to dispossessed proprietor

25 (1) Where a control order ceases to have effect by...

Recovery of capital expenditure incurred by local housing authority

26 (1) The provisions of this paragraph have effect for the...

SCHEDULE 14 — . . .

SCHEDULE 15 — Superseded Contributions, Grants, Subsidies, &c.

Part I — LOANS UNDER THE HOUSING (RURAL WORKERS) ACTS 1926 TO 1942

The Housing (Rural Workers) Acts 1926 to 1942, and any...

Part II — ANNUAL GRANTS FOR AGRICULTURAL HOUSING

(s. 46 of the Housing (Financial Provisions) Act 1958)

Annual grants by local housing authorities

1 (1) Annual grants shall, notwithstanding the abolition of exchequer contributions...

Conditions of payment of annual grant

2 (1) It is a condition of the payment of a...

3 (1) In the case of a house completed on or...

Grants payable to owners by local housing authority

4 A grant shall not be made or shall be reduced,...

No further payments if house vests in local housing authority

5 Where a house which has been provided under arrangements under...
Commutation of future annual grant

6 (1) A local authority may make an offer in writing...

Part III — CONTRIBUTIONS FOR IMPROVEMENT OF DWELLINGS BY HOUSING AUTHORITIES

(s. 9 of the Housing (Financial Provisions) Act 1958; s. 13 of the House Purchase and Housing Act 1959)

1 (1) Subject to sub-paragraph (2), contributions by the Secretary of...

(ss. 17 to 20 of the Housing Act 1969)

2 (1) Contributions by the Secretary of State to a housing...

(s. 79 of the Housing Act 1974)

3 (1) Subject to sub-paragraph (2), contributions by the Secretary of...

Part IV — TOWN DEVELOPMENT SUBSIDY

(s. 9 of the Housing Finance Act 1972; s. 5 of the Housing Rents and Subsidies Act 1975)

Transitional town development subsidy

1 (1) Transitional town development subsidy is payable each year, subject...

2 (1) The subsidy is payable by the Secretary of State...

Reduction or discontinuance of subsidy

3 (1) The Secretary of State may reduce or discontinue a...

Payments to receiving authority

4 (1) Where transitional town development subsidy is payable, the sending...

Communication of subsidy and payments to receiving authority

5 (1) The Secretary of State may, with the agreement of...

Meaning of “receiving authority”

6 In this part of this Schedule “receiving authority” means the...

SCHEDULE 16 — Local Authority Mortgage Interest Rates

The rate of interest

1 (1) The rate of interest shall be whichever is for...

The standard national rate

2 The standard national rate is the rate for the time...
The local average rate
3 A local authority shall for every period of six months...
4 (1) The rate declared under paragraph 3(a) or (b) shall...

Variation of rate of interest
5 (1) Where on a change of the standard national rate...
6 (1) On a variation of the rate of interest, the...

Directions by Secretary of State
7 (1) The Secretary of State may by notice in writing...

SCHEDULE 17 — Vesting of Mortgaged House in Authority Entitled to Exercise Power of Sale

Vesting of house with leave of court
1 (1) The authority may, if the county court gives it...

Effect of vesting
2 (1) On the vesting of the house the authority’s mortgage...

Compensation and accounting
3 (1) Where the authority has vested the house in itself...

Modifications in case of conveyance or grant before 8th August 1980
4 In a case to which this Schedule applies by virtue...

SCHEDULE 18 — Provisions with Respect to Advances under the Small Dwellings Acquisition Acts 1899 to 1923

Repayment of advance
1 (1) The advance shall be repaid with interest within such...

The statutory conditions
2 (1) The house of which the ownership was acquired by...

Condition as to residence may be dispensed with or suspended
3 (1) The statutory condition as to residence may at any...

Personal liability and powers of the proprietor
4 (1) The proprietor of the house of which the ownership...

Circumstances in which local authority may take possession or order sale
5 (1) Where default is made in complying with the statutory...

Recovery of possession and disposal of house
6 (1) Where a local authority take possession of a house,...
Procedure as to ordering sale

7 (1) Where a local authority order the sale of a...

List of advances and accounts to be kept

8 (1) A local authority shall keep at their offices a...

Meaning of “residence”, “ownership” and “proprietor”

9 (1) A person shall not be treated for the purposes...

Date of advance

10 For the purposes of this Schedule an advance shall be...

SCHEDULE 19 — Contributions Under Superseded Enactments

(Section 36 of the Housing (Financial Provisions) Act 1958)

1 (1) Contributions remain payable by the Secretary of State under...

(Section 16 of the Housing Act 1969)

2 (1) Contributions remain payable by the Secretary of State under...

SCHEDULE 20 — Assistance by Way of Repurchase

Part I — THE AGREEMENT TO REPURCHASE

The interest to be acquired

1 In this Schedule “the interest to be acquired” means the...

Request for notice of proposed terms of acquisition

2 (1) A person who is entitled to assistance by way...

Authority’s notice of proposed terms

3 The purchasing authority shall, within the period of three months...

Settlement of terms

4 Subject to the provisions of Part II of this Schedule...

Service of draft agreement

5 The authority shall, within three months of all the provisions...

Notice to enter into agreement

6 (1) The person entitled to assistance may, at any time...

Part II — PRICE PAYABLE AND VALUATION

The price

7 (1) The price payable for the acquisition of an interest...
The value

8 (1) For the purposes of this Schedule, the value of...

Determination of value

9 (1) Any question arising under this Schedule as to the...

Service of amended draft agreement

10 Where the value of an interest is determined, or redetermined,...

Part III — SUPPLEMENTARY PROVISIONS

Introductory

11 (1) In this Part of this Schedule “the agreement” means...

Conveyance frees interest acquired from relevant charges

12 (1) The conveyance is effective— (a) to discharge the interest...

Application of purchase price in satisfaction of relevant charges

13 (1) The authority shall apply the purchase price in the...
14 If the authority do not apply an amount which under...

Power to make payment into court in case of difficulty

15 (1) Where a person is or may be entitled by...

Duty to pay into court in certain cases

16 (1) The authority shall pay the purchase price into court...

Registration of title

17 Assistance by Way of Repurchase

Interest acquired by local housing authority treated as acquired under Part II

18 If the authority are a local housing authority, the interest...

Certain grant conditions cease to have effect

19 (1) Where the interest acquired is or includes a dwelling...

Overreaching effect of conveyance

20 The conveyance has effect under section 2(1) of the Law...

SCHEDULE 21 — Dwellings Included in More Than One Designation

Introductory

1 This Schedule applies in relation to a defective dwelling where...

Cases in which later designation to be disregarded

2 Where a person is already eligible for assistance in respect...
In other cases any applicable designation may be relied on

3 Where a person is eligible for assistance in respect of...

Procedure to be followed where later designation comes into operation

4 The following provisions of this Schedule apply where—

5 (1) The local housing authority shall, as soon as reasonably...

6 (1) This paragraph applies where it appears to the authority...

7 (1) This paragraph applies where a person entitled to assistance...

SCHEDULES 22—24. — . . .

— TABLE OF DERIVATIONS

1 The following abbreviations are used in this Table— Acts of...

2 The Table does not show the effect of Transfer of...

3 The letter R followed by a number indicates that the...

4 A reference followed by “passim” indicates that the provision of...

5 The entry “drafting” indicates a provision of a mechanical or...
Changes to legislation:
Housing Act 1985 is up to date with all changes known to be in force on or before 17 November 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to :</th>
</tr>
</thead>
<tbody>
<tr>
<td>– s. 82A cross-heading inserted by 2016 c. 22 Sch. 7 para. 6</td>
</tr>
<tr>
<td>– s. 79 cross-heading words substituted by 2016 c. 22 Sch. 7 para. 3</td>
</tr>
<tr>
<td>– s. 39(1)(c) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 82(1)(b) words substituted by 2016 c. 22 s. 119(2)(b)</td>
</tr>
<tr>
<td>– s. 82(2) words inserted by 2016 c. 22 s. 119(2)(c)</td>
</tr>
<tr>
<td>– s. 82(3) words substituted by 2016 c. 22 Sch. 7 para. 5</td>
</tr>
<tr>
<td>– s. 82A(5)(b) words substituted by 2016 c. 22 Sch. 7 para. 7(3)</td>
</tr>
<tr>
<td>– s. 82A(6) substituted by 2016 c. 22 Sch. 7 para. 7(4)</td>
</tr>
<tr>
<td>– s. 83(A)(1) words substituted by 2016 c. 22 s. 119(3)</td>
</tr>
<tr>
<td>– s. 83(A)(1)(b) substituted by 2016 c. 22 Sch. 7 para. 8</td>
</tr>
<tr>
<td>– s. 84(1) words substituted by 2016 c. 22 Sch. 7 para. 9</td>
</tr>
<tr>
<td>– s. 86(1) words inserted by 2016 c. 22 Sch. 7 para. 10(2)</td>
</tr>
<tr>
<td>– s. 86(2) words substituted by 2016 c. 22 Sch. 7 para. 10(4)</td>
</tr>
<tr>
<td>– s. 88(2) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 89(1A) words substituted by 2016 c. 22 Sch. 8 para. 5(2)</td>
</tr>
<tr>
<td>– s. 89(3) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 90(3)(a) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 91(3)(b) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 97(1) words inserted by 2016 c. 22 Sch. 7 para. 12(2)</td>
</tr>
<tr>
<td>– s. 97(5) omitted by 2016 c. 22 Sch. 7 para. 12(4)</td>
</tr>
<tr>
<td>– s. 99A(1)(c) words inserted by 2016 c. 22 Sch. 7 para. 13(2)</td>
</tr>
<tr>
<td>– s. 99A(9) omitted by 2016 c. 22 Sch. 7 para. 13(4)</td>
</tr>
<tr>
<td>– s. 99B(2)(e) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 99B(2)(f) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 101(3)(c) words substituted by 1996 c. 27 Sch. 8 para. 34 (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1) (5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(e))</td>
</tr>
<tr>
<td>– s. 107A-107E omitted by 2016 c. 22 Sch. 7 para. 14</td>
</tr>
<tr>
<td>– s. 110(3) repealed by 1990 c. 41 Sch. 20</td>
</tr>
<tr>
<td>– s. 117 words inserted by 1986 c. 63 Sch. 5 para. 27 (17 Aug 1992 (so far as relates to definitions “consent” and “management agreement and manager”) (SI 1992/1753); Not yet in force (so far as relates to definition “landlord”))</td>
</tr>
<tr>
<td>– s. 117 words inserted by 2016 c. 22 Sch. 7 para. 16(3)</td>
</tr>
<tr>
<td>– s. 117 words substituted by 2016 c. 22 Sch. 7 para. 16(2)</td>
</tr>
<tr>
<td>– s. 117 words substituted by 2016 c. 22 Sch. 8 para. 6</td>
</tr>
</tbody>
</table>
Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by 2016 c. 22 Sch. 7 para. 4
- s. 81B(1)(b) words inserted by 2018 c. 11 s. 1(3)
- s. 81B(2A)-(2C) inserted by 2018 c. 11 s. 1(2)
- s. 82(A1)-(A2) inserted by 2016 c. 22 s. 119(2)(a)
- s. 82A(4A)-(4B) inserted by 2016 c. 22 Sch. 7 para. 7(2)
- s. 86(1A)-(1B) inserted by 2016 c. 22 Sch. 7 para. 10(3)
- s. 86(1C) inserted by 2016 c. 22 Sch. 8 para. 2
- s. 86A-86F and cross-headings inserted by 2016 c. 22 Sch. 7 para. 11
- s. 86G s. 86A renumbered as s. 86G by 2016 c. 22 Sch. 8 para. 3(1)(a)
- s. 86G(8) inserted by 2016 c. 22 Sch. 8 para. 3(2)
- s. 88(1)(ba) inserted by 2016 c. 22 Sch. 8 para. 4
- s. 89(2A)-(2D) inserted by 2016 c. 22 Sch. 8 para. 5(3)
- s. 97(1A) inserted by 2016 c. 22 Sch. 7 para. 12(3)
- s. 99A(1A) inserted by 2016 c. 22 Sch. 7 para. 13(3)
- s. 115B115C inserted by 2016 c. 22 Sch. 7 para. 15
- s. 353A inserted by 1996 c. 52 s. 73(1) (This amendment not applied to legislation.gov.uk. S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by 2004 c. 34, Sch. 16; S.I. 2006/1060, art. 2(1)(e), Sch.; S.I. 2006/1535, art. 2(c), Sch.)
- Sch. 1 para. 1ZA and cross-heading inserted by 2016 c. 22 Sch. 7 para. 17(2)
- Sch. 1 para. 4ZA(2A)-(2G) inserted by 2016 c. 22 Sch. 7 para. 17(3)