



# Housing Act 1985

## 1985 CHAPTER 68

### PART IV

#### SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

##### *Supplementary provisions*

#### **[<sup>F1</sup>109A Acquisition of dwelling-house subject to statutory tenancy.**

Where an authority or body within section 80 (the landlord condition for secure tenancies) becomes the landlord of a dwelling-house subject to a statutory tenancy, the tenancy shall be treated for all purposes as if it were a contractual tenancy on the same terms, and the provisions of this Part apply accordingly.]

#### **Textual Amendments**

**F1** S. 109A and heading inserted by [Housing and Planning Act 1986 \(c.63, SIF 61\)](#), s. 24(1)(b), Sch. 5 Pt. I para. 2

#### **110 Jurisdiction of county court.**

- (1) [<sup>F2</sup>The county court] has jurisdiction to determine questions arising under this Part and to entertain proceedings brought under this Part and claims, for whatever amount, in connection with a secure tenancy.
- (2) That jurisdiction includes jurisdiction to entertain proceedings on the following questions—
  - (a) whether a consent required by section 92 (assignment by way of exchange) was withheld otherwise than on one or more of the grounds set out in Schedule 3,

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- (b) whether a consent required by section 93(1)(b) or 97(1) (landlord’s consent to subletting of part of dwelling-house or to carrying out of improvements) was withheld or unreasonably withheld, or
- (c) whether a statement supplied in pursuance of section 104(2)(b) (written statement of certain terms of tenancy) is accurate,
- notwithstanding that no other relief is sought than a declaration.

[<sup>F3</sup>( 3 ) If a person takes proceedings in the High Court which, by virtue of this section, he could have taken in the county court, he is not entitled to recover any costs.]

#### Textual Amendments

- F2** Words in s. 110(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** S. 110(3) repealed (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 124(3)(4), 125(7), [Sch. 20](#)

#### Modifications etc. (not altering text)

- C1** S. 110(3) excluded (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), ss. 5(9), 12; [S.I. 2013/2622](#), art. 2; [S.I. 2013/2861](#), art. 2

## 111 County court rules and directions.

<sup>F4</sup> .....

#### Textual Amendments

- F4** S. 111 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148(1), [Sch. 4 para. 181](#), [Sch. 18 Pt. 2](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 paras. 10, 11\(r\), 29, 30\(b\)](#)

## [<sup>F5</sup>111A Introductory tenancies

Sections 102(1), (2) and (3)(a), 103 and 108 apply in relation to introductory tenancies as they apply in relation to secure tenancies.]

#### Textual Amendments

- F5** S. 111A inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, [Sch. para. 3\(i\)](#)

## 112 Meaning of “dwelling-house”.

- (1) For the purposes of this Part a dwelling-house may be a house or a part of a house.
- (2) Land let together with a dwelling-house shall be treated for the purposes of this Part as part of the dwelling-house unless the land is agricultural land (as defined in section 26(3)(a) of the <sup>M1</sup>General Rate Act 1967) exceeding two acres.

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#### Marginal Citations

M1 1967 c. 9.

### 113 Members of a person's family.

- (1) A person is a member of another's family within the meaning of this Part if—
- (a) he is the spouse [<sup>F6</sup>or civil partner] of that person, or he and that person live together as husband and wife [<sup>F7</sup>or as if they were civil partners] , or
  - (b) he is that person's parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
- (a) a relationship by marriage [<sup>F8</sup>or civil partnership] shall be treated as a relationship by blood,
  - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
  - (c) the stepchild of a person shall be treated as his child, and
  - (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

#### Textual Amendments

- F6** Words in s. 113(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), [Sch. 8 para. 27\(2\)\(a\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F7** Words in s. 113(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), [Sch. 8 para. 27\(2\)\(b\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F8** Words in s. 113(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), [Sch. 8 para. 27\(3\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

#### Modifications etc. (not altering text)

- C2** S. 113 applied by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 28\(5\)](#)
- C3** S. 113 applied by [Protection from Eviction Act 1977 \(c.43, SIF 75:1\)](#), [s. 3A\(5\)](#) as inserted by [Housing Act 1988 \(c.50, SIF 61\)](#), [ss. 31](#), 42(2)(b)
- C4** S. 113 applied by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 138\(2\)](#)  
S. 113 applied (17.12.1996) by [1996 c. 53, s. 98\(1\)](#); S.I. 1996/2842, [art. 3](#)  
S. 113 applied (11.9.1996 for specified purposes and 16.12.1997 otherwise) by [1996 c. 53, s. 140\(4\)](#); S.I. 1996/2352, [art. 2\(2\)](#); S.I. 1997/2846, [art. 2](#)

### 114 Meaning of “landlord authority”.

- (1) In this Part “landlord authority” means—
- a local housing authority,
  - [<sup>F9</sup>a private registered provider of social housing other than a co-operative housing association,]
  - a [<sup>F10</sup>registered social landlord] other than a co-operative housing association,
  - a housing trust [<sup>F11</sup>, or] which is a charity,
  - a development corporation,
  - [<sup>F12</sup>a Mayoral development corporation, ]

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[<sup>F13</sup>a housing action trust][<sup>F11</sup>, or]  
an urban development corporation, <sup>F14</sup> . . .  
<sup>F14</sup> . . .

other than an authority in respect of which an exemption certificate has been issued.

- (2) The Secretary of State may, on an application duly made by the authority concerned, issue an exemption certificate to—

a development corporation,  
[<sup>F13</sup>a housing action trust][<sup>F11</sup>, or]  
an urban development corporation, <sup>F14</sup> . . .  
<sup>F14</sup> . . .

if he is satisfied that it has transferred, or otherwise disposed of, at least three-quarters of the dwellings which have at any time before the making of the application been vested in it.

- (3) The application shall be in such form and shall be accompanied by such information as the Secretary of State may, either generally or in relation to a particular case, direct.

#### Textual Amendments

- F9** Words in s. 114(1) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 25** (with art. 6, Sch. 3)
- F10** Words in s. 114(1) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 14(12)**
- F11** Words in s. 114(1)(2) inserted (1.10.1998) by [1998 c. 38](#), s. 129, **Sch. 15 para. 10** (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art. 4**
- F12** Words in s. 114(1) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 12**
- F13** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 83(4)**
- F14** Words in s. 114(1)(2) repealed (1.10.1998) by [1998 c. 38](#), s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art. 4**

#### 115 Meaning of “long tenancy”.

- (1) The following are long tenancies for the purposes of this Part, subject to subsection (2)

- (a) a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;
- (b) a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a tenancy by sub-demise from one which is not a long tenancy;
- (c) any tenancy granted in pursuance of Part V (the right to buy) [<sup>F15</sup>, including any tenancy granted in pursuance of that Part <sup>F16</sup>... by virtue of section 17 of the Housing Act 1996 (the right to acquire)].

- (2) A tenancy granted so as to become terminable by notice after a death is not a long tenancy for the purposes of this Part, unless—

- (a) it is granted by a housing association which at the time of the grant is [<sup>F17</sup>a private registered provider of social housing or][<sup>F18</sup>a registered social landlord],

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- (b) it is granted at a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, and
- (c) at the time it is granted it complies with the requirements of the regulations then in force under section 140(4)(b) of the <sup>M2</sup>Housing Act 1980 [<sup>F19</sup>or paragraph 4(2)(b) of schedule 4A to the Leasehold Reform Act 1967] (conditions for exclusion of shared ownership leases from Part I of the <sup>M3</sup>Leasehold Reform Act 1967) or, in the case of a tenancy granted before any such regulations were brought into force, with the first such regulations to be in force.

#### Textual Amendments

- F15** Words in s. 115(1)(c) inserted (1.4.1997) by S.I. 1997/627, art. 2, **Sch. para. 3(2)**
- F16** Words in s. 115(1)(c) omitted (26.1.2019) by virtue of The Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (Consequential Amendments and Savings Provisions) Regulations 2019 (S.I. 2019/110), regs. 1, **3(a)** (with reg. 5)
- F17** Words in s. 115(2)(a) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 26** (with art. 6, Sch. 3)
- F18** Words in s. 115(2)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(13)**
- F19** Words inserted by Housing Act 1988 (c. 50, SIF 61), s. 140(1), **Sch. 17 Pt. I para. 40**

#### Marginal Citations

- M2** 1980 c. 51
- M3** 1967 c. 88.

#### [<sup>F20</sup>115A Meaning of “introductory tenancy”.

In this Part “introductory tenancy” has the same meaning as in Chapter I of Part V of the Housing Act 1996.]

#### Textual Amendments

- F20** S. 115A inserted (4.2.1997) by 1996 c. 52, s. 141(1), **Sch. 14 para. 3**; S.I. 1997/66, art. 2 (subject to savings in Sch.)

#### 116 Minor definitions.

In this Part—

“common parts”, in relation to a dwelling-house let under a tenancy, means any part of a building comprising the dwelling-house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord;

“housing purposes” means the purposes for which dwelling-houses are held by local housing authorities under Part II (provision of housing) or purposes corresponding to those purposes;

“rental period” means a period in respect of which a payment of rent falls to be made;

“term”, in relation to a secure tenancy, includes a condition of the tenancy.

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## 117 Index of defined expressions: Part IV

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression in the same section or paragraph):—

[ <sup>F21</sup> assured tenancy]	[ <sup>F21</sup> section 622]
cemetery	section 622
charity	section 622
common parts (in relation to a dwelling-house let under a tenancy)	section 116
[ <sup>F22</sup> consent (in Schedule 3A)]	[ <sup>F22</sup> paragraph 2(3) of that Schedule]
co-operative housing association	section 5(2)
<sup>F23</sup>	<sup>F23</sup>
...	...
development corporation	section 4(c)
dwelling-house	section 112
family (member of)	section 113
[ <sup>F24</sup> flexible tenancy]	section 107A]
housing association	section 5(1)
housing authority	section 4(a)
housing purposes	section 116
housing trust	section 6
improvement	section 97(2)
[ <sup>F25</sup> introductory tenancy]	[ <sup>F25</sup> section 115A]
[ <sup>F26</sup> landlord (in Part V of Schedule 2)]	[ <sup>F26</sup> paragraph 5 of that Part]
landlord authority	section 114
local authority	section 4(e)
local housing authority	section 1, 2(2)
long tenancy	section 115
[ <sup>F22</sup> management agreement and manager]	[ <sup>F22</sup> sections 27(2)and 27B(4)]
new town corporation	section 4(b)
qualified to succeed (on the death of a secure tenant)	section 87
[ <sup>F27</sup> registered social landlord]	[ <sup>F27</sup> section 5(4) and (5)]
[ <sup>F28</sup> the Relevant Authority]	[ <sup>F28</sup> section 6A]
rental period	section 116
secure tenancy	section 79

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term (in relation to a secure tenancy)	section 116
urban development corporation	section 4(d)
variation (of the terms of a secure tenancy)	section 102(2)

### Textual Amendments

- F21** Entry in s. 117 inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), **s. 163(4)**
- F22** Entry in s. 117 inserted (17.8.1992) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(2), **Sch. 5 Pt. II para. 27**; S.I. 1992/1753, **art. 2(2)**
- F23** Entry in s. 117 repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 11(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F24** Entry in s. 117 inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 155(5)**, 240(2); S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)
- F25** Entry in s. 117 inserted (4.2.1997) by 1996 c. 52, s. 141(1), **Sch. 14 para. 4**; S.I. 1997/66, **art. 2** (subject to savings in [Sch.](#))
- F26** Entry in s. 117 inserted (*prosp.*) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), ss. 24(2), 57(2), **Sch. 5 Pt. II para. 27**
- F27** Entry in s. 117 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(14)**
- F28** Entry in s. 117 inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 11(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

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