
Changes to legislation: There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985, Paragraph 35. (See end of Document for details)

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

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) F1
- (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

F1 Sch. 2 paras. 27, 35(3) repealed by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(3), **Sch. 12 Pt. I**

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