



# Leasehold Reform, Housing and Urban Development Act 1993

## 1993 CHAPTER 28

### PART II

#### PUBLIC SECTOR HOUSING

#### CHAPTER I

#### ENGLAND AND WALES

#### *Other rights of secure tenants*

#### **121 Right to have repairs carried out.**

For section 96 of the 1985 Act there shall be substituted the following section—

#### **“96 Right to have repairs carried out.**

- (1) The Secretary of State may make regulations for entitling secure tenants whose landlords are local housing authorities, subject to and in accordance with the regulations, to have qualifying repairs carried out, at their landlords' expense, to the dwelling-houses of which they are such tenants.
- (2) The regulations may make all or any of the following provisions, namely—
  - (a) provision that, where a secure tenant makes an application to his landlord for a qualifying repair to be carried out, the landlord shall issue a repair notice—
    - (i) specifying the nature of the repair, the listed contractor by whom the repair is to be carried out and the last day of any prescribed period; and
    - (ii) containing such other particulars as may be prescribed;

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- (b) provision that, if the contractor specified in a repair notice fails to carry out the repair within a prescribed period, the landlord shall issue a further repair notice specifying such other listed contractor as the tenant may require; and
  - (c) provision that, if the contractor specified in a repair notice fails to carry out the repair within a prescribed period, the landlord shall pay to the tenant such sum by way of compensation as may be determined by or under the regulations.
- (3) The regulations may also make such procedural, incidental, supplementary and transitional provisions as may appear to the Secretary of State necessary or expedient, and may in particular—
  - (a) require a landlord to take such steps as may be prescribed to make its secure tenants aware of the provisions of the regulations;
  - (b) require a landlord to maintain a list of contractors who are prepared to carry out repairs for which it is responsible under the regulations;
  - (c) provide that, where a landlord issues a repair notice, it shall give to the tenant a copy of the notice and the prescribed particulars of at least two other listed contractors who are competent to carry out the repair;
  - (d) provide for questions arising under the regulations to be determined by the county court; and
  - (e) enable the landlord to set off against any compensation payable under the regulations any sums owed to it by the tenant.
- (4) Nothing in subsection (2) or (3) shall be taken as prejudicing the generality of subsection (1).
- (5) Regulations under this section—
  - (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section—
  - “listed contractor”, in relation to a landlord, means any contractor (which may include the landlord) who is specified in the landlord’s list of contractors;
  - “qualifying repair”, in relation to a dwelling-house, means any repair of a prescribed description which the landlord is obliged by a repairing covenant to carry out;
  - “repairing covenant”, in relation to a dwelling-house, means a covenant, whether express or implied, obliging the landlord to keep in repair the dwelling-house or any part of the dwelling-house;

and for the purposes of this subsection a prescribed description may be framed by reference to any circumstances whatever.”

#### Commencement Information

- II** [S. 121](#) wholly in force at 1.12.1993 (subject to art. 5 of [S.I. 1993/2762](#)) see [s. 188\(2\)](#) and [S.I. 1993/2762, art. 4\(a\)](#)

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## 122 Right to compensation for improvements.

After section 99 of the 1985 Act there shall be inserted the following sections—

### “99A Right to compensation for improvements.

- (1) The powers conferred by this section shall be exercisable as respects cases where a secure tenant has made an improvement and—
  - (a) the work on the improvement was begun not earlier than the commencement of section 122 of the Leasehold Reform, Housing and Urban Development Act 1993,
  - (b) the landlord, or a predecessor in title of the landlord (being a local authority), has given its written consent to the improvement or is to be treated as having given its consent, and
  - (c) at the time when the tenancy comes to an end the landlord is a local authority and the tenancy is a secure tenancy.
- (2) The Secretary of State may make regulations for entitling the qualifying person or persons (within the meaning given by section 99B)—
  - (a) at the time when the tenancy comes to an end, and
  - (b) subject to and in accordance with the regulations,
 to be paid compensation by the landlord in respect of the improvement.
- (3) The regulations may provide that compensation shall be not payable if—
  - (a) the improvement is not of a prescribed description,
  - (b) the tenancy comes to an end in prescribed circumstances,
  - (c) compensation has been paid under section 100 in respect of the improvement, or
  - (d) the amount of any compensation which would otherwise be payable is less than a prescribed amount;
 and for the purposes of this subsection a prescribed description may be framed by reference to any circumstances whatever.
- (4) The regulations may provide that the amount of any compensation payable shall not exceed a prescribed amount but, subject to that, shall be determined by the landlord, or calculated, in such manner, and taking into account such matters, as may be prescribed.
- (5) The regulations may also make such procedural, incidental, supplementary and transitional provisions as may appear to the Secretary of State necessary or expedient, and may in particular—
  - (a) provide for the manner in which and the period within which claims for compensation under the regulations are to be made, and for the procedure to be followed in determining such claims,
  - (b) prescribe the form of any document required to be used for the purposes of or in connection with such claims,
  - (c) provide for questions arising under the regulations to be determined by the district valuer or the county court, and
  - (d) enable the landlord to set off against any compensation payable under the regulations any sums owed to it by the qualifying person or persons.

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- (6) Nothing in subsections (3) to (5) shall be taken as prejudicing the generality of subsection (2).
- (7) Regulations under this section—
  - (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
  - (b) shall be made by statutory instrument which (except in the case of regulations making only such provision as is mentioned in subsection (5)(b)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) For the purposes of this section and section 99B, a tenancy shall be treated as coming to an end if—
  - (a) it ceases to be a secure tenancy by reason of the landlord condition no longer being satisfied, or
  - (b) it is assigned, with the consent of the landlord—
    - (i) to another secure tenant who satisfies the condition in subsection (2) of section 92 (assignments by way of exchange), or
    - (ii) to an assured tenant who satisfies the conditions in subsection (2A) of that section.

### **99B Persons qualifying for compensation.**

- (1) A person is a qualifying person for the purposes of section 99A(2) if—
  - (a) he is, at the time when the tenancy comes to an end, the tenant or, in the case of a joint tenancy at that time, one of the tenants, and
  - (b) he is a person to whom subsection (2) applies.
- (2) This subsection applies to—
  - (a) the improving tenant;
  - (b) a person who became a tenant jointly with the improving tenant;
  - (c) a person in whom the tenancy was vested, or to whom the tenancy was disposed of, under section 89 (succession to periodic tenancy) or section 90 (devolution of term certain) on the death of the improving tenant or in the course of the administration of his estate;
  - (d) a person to whom the tenancy was assigned by the improving tenant and who would have been qualified to succeed him if he had died immediately before the assignment;
  - (e) a person to whom the tenancy was assigned by the improving tenant in pursuance of an order made under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
  - (f) a spouse or former spouse of the improving tenant to whom the tenancy has been transferred by an order under paragraph 2 of Schedule 1 to the Matrimonial Homes Act 1983.
- (3) Subsection (2)(c) does not apply in any case where the tenancy ceased to be a secure tenancy by virtue of section 89(3) or, as the case may be, section 90(3).

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- (4) Where, in the case of two or more qualifying persons, one of them (“the missing person”) cannot be found—
- (a) a claim under regulations made under section 99A may be made by, and compensation under those regulations may be paid to, the other qualifying person or persons; but
  - (b) the missing person shall be entitled to recover his share of any compensation so paid from that person or those persons.
- (5) In this section “the improving tenant” means—
- (a) the tenant by whom the improvement mentioned in section 99A(1) was made, or
  - (b) in the case of a joint tenancy at the time when the improvement was made, any of the tenants at that time.”

#### Commencement Information

- I2** S. 122 wholly in force at 1.2.1994 (subject to art. 5 of S.I. 1993/2762) see s. 188(2) and S.I. 1993/2762, art. 4(b)

### 123 Right to information.

After subsection (2) of section 104 of the 1985 Act (provision of information about tenancies) there shall be inserted the following subsection—

- “(3) A local authority which is the landlord under a secure tenancy shall supply the tenant, at least once in every relevant year, with a copy of such information relating to the provisions mentioned in subsection (1)(b) and (c) as was last published by it; and in this subsection “relevant year” means any period of twelve months beginning with an anniversary of the date of such publication.”

### 124 Existing rights with respect to disposals by housing action trusts.

- (1) In subsection (2)(b) of section 79 of the <sup>M1</sup>Housing Act 1988 (disposals by housing action trusts), the words “in accordance with section 84 below” shall be omitted.
- (2) For subsection (1) of section 84 of that Act (provisions applicable to disposals of dwelling-houses let on secure tenancies) there shall be substituted the following subsection—
  - “(1) The provisions of this section apply in any case where—
    - (a) a housing action trust proposes to make a disposal of one or more houses let on secure tenancies which would result in a person who, before the disposal, is a secure tenant of the trust becoming, after the disposal, the tenant of another person, and
    - (b) that other person is not a local housing authority or other local authority.”
- (3) In subsection (7) of that section—
  - (a) after the words “a disposal to which this section applies,” there shall be inserted the words “ or a disposal which would be such a disposal if subsection (1)(b) above were omitted, ”; and

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- (b) after the words “such further consultation” there shall be inserted the words  
 “or, as the case may be, such consultation”.

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

#### Textual Amendments

**F1** S. 124(4)-(6) repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt.IX**; S.I. 1996/2402, **art. 3(b)** (with transitional savings in **art. 3**, **Sch. para. 12**)

#### Commencement Information

**I3** S. 124 wholly in force at 11.10.1993 (subject to the transitional provisions and savings in Sch. 1 to 1993/2134) see **s. 188(2)** and S.I. 1993/2134, **art. 4(b)**

#### Marginal Citations

**M1** 1988 c. 50.

### 125 New rights with respect to such disposals.

- (1) For subsections (2) and (3) of section 84 of the Housing Act 1988 (disposal by housing action trusts of dwelling-houses let on secure tenancies) there shall be substituted the following subsections—

“(2) Before applying to the Secretary of State for consent to the proposed disposal or serving notice under subsection (4) below, the housing action trust shall serve notice in writing on any local housing authority in whose area any houses falling within subsection (1) above are situated—

- (a) informing the authority of the proposed disposal and specifying the houses concerned, and
- (b) requiring the authority within such period, being not less than 28 days, as may be specified in the notice, to serve on the trust a notice under subsection (3) below.

(3) A notice by a local housing authority under this subsection shall inform the housing action trust, with respect to each of the houses specified in the notice under subsection (2) above which is in the authority’s area, of the likely consequences for the tenant if the house were to be acquired by the authority.”

- (2) In subsection (4) of that section, for paragraphs (d) and (e) there shall be substituted the following paragraphs—

- “(d) if the local housing authority in whose area the house of which he is tenant is situated has served notice under subsection (3) above, informing him (in accordance with the information given in the notice) of the likely consequences for him if the house were to be acquired by that authority;
- (e) informing him, if he wishes to become a tenant of that authority, of his right to make representations to that effect under paragraph (f) below and of the rights conferred by section 84A below;”.

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(3) For subsection (5) of that section there shall be substituted the following subsections—

“(5) If, by virtue of any representations made to the housing action trust in accordance with subsection (4)(f) above, section 84A below applies in relation to any house or block of flats, the trust shall—

- (a) serve notice of that fact on the Secretary of State, on the local housing authority and on the tenant of the house or each of the tenants of the block, and
- (b) so amend its proposals with respect to the disposal as to exclude the house or block;

and in this subsection “house” and “block of flats” have the same meanings as in that section.

(5A) The housing action trust shall consider any other representations so made and, if it considers it appropriate to do so having regard to any of those representations—

- (a) may amend (or further amend) its proposals with respect to the disposal, and
- (b) in such a case, shall serve a further notice under subsection (4) above (in relation to which this subsection will again apply).”

(4) In subsection (6) of that section, after the words “subsection (5)” there shall be inserted the words “ or subsection (5A) ”.

(5) After that section there shall be inserted the following section—

**“84A Transfer by order of certain dwelling-houses let on secure tenancies.**

(1) This section applies in relation to any house or block of flats specified in a notice under subsection (2) of section 84 above if—

- (a) in the case of a house, the tenant makes representations in accordance with paragraph (f) of subsection (4) of that section to the effect that he wishes to become a tenant of the local housing authority in whose area the house is situated; or
- (b) in the case of a block of flats, the majority of the tenants who make representations in accordance with that paragraph make representations to the effect that they wish to become tenants of the local housing authority in whose area the block is situated.

(2) The Secretary of State shall by order provide for the transfer of the house or block of flats from the housing action trust to the local housing authority.

(3) The Secretary of State may also by order transfer from the housing action trust to the local housing authority so much as appears to the Secretary of State to be appropriate of any property belonging to or usually enjoyed with the house or, as the case may be, the block or any flat contained in it; and for this purpose “property” includes chattels of any description and rights and liabilities, whether arising by contract or otherwise.

(4) A transfer of any house, block of flats or other property under this section shall be on such terms, including financial terms, as the Secretary of State thinks fit; and an order under this section may provide that, notwithstanding

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anything in section 141 of the Law of Property Act 1925 (rent and benefit of lessee's covenants to run with the reversion), any rent or other sum which—

- (a) arises under the tenant's tenancy or any of the tenants' tenancies, and
- (b) falls due before the date of the transfer,

shall continue to be recoverable by the housing action trust to the exclusion of the authority.

- (5) Without prejudice to the generality of subsection (4) above, the financial terms referred to in that subsection may include provision for payments to a local housing authority (as well as or instead of payments by a local housing authority); and the transfer from a housing action trust of any house, block of flats or other property by virtue of this section shall not be taken to give rise to any right to compensation.

- (6) In this section—

“block of flats” means a building containing two or more flats;

“common parts”, in relation to a building containing two or more flats, means any parts of the building which the tenants of the flats are entitled under the terms of their tenancies to use in common with each other;

“flat” and “house” have the meanings given by section 183 of the Housing Act 1985;

and any reference to a block of flats specified in a notice under section 84(2) above is a reference to a block in the case of which each flat which is let on a secure tenancy is so specified.

- (7) For the purposes of subsection (6) above, a building which contains—

- (a) one or more flats which are let, or available for letting, on secure tenancies by the housing action trust concerned, and
- (b) one or more flats which are not so let or so available,

shall be treated as if it were two separate buildings, the one containing the flat or flats mentioned in paragraph (a) above and the other containing the flat or flats mentioned in paragraph (b) above and any common parts.”

#### Commencement Information

- I4** [S. 125](#) wholly in force at 11.10.1993 (subject to the transitional provisions and savings in Sch. 1 to 1993/2134) see [s. 188\(2\)](#) and [S.I. 1993/2134](#), [art. 4\(b\)](#)



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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

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

- s. 12A and cross-heading inserted by [2002 c. 15 s. 123\(1\)](#)
- s. 12A(3)(a)(b) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 12A(4)(a) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 12A(4)(c) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 13(2ZA) inserted by [2002 c. 15 s. 121\(3\)](#)
- s. 13(2ZB) inserted by [2002 c. 15 s. 123\(2\)](#)
- s. 13(5A) inserted by [2002 c. 15 Sch. 8 para. 6\(3\)](#)
- s. 29(4A) inserted by [2002 c. 15 Sch. 8 para. 18\(2\)](#)
- s. 29(4A) words added by [S.I. 2003/2096 Sch. para. 20\(b\)](#)
- s. 29(4A)(a) words omitted by [S.I. 2003/2096 Sch. para. 20\(a\)](#)
- s. 29(4A)(d) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(6\)](#)
- s. 70(15) inserted by [2023 asc 3 Sch. 13 para. 166\(b\)](#)
- s. 78(5A)-(5C) inserted by [2008 c. 17 Sch. 12 para. 15\(3\)](#)
- s. 78(7) inserted by [2008 c. 17 Sch. 12 para. 15\(4\)](#)
- s. 79(2)(2A) substituted for s. 79(2) by [2002 c. 15 Sch. 10 para. 16\(3\)](#)
- s. 156(4) repealed by [2014 asp 14 sch. 2 para. 7](#)
- Sch. 20 para. 5(1A) inserted by [2008 c. 29 Sch. 9 para. 5\(2\)](#)