



Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER VI

GENERAL PROVISIONS

40 Jurisdiction of county courts

- (1) A county court shall have jurisdiction to hear and determine any question arising under any provision of—
 - (a) Chapters I to III and V above, or
 - (b) sections 27 and 28 above,other than a question falling within the jurisdiction of a rent assessment committee by virtue of any such provision.
- (2) Subsection (1) above has effect notwithstanding that the damages claimed in any proceedings may exceed the amount which, for the time being, is the county court limit for the purposes of the County Courts Act 1984.
- (3) Where any proceedings under any provision mentioned in subsection (1) above are being taken in a county court, the court shall have jurisdiction to hear and determine any other proceedings joined with those proceedings, notwithstanding that, apart from this subsection, those other proceedings would be outside the court's jurisdiction.
- (4) If any person takes any proceedings under any provision mentioned in subsection (1) above in the High Court, he shall not be entitled to recover any more costs of those proceedings than those to which he would have been entitled if the proceedings had been taken in a county court: and in such a case the taxing master shall have the same power of directing on what county court scale costs are to be allowed, and of allowing

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any item of costs, as the judge would have had if the proceedings had been taken in a county court.

- (5) Subsection (4) above shall not apply where the purpose of taking the proceedings in the High Court was to enable them to be joined with any proceedings already pending before that court (not being proceedings taken under any provision mentioned in subsection (1) above).

41 Rent assessment committees: procedure and information powers

- (1) In section 74 of the Rent Act 1977 (regulations made by the Secretary of State) at the end of paragraph (b) of subsection (1) (procedure of rent officers and rent assessment committees) there shall be added the words “whether under this Act or Part I of the Housing Act 1988”.
- (2) The rent assessment committee to whom a matter is referred under Chapter I or Chapter II above may by notice in the prescribed form served on the landlord or the tenant require him to give to the committee, within such period of not less than fourteen days from the service of the notice as may be specified in the notice, such information as they may reasonably require for the purposes of their functions.
- (3) If any person fails without reasonable excuse to comply with a notice served on him under subsection (2) above, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Where an offence under subsection (3) above committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

42 Information as to determinations of rents

- (1) The President of every rent assessment panel shall keep and make publicly available, in such manner as is specified in an order made by the Secretary of State, such information as may be so specified with respect to rents under assured tenancies and assured agricultural occupancies which have been the subject of references or applications to, or determinations by, rent assessment committees.
- (2) A copy of any information certified under the hand of an officer duly authorised by the President of the rent assessment panel concerned shall be receivable in evidence in any court and in any proceedings.
- (3) An order under subsection (1) above—
- (a) may prescribe the fees to be charged for the supply of a copy, including a certified copy, of any of the information kept by virtue of that subsection; and
 - (b) may make different provision with respect to different cases or descriptions of case, including different provision for different areas.
- (4) The power to make an order under subsection (1) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

43 Powers of local authorities for purposes of giving information

In section 149 of the Rent Act 1977 (which, among other matters, authorises local authorities to publish information for the benefit of landlords and tenants with respect to their rights and duties under certain enactments), in subsection (1)(a) after subparagraph (iv) there shall be inserted—

“(v) Chapters I to III of Part I of the Housing Act 1988”.

44 Application to Crown Property

- (1) Subject to paragraph 11 of Schedule 1 to this Act and subsection (2) below, Chapters I to IV above apply in relation to premises in which there subsists, or at any material time subsisted, a Crown interest as they apply in relation to premises in relation to which no such interest subsists or ever subsisted.
- (2) In Chapter IV above—
 - (a) sections 27 and 28 do not bind the Crown; and
 - (b) the remainder binds the Crown to the extent provided for in section 10 of the Protection from Eviction Act 1977.
- (3) In this section “Crown interest” means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall, or to a government department, or which is held in trust for Her Majesty for the purposes of a government department.
- (4) Where an interest belongs to Her Majesty in right of the Duchy of Lancaster, then, for the purposes of Chapters I to IV above, the Chancellor of the Duchy of Lancaster shall be deemed to be the owner of the interest.

45 Interpretation of Part I

- (1) In this Part of this Act, except where the context otherwise requires,—
 - “dwelling-house” may be a house or part of a house;
 - “fixed term tenancy” means any tenancy other than a periodic tenancy;
 - “fully mutual housing association” has the same meaning as in Part I of the Housing Associations Act 1985;
 - “landlord” includes any person from time to time deriving title under the original landlord and also includes, in relation to a dwelling-house, any person other than a tenant who is, or but for the existence of an assured tenancy would be, entitled to possession of the dwelling-house;
 - “let” includes “sub-let”;
 - “prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument;
 - “rates” includes water rates and charges but does not include an owner’s drainage rate, as defined in section 63(2)(a) of the Land Drainage Act 1976;
 - “secure tenancy” has the meaning assigned by section 79 of the Housing Act 1985;
 - “statutory periodic tenancy” has the meaning assigned by section 5(7) above;
 - “tenancy” includes a sub-tenancy and an agreement for a tenancy or sub-tenancy; and

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“tenant” includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

- (2) Subject to paragraph 11 of Schedule 2 to this Act, any reference in this Part of this Act to the beginning of a tenancy is a reference to the day on which the tenancy is entered into or, if it is later, the day on which, under the terms of any lease, agreement or other document, the tenant is entitled to possession under the tenancy.
- (3) Where two or more persons jointly constitute either the landlord or the tenant in relation to a tenancy, then, except where this Part of this Act otherwise provides, any reference to the landlord or to the tenant is a reference to all the persons who jointly constitute the landlord or the tenant, as the case may require.
- (4) For the avoidance of doubt, it is hereby declared that any reference in this Part of this Act (however expressed) to a power for a landlord to determine a tenancy does not include a reference to a power of re-entry or forfeiture for breach of any term or condition of the tenancy.
- (5) Regulations under subsection (1) above may make different provision with respect to different cases or descriptions of case, including different provision for different areas.