



Housing (Consequential Provisions) Act 1985

1985 CHAPTER 71

U.K.

An Act to make provision for repeals, consequential amendments, transitional matters and saving in connection with the consolidation of enactments in the housing Act 1985, the housing Associations Act 1985 and the Landlord and Tenant Act 1985. [30th October 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

II Act wholly in force at 1.4.1986 see s. 6(2).

1 Meaning of “the consolidating Acts”. **U.K.**

In this Act “the consolidating Acts” means—
the ^{M1}Housing Act 1985,
the ^{M2}Housing Associations Act 1985, and
the ^{M3}Landlord and Tenant Act 1985, and this Act in so far as it reproduces the effect of provisions repealed by this Act.

Marginal Citations

M1 1985 c. 68.
M2 1985 c. 69.
M3 1985 c. 68.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

2

U.K.

- (1) The re-enactment of provisions in the consolidating Acts, and the consequent repeal of those provisions by this Act, does not affect the continuity of the law.
- (2) Anything done (including subordinate legislation made), or having effect as done, under a provision reproduced in the consolidating Acts has effect as if done under the corresponding provision of the Acts
- (3) References (express or implied) in the consolidating Acts or any other enactment, instrument or document to a provision of the consolidating Acts shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes before the commencement of those Acts, a reference to corresponding earlier provisions.
- (4) A reference (express or implied) in an enactment, instrument or other document to a provision reproduced in the consolidating Acts shall be construed, so far as is required for continuing its effect and subject to any express amendment made by this Act, as being, or as the case may require including, a reference to the corresponding provision of the consolidating Acts.

3

Repeals. U.K.

- (1) The enactments specified in Schedule 1 are repealed to the extent specified.
- (2) The repeals include repeals, in accordance with Recommendations of the Law Commission and the Scottish Law Commission, of provisions which are obsolete or no longer of practical utility or whose repeal is otherwise desirable for the purpose of achieving a satisfactory consolidation of the enactments reproduced in the consolidating Acts.
- (3) The repeals have effect subject to any relevant savings in—
Schedule 4 to this Act (miscellaneous and general savings), or
Schedule 15, 18 or 19 to the ^{M4}Housing Act 1985 or Schedule 5 to the ^{M5}Housing Associations Act 1985 (which relate to certain superseded financial provisions).

Marginal Citations

M4 1985 c. 68.

M5 1985 c. 69.

4

Consequential amendments. U.K.

- (1) The enactments specified in Schedule 2 have effect with the amendments specified.
- (2) The amendments have effect subject to any relevant transitional provisions in Schedule 3.

5

Transitional provisions and savings. E+W+S

- (1) Schedule 3 has effect with respect to transitional matters in connection with the coming into force of the consolidating Acts and the Consequential Amendments made by this Act.

Status: Point in time view as at 01/02/1991.

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- (2) Schedule 4 contains savings in connection with the repeals made by this Act (including savings for repealed transitional provisions and repealed savings).
- (3) The provisions of Schedule 4 do not affect the general operation of section 16 of the ^{M6} Interpretation Act 1978 (general savings to be implied on a repeal).

Marginal Citations

M6 1978 c. 30.

6 Short title, commencement and extent. **U.K.**

- (1) This Act may be cited as the Housing (Consequential Provisions) Act 1985.
- (2) This Act comes into force on 1st April 1986.
- (3) The following provisions of this Act extend to England and Wales—
sections 1 to 6,
Part I of Schedule 1,
in Schedule 2, paragraphs 1 to 9, 11, 12, 14, 15, 18 to 24, 26, 28 to 36, 38, 43,
44, 46 to 50, 52 to 58, 60 and 61.
Schedules 3 and 4.
- (4) The following provisions of this Act extend to Scotland—
sections 1 to 6,
Part II of Schedule 1,
in Schedule 2, paragraphs 2, 5, 6, 7(3), 8, 10, 15 to 18, 20, 21, 25 to 29, 31, 37,
39 to 43, 45, 48, 52, 54 and 59,
in Schedule 4, paragraphs 1, 2, 4, 15 and 16.
- (5) The following provisions of this Act extend to Northern Ireland—
sections 1 to 4 and 6,
Part III of Schedule 1,
in Schedule 2, paragraphs 13, 51 and 52.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **U.K.**

Section 3.

REPEALS

PART I **E+W**

ENGLAND AND WALES

Act	Short title	Extent of repeal
62 & 63 Vict. c. 44.	Small Dwellings Acquisition Act 1899.	The whole Act.
4 & 5 Geo. 5. c. 31	Housing Act 1914.	The whole Act.
9 & 10 Geo. 5. c. 35.	Housing, Town Planning, &c. Act 1919.	The whole Act, so far as unrepealed.
13 & 14 Geo. 5. c. 24	Housing, &c. Act 1923.	The whole Act, so far as unrepealed.
15 & 16 Geo. 5. c. 5.	Law of Property (Amendment) Act 1924.	In paragraph 5 of Schedule 9, the words “The Small Dwellings Acquisition Act 1899 and other”.
25 & 26 Geo. 5. c. 40.	Housing Act 1935.	The whole Act, so far as unrepealed.
26 Geo. 5. & 1 Edw. 8. c. 49.	Public Health Act 1936.	Part IX.
12 & 13 Geo. 6. c. 60.	Housing Act 1949.	Sections 44 and 50.
5 & 6 Eliz. 2. c. 56.	Housing Act 1957.	The whole Act.
6 & 7 Eliz. 2. c. 42.	Housing (Financial Provisions) Act 1958.	The whole Act.
7 & 8 Eliz. 2. c. 33.	House Purchase and Housing Act 1959.	The whole Act.
7 & 8 Eliz. 2. c. 34.	Housing (Underground Rooms) Act 1959.	The whole Act.
7 & 8 Eliz. 2. c. 53.	Town and Country Planning Act 1959.	Section 26(5)(a). Section 58(4). In Schedule 7, the amendments of the Housing Act 1957.

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Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

9 & 10 Eliz. 2 c. 33.	Land Compensation Act 1961.	Section 8(7)(d). In Schedule 4, paragraphs 9 and 10.
9 & 10 Eliz. 2. c. 62.	Trustee Investments Act 1961.	In Schedule 4, paragraph 6.
9 & 10 Eliz. 2. c. 65.	Housing Act 1961.	The whole Act.
10 & 11 Eliz. 2. c. 50.	Landlord and Tenant Act 1962.	The whole Act.
1963 c. 33.	London Government Act 1963.	Section 21. Schedule 8.
1964 c. 56.	Housing Act 1964.	Parts I and IV. Sections 96, 102, 103 and 106. In section 108— (a) subsection (1)(a); (b) in subsection (4) the words “subject to the following subsection”; (c) subsection (5). Schedules 1 to 4.
1965 c. 25.	Finance Act 1965.	Section 93.
1965 c. 56.	Compulsory Purchase Act 1965.	In section 4, the words from “For the purposes” to the end. In section 11(2), the second paragraph. Sections 34 and 35. In Schedule 7, the entry relating to the Housing Act 1957.
1965 c. 81.	Housing (Slum Clearance Compensation) Act 1965.	The whole Act.
1967 c. 29.	Housing Subsidies Act 1967.	The whole Act.
1967 c. 88.	Leasehold Reform Act 1967.	In section 30(7)(b), the words from “including” to “1961”. In Schedule 5, paragraph 8(4).
1968 c. 13.	National Loans Act 1968.	In section 6(1), the references to section 92(2) of the Housing Act 1935 and

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		section 7(2)(a) of the Housing Act 1961.
		In Schedule 1, the entries relating to the Housing (Financial Provisions) Act 1958, the House Purchase and Housing Act 1959 and the Housing Act 1961.
1968 c. 42.	Prices and Incomes Act 1968.	The whole Act so far as unrepealed.
1969 c. 33.	Housing Act 1969.	Parts II, IV and V. Sections 70 to 72, 75, 84 to 90. In section 91— (a) subsections (2) to (4); (b) in subsection (5) the words “except sections 78 and 79”. Schedules 4 to 9.
1970 c. 42.	Local Authority Social Services Act 1970.	In Schedule 1, the entry relating to section 9(1)(b) of the Housing (Homeless Persons) Act 1977.
1971 c. 23.	Courts Act 1971.	In Schedule 9, the entry relating to s.14(5) of the Housing Act 1957.
1971 c. 76.	Housing Act 1971.	The whole Act.
1971 c. 78.	Town and Country Planning Act 1971.	In Schedule 23— (a) in Part I, the entry relating to the London Government Act 1963; (b) in Part II, the amendment of section 21(4)(a)(i) of the London Government Act 1963 and the entry relating to the Housing Act 1969.
1972 c. 11.	Superannuation Act 1972.	In Schedule 6, paragraph 47.
1972 c. 47.	Housing Finance Act 1972.	The whole Act.
1972 c. 70.	Local Government Act 1972.	In section 131(2), paragraphs (i), (jj) and (13). Sections 193 and 194.

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		In Schedule 13, paragraph 21(b).
		Schedule 22.
1972 c. 71.	Criminal Justice Act 1972.	Section 32.
1973 c. 5.	Housing (Amendment) Act 1973.	The whole Act.
1973 c. 26.	Land Compensation Act 1973.	In section 37(2), the words from “In this subsection” to the end.
		In section 39, subsections (5) and (8A).
		In section 73(4), the words “paragraph 2 of”.
1974 c. 7.	Local Government Act 1974.	Section 1(5)(c).
		Section 37.
1974 c. 39.	Consumer Credit Act 1974.	In Schedule 4, paragraph 18.
1974 c. 44.	Housing Act 1974.	Part I, except section 11.
		Parts II to VIII.
		Sections 105 to 117, 121 to 130.
		In section 131—
		(a) subsection (2);
		(b) in subsection (5), the words from the beginning to “VIII and”, from “105” to “110 to” and “124, 125 and 126”.
		Schedules 1 to 7 and 9 to 12.
		In Schedule 13, paragraphs 3 to 11, 19 to 21, 24, 30 to 32, 35, 36 and 40(6).
		Schedules 14 and 15.
1974 c. 49.	Insurance Companies Act 1974.	In Schedule 1, the entry relating to the Housing Subsidies Act 1967.
1975 c. 6.	Housing Rents and Subsidies Act 1975.	The whole Act.
1975 c. 18.	Social Security (Consequential) Provisions Act 1975.	In Schedule 2, paragraph 49.

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1975 c. 45.	Finance (No. 2) Act 1975.	In section 69(3)(e), the words “housing society”.
		In section 71(3), the words from “housing society” to “1964”.
1975 c. 55.	Statutory Corporations (Financial Provisions) Act 1975.	In Schedule 4, paragraph 8.
1975 c. 67.	Housing Finance (Special Provisions) Act 1975.	The whole Act.
1975 c. 72.	Children Act 1975.	In Schedule 3, paragraphs 15, 66 and 83.
1975 c. 76.	Local Land Charges Act 1975.	In Schedule 1, the entries relating to the Housing Act 1961 and the Housing Act 1974.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	Sections 9 and 10.
1976 c. 75.	Development of Rural Wales Act 1976.	In Schedule 3, paragraph 30(4). In Schedule 7, paragraphs 8, 9, and 12 to 15.
1976 c. 80.	Rent (Agriculture) Act 1976.	In Schedule 8, paragraphs 4 to 6, 9 to 11 and 27 to 31.
1977 c. 42.	Rent Act 1977.	Section 118. Section 145. In section 149(1)(a)(iii), the words “, and section 136”.
		In Schedule 23, paragraphs 22 to 28, 31 to 36, 47, 48, 55, 59 to 66, 69 and 70.
1977 c. 48.	Housing (Homeless Persons) Act 1977.	The whole Act.
1978 c. 27.	Home Purchase Assistance and Housing Corporation Guarantee Act 1978.	The whole Act.
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 16, paragraph 31.
1978 c. 48.	Homes Insulation Act 1978.	The whole Act.
1979 c. 37.	Banking Act 1979.	In Schedule 6, Part I, paragraph 11.
1980 c. 9.	Reserve Forces Act 1980.	Schedule 9, paragraph 13.

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1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 1, paragraph 25. In Schedule 7, paragraph 22.
1980 c.s 48.	Finance Act 1980.	In Section 97(3), paragraph (g).
1980 c. 51.	Housing Act 1980.	Part I. Section 80. In section 81(1), the words "secure tenancies,". In section 83, the words "a secure tenant," and "for the purposes of Chapter II of Part I of this Act or, as the case may be,". In section 85(1), the words "in Chapter II of Part I of this Act or" and "that Chapter or, as the case may be,". Section 87. Parts V to VIII. Sections 134 to 137, 139, 144 to 147 and 149. In section 150, the definitions of "the 1957 Act", "the 1969 Act", "the 1972 Act", "the 1974 Act", "the 1975 Act" and "the 1984 Act". In section 151(1), the words "22(1), 33(2)," "or paragraph 11 of Schedule 3" and "8(5),". Section 151(4). Section 153(1) and (2). In section 153(3) the words from "90 to" to "137 to". Section 154(2). Schedules 1 to 4A. In Schedule 10, paragraph 1(3). Schedules 11 to 13, 16 to 20, 23 and 24.

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		In Schedule 25, paragraphs 7 to 9, 11 to 13, 18 to 31, 34, 62, 69, 71, 74 and 76.
1980 c. 65.	Local Government, Planning and Land Act 1980.	<p>In section 47—</p> <p>(a) in subsection (4)(b) the words “6(2) and (3) and”;</p> <p>(b) subsection (4)(c);</p> <p>(c) subsection (6)(b).</p> <p>Section 54(5)(b) and (6)(c).</p> <p>Section 68(3) and (6).</p> <p>Section 156(1) and (2).</p> <p>In section 159(1)(b), the words “or IX (common lodging houses)”.</p> <p>In Schedule 6, paragraphs 7 to 9 and 17 to 20.</p> <p>In Schedule 27, paragraph 14.</p> <p>In Schedule 33, paragraphs 6 and 8.</p>
1981 c. 54.	Supreme Court Act 1981.	In Schedule 5, the amendment of the Small Dwellings Acquisition Act 1899.
1981 c. 64.	New Towns Act 1981.	<p>Section 50(4) to (6) and (8).</p> <p>Section 80(4)(a).</p> <p>In Schedule 10, paragraph 3(3)(d).</p> <p>In Schedule 11, paragraphs 9 and 10.</p> <p>In Schedule 12, paragraphs 7, 8, 13, 14, 25 and 27(a), (b) and (d).</p>
1981 c. 65.	Trustee Savings Banks Act 1981.	In Schedule 6, the entry relating to the Home Purchase PAssistance and Housing Corporation Guarantee Act 1978.
1981 c. 67.	Acquisition of Land Act 1981.	<p>In Schedule 4—</p> <p>(a) in the Table in paragraph 1, the entries relating to the Housing Act 1957, the</p>

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		Housing Act 1969 and the Housing Act 1974; (b) paragraph 10; (c) in paragraph 14(7), the reference to section 34(1) of the Compulsory Purchase Act 1965.
1982 c. 24.	Social Security and Housing Benefits Act 1982.	In section 35(1), in the definition of “Housing Revenue Account rebate”, the words “(within the meaning of the Housing Finance Act 1972)”.
		In Schedule 4, paragraph 6(2) to (4).
1982 c. 39.	Finance Act 1982.	Section 153(3).
1982 c. 48.	Criminal Justice Act 1982.	In Schedule 3, the entries relating to provisions of the Housing Act 1957, the Landlord and Tenant Act 1962 and the Housing Act 1980.
1982 c. 50.	Insurance Companies Act 1982.	In Schedule 5, paragraph 4.
1983 c. 29.	Miscellaneous Financial Provisions Act 1983.	In Schedule 2 the entry relating to the Housing Act 1974.
1984 c. 12.	Telecommunications Act 1984.	In Schedule 4, paragraph 35.
1984 c. 22.	Public Health (Control of Disease) Act 1984.	In Schedule 2, paragraph 2.
1984 c. 28.	County Courts Act 1984.	In Schedule 2, paragraphs 27 and 28.
1984 c. 29.	Housing and Building Control Act 1984.	Sections 1 to 38. Schedules 1 to 7. In Schedule 11, paragraphs 1 to 3, and 6 to 34.
1984 c. 50.	Housing Defects Act 1984.	The whole Act.
1984 c. 55.	Building Act 1984.	Section 89(2). In Schedule 5, in paragraph 2, the words “and the Housing Act 1957”.

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1985 c. 9.	Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 6, paragraph 6. In Schedule 2, the entries relating to the Housing Act 1964, the Housing Subsidies Act 1967, the Housing Act 1974, the Housing Act 1980 and the Housing and Building Control Act 1984.
1985 c. 51.	Local Government Act 1985.	In Schedule 8, paragraphs 12(1) and (3) to (5) and 14(3). In Schedule 13, in paragraph 21, the words “and section 80(1)(c) of the Housing Act 1980”. In Schedule 14, paragraphs 58(a) to (d) and (f) to (h), 64 and 65.

PART II S

SCOTLAND

Act	Short title	Extent of repeal
7 & 8 Eliz. 2. c. 33.	House Purchase and Housing Act 1959.	Section 1.
1964 c. 56.	Housing Act 1964.	Part I.
1965 c. 25.	Finance Act 1965.	Section 93.
1966 c. 49.	Housing (Scotland) Act 1966.	In section 1, the words “section 152 of this Act and”. Section 152. Section 156. Section 158.
1968 c. 31.	Housing (Financial Provisions) (Scotland) Act 1968.	Sections 23 and 24.
1972 c. 11.	Superannuation Act 1972.	In Schedule 6, paragraph 47.
1972 c. 46.	Housing (Financial Provisions) (Scotland) Act 1972.	Sections 51 to 59.
1972 c. 47.	Housing Finance Act 1972.	Section 77(2).
1973 c. 65.	Local Government (Scotland) Act 1973	In Schedule 12, paragraphs 4 and 10.

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1974 c. 44.	Housing Act 1974.	Part I, except section 11. Part II, except section 18(2) to (6) and Schedule 3. Part III. In Schedule 13, paragraphs 21 and 23(2) to (4). In Schedule 14, paragraphs 1, 2 and 6.
1975 c. 28.	Housing Rents and Subsidies (Scotland) Act 1975.	Section 12. In Schedule 3, paragraphs 12 and 13.
1975 c. 45.	Finance (No. 2) Act 1975.	In section 69(3)(e), the words “housing society”. In section 71(3), the words from “housing society” to “1964”.
1977 c. 48.	Housing (Homeless Persons) Act 1977.	In section 6— (a) in subsection (1)(a), the words “Part V of the Housing Act 1957 or”; (b) in subsection (2), the words “section 113(2) of the Housing Act 1957 or”. Section 7(11) (a). In section 10, the words “section 111 of the Housing Act 1957 or”. In section 13— (a) in subsections (2), (3), (5) and (6), the words “or the Greater London Council”; (b) in subsection (4) the words “nor the Greater London Council”; (c) in subsections (5) and (7) the words “as the case may be”; (d) in subsection (10) the words “the Housing Finance Act 1972 and”. In section 19(1)—

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		(a) in the definition of “development corporation”, paragraph (a);
		(b) in the definition of “housing authority” the words from “as respects England and Wales” to “Scotland”;
		(c) in the definition of “relevant authority”, paragraphs (b) and (d);
		(d) the definition of “social services authority”.
		Section 20(2).
		In section 21—
		(a) in subsection (2), the words from the beginning to “Scotland”;
		(b) in subsection (3), the words from “(a) in England” to “in Scotland”.
1978 c. 14.	Housing (Financial Provisions) (Scotland) Act 1978.	In Schedule 2, paragraph 3.
1978 c. 27.	Home Purchase Assistance and Housing Corporation Guarantee Act 1978.	Sections 4 and 5.
		Section 6(2).
1978 c. 48.	Homes Insulation Act 1978.	In section 1(8)—
		(a) paragraphs (a) and (b);
		(b) in paragraph (c), the words “in Scotland”.
		Section 3.
1980 c. 51.	Housing Act 1980.	Part VIII.
		In Schedule 16, Part II.
		In Schedule 17, paragraphs 1, 2 and 3.
		Schedule 18.
		In Schedule 25—
		(a) in paragraph 11 the words from “and in paragraph (2) (a)” to the end;

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1980 c. 52.	Tenants' Rights, &c. (Scotland) Act 1980.	(b) paragraphs 12, 13, 24, 25 and 70. Section 9. In section 31— (a) in subsection (1) the words “or the Housing Corporation” and “or, as the case may be, the Housing Corporation”; (b) in subsection (2) the words “or, as the case may be, the Housing Corporation”; (c) in subsection (4) the words “with the Housing Corporation and”.
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PART III **N.I.**

NORTHERN IRELAND

Act	Short title	Extent of repeal
1975 c. 45.	Finance (No. 2) Act 1975.	In section 69(3)(e), the words “housing society”. In section 71(3), the words from “housing society” to “1964”.
1978 c. 27.	Home Purchase Assistance and Housing Corporation Guarantee Act 1978.	Section 4. Section 6(3).
1978 c. 48.	Homes Insulation Act 1978.	Section 3.
1980 c. 51.	Housing Act 1980.	Section 111(8). Sections 152(1), 153 and 155. In Schedule 25, paragraphs 11, 12, 18 and 19.

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SCHEDULE 2 **U.K.**

Section 4.

CONSEQUENTIAL AMENDMENTS

Brine Pumping (Compensation for Subsidence) Act 1891 (c. 40)

- 1 (1) Notwithstanding anything in section 50 of the Brine Pumping (Compensation for Subsidence) Act 1891 (persons excluded from right to compensation), a local authority is entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to houses belonging to them which were provided under a housing scheme towards the losses on which the Secretary of State, or any predecessor of his, was liable to contribute under the ^{M7}Housing, Town Planning, &c. Act 1919 at any time before 10th August 1972.
- (2) In sub-paragraph (1) “local authority” means a county council, district council or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.

Marginal Citations

M7 1919 c. 35.

Coal Mining (Subsidence) Act 1957 (c. 59)

- 2 (1) The Coal Mining (Subsidence) Act 1957 is amended as follows.
- (2) In section 1(4) (cases in which NCB may make payment instead of executing remedial works)—
- (a) in paragraph (b) (dwelling-houses likely to be acquired for clearance) for “Part III of the Housing Act 1936” substitute “Part IX of the Housing Act 1985” and for “subsection (2) or (3) of section forty of the said Act of 1936” substitute “section 587 of the said Act of 1985”;
 - (b) in paragraph (c) (clearance orders) for “either of the said Parts III” substitute “the said Part III”;
 - (c) in the passage following paragraph (c) for “either of the said Part ASIII” in the first place where it occurs substitute “under Part IX of the said Act of 1985 or Part III of the said Act of 1950” and in the second place where it occurs substitute “the said Part III”;
 - (d) in paragraph (ii) of the proviso (consultation with relevant local authority) for “the local authority for the purposes of Part II of the Housing Act 1936” substitute “the local housing authority within the meaning of the Housing Act 1985” and after “Scotland” insert “the local authority”.
- (3) In Schedule 1 (obligations of NCB as regards houses rendered uninhabitable)—
- (a) in paragraph 2(1)(a)(i) (standard of alternative accommodation) for “the local authority for the purposes of Part VI of the Housing Act 1936” substitute “the local housing authority within the meaning of the Housing Act 1985” and after “or, as the case may be” insert “the local authority”;
 - (b) in the proviso to paragraph 5(3) (limit on rent payable) for “the local authority for the purposes of Part V of the Housing Act 1936 or” substitute

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“the local housing authority within the meaning of the Housing Act 1985 or the local authority”.

- (4) In Schedule 2 (determination of amount of depreciation), in paragraph 2(1) (determination of value of property)—
- (a) in the passage following paragraph (c) for the words from “a closing order” to “1953” substitute “a closing order under section 266 of the Housing Act 1985”;
 - (b) in paragraph (i) of the proviso for the words from “a demolition order” to “1953” substitute “a demolition or closing order under section 266 of the Housing Act 1985”;
 - (c) in the same provision for “section one of the Slum Clearance Act 1956” substitute “Part I of Schedule 24 to the Housing Act 1985” and for “within the meaning of the said Act of 1956” substitute “as defined in paragraph 4(2) (a) of that Part of that Schedule”.

Town and Country Planning Act 1959 (c. 53)

- 3 In section 26 of the Town and Country Planning Act 1959 (consents to disposal of land by certain authorities), in subsection (5) (exceptions)—
- (a) omit paragraph (a);
 - (b) after that paragraph insert—
 - “(aa) to a disposal for which consent is required under section 32 or 43 of the Housing Act 1985 (disposal of land held for housing purposes);”.

4 F1

Textual Amendments

F1 Sch. 2 paras. 4, 24(2)(a)(3)(a)(c)(4)(a), 49 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), [Sch. 12 Pt. II](#)

5, 6. F2

Textual Amendments

F2 Sch. 2 paras. 5, 6 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), [ss. 54\(3\)\(a\)\(5\), 120\(2\)](#), Sch. 19 Pt. I

Pipelines Act 1962 (c. 58)

- 7 (1) The Pipelines Act 1962 is amended as follows.
- (2) In section 28(4) (recovery of expenses incurred in executing demolition order)—
- (a) for “Subsections (2) to (5) of section twenty-three of the Housing Act 1957” substitute “The provisions of section 272 of the Housing Act 1985”;
 - (b) for “Part II” in each place where it occurs substitute “Part IX”.
- (3) In section 30 (recovery of possession of building to be demolished)—

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- (a) in subsection (1) for “Section seventy-three of the Housing Act 1957” substitute “Section 286 of the Housing Act 1985”;
- (b) in subsection (2) for “section seventy-three of the said Act of 1957” substitute “section 286 of the Housing Act 1985”;
- (c) in subsections (1) and (2) for “Part III” wherever occurring substitute “Part IX”.

Industrial and Provident Societies Act 1965 (c. 12)

- 8 In section 6(1) of the Industrial and Provident Societies Act 1965 (maximum shareholding in society), in paragraph (b) (exception for certain local authority holdings) for the words from “section 119(3)” to the end substitute “section 58(2) or 59(2) of the Housing Associations Act 1985”.

Compulsory Purchase Act 1965 (c. 56)

- 9 In section 27 of the Compulsory Purchase Act 1965 (acquiring authority to make good deficiency in rates), in subsection (1) (excepted cases) for “an acquisition of land under the Housing Act 1957” substitute “an acquisition of land under any Part of the Housing Act 1985 other than Part VIII (area improvement)”.

Housing (Scotland) Act 1966 (c. 49)

- [^{F3}10 (1) The Housing (Scotland) Act 1966 is amended as follows.
- (2) Sections 162, 165, 177, 178, 186, 193 and 194 (general provisions with respect to housing functions of local authorities) apply in relation to sections 59 and 61 of the Housing Associations Act 1985 (functions of local authorities in relation to housing associations) as they apply in relation to provisions of the 1966 Act.
 - (3) In section 175(2) (compulsory purchase by Scottish Special Housing Association at request of Housing Corporation), for “section 3(5) of the Housing Act 1974” substitute “section 88(5) of the Housing Associations Act 1985”.
 - (4) In section 208(1) (general interpretation), for the definition of “housing association” substitute—

““housing association” has the same meaning as in the Housing Associations Act 1985;”.]

Textual Amendments

F3 Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

General Rate Act 1967 (c. 9)

- 11 In Schedule 13 to the General Rate Act 1967 (determination whether premises used as a private dwelling), in paragraph 2(1) (hereditaments used for letting of rooms)—
- (a) in paragraph (b) after “the Act” insert “or in accordance with applications approved under section 18 of the Housing Act 1969”;

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- (b) in paragraph (c) after “that Act” insert “or in respect of which grants or contributions have been made to a housing association under Part I of the Housing Act 1969”.

Leasehold Reform Act 1967 (c. 88)

- 12 In section 3(1) of the Leasehold Reform Act 1967 (meaning of “long tenancy”), in paragraph (b) of the proviso for “otherwise than by virtue of section 37A of the Housing Act 1980 (assignments by way of exchange)”, substitute “otherwise than by virtue of section 92 of the Housing Act 1985 (assignments by way of exchange)”.

Greater London Council (General Powers) Act 1967 (c.xx)

- 14 In section 15 of the Greater London Council (General Powers) Act 1967 (application of provisions of Compulsory Purchase Act 1965 to acquisition by agreement of land for certain housing purposes), in subsection (1) for “Part V of the Act of 1957”, in both places where it occurs, and for “the said Part V”, substitute “Part II of the Housing Act 1985”.

National Loans Act 1968 (c.13)

- 15 In Schedule 4 to the National Loans Act 1968 (local loans), in paragraph 3 (certain loans for housing purposes) for the words from “or section 47” to the end substitute “, section 451 of the Housing Act 1985 or section 67 or 68 of the Housing Associations Act 1985 (certain loans for housing purposes)”.

[^{F4} Housing (Financial Provisions) (Scotland) Act 1968 (c.31)]

Textual Amendments

- F4** Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 16 (1) Section 25 of the Housing (Financial Provisions) (Scotland) Act 1968 (advances to Scottish Special Housing Association) is amended as follows.
- (2) In subsection (1)(d) advances where Association act as agent for Housing Corporation) for “section 11(1) of the Housing Act 1964” substitute “section 100 of the Housing Associations Act 1985”.
- (3) For subsection (4) (application of financial and accounting provisions) substitute—
- “(4) The Treasury may issue to the Secretary of State out of the National Loans Fund such sums as are necessary to enable him to make advances under this section; and any sums received by the Secretary of State in repayment of such advances shall be paid into the National Loan Fund.
- (4A) The Secretary of State shall—
- (a) prepare in respect of each financial year an account in such form and manner as the Treasury may direct, of sums issued to him for

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advances under this section, and of sums received by him under this section, and of the disposal by him of those sums respectively, and

(b) send it to the Comptroller and Auditor-General not later than the end of November in the following financial year;

and the Comptroller and Auditor-General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.”.

Housing (Scotland) Act 1969 (c.34)

- 17 In section 59 of the Housing (Scotland) Act 1969 (exchequer contributions towards expenditure in improving residential areas), in subsection (8) (definitions: “housing association”) for “Housing Act 1974” substitute “Housing Associations Act 1985”.

Income and Corporation Taxes Act 1970 (c.10)

- 18 (1) The Income and Corporation Taxes Act 1970 is amended as follows.
- (2) F5
- (4) In section 342 (disposals of land between the Housing Corporation and housing societies)—
- (a) after “section 5 of the Housing Act 1964” insert “or paragraph 5 of Schedule 7 to the Housing Associations Act 1985”;
- (b) for “housing society” and “society”, wherever occurring, substitute “housing association” and “association”;
- (c) for “Part I of the Housing Act 1964” substitute “the Housing Associations Act 1985”.
- (5) In section 342A (disposals by certain housing associations)—
- (a) in subsection (1) for “Part II of the Housing Act 1974” substitute “Part I of the housing Associations Act 1985”;
- (b) in subsection (2) for “Part I of the Housing Act 1974” substitute “the Housing Associations Act 1985”.

Textual Amendments

F5 Sch. 2 paras. 18(2)(3), 28, 31 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844(4), [Sch. 31](#)

Local Authority Social Services Act 1970 (c.42)

- 19 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to Social Services Committee), at the end add—

“Housing Act 1985 Section 72(b)	Co-operation in relation to homeless persons and persons threatened with homelessness.”.
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Chronically Sick and Disabled Persons Act 1970 (c.44)

20 For section 3 of the Chronically Sick and Disabled Persons Act 1970 (Duties of housing authorities) substitute—

“3 Duties of housing authorities.

- (1) A local housing authority in discharging their duty under section 8 of the Housing Act 1985 to consider housing conditions in their district and the needs of their district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons.
- (2) A local authority for the purposes of Part VII of the Housing (Scotland) Act 1966 in discharging their duty under section 137 of that Act to consider housing conditions in their district and the needs of their district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons; and any proposals prepared and submitted to the Secretary of State by the authority under that section for the provision of new houses shall distinguish any houses which the authority propose to provide which make special provision for the needs of such persons.”.

Fire Precautions Act 1971 (c.40)

21 (1) Section 36 of the Fire Precautions Act 1970 (loans to meet expenditure on certain alterations) is amended as follows.

(2) For subsection (8) (terms of loan) substitute—

“(8) The local authority’s offer may in particular include provision—

- (a) for the advance to be made by instalments from time to time as the alterations progress;
- (b) for repayment either by instalments of principal or by an annuity of principal and interest combined;
- (c) that in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority;
- (d) that the balance for the time being unpaid may be repaid on one of the usual quarter days by the person for the time being entitled to the equity of redemption after one month’s written notice of intention to repay has been given to the local authority.”.

(3) In subsection (9) (application to Scotland) for paragraph (d) substitute—

“(d) in subsection (8) for “on one of the usual quarter days” there shall be substituted “any term of Whitsunday or Martinmas” and for “the person for the time being entitled to the equity of redemption” there shall be substituted “the debtor”.”.

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Textual Amendments

- F6** Sch. 2 paras. 22, 24(8) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1](#)

Local Government Act 1972 (c.70)

- 23 In section 131(2) of the Local Government Act 1972 (saving for special provisions regulating land transactions), after paragraph (13) insert—
 “(m) the Housing Act 1985”.

Land Compensation Act 1973 (c.26)

- 24 (1) The Land Compensation Act 1973 is amended as follows.
- (2) In section 29 (home loss payments)—
- (a) ^{F7}
- (b) for subsection (1)(d) (improvement &c. by certain housing associations) substitute—
 “(d) the carrying out of any improvement to the dwelling or of redevelopment on the land by a housing association which has previously acquired the land and at the date of the displacement is registered under the Housing Associations Act 1985”;
- (c) at the end of subsection (2) (but not as part of paragraph (b)) there shall continue to be the words “and in a case within subsection (1)(d) above, unless the displacement occurred on or after 31st July 1974 (on which date the housing Act 1974 was passed)”;
- (d) for subsection (7) substitute—
 “(7) In this section “a housing order or undertaking” means—
 (a) a demolition or closing order, or an obstructive building order, under Part IX of the Housing Act 1985 (slum clearance);
 (b) a closing order under section 368(4) of that Act (closing of multi-occupied house with inadequate means of escape from fire);
 (c) an undertaking accepted under section 211, 264 or 368 of that Act (undertaking in lieu of improvement notice or housing order).”.
- (3) In section 37 (disturbance payments)—
- (a) ^{F7}
- (b) for subsection (1)(d) (improvement &c. by certain housing associations) substitute—
 “(d) the carrying out of any improvement to a house or building on the land or of re-development on the land by a housing association which has previously acquired the land and at

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- the date of the displacement is registered under the Housing Associations Act 1985;”;
- (c) F7
- (d) after subsection (2)(c) there shall continue to be—
- “(d) in a case within subsection (1)(d) above, unless the displacement occurred on or after 31st July 1974 (on which date the Housing Act 1974 was passed).”.
- (4) In section 39 (duty to rehouse residential occupiers)—
- (a) F7
- (b) in subsection (4)(b) (exclusion of person with local authority mortgage) after “1958” insert “or section 435 of the Housing Act 1985”;
- (c) for subsection (7) (definition of relevant authority) substitute—
- “(7) Subject to subsection (8) below, the “relevant authority” for the purposes of this section is the local housing authority within the meaning of the Housing Act 1985.”.
- (5) In section 42 (duty of displacing authority to indemnify rehousing authority)—
- (a) in subsection (1)(b) for “Part V of the Housing Act 1957” substitute “Part II of the Housing Act 1985”;
- (b) in subsection (2)(a) for “Part V of the said Act of 1957” substitute “Part II of the said Act of 1985”;
- (c) in subsection (2)(b) for “the said Part V” substitute “the said Part II”;
- (d) for subsection (6) (provision for construction as one with Housing Finance Act 1972) substitute—
- “(6) In subsection (2)—
- “Housing Revenue Account Dwelling”, means a dwelling which is within the authority’s Housing Revenue Account (within the meaning of Part XIII of the Housing Act 1985) and is not—
- (a) a dwelling for the time being let on a long tenancy at a low rent within the meaning of the Leasehold Reform Act 1967, or
- (b) a dwelling no longer owned by the authority;
- “year” means financial year.”.
- (6) In section 52 (right to advance payment of compensation), in subsection (11) for the words from “section 98” to “that Act” substitute “section 583 of the Housing Act 1985”.
- (7) In section 57(3) (application of provisions as to notice of entry in respect of part of agricultural holding) for the words from “section 101” to “that Act)” substitute “section 584 of the Housing Act 1985(power to enter and determine short tenancies of land acquired or appropriated for certain purposes of that Act)”.
- (8) F8
- (9) section 87 (general interpretation) for the definitions of “housing association” and “registered” substitute—

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““housing association” has the same meaning as in the Housing Associations Act 1985 and “registered”, in relation to a housing association, means registered under that Act;”.

Textual Amendments

- F7** Sch. 2 paras. 4, 24(2)(a)(3)(a)(c)(4)(a), 49 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), **Sch. 12 Pt. II**
- F8** Sch. 2 paras. 22, 24(8) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1**

Housing Act 1974 (c. 44)

- 25 (1) The Housing Act 1974 is amended as follows.
- (2) In section 18(2) (certain housing association tenancies within the Rent (Scotland) Act 1984) for “subsection (1) above” substitute “section 5(4) of the Rent (Scotland) Act 1984”.
- (3) In Schedule 3 (provisions supplementary to section 18), in paragraphs 13(1)(c) and 14(1)(a) and in paragraph 16 in the definition of “the previous housing association tenancy,” for section 18(1) of this Act substitute “section 5(4) of the Rent (Scotland) Act 1984”.

Friendly Societies Act 1974 (c. 46)

- 26 In section 51 of the Friendly Societies Act 1974 (power of friendly society to invest in housing association), in subsection (4) (definition of “housing association”) for the words from “means” to the end substitute “has the same meaning as in the Housing Associations Act 1985”.

27 **F9**

Textual Amendments

- F9** Sch. 2 paras. 27, 35(3) repealed by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(3), **Sch. 12 Pt. I**

28 **F10**

Textual Amendments

- F10** Sch. 2 paras. 18(2)(3), 28, 31 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844(4), **Sch. 31**

29 **F11**

Textual Amendments

- F11** Sch. 2 para. 29 repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#) s. 83(5) Sch. 6 Pt. I

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Greater London Council (General Powers) Act 1975 (c.xxx)

- 30 (1) Section 7 of the Greater London Council (General Powers) Act 1975 (byelaws as to parking, &c. on housing estates) is amended as follows.
- (2) In subsection (1) (extension of power to make byelaws)—
- (a) for “subsection (1) of section 112 of the Housing Act 1957” substitute “section 23(1) of the Housing Act 1985”, and
- (b) for “Part V” substitute “Part II”.
- (3) In subsection (2) (extension of ancillary provisions) for “the said section 112” substitute “section 23(1) of the Housing Act 1985”.

31 F12

Textual Amendments

F12 Sch. 2 paras. 18(2)(3), 28, 31 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844(4), [Sch. 31](#)

Development of Rural Wales Act 1976 (c.75)

- 32 In section 8 of the Development of Rural Wales Act 1976 (assistance from public authorities and others), in subsection (4) for the words from “the Housing Act 1974” to the end substitute “the Housing Associations Act 1985”.

Rent (Agriculture) Act 1976 (c.80)

- 33 (1) The Rent (Agriculture) Act 1976 is amended as follows.
- (2) In section 5 (no statutory tenancy where landlord’s interest belongs to certain authorities or bodies), in subsection (4) (certain housing associations) for the words from “belong to a housing association” to the end substitute—
- “belong to a housing association which—
- (a) is registered under the Housing Associations Act 1985, or
- (b) is a co-operative housing association within the meaning of that Act.”.
- (3) In section 27 (rehousing: application to housing authority), for subsection (3) substitute—
- “(3) In this Act the “housing authority concerned” is the local housing authority within the meaning of the Housing Act 1985.”.
- (4) In Schedule 4 (grounds for possession of dwelling-house)—
- (a) in paragraph 4 of Case I (alternative accommodation privately provided: accommodation unsuitable if overcrowded), and
- (b) in Case XIII (dwelling-house overcrowded),
- for “the Housing Act 1957” substitute “Part X of the Housing Act 1985”.
- (5) In Schedule 5 (terms of statutory tenancy)—

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- (a) in paragraph 6(1) (landlord’s repairing obligations) and in paragraph 12(4) (b) (variation of statutory tenancy) for “section 32 of the Housing Act 1961” substitute “section 11 of the Landlord and Tenant Act 1985”;
- (b) in paragraph 6(2) for “the said section 32” substitute “the said section 11”.

34 F13

Textual Amendments
F13 Sch. 2 para. 34 repealed by Agricultural Holdings Act 1986 (c. 5, SIF 2:3), s. 101(1), Sch. 15 Pt. I

Rent Act 1977 (c.42)

- 35 (1) The Rent Act 1977 is amended as follows.
- (2) In section 15 (certain housing association tenancies), for subsection (3) (associations to which the section applies) substitute—
- “(3) A housing association falls within this subsection if—
- (a) it is registered under the Housing Associations Act 1985, or
 - (b) it is a co-operative housing association within the meaning of that Act.”.

(3) F14

- (4) In section 78 (powers of rent tribunals on reference of restricted contract) in subsection (5) (meaning of “housing authority”) for the words from “means a council” to the end substitute “means a local housing authority within the meaning of the Housing Act 1985”.
- (5) In section 86 (meaning of “housing association tenancy” for purposes of Part VI)—
- (a) in subsection (3) (definition of “housing association”) for the words from “has the meaning assigned” to the end substitute “has the same meaning as in the Housing Associations Act 1985”;
 - (b) in subsection (3A) (definition of “co-ownership tenancy”) for “falls within section 15(3)(d) of this Act” substitute “is a co-operative housing association within the meaning of the Housing Associations Act 1985”.
- (6) In section 88 (rent limit for certain housing association tenancies), in subsection (7) (conditions imposed under certain enactments to be disregarded in determining rent limit)—
- (a) for paragraph (b) substitute—
 - “(b) paragraph 2 of Part II of Schedule 15 to the Housing Act 1985, or any corresponding earlier enactment”;
 - (b) for paragraph (d) substitute—
 - “(d) section 33 of the Housing Act 1985, or any corresponding earlier enactment.”.
 - (c) for the words from “(which impose” to “houses)” substitute “which imposes a rent limit in respect of the dwelling-house”.
- (7) In section 92 (conversion of housing association tenancies), in subsection (5) (definition of “housing association”) for “section 189(1) of the Housing Act 1957” substitute “the Housing Associations Act 1985”.

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- (8) For section 101 (overcrowded dwelling-houses) substitute—

“101 Over-crowded dwelling-houses.

At any time when a dwelling-house is overcrowded within the meaning of Part X of the Housing Act 1985 in such circumstances as to render the occupier guilty of an offence, nothing in this Part of this Act shall prevent the immediate landlord of the occupier from obtaining possession of the dwelling-house.”.

- (9) In section 116 (power of court to authorise carrying out of works without consent of statutory tenant)—
- (a) in subsection (3)(a) (works approved for grant) for “Part VII of the Housing Act 1974” substitute “Part XV of the Housing Act 1985”;
 - (b) in subsection (3)(b) (works likely to be approved for grant) for “a local authority” substitute “the local housing authority within the meaning of that Act”;
 - (c) in subsection (5) (compliance with conditions as to time) for “local authority under section 82(1) of the Housing Act 1974” substitute “local housing authority under section 512(2) of the Housing Act 1985”.
- (10) In section 149(1) (powers of local authorities to provide information), for subparagraph (a)(i) substitute—
- “(i) sections 4 to 7 (provision of rent books) and sections 18 to 30 (service charges) of the Landlord and Tenant Act 1985,”.
- (11) In Schedule 15, Part IV (determination whether suitable alternative accommodation is or will be available)—
- (a) for “housing authority” wherever occurring substitute “local housing authority”;
 - (b) in paragraph 6 (overcrowding) for “the Housing Act 1957” substitute “Part X of the Housing Act 1985”;
 - (c) for paragraph 8 (meaning of “housing authority” and “district”) substitute—
- “8 In this Part “local housing authority” and “district” in relation to such an authority have the same meaning as in the Housing Act 1985.”
- (12) In Schedule 16 (further grounds for possession of dwelling-houses let to agricultural workers)—
- (a) for “the housing authority concerned” wherever occurring substitute “the local housing authority”;
 - (b) in paragraph 4 of Case I (overcrowding) for “the Housing Act 1957” substitute “Part X of the Housing Act 1985”;
 - (c) for paragraph 7 of Case I (definition of “the housing authority concerned”) substitute—
- “7 In this Case and in Case II below “the local housing authority” has the same meaning as in the Housing Act 1985.”;
- (d) in paragraph 4 of Case II for “housing authority’s offer” substitute “local housing authority’s offer”.

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Textual Amendments

F14 Sch. 2 paras. 27, 35(3) repealed by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(3), **Sch. 12 Pt. I**

Criminal Law Act 1977 (c.45)

- 36 In section 7 (offence of adverse possession of premises) in subsection (5) (authorities whose prospective tenants are protected intending occupiers) for paragraph (c) substitute—
- “(c) a registered housing association within the meaning of the Housing Associations Act 1985.”.

^{F15} Housing (Homeless Persons) Act 1977 (c.48)

Textual Amendments

F15 Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

- 37 (1) The Housing (Homeless Persons) Act 1977, as it continues to apply in Scotland, is amended as follows.
- (2) In section 1(1) (definition of homelessness) after “if there is no accommodation” insert “in Scotland, England or Wales”.
- (3) In section 3(3) (inquiries as to local connection with another housing authority) after “housing authority” insert “in Scotland, England or Wales”.
- (4) In section 5(1)(a) (grounds for referral of application to another housing authority), in sub-paragraph (ii) for “another housing authority’s area” substitute “the area of another housing authority in Scotland, England or Wales”.
- (5) In section 9(1) (co-operation between authorities)—
- (a) in paragraph (a) after “another housing authority” insert “in Scotland, England or Wales”;
- (b) in paragraph (b) for “social services authority or a social work authority” substitute “social work authority in Scotland, England or Wales”.
- (6) After section 18 insert—

“ **Application of this Act to cases arising in England and Wales.**

- (1) Section 5(3), (4) and (7) to (11) above (notification of application to another housing authority and duties to persons whose applications are so notified) apply—
- (a) to applications notified by an authority in England or Wales in pursuance of section 67 of the Housing Act 1985, and
- (b) to persons whose applications are so notified,
- as they apply to cases arising under this Act.
- (2) Section 9 above (duty of authorities to co-operate with housing authority) applies to a request by a local housing authority in England or Wales under

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section 72 of the Housing Act 1985 as it applies to a request by a housing authority in Scotland.

(3) In this Act, in relation to England and Wales—

(a) “housing authority” means a local housing authority within the meaning of section 1 of the Housing Act 1985, and references to the area of such an authority are to their district within the meaning of section 2 of that Act, and

(b) “social work authority” means a local authority for the purposes of the Local Authority Social Services Act 1970, as defined in section 1 of that Act;

and in section 9(1)(c) (requests for co-operation) “development corporation” includes a development corporation established under the New Towns Act 1981.”.

(7) In section 19(1) (general interpretation), in the definition of “registered housing association” for the words from “registered in” to the end substitute “registered under the Housing Associations Act 1985”.

(8) In section 21 (citation and extent), for subsection (4) substitute—

“(4) This Act extends to Scotland only.”.]

National Health Service Act 1977 (c.49)

38 (1) The National Health Service Act 1977 is amended as follows.

(2) In section 28A (payments by health authorities towards expenditure on community services), in subsection (2) (authorities to whom, and functions in respect of which, payments may be made)—

(a) for paragraph (d) substitute—

“(d) to a local housing authority within the meaning of the Housing Act 1985, towards expenditure incurred or to be incurred by them in connection with their functions under Part II of that Act (provision of housing); and”;

(b) in paragraph (e) for sub-paragraph (i) substitute—

“(i) a registered housing association within the meaning of the Housing Associations Act 1985;”.

(3) In section 28B (payments by Secretary of State towards community services in Wales), in subsection (1)(b) for sub-paragraph (i) substitute—

“(i) a registered housing association within the meaning of the Housing Associations Act 1985;”.

(4) In section 123(1) (arrangements for housing of persons displaced by health service development), for paragraphs (a) to (c) substitute—

“(a) a local housing authority within the meaning of the Housing Act 1985,

(b) a housing association or housing trust within the meaning of the Housing Associations Act 1985;”.

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[^{F16} Housing (Financial Provisions) (Scotland) Act 1978 (c.14)

Textual Amendments

F16 Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 39 (1) The Housing (Financial Provisions) (Scotland) Act 1978 is amended as follows.
- (2) In section 5 (financial assistance to voluntary organisations), in subsection (2) for the words from “in the register” to “1974” substitute “under the Housing Associations Act 1985”.
- (3) In section 7 (restriction on certain exchequer payments)—
- (a) in subsection (7) (housing association grant) for “section 29 of the Housing Act 1974” substitute “Part II of the Housing Associations Act 1985”;
 - (b) in subsection (8) (hostel deficit grants) for “section 33 of the Housing Act 1974” substitute “section 55 of the Housing Associations Act 1985”.]

[^{F17} Home Purchase Assistance and Housing Corporation Guarantee Act 1978 (c.27)]

Textual Amendments

F17 Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 40 (1) The Home Purchase Assistance and Housing Corporation Guarantee Act 1978, as it continues to apply in Scotland, is amended as follows.
- (2) In section 2(5) (exclusion of Restrictive Trade Practices Act 1976) after “this Act” insert “, or the corresponding English or Northern Ireland provisions,”.
- (3) In section 3 (modifications of building society law), after “under this Act”, wherever occurring, insert “, or the corresponding English or Northern Ireland provisions,”.
- (4) After section 3 insert—

“3A Corresponding English or Northern Ireland provisions.

The references in this Act to the corresponding English or Northern Ireland provisions are to, respectively, sections 445 to 449 of the Housing Act 1985 and Part IX of the Housing (Northern Ireland) Order 1981.”.

- (5) For section 6(3) substitute—
- “(3) This Act extends to Scotland only.”.
- (6) In the Schedule (recognised lending and savings institutions)—
- (a) in paragraph 1 (building societies) for “designated under section 1 of the House Purchase and Housing Act 1959” substitute “designated for the purposes of the Trustee Investments Act 1961”;

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- (b) in paragraph 13 (savings institutions recognised under other provisions) for the words from “legislation” to the end substitute “the corresponding English or Northern Ireland provisions”

National Health Service (Scotland) Act 1978 (c.29)

- 41 In section 16A of the National Health Service (Scotland) Act 1978 (payments by Health Boards towards expenditure on community services), in subsection (2) (payments to certain bodies towards expenditure on provision of housing accommodation) for paragraph (a) substitute—

“(a) a registered housing association within the meaning of the Housing Associations Act 1985;”.

[^{F18} Homes Insulation Act 1978 (c.48)]

Textual Amendments

F18 Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 42 In the Homes Insulation Act 1978, as it continues to apply in Scotland, for section 4(2) substitute—

“(2) This Act extends to Scotland only.”.

Finance Act 1980 (c.48)

- 43 In section 97 of the Finance Act 1980 (stamp duty: certain shared ownership leases to be stamped as conveyances), in subsection (3) (bodies granting leases to which the section applies) for paragraphs (a) and (b) substitute—

“(a) a local housing authority within the meaning of the Housing Act 1985;

(b) a housing association registered under the Housing Associations Act 1985 or Article 124 of the Housing (Northern Ireland) Order 1981;”.

Housing Act 1980 (c.51)

- 44 (1) The Housing Act 1980 is amended as follows.

- (2) In section 86 (jurisdiction of county court), for subsections (1) and (2) substitute—

“(1) A county court has jurisdiction to determine any question arising under Part III of this Act (tenant’s improvements) and to entertain any proceedings brought thereunder.

(2) The jurisdiction conferred by this section includes jurisdiction to entertain proceedings on any question whether any consent required by section 81 was withheld or unreasonably withheld, notwithstanding that no other relief is sought than a declaration.”.

[^{F19}(3) In section 140 (exclusion of shared ownership tenancies from Leasehold Reform Act 1967), in subsection (6) definition of “registered housing association”) for

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“section 13 of the Housing Act 1974” substitute “the Housing Associations Act 1985”.]

- (4) In Schedule 9 (provisions consequential on amendment of definition of “housing trust” in the Rent Act 1977)—
- (a) in paragraphs 2 and 4 for “Chapter II of Part I of this Act” substitute “Part IV of the Housing Act 1985 (secure tenancies)”;
 - (b) in paragraph 5 for “Section 33 of this Act” substitute “Section 83 of the Housing Act 1985 (notice of proceedings for possession)”.

Textual Amendments

F19 Sch. 2 paras. 44(3), 45(2) repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(3), [Sch. 12 Pt. I](#)

^{F20} Tenants’ Rights, &c. (Scotland) Act 1980 (c.52.)

Textual Amendments

F20 Sch. 2 paras. 10, 16, 17, 37, 39, 40, 42, 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

- 45 (1) The Tenants’ Rights, &c. (Scotland) Act 1980 is amended as follows.

[In section 1(10) (landlords relevant to qualifying period for right to purchase ^{F21}(2) and discount), in paragraph (e) (certain housing cooperatives) for “paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975” substitute “section 27 of the Housing Act 1985”.]

- (3) In section 10(2) (landlord condition for secure tenancies), in paragraph (e) (registered housing associations) for “the Housing Act 1974” substitute “the Housing Associations Act 1985”.
- (4) For section 11 (special provision for certain housing associations) substitute—

“ Special provision for certain housing associations.

- (1) A tenancy shall not be a secure tenancy at any time when the interest of the landlord belongs to a registered housing association which is a co-operative housing association.
- (2) This Part of this Act (with the exception of sections 16, 17 and 21 to 25) shall apply to a tenancy at any time when the interest of the landlord belongs to a housing association which is a co-operative housing association and is not registered.
- (3) If a registered housing association which is a co-operative housing association ceases to be registered, it shall notify those of its tenants who thereby become secure tenants.
- (4) Notice under subsection (3) shall be given in each tenant concerned, within the period of 21 days beginning with the date on which the association ceases to be registered.

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- (5) In this section—
- (a) references to registration in relation to a housing association are to registration under the Housing Associations Act 1985, and
 - (b) “co-operative housing association” has the same meaning as in that Act.”.]

Textual Amendments

F21 Sch. 2 paras. 44(3), 45(2) repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(3), [Sch. 12 Pt. I](#)

Local Government, Planning and Land Act 1980 (c.65)

- 46 (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 152(1)(c) (power to confer on urban development corporations functions with respect to home insulation), for “section 1 of the Homes Insulation Act 1978” substitute “section 521 of the Housing Act 1985”.
 - (3) In section 153(1) (power to confer local authority housing functions on urban development corporation) for the words from “the Housing Acts 1957 to 1975 and the Housing Act 1980” substitute “the Housing Act 1985 or the Housing Associations Act 1985”.
 - (4) In Schedule 12 (prescribed expenditure for purposes of controls on capital expenditure), in paragraph 1(e) (certain expenditure on land) for “Part V of the Housing Act 1957” substitute “Part II of the Housing Act 1985”.

Highways Act 1980 (c.66)

- 47 In section 36(2) of the Highways Act 1980 (general definition of highways maintainable at the public expense), in paragraph (b) (highways constructed by local authorities under housing powers)—
- (a) for “Part V of the Housing Act 1957” substitute “Part II of the Housing Act 1985”;
 - (b) for “the said Part V”, in each place where it occurs, substitute “the said Part II”.

Finance Act 1981 (c.35)

- 48 In section 107 of the Finance Act 1981 (stamp duty: sale of houses at discount by local authorities, &c. in subsection (3) (authorities to whose dispositions the section applies)—
- (a) in paragraph (b) for “local authority within the meaning of Part V of the Housing Act 1957” substitute “local housing authority within the meaning of the Housing Act 1985”;
 - (b) in paragraph (f) for “section 13 of the Housing Act 1974” substitute “the Housing Associations Act 1985”.

49 F22

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Textual Amendments

F22 Sch. 2 paras. 4, 24(2)(a)(3)(a)(c)(4)(a), 49 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), [Sch. 12 Pt. II](#)

Greater London Council (General Powers) Act 1981 (c.xvii)

- 50 (1) Part IV of the Greater London Council (General Powers) Act 1981 (control of overcrowding in certain hostels) is amended as follows.
- (2) In section 9(1) (overcrowding notices), in the proviso (cases where similar restrictions are in force), for the words from “applied” to the end substitute “for the time being applied to the premises by a registration scheme under section 346 of the Housing Act 1985, a direction under section 354 of that Act, or an overcrowding notice under section 358 of that Act”.
- (3) In section 12(1) (penalties), in the proviso (exclusion where a person previously convicted under other similar provisions), for the words from “section 90(13)” to the end substitute “section 355(2) or 358(4) of the Housing Act 1985”.
- (4) In section 16 (premises exempted from controls)—
- (a) in paragraph (e) (registered common lodging houses), for “section 238 of the Act of 1936” substitute “Part XII of the Housing Act 1985”;
 - (b) in paragraph (l) (premises run by registered housing associations), for “Part II of the Housing Act 1974” substitute “the Housing Associations Act 1985”.

Housing (Northern Ireland) Order 1981 (S.I. 1981/156) (N.I. 3)

- 51 (1) The Housing (Northern Ireland) Order 1981 is amended as follows.
- (2) ^{F23}
- (3) After that Article insert—

“ Exclusion of Restrictive Trade Practices Act 1976

155A Section 16(3) and (5) of the Restrictive Trade Practices Act 1976 (recommendations by services supply associations to members) do not apply to recommendations made to lending and savings institutions about the manner of implementing Articles 153 and 154, or the corresponding English or Scottish provisions, provided that the recommendations are made with the approval of the Department of the environment for Northern Ireland, or, as the case may be, the Secretary of State, which may be withdrawn at any time on one month’s notice.”.

- (4) In Article 156 (indemnity agreements with building societies), at the end add—
- “(7) Section 16(3) and (5) of the Restrictive Trade Practices Act 1976 (recommendations by services supply associations) do not apply to a recommendation made about the making of agreements under this Article, or under the corresponding provisions in England and Wales (namely, section 442 of the Housing Act 1985 and section 84 of the Housing

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Associations Act 1985), provided that the recommendations are made with the approval of the Department of the Environment for Northern Ireland, or, as the case may be, of the Secretary of State, which may be withdrawn at any time on one month's notice.”.

(5) In Schedule 10 (institutions recognised for purposes of the scheme for assisting first-time buyers)—

- (a) F23
- (b) in Part II (savings institutions) in paragraph 12 after “section 1 of the Home Purchase Assistance and Housing Corporation Guarantee Act 1978” insert “or section 446 of the Housing Act 1985”.

Textual Amendments

F23 Sch. 2 para. 51(2)(5)(a) repealed by Building Societies Act 1986 (c. 53, SIF 16), s. 120(2)(3), Sch. 19 Pt. III

Civil Aviation Act 1982 (c.16)

52 In paragraph 4 of Schedule 2 to the Civil Aviation Act 1982 (enactments for purposes of which the Civil Aviation Authority are statutory undertakers) for “Part III of the Housing Act 1957” substitute “sections 283, 296 and 611 of the Housing Act 1985”.

Social Security and Housing VBenefits Act 1982 (c.24)

53 In section 35(1) of the Social Security and Housing Benefits Act 1982 (interpretation of Part II)—

- (a) before the definition of “Housing Revenue Account rebate” insert—
 - ““Housing Revenue Account dwelling”, in relation to a local authority, means a dwelling which is within the authority's Housing Revenue Account (within the meaning of Part XIII of the Housing Act 1985) and is not—
 - (a) a dwelling for the time being let on a long tenancy at a low rent within the meaning of the Lease-hold Reform Act 1967, or
 - (b) a dwelling no longer owned by the authority;”;
- (b) in the definition of “Housing Revenue Account rebate” omit the words “(within the meaning of the Housing Finance Act 1972)”.

54 F24

Textual Amendments

F24 Sch. 2 para. 54 repealed by Capital Allowances Act 1990 (c. 1, SIF 63:1), s. 164, Sch. 2

Greater London Council (General Powers) Act 1982 (c.i)

55 In section 4 of the Greater London Council (General Powers) Act 1982 (removal of vehicles illegally parked on housing estates)

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- (a) in subsection (1) for the words from “subsection (1)” to “Housing Act 1957” substitute “section 23(1) of the Housing Act 1985 (byelaws for regulation of authority’s houses)”;
- (b) in the same subsection for “Part V of the said Act of 1957” substitute “Part II of the Housing Act 1985”;
- (c) in subsection (2) for “the said section 112” substitute “section 23(1) of the Housing Act 1985”.

Matrimonial Homes Act 1983 (c.19)

- 56 (1) The Matrimonial Homes Act 1983 is amended as follows.
- (2) In section 1(6) (occupation under the Act by one spouse to be treated as occupation by the other) for “for the purposes of Chapter II of Part I of the Housing Act 1980” substitute “for the purposes of Part IV of the Housing Act 1985 (secure tenancies)”.
 - (3) In Schedule 1 (transfer of certain tenancies on divorce, &c.)—
 - (a) in paragraph 1(1)(c) for “within the meaning of section 28 of the Housing Act 1980” substitute “within the meaning of section 79 of the Housing Act 1985”;
 - (b) in paragraph 2(1) for “within the meaning of the Housing Act 1980” substitute “within the meaning of the Housing Act 1985”;
 - (c) in paragraph 2(3) for “within the meaning of Chapter II of Part I of the Housing Act 1980” substitute “within the meaning of Part IV of the Housing Act 1985.”.

County Courts Act 1984 (c.28)

- 57 (1) The County Courts Act 1984 is amended as follows.
- (2) In section 66(1) (trial by jury: cases for trial without jury), in paragraph (c) (housing appeals) for “the Housing Act 1957” substitute “the Housing Act 1985”.
 - (3) In section 77 (appeals), in subsection (6) (restriction of appeal on question of fact where court has unfettered discretion whether or not to order possession), in paragraph (e) for “section 34(3)(a) of the Housing Act 1980” substitute “section 84(2)(a) of the Housing Act 1985”.

Building Act 1984 (c.55)

- 58 (1) The Building Act 1984 is amended as follows.
- (2) In section 76(7) (power to act in respect of defective building notwithstanding that authority might have proceeded under housing powers) for “section 9 of the Housing Act 1957” substitute “Part VI of the Housing Act 1985 (repair notices)”.
 - (3) In section 80(1)(a) and section 81(1)(a), and (3)(b) and (4)(b) (which relate to demolition orders) for “the Housing Act 1957” substitute “Part IX of the Housing Act 1985”.

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Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

Rent (Scotland) Act 1984 (c.58)

- 59 (1) The Rent (Scotland) Act 1984 is amended as follows.
- (2) In section 5 (now; protected or statutory tenancy where landlord's interest belongs to certain authorities), in subsection (4) (certain housing associations) for the words from "belongs to" to the end substitute—
- "belongs to a housing association which—
- (a) is registered under the Housing Associations Act 1985, or
- (b) is a co-operative housing association within the meaning of that Act; nor shall a person at any time be a statutory tenant of a dwelling-house if the interest of his immediate landlord belongs at that time to such a housing association."
- (3) In section 61(1) (interpretation of Part VI), in the definition of "housing association" for the words from "meaning" to the end substitute "same meaning as in the Housing Associations Act 1985".
- (4) In section 63(4) (lessors excluded from Part VII), in paragraph (e) (registered housing associations), for "Housing Act 1974" substitute "Housing Associations Act 1985".

Greater London Council (General Powers) Act 1984 (c.xxvii)

- 60 (1) The Greater London Council (General Powers) Act 1984 is amended as follows.
- (2) In section 10 (registration of certain sleeping accommodation: buildings to which the provisions apply), in subsection (2) (exceptions)—
- (a) in paragraph (h) (premises run by registered housing association), for "Part II of the Housing Act 1974" substitute "the Housing Associations Act 1985";
- (b) in paragraph (m) (registered common lodging houses), for "section 238 of the Public Health Act 1936" substitute "Part XII of the Housing Act 1985".
- (3) In section 39 (occupants removed from buildings to have authority housing need), for "the Housing (Homeless Persons) Act 1977" substitute "Part III of the Housing Act 1985 (housing the homeless)".

Local Government Act 1985 (c.51)

- 61 In Schedule 13 to the Local Government Act 1985 (provisions with respect to residuary bodies) for paragraphs 22 and 23 (application of certain housing enactments) substitute—
- "22 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Housing Act 1985—
- sections 43 and 44 (consent required for certain disposals of houses),
- sections 45 to 51 (restrictions on recovery of service charges after disposal of house),
- Parts IV and V (secure tenancies and the right to buy),
- sections 442 (so far as relates to agreements within subsection (1) (b)), 443, 444, 452 and 4h53 (provision in connection with local authority mortgages), and

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Part XVI (assistance for owners of defective premises disposed of by local authorities and others).

- 23 A residuary body shall be treated as a local authority for the purposes of sections 84(5)(b) and 5(4) of the Housing Associations Act 1985 (consultation on forms of agreement and meaning of “relevant advance”).
- 24 A residuary body shall be treated as a local authority for the purposes of the following provisions of the Landlord and Tenant Act 1985—
section 14(4) (exclusion of implied repairing obligations), and
sections 18 to 30 (service charges).”.

SCHEDULE 3 **E+W**

TRANSITIONAL PROVISIONS

The general rule

- 1 (1) The general rule is that the provisions of the consolidating Acts apply, in accordance with section 2 of this Act (continuity of the law), to matters arising before the commencement of those Acts as to matters arising after that commencement.
- (2) The general rule has effect subject to any express provision to the contrary, either in this Schedule or in connection with the substantive provision in question.
- (3) The general rule does not mean that the provisions of the consolidating Acts apply to cases to which the corresponding repealed provisions did not apply by virtue of transitional provision made in connection with the commencement of the repealed provisions (such transitional provisions, if not specifically reproduced, are saved by paragraph 1 of Schedule 4).
- (4) The general rule does not apply so far as a provision of the consolidating Acts gives effect to an amendment (in pursuance of a Recommendation of the Law Commission and, in some cases, the Scottish Law Commission).

Specific transitional provisions

- 2 The provisions of the consolidating Acts listed below apply only in the cases specified; in other cases the corresponding repealed provisions continue to apply.

<i>Provision of consolidation</i>	<i>Cases to which applicable</i>
Part V of the Housing Act 1985 (the right to buy)	Where the tenant’s notice claiming to exercise the right to buy is served on or after 1st April 1986.
Sections 421 to 427 of that Act (housing subsidy)	The year 1986-87 and subsequent years.

- [^{F25}2A Any order made under section 115(11) of the Housing Act 1974 (form of notice of compensation where land in clearance area deemed appropriated for provision of housing) which was in force immediately before the repeal of that section by this

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Act may be revoked or amended by regulations under section 614 of the Housing Act 1985 (general power to prescribe forms, etc. by regulations).]

Textual Amendments

F25 Sch. 3 para. 2A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1)(j), Sch. 5 Pt. I para. 10(8)(9)

- 3 The amendment in paragraph 35(8) of Schedule 2 to this Act substituting a new section 101 in the ^{M8}Rent Act 1977 (landlord's right to recover possession if dwelling-house is overcrowded) applies only where the tenant (or statutory tenant) occupies the dwelling-house under (or by virtue of a tenancy granted on or after 1st April 1986).

Marginal Citations

M8 [1977 c. 42.](#)

Delayed operation of certain provisions

- 4 The provisions of section 589(4) to (6) of, and paragraph 11 of Schedule 7 to, the Housing Act 1985 (which relate to apportionment by reference to gross rateable values) apply only for rate periods, within the meaning of the ^{M9}General Rate Act 1967, beginning on or after the first date after 1st April 1986 on which new valuation lists come into force under section 68(1) of that Act.

Marginal Citations

M9 [1967 c. 9.](#)

Commencement of the Local Government Act 1985 (c.51)

- 5 (1) The consolidating Acts and the Local Government Act 1985 shall be construed and have effect as if the consolidating Acts had come into force immediately after that Act.
- (2) References to a local authority in provisions of the consolidating Acts which confer powers, duties, rights or immunities by reference to things done by or in relation to a local authority before 1st April 1986 include references to the councils abolished by the Local Government Act 1985.
- (3) Sub-paragraph (2) applies in particular to the following provisions—
section 45(2)(b) of the Housing Act 1985 (restriction on service charges payable after disposal of house by local authority).
section 444(4) of that Act and section 85(4) of the ^{M10}Housing Associations Act 1985 (power to agree to indemnify mortgagee of property disposed of by local authority),
section 573(1) of the ^{M11}Housing Act 1985 (definition of public sector authority for the purposes of assistance for persons having acquired defective housing from such an authority),

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paragraph 7(1) of Schedule 4 to that Act (public sector landlords for purposes of qualifying period for the right to buy),
 section 41(2) of the ^{M12}Housing Associations Act 1985 (approval of programme for purposes of housing association grant), and
 section 14(4) of the ^{M13}Landlord and Tenant Act 1985 (exclusion of implied repairing obligation in case of lease granted by local authority).

Marginal Citations

M10 1985 c. 69.

M11 1985 c. 68.

M12 1985 c. 69.

M13 1985 c. 70.

SCHEDULE 4 **E+W+S**

SAVINGS

General saving for old transitional provisions

- 1 The repeal by this Act of a provision relating to the coming into force of a provision reproduced in the consolidating Acts does not affect the operation of that provision, in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect, in relation to the corresponding provision of the consolidating Acts.

General saving for old savings

- 2 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in the consolidating Acts but remains capable of having effect.
- (3) Sub-paragraph (2) does not apply to the repeal of paragraph 23(3) of Schedule 1 to the ^{M14}Housing Rents and Subsidies Act 1975 (saving for orders under section 80 of the ^{M15}Housing Finance Act 1972).

Marginal Citations

M14 1975 c. 6.

M15 1972 c. 47.

Savings relating to the Common Council of the City of London

- 3 (1) The repeal by this Act of any provision not specifically reproduced in the consolidating Acts does not affect the powers of the Common Council of the City of London.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

- (2) Sub-paragraph (1) applies in particular to the repeal of the following provisions (which as regards local authorities in general are superseded by provisions of the ^{M16}Local Government Act 1972 not applying to the Common Council)—
- section 47 of the ^{M17}Housing Act 1957 (treatment of land acquired for clearance), so far as it confers powers of appropriation and disposal, and
 - section 26(5)(a) of the ^{M18}Town and Country Planning Act 1959 (consents to disposals) so far as it relates to that section,
 - section 137 of that Act (borrowing for purposes of housing operations outside authority’s area),
 - section 138 and Schedule 8 of that Act (power to issue local housing bonds), and
 - section 35 of the ^{M19}Housing Act 1969 (restriction on disposal of land at an undervalue).
- (3) Section 112(3) of the ^{M20}Housing Act 1957 (confirming authority for byelaws) continues to apply in relation to byelaws made under section 23 of the ^{M21}Housing Act 1985 by the Common Council.
- (4) Sections 166 to 169 of the Housing Act 1957 (authentication and service of documents) continue to apply in relation to the Common Council.
- (5) A reference in a provision of the consolidating Acts to the “proper officer” of a local authority shall be construed in relation to the Common Council of the City of London as a reference to any specific officer of that Council referred to the corresponding provision repealed by this Act.

Marginal Citations

- M16** 1972 c. 70.
- M17** 1957 c. 56.
- M18** 1959 c. 53.
- M19** 1969 c. 33.
- M20** 1957 c. 56.
- M21** 1985 c. 68.

Saving for certain powers of existing companies and associations

- 4 (1) The repeal by this Act of—
- (a) section 127 of the Housing Act 1957 (power of certain companies, &c. provide housing for their employees), or
 - (b) section 47(4) of the ^{M22}Housing (Financial Provisions) Act 1958 or section 24(3) of the ^{M23}Housing (Financial Provisions) (Scotland) Act 1968 (power of certain companies, &c. to borrow from Public Works Loan Commissioners)
- does not affect the powers of any company, association or society in relation to which the provision in question applied before 1st April 1986.
- (2) The repeal by this Act of section 47(8) of the Housing (Financial Provisions) Act 1958 (quasi-incorporation of certain bodies for certain housing purposes) does not

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Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

affect the status of any company, association or society in relation to which the provision applied before 1st April 1986.

- (3) The repeal by this Act of section 47(9) of the Housing (Financial Provisions) Act 1958 (borrowing powers of certain housing associations) does not affect the power of any housing association to which that provision applied before 1st April 1986 to raise money on loan at a rate of interest not exceeding that determined by the Treasury for the purposes of the definition of “housing association” in section 1 of the ^{M24}Housing Associations Act 1985.

Marginal Citations

M22 1958 c. 42.

M23 1968 c. 31.

M24 1985 c. 69.

Options granted by local authorities before 8th August 1980

- 5 The limitations on a local authority’s statutory power to dispose of houses acquired or appropriated for the purposes of Part V of the ^{M25}Housing Act 1957 shall not be taken to have prevented a local authority, at any time before 8th August 1980 (when the power of disposal conferred by section 91 of the Housing Act 1980 came into force), from granting to the tenant of a house an option to purchase the freehold of, or any other interest in, the house.

Marginal Citations

M25 1980 c. 51.

Conditions imposed under section 104 of the Housing Act 1957 before 8th August 1980

- 6 A condition imposed under section 104 of the ^{M26}Housing Act 1957 before 8th August 1980 which by virtue of paragraph 69(1) of Schedule 25 to the Housing Act 1980 was a local land charge immediately before the commencement of this Act continues to be a local land charge notwithstanding the repeal of that paragraph.

Marginal Citations

M26 1957 c. 56.

Transfers under section 14 of the Housing (Homeless Persons) Act 1977

- 7 (1) The repeal by this Act of section 14 of the ^{M27}Housing (Homeless Persons) Act 1977 (transfers of property and staff) does not affect the operation of any order previously made under that section.
- (2) The transfer of an employee in pursuance of such an order shall be treated—

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- (a) for the purposes of section 94 of the ^{M28}Employment Protection (Consolidation) Act 1978 (redundancy payments) as occurring on a change in the ownership (of a business);
- (b) for the purposes of Schedule 13 to that Act (continuity of employment) as occurring on the transfer of an undertaking.

Marginal Citations

M27 1977 c. 48.

M28 1978 c. 44.

Operation of section 37 of the Housing Act 1980, as originally enacted

- 8 (1) Section 37 of the Housing Act 1980 (effect of assignment or subletting, &c.) as originally enacted shall be deemed never to have applied in relation to the assignment of secure tenancies.
- (2) Sub-paragraph (1) does not affect—
- (a) in the case of a periodic tenancy, the operation of a notice to quit served on the tenant before 26th August 1984;
 - (b) in the case of a tenancy for a term certain, any proceedings for forfeiture in pursuance of a notice served on the tenant before that date.

Modifications of conveyances and grants in consequence of the Housing and Building Control Act 1984

- 9 (1) This paragraph applies to a conveyance or grant executed in pursuance of Chapter I of Part I of the Housing Act 1980 (the ^{M29}right to buy) before 26th August 1984, when Part I of the Housing and Building Control Act 1984 came into force.
- (2) Where the conveyance or grant contains the covenant required by section 8(1) of the 1980 Act (repayment of discount on early disposal), the covenant has effect with such modifications as may be necessary to bring it into conformity with the amendments made by section 5 of the 1984 Act.
- (3) Where the conveyance or grant contains such a covenant as was mentioned in section 19(1) of the 1980 Act (restriction on disposal of dwelling-houses in National Parks, &c.), the covenant—
- (a) is binding not only on the purchaser and any successor in title of his but also on any person deriving title under him or any such successor, and
 - (b) has effect with such modifications as may be necessary to bring it into conformity with the amendments made by section 8 of the 1984 Act.

Marginal Citations

M29 1984 c. 29.

- 10 (1) This paragraph applies to a conveyance, grant or assignment executed in pursuance of section 104 of the ^{M30}Housing Act 1957 or section 122 of the ^{M31}Housing Act 1980 (voluntary disposals by local authorities or registered housing associations) before

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

26th August 1984, when Part I of the ^{M32}Housing and Building Control Act 1984 came into force.

- (2) Where the conveyance, grant or assignment contains the covenant required by section 104B(2) of the 1957 Act (repayment of discount on early disposal), the covenant has effect with such modifications as may be necessary to bring it into conformity with the amendments made by paragraph 1 of Schedule 6 to the 1984 Act.
- (3) Where the conveyance, grant or assignment contains such a covenant as mentioned in section 104C(1) of the 1957 Act (restriction on disposal of dwelling-houses in National Parks, &c), the covenant—
 - (a) is binding not only on the purchaser and any successor in title of his but also on any person deriving title under him or any such successor, and
 - (b) has effect with such modifications as may be necessary to bring it into conformity with the amendments made by paragraph 2 of Schedule 6 to the 1984 Act.

Marginal Citations

M30 1957 c. 56.

M31 1980 c. 51.

M32 1984 c. 29.

Section 35 of the Housing Act 1957

- 11 The provisions of Part IX of the ^{M33}Housing Act 1985 (slum clearance) apply in relation to a closing order made under section 35 of the Housing Act 1957 (retention of houses needed to support other buildings) as they apply to a closing order made under the proviso to section 17 of the 1957 Act.

Marginal Citations

M33 1985 c. 68.

Telecommunication apparatus in clearance area

- 12 Paragraph 33 of Schedule 3 to the ^{M34}British Telecommunications Act 1981 (provision for protection of certain telecommunication apparatus) continues to have effect in relation to any order under section 64 of the Housing Act 1957 (extinguishment of rights over land acquired for clearance) coming into force before the appointed day for the purposes of the ^{M35}Telecommunications Act 1984.

Marginal Citations

M34 1981 c. 38.

M35 1984 c. 12.

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Definition of multiple occupation

- 13 (1) Any statutory provision passed or made before 25th August 1969 referring (in whatever terms) to a house which, or part of which, is let in lodgings or which is occupied by members of more than one family shall continue to have effect as if it referred to a house which is occupied by persons who do not form a single household.
- (2) In sub-paragraph (1) “statutory provision” means any provision contained in an Act of Parliament or in any order or other instrument made under an Act of Parliament.

Houses in multiple occupation: undertakings accepted, &c. before 27th October 1980

- 14 (1) The repeal by this Act of section 147 of the ^{M36}Housing Act 1980 does not affect the operation of any enactment in relation to a notice served, undertaking given or order made under section 16 of the ^{M37}Housing Act 1961 or section 60 of the ^{M38}Housing Act 1969 (houses in multiple occupation: means of escape from fire) before 27th October 1980.
- (2) In relation to a breach of an undertaking accepted under section 60 of the Housing Act 1969 before that date, the maximum fine under subsection (3) of that section is level 2 on the standard scale (within the meaning of section 75 of the ^{M39}Criminal Justice Act 1982).
- (3) Sub-paragraph (2) does not affect the provisions of section 60(3) of the Housing Act 1969 as to continuing offences.

Marginal Citations

M36 1980 c. 51.

M37 1961 c. 165.

M38 1969 c. 33.

M39 1982 c. 48.

Certain arrangements, &c. with housing associations

- 15 (1) The repeal by this Act of section 7 of the Housing Act 1961 or section 23 of the ^{M40}Housing (Financial Provisions) (Scotland) Act 1968 (advances to housing associations providing housing accommodation) does not affect the continued operation of that section in relation to advances or arrangements made before the repeal.
- (2) The repeal by this Act of section 34 of the ^{M41}Housing Act 1974 (transfer to Housing Corporation of rights of Secretary of State in relation to certain advances) does not affect the rights and obligations transferred by that section.

Marginal Citations

M40 1968 c. 31.

M41 1974 c. 44.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985. (See end of Document for details)

Use of existing forms, &c.

- 16 Any document made, served or issued on or after 1st April 1986 which contains a reference to an enactment repealed by this Act shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of the consolidating Acts.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985.