Housing Act 1996

1996 CHAPTER 52

An Act to make provision about housing, including provision about the social rented sector, houses in multiple occupation, landlord and tenant matters, the administration of housing benefit, the conduct of tenants, the allocation of housing accommodation by local housing authorities and homelessness; and for connected purposes. [24th July 1996]

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:—

Extent Information

E1 Act extends to E.W. only with the exceptions mentioned in s. 231(2)(3); and any amendment or repeal of an enactment has the same extent as the enactment amended or repealed with the exceptions mentioned in s. 231(4)(a)-(d)

Modifications etc. (not altering text)

C1 Act (except Pt. IV and ss. 186, 187, 221(5)): powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch.1**
Act: power to modify conferred (E.W.S) (2.4.2001) by 2000 c. 39, **s. 7(2)**; S.I. 2001/766, **art. 2(1)(a)**

C2 Act modified (E.W) (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), **reg. 12(1)(a)(i)** (with reg. 1(2))

C3 Act: transfer of functions (E.W.) (1.12.2008 for specified purposes) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

C4 Act modified (E.W.) (26.11.2018) by The Local Government (Boundary Changes) Regulations 2018 (S.I. 2018/1128), **reg. 18(2)(a)** (with reg. 1(2)(3))

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART I

[F1SOCIAL RENTED SECTOR [F2REGULATED BY THE WELSH MINISTERS]]

Textual Amendments

F1 Pt. I title substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(1)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F2 Words in Pt. I title substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 2**; S.I. 2011/2475, arts. 1(2), 2(u)

Modifications etc. (not altering text)

C5 Part I (ss. 1-64) amended (1.10.1996) by S.I. 1996/2325, **art.3**

C6 Pt. 1: The system of "registered social landlords" under this Part is replaced (8.9.2008 for specified purposes and 1.12.2008, 16.2.2009, 1.4.2009, 7.9.2009 and 1.4.2010 for further purposes) by Housing and Regeneration Act 2008 (c. 17), Pt. 2. This Part continues to apply in relation to Wales with certain provisions applied in relation to England and certain provisions preserved although they apply to England only, see s. 60 of the affecting Act; S.I. 2008/2358, art. 3; S.I. 2008/3068, art. 3 (with arts. 6-13); S.I. 2009/363, art. 2; S.I. 2009/803, art. 7; S.I. 2009/2096, art. 2(1); S.I. 2010/862, art. 2 (with Sch.)

CHAPTER I

REGISTERED SOCIAL LANDLORDS

Registration

[F3A1 Introduction

This Chapter provides for the registration of social landlords in Wales.]

Textual Amendments

F3 S. A1 inserted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(2)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

1 The register of social landlords.

(1) [F4The Welsh Ministers] shall maintain a register of social landlords which shall be open to inspection at all reasonable times F5. . ..

F6(1A) . . . . . .

F6(1B) . . . . . .

F7(2) . . . . . .

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F4 Words in s. 1 substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(3)(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F5 Words in s. 1(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 83(2), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F6 S. 1(1A)(1B) repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 61(3)(b), 325(1), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

F7 S. 1(2) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 83(4), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Modifications etc. (not altering text)

C7 S. 1 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

C8 S. 1 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

[F8 1A Welsh bodies

In this Chapter "Welsh body" means a body which is—

(a) a registered charity whose address, for the purposes of registration by the Charity Commission for England and Wales, is in Wales,

(b) **[**F9 a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 (in this Part, a "registered society") whose registered office for the purposes of that Act is in Wales,**]** or

(c) a company within the meaning of the Companies Act 2006 which has its registered office for the purposes of that Act in Wales.**]**

Textual Amendments

F8 S. 1A inserted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(4)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F9 S. 1A(b) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 57** (with Sch. 5)

2 Eligibility for registration.

(1) **[**F10 A Welsh body**]** is eligible for registration as a social landlord if it is—

(a) a registered charity which is a housing association,

(b) **[**F11 a registered society**]** which satisfies the conditions in subsection (2), or

(c) **[**F12 a company**]** which satisfies those conditions.

(2) The conditions are that the body is **[**F13 principally concerned with Welsh housing, is**]** non-profit-making and is established for the purpose of, or has among its objects or powers, the provision, construction, improvement or management of—

(a) houses to be kept available for letting,

(b) houses for occupation by members of the body, where the rules of the body restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the body, or

(c) hostels,

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and that any additional purposes or objects are among those specified in subsection (4).

[F14(2A) A body is principally concerned with Welsh housing if the Welsh Ministers think—

(a) that it owns housing only or mainly in Wales, or

(b) that its activities are principally undertaken in respect of Wales;

and once a body has been registered in reliance on paragraph (a) or (b) it does not cease to be eligible for registration by virtue only of ceasing to satisfy that paragraph.**]**

(3) For the purposes of this section a body is non-profit-making if—

(a) it does not trade for profit, or

(b) its constitution or rules prohibit the issue of capital with interest or dividend exceeding the rate prescribed by the Treasury for the purposes of section 1(1)(b) of the M1Housing Associations Act 1985.

(4) The permissible additional purposes or objects are—

(a) providing land, amenities or services, or providing, constructing, repairing or improving buildings, for its residents, either exclusively or together with other persons;

(b) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease or on shared ownership terms;

(c) constructing houses to be disposed of on shared ownership terms;

(d) managing houses held on leases or other lettings (not being houses within subsection (2)(a) or (b)) or blocks of flats;

(e) providing services of any description for owners or occupiers of houses in arranging or carrying out works of maintenance, repair or improvement, or encouraging or facilitating the carrying out of such works;

(f) encouraging and giving advice on the forming of housing associations or providing services for, and giving advice on the running of, such associations and other voluntary organisations concerned with housing, or matters connected with housing.

(5) A body is not ineligible for registration as a social landlord by reason only that its powers include power—

(a) to acquire commercial premises or businesses as an incidental part of a project or series of projects undertaken for purposes or objects falling within subsection (2) or (4);

(b) to repair, improve or convert commercial premises acquired as mentioned in paragraph (a) or to carry on for a limited period any business so acquired;

(c) to repair or improve houses, or buildings in which houses are situated, after a disposal of the houses by the body by way of sale or lease or on shared ownership terms.

(6) In this section—

"block of flats" means a building containing two or more flats which are held on leases or other lettings and which are occupied or intended to be occupied wholly or mainly for residential purposes;

"disposed of on shared ownership terms" means disposed of on a lease—

(a) granted on a payment of a premium calculated by reference to a percentage of the value of the house or of the cost of providing it, or

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(b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference directly or indirectly to the value of the house;

"letting" includes the grant of a licence to occupy;

"residents", in relation to a body, means persons occupying a house or hostel provided or managed by the body; and

"voluntary organisation" means an organisation whose activities are not carried on for profit.

(7) The **[**F15Welsh Ministers**]** may by order specify permissible purposes, objects or powers additional to those specified in subsections (4) and (5).

The order may (without prejudice to the inclusion of other incidental or supplementary provisions) contain such provision as the **[**F15Welsh Ministers**]** thinks fit with respect to the priority of mortgages entered into in pursuance of any additional purposes, objects or powers.

(8) An order under subsection (7) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of **[**F16the National Assembly for Wales**]** .

Textual Amendments

F10 Words in s. 2(1) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(5)(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F11 Words in s. 2(1)(b) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 58** (with Sch. 5)

F12 Words in s. 2(1)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(a)** (with art. 10)

F13 Words in s. 2(2) inserted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(5)(b)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F14 S. 2(2A) inserted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(5)(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F15 Words in s. 2(7) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(5)(d)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F16 Words in s. 2(8) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(5)(e)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C9 S. 2(4) extended (19.4.1999) by 1999/985, art.2
S. 2(4) extended (1.7.1999) by S.I. 1999/1206, **art. 2(1)**

Commencement Information

I1 S. 2 wholly in force 1.10.1996; s. 2 not in force at Royal Assent see s. 232(1)-(3); s. 2(7)(8) in force at 1.8.1996 by 1996/2048, art. 2(1) and s. 2 in force at 1.10.1996 to the extent not already in force by S.I. 1996/2402, **art. 3** (subject to the transitional provisions and savings in the Sch. to that S.I.)

Marginal Citations

M1 1985 c. 69.

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3 Registration.

(1) The **[**F17Relevant Authority**]** may register as a social landlord **[**F18any Welsh body**]** which is eligible for such registration.

(2) An application for registration shall be made in such manner, and shall be accompanied by such fee (if any), as **[**F19the Welsh Ministers**]** may determine.

(3) As soon as may be after registering a body as a social landlord **[**F19the Welsh Ministers**]** shall give notice of the registration—

(a) in the case of a registered charity, to the **[**F20Charity Commission**]**,

(b) in the case of **[**F21a registered society**]**, to the **[**F22Financial Conduct Authority**]**, and

(c) in the case of **[**F23a company (including a company that is a registered charity)**]**, to the registrar of companies,

who shall record the registration.

(4) **[**F24A Welsh body**]** which at any time is, or was, registered as a social landlord shall, for all purposes other than rectification of the register, be conclusively presumed to be, or to have been, at that time a body eligible for registration as a social landlord.

Textual Amendments

F17 Words in Pt. 1 substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.

F18 Words in s. 3(1) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(6)(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F20 Words in s. 3(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 184**; S.I. 2007/309, art. 2, Sch.

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F22 Words in s. 3(3)(b) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(a)** (with Sch. 12)

F23 Words in s. 3(3)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(3)(a)** (with art. 10)

F24 Words in s. 3(4) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(6)(b)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Commencement Information

I2 S. 3 wholly in force 1.10.1996; s. 3 not in force at Royal Assent see s. 232(1)-(3); s. 3(2) in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 3** and s. 3 in force at 1.10.1996 to the extent it is not already in force by S.I. 1996/2402, **art. 3** (subject to the transitional provisions and savings in the Sch. to that S.I.)

4 Removal from the register.

(1) A body which has been registered as a social landlord shall not be removed from the register except in accordance with this section.

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(2) If it appears to the **[**F19the Welsh Ministers**]** that a body which is on the register of social landlords—

(a) is no longer a body eligible for such registration, or

(b) has ceased to exist or does not operate,

[F19the Welsh Ministers**]** shall, after giving the body at least 14 days' notice, remove it from the register.

(3) In the case of a body which appears to **[**F19the Welsh Ministers**]** to have ceased to exist or not to operate, notice under subsection (2) shall be deemed to be given to the body if it is served at the address last known to **[**F19the Welsh Ministers**]** to be the principal place of business of the body.

(4) A body which is registered as a social landlord may request **[**F19the Welsh Ministers**]** to remove it from the register and **[**F19the Welsh Ministers**]** may do so, subject to the following provisions.

(5) Before removing a body from the register of social landlords under subsection (4) **[**F19the Welsh Ministers**]** shall consult the local authorities in whose area the body operates; and **[**F19the Welsh Ministers**]** shall also inform those authorities of its decision.

(6) As soon as may be after removing a body from the register of social landlords **[**F19the Welsh Ministers**]** shall give notice of the removal—

(a) in the case of a registered charity, to the **[**F25Charity Commission**]**,

(b) in the case of **[**F21a registered society**]**, to the **[**F26Financial Conduct Authority**]**, and

(c) in the case of **[**F27a company (including a company that is a registered charity)**]**, to the registrar of companies,

who shall record the removal.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F25 Words in s. 4(6) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 185**; S.I. 2007/309, art. 2, Sch.

F26 Words in s. 4(6)(b) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(b)** (with Sch. 12)

F27 Words in s. 4(6)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(3)(b)** (with art. 10)

Modifications etc. (not altering text)

C10 S. 4 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

5 Criteria for registration or removal from register.

(1) The **[**F28Relevant Authority**]** shall establish (and may from time to time vary) criteria which should be satisfied by a body seeking registration as a social landlord; and

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in deciding whether to register a body **[**F19the Welsh Ministers**]** shall have regard to whether those criteria are met.

(2) The **[**F28Relevant Authority**]** shall establish (and may from time to time vary) criteria which should be satisfied where such a body seeks to be removed from the register of social landlords; and in deciding whether to remove a body from the register the **[**F28Relevant Authority**]** shall have regard to whether those criteria are met.

(3) Before establishing or varying any such criteria **[**F19the Welsh Ministers**]** shall consult such bodies representative of registered social landlords, and such bodies representative of local authorities, as it thinks fit.

(4) The **[**F28Relevant Authority**]** shall publish the criteria for registration and the criteria for removal from the register in such manner as **[**F19the Welsh Ministers**]** considers appropriate for bringing the criteria to the notice of bodies representative of registered social landlords and bodies representative of local authorities.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F28 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

6 Appeal against decision on removal.

(1) A body which is aggrieved by a decision of **[**F19the Welsh Ministers**]**—

(a) not to register it as a social landlord, or

(b) to remove or not to remove it from the register of social landlords,

may appeal against the decision to the High Court.

(2) If an appeal is brought against a decision relating to the removal of a body from the register, **[**F19the Welsh Ministers**]** shall not remove the body from the register until the appeal has been finally determined or is withdrawn.

(3) As soon as may be after an appeal is brought against a decision relating to the removal of a body from the register, **[**F19the Welsh Ministers**]** shall give notice of the appeal—

(a) in the case of a registered charity, to the **[**F29Charity Commission**]**,

(b) in the case of **[**F21a registered society**]**, to the **[**F30Financial Conduct Authority**]**, and

(c) in the case of **[**F31a company (including a company that is a registered charity)**]**, to the registrar of companies.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F29 Words in s. 6(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 186**; S.I. 2007/309, art. 2, Sch.

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F30 Words in s. 6(3)(b) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(c)** (with Sch. 12)

F31 Words in s. 6(3)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(3)(c)** (with art. 10)

Modifications etc. (not altering text)

C11 S. 6 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**
S. 6 restricted (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 3**

[F32 Voluntary undertakings

Textual Amendments

F32 S. 6A and cross-heading inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 41**, 90(2); S.I. 2011/2475, arts. 1(2), 2(f)

6A Voluntary undertakings

(1) A registered social landlord may give the Welsh Ministers an undertaking in respect of any matter concerning housing.

(2) The Welsh Ministers may prescribe a procedure to be followed in giving an undertaking.

(3) The Welsh Ministers must have regard to any undertaking offered or given in exercising a regulatory or enforcement power.

(4) The Welsh Ministers may base a decision about whether to exercise a regulatory or enforcement power wholly or partly on the extent to which an undertaking has been honoured.

(5) In this section, "regulatory or enforcement power" means a power exercisable under any of the following provisions—

section 35,
section 37,
section 38,
Chapter 4A of this Part,
paragraphs 4 and 6 to 15H of Part 2 of Schedule 1,
Part 3A of Schedule 1,
Part 4 of Schedule 1.

(6) This section does not apply in relation to a registered social landlord's provision of housing in England.**]**

Regulation of registered social landlords

7 Regulation of registered social landlords.

Schedule 1 has effect for the regulation of registered social landlords.

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Part I relates to the control of payments to members and similar matters.

Part II relates to the constitution, change of rules, amalgamation or dissolution of a registered social landlord.

[[F33]Part 3A relates to inspection.**]**

Part III relates to accounts and audit.

Part IV relates to inquiries into the affairs of a registered social landlord.

Textual Amendments

F33 Words in s. 7 inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 3**; S.I. 2011/2475, arts. 1(2), 2(u)

Commencement Information

I3 S. 7 wholly in force 1.10.1996; s. 7 not in force at Royal Assent see s. 232(1)-(3); s. 7 in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **arts. 2**, 3; s. 7 in force at 1.10.1996 to the extent it is not already in force by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch. to that S.I.)

[[F34]CHAPTER 1A

BOARD MEMBERSHIP AND VOTING RIGHTS

Textual Amendments

F34 Pt. I Ch. 1A inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 1**; S.I. 2018/777, art. 3(f)

General

7A Meaning of key terms used in this Chapter

(1) References in this Chapter to the board of a registered social landlord are—

(a) in the case of a registered social landlord that is a company (including a company that is a registered charity), references to the company's board of directors;

(b) in the case of a registered social landlord that is a registered charity (but is not a company), references to the charity's board of trustees;

(c) in the case of a registered social landlord that is a registered society, references to the society's committee.

(2) References in this Chapter to board members, in relation to a registered social landlord, are to members of the registered social landlord's board.

(3) References in this Chapter to local authority appointees, in relation to the board of a registered social landlord, are to persons appointed to the board, or nominated for appointment to the board, by a local authority.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Limit on local authority appointees to board

7B Limit on local authority appointments to board

(1) No appointment within subsection (2) may be made to the board of a registered social landlord on or after the day on which this section comes into force.

(2) An appointment is within this subsection if its effect, but for this section, would be that more than 24 per cent of the board members of the registered social landlord would be local authority appointees.

(3) To the extent that any provision in the constitution or rules of a registered social landlord would, but for this subsection, conflict with subsection (1) or (2), that provision is to be treated as having no effect.

7C Removal of local authority appointees to comply with 24 per cent limit

(1) This section applies in respect of a registered social landlord if, on the commencement date, more than 24 per cent of the board members of the registered social landlord are local authority appointees.

(2) The registered social landlord must remove local authority appointees from the board to the extent it is necessary to do so to comply with the 24 per cent limit.

(3) The registered social landlord must comply with the duty in subsection (2) before the expiry of the 4 month period but, subject to subsection (5), the landlord may not remove an appointee until after the 2 month period expires.

(4) A local authority may, before the expiry of the 2 month period, give notice to the registered social landlord specifying local authority appointees appointed or nominated by that authority who are to be removed from the board in order to comply with the 24 per cent limit.

(5) Where notice has been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must remove the specified local authority appointees from the board (and may do so before the expiry of the 2 month period).

(6) Where notice has not been given in accordance with subsection (4) the registered social landlord, in complying with subsection (2), must select the local authority appointees who are to be removed from the board.

(7) In this section—

"commencement date" means the day on which this section comes into force;

"2 month period" means the period of 2 months beginning with the commencement date;

"4 month period" means the period of 4 months beginning with the commencement date;

references to complying with the 24 per cent limit, in relation to the board of a registered social landlord, are to ensuring that no more than 24 per cent of the members of the board of the registered social landlord are local authority appointees.

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7D Procedure for selection by registered social landlord of local authority appointees for removal

(1) The selection under section 7C(6) of a local authority appointee for removal from the board of a registered social landlord is to be effected by a majority vote of the votes cast by board members who are not local authority appointees.

(2) To the extent that any provision in the constitution or rules of the landlord would, but for this subsection, conflict with subsection (1), that provision is to be treated as having no effect for the purposes of section 7C.

Quorum and voting rights of board members

7E Board quorum: no requirement for local authority appointee

(1) To the extent that any provision of the constitution or rules of a registered social landlord is within subsection (2), it is to be treated as having no effect.

(2) Provision is within this subsection if, but for this section, it would require the presence of one or more local authority appointees in order for a meeting of the board of the registered social landlord to be quorate.

7F Board resolutions: 75 per cent threshold

(1) To the extent that any provision in the constitution or rules of a registered social landlord is within subsection (2), subsection (3) applies in respect of that provision.

(2) Provision is within this section if, but for this section, it would permit a resolution of the board of the registered social landlord to be passed only if more than 75 per cent of the votes cast by the board are in favour of the resolution.

(3) The provision is to be treated as requiring only 75 per cent of the votes cast by the board to be in favour of the resolution.

Consent to constitutional change

7G Constitutional changes: no requirement for local authority consent and no power of veto

(1) To the extent that any provision of the constitution or rules of a registered social landlord is within subsection (2), it is to be treated as having no effect.

(2) Provision is within this subsection if, but for this section, it would—

(a) require the consent of a local authority, or of a local authority appointee, to a change to the constitution or rules of the registered social landlord, or

(b) confer on a local authority, or a local authority appointee, power to veto a change within paragraph (a).

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Voting rights of members of registered social landlord

7H Voting rights of local authorities

(1) This section applies if a local authority is a member of a registered social landlord.

(2) To the extent that any provision in the constitution or rules of the registered social landlord would confer on the local authority the right, as a member of the registered social landlord, to vote on resolutions of the registered social landlord, that provision is to be treated as having no effect.

7I Provision in agreements that is to be treated as having no effect

To the extent that any provision in an agreement between a registered social landlord and another person would, if it were included in the constitution or rules of the registered social landlord, be treated as having no effect by virtue of this Chapter, that provision of the agreement is to be treated as having no effect.

Wholly controlled subsidiaries: power to disapply this Chapter

7J Power to disapply provisions of this Chapter

(1) The Welsh Ministers may by order provide that provisions of this Chapter specified in the order are not to apply to registered social landlords that are wholly controlled local authority subsidiaries.

(2) A registered social landlord is a wholly controlled local authority subsidiary if—

(a) it is a company or registered society;

(b) all of its members are within subsection (3), and

(c) one or more of the conditions in subsection (4) (in the case of a company) or in subsection (5) (in the case of a registered society) is met.

(3) A person is within this subsection if the person is—

(a) a local authority;

(b) a company or registered society that is a subsidiary of a local authority (see subsection (6));

(c) a person acting on behalf of a person within paragraph (a) or (b).

(4) The conditions are—

(a) a local authority has power to appoint or remove all or a majority of the board of directors;

(b) a local authority holds more than half in nominal value of the company's equity share capital;

(c) the company is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or (b) or in subsection (5)(a).

(5) The conditions are—

(a) a local authority has power to appoint or remove all or a majority of the members of the committee of management of the society;

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(b) the society is a subsidiary, within the meaning of the Companies Act 2006 or Part 7 of the Co-operative and Community Benefit Societies Act 2014, of a company or a registered society that is a subsidiary of a local authority by virtue of meeting the condition in paragraph (a) or in subsection (4)(a) or (b).

(6) For the purposes of subsection (3)(b), a company or registered society is a subsidiary of a local authority if one or more of the conditions in subsection (4) (in the case of a company) or subsection (5) (in the case of a registered society) is met.

(7) The Welsh Ministers may by order make provision for a registered social landlord of a description specified in the order to be treated as being a wholly controlled local authority subsidiary for the purposes of this section and any order made under it.

(8) An order under this section is to be made by statutory instrument subject to annulment in pursuance of a resolution of the National Assembly for Wales.**]**

[F35]CHAPTER II

DISPOSAL OF LAND AND RELATED MATTERS

Textual Amendments

F35 Pt. 1: The system of "registered social landlords" under this Part is replaced (8.9.2008 for specified purposes and 1.12.2008, 16.2.2009, 1.4.2009, 7.9.2009 and 1.4.2010 for further purposes) by Housing and Regeneration Act 2008 (c. 17), Pt. 2. This Part continues to apply in relation to Wales with certain provisions applied in relation to England and certain provisions preserved although they apply to England only, see s. 60 of the affecting Act; S.I. 2008/2358, art. 3; S.I. 2008/3068, art. 3 (with arts. 6-13); S.I. 2009/363, art. 2; S.I. 2009/803, art. 7; S.I. 2009/2096, art. 2(1); S.I. 2010/862, art. 2 (with Sch.)

Power of registered social landlord to dispose of land

8 Power of registered social landlord to dispose of land.

(1) A registered social landlord has power by virtue of this section and not otherwise to dispose, in such manner as it thinks fit, of land held by it.

(2) Section 39 of the [M2]Settled Land Act 1925 (disposal of land by trustees) does not apply to the disposal of land by a registered social landlord; and accordingly the disposal need not be for the best consideration in money that can reasonably be obtained.

Nothing in this subsection shall be taken to authorise any action on the part of a charity which would conflict with the trusts of the charity.

(3) This section has effect subject to section 9 **[**[F36](notification to Welsh Ministers of disposal of land)**]**.

Textual Amendments

F36 Words in s. 8(3) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 3**; S.I. 2018/777, art. 3(g)

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Modifications etc. (not altering text)
C12 S. 8 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

Marginal Citations
M2 1925 c. 18.

[F37Requirements relating to] land transactions

Textual Amendments
F37 Words in s. 9 cross-heading substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 4**; S.I. 2018/777, art. 3(g)

[F38 9 Notification to Welsh Ministers of disposal of land

(1) If a registered social landlord disposes of land under section 8, the landlord must notify the Welsh Ministers.

(2) For the purposes of this section disposing of land means selling it, leasing it, mortgaging it, making it subject to a charge, or disposing of it in any other way.

(3) The Welsh Ministers may give directions to registered social landlords about—
(a) the delivery, form and content of notification under this section;
(b) the deadline for giving notification under this section.

(4) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give notification under this section.

(5) A direction under this section may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.

(6) A direction may vary or revoke a previous direction under this section.

(7) A registered social landlord must comply with a direction under this section.**]**

Textual Amendments
F38 S. 9 substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 14**, 19(2); S.I. 2018/777, art. 3(e)

F40 10 Lettings and other disposals not requiring consent of [F39Relevant Authority].

. . . . . .

Textual Amendments
F39 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

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F40 S. 10 omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 5**; S.I. 2018/777, art. 3(g)

Modifications etc. (not altering text)
C13 S. 10 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

[F41 11 Covenant for repayment of discount on disposal

(1) Where on a disposal of a house by a registered social landlord[F42]... a discount has been given to the purchaser, [F43]... the conveyance, grant or assignment shall contain a covenant binding on the purchaser and his successors in title to the following effect.

(2) The covenant shall be to pay to the landlord such sum (if any) as the landlord may demand in accordance with subsection (3) on the occasion of the first relevant disposal which is not an exempted disposal and which takes place within the period of five years beginning with the conveyance, grant or assignment.

(3) The landlord may demand such sum as he considers appropriate, up to and including the maximum amount specified in this section.

(4) The maximum amount which may be demanded by the landlord is a percentage of the price or premium paid for the first relevant disposal which is equal to the percentage discount given to the purchaser in respect of the disposal of the house by the landlord.

(5) But for each complete year which has elapsed after the conveyance, grant or assignment and before the first relevant disposal the maximum amount which may be demanded by the landlord is reduced by one-fifth.

(6) Subsections (3) to (5) are subject to section 11A.

Textual Amendments
F41 Ss. 11-11B substituted for s. 11 (18.1.2005) by Housing Act 2004 (c. 34), **ss. 199(1)**, 270(3)(a) (with s. 199(3))
F42 Words in s. 11(1) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 6(a)**; S.I. 2018/777, art. 3(g)
F43 Words in s. 11(1) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 6(b)**; S.I. 2018/777, art. 3(g)

Modifications etc. (not altering text)
C14 Ss. 11-12 applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

11A Increase in value of house attributable to home improvements to be disregarded

(1) In calculating the maximum amount which may be demanded by the landlord under section 11, such amount (if any) of the price or premium paid for the first relevant disposal which is attributable to improvements made to the house—

(a) by the person by whom the disposal is, or is to be, made, and

(b) after the conveyance, grant or assignment and before the disposal,

shall be disregarded.

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(2) The amount to be disregarded under this section shall be such amount as may be agreed between the parties or determined by the district valuer.

(3) The district valuer shall not be required by virtue of this section to make a determination for the purposes of this section unless—

(a) it is reasonably practicable for him to do so; and

(b) his reasonable costs in making the determination are paid by the person by whom the disposal is, or is to be, made.

(4) If the district valuer does not make a determination for the purposes of this section (and in default of an agreement), no amount is required to be disregarded under this section.**]**

Textual Amendments

F41 Ss. 11-11B substituted for s. 11 (18.1.2005) by Housing Act 2004 (c. 34), **ss. 199(1)**, 270(3)(a) (with s. 199(3))

Modifications etc. (not altering text)

C14 Ss. 11-12 applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

12 Priority of charge for repayment of discount.

(1) The charge taking effect by virtue of **[**F44 section 11B **]** (charge for repayment of discount) has priority immediately after any legal charge securing an amount—

(a) left outstanding by the purchaser, or

(b) advanced to him by an approved lending institution for the purpose of enabling him to acquire the interest disposed of on the first disposal,

subject to the following provisions.

(2) An advance which is made for a purpose other than that mentioned in subsection (1)(b) and which is secured by a legal charge having priority to the charge taking effect by virtue of **[**F44 section 11B **]** , and any further advance which is so secured, shall rank in priority to that charge if, and only if, the registered social landlord by notice served on the institution concerned gives consent.

The landlord shall give consent if the purpose of the advance or further advance is an approved purpose.

(3) The registered social landlord may at any time by notice served on an approved lending institution postpone the charge taking effect by virtue of **[**F44 section 11B **]** to an advance or further advance which—

(a) is made to the purchaser by that institution, and

(b) is secured by a legal charge not having priority to that charge;

and the landlord shall serve such a notice if the purpose of the advance or further advance is an approved purpose.

(4) The covenant required by **[**F44 section 11B **]** does not, by virtue of its binding successors in title of the purchaser, bind a person exercising rights under a charge having priority over the charge taking effect by virtue of that section, or a person deriving title under him.

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A provision of the conveyance, grant or assignment, or of a collateral agreement, is void in so far as it purports to authorise a forfeiture, or to impose a penalty or disability, in the event of any such person failing to comply with that covenant.

(5) In this section "approved lending institution" means—

(a) a building society, bank, insurance company or friendly society,

(b) **[**F19the Welsh Ministers**]**, or

[F45(c) an authorised mortgage lender (within the meaning of the Housing Act 1985 (see section 622 of that Act)).**]**

(6) The following are "approved purposes" for the purposes of this section—

(a) to enable the purchaser to defray, or to defray on his behalf, any of the following—

(i) the cost of any works to the house,

(ii) any service charge payable in respect of the house for works, whether or not to the house, and

(iii) any service charge or other amount payable in respect of the house for insurance, whether or not of the house, and

(b) to enable the purchaser to discharge, or to discharge on his behalf, any of the following—

(i) so much as is still outstanding of any advance or further advance which ranks in priority to the charge taking effect by virtue of **[**F44 section 11B **]** ,

(ii) any arrears of interest on such an advance or further advance, and

(iii) any costs and expenses incurred in enforcing payment of any such interest, or repayment (in whole or in part) of any such advance or further advance.

In this subsection "service charge" has the meaning given by section 621A of the Housing Act 1985.

(7) Where different parts of an advance or further advance are made for different purposes, each of those parts shall be regarded as a separate advance or further advance for the purposes of this section.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F44 Words in s. 12 substituted (18.1.2005) by Housing Act 2004 (c. 34), **ss. 199(2)**, 270(3)(a) (with s. 199(3))

F45 S. 12(5)(c) substituted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), **ss. 307(7)**, 325(2)(a)

Modifications etc. (not altering text)

C14 Ss. 11-12 applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

C15 S. 12 extended (16.9.1996) by S.I. 1996/2402, art. 3, Sch. paras. 1, **11**

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[F46 12A Right of first refusal for registered social landlord

(1) Where on a disposal of a house by a registered social landlord[F47]... a discount has been given to the purchaser, [F48]... the conveyance, grant or assignment shall contain the following covenant, which shall be binding on the purchaser and his successors in title.

(2) The covenant shall be to the effect that, until the end of the period of ten years beginning with the conveyance, grant or assignment, there will be no relevant disposal which is not an exempted disposal, unless the prescribed conditions have been satisfied in relation to that or a previous such disposal.

(3) In subsection (2) "the prescribed conditions" means such conditions as are prescribed by regulations under this section at the time when the conveyance, grant or assignment is made.

(4) The **[**[F49]Welsh Ministers**]** may by regulations prescribe such conditions as **[**[F50]they**]****[**[F51]consider**]** appropriate for and in connection with conferring on—

(a) a registered social landlord which has made a disposal as mentioned in subsection (1), or

(b) such other person as is determined in accordance with the regulations,

a right of first refusal to have a disposal within subsection (5) made to him for such consideration as is mentioned in section 12B.

(5) The disposals within this subsection are—

(a) a reconveyance or conveyance of the house; and

(b) a surrender or assignment of the lease.

(6) Regulations under this section may, in particular, make provision—

(a) for the purchaser to offer to make such a disposal to such person or persons as may be prescribed;

(b) for a prescribed recipient of such an offer to be able either to accept the offer or to nominate some other person as the person by whom the offer may be accepted;

(c) for the person who may be so nominated to be either a person of a prescribed description or a person whom the prescribed recipient considers, having regard to any prescribed matters, to be a more appropriate person to accept the offer;

(d) for a prescribed recipient making such a nomination to give a notification of the nomination to the person nominated, the purchaser and any other prescribed person;

(e) for authorising a nominated person to accept the offer and for determining which acceptance is to be effective where the offer is accepted by more than one person;

(f) for the period within which the offer may be accepted or within which any other prescribed step is to be, or may be, taken;

(g) for the circumstances in which the right of first refusal lapses (whether following the service of a notice to complete or otherwise) with the result that the purchaser is able to make a disposal on the open market;

(h) for the manner in which any offer, acceptance or notification is to be communicated.

(7) In subsection (6) any reference to the purchaser is a reference to the purchaser or his successor in title.

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Nothing in that subsection affects the generality of subsection (4).

(8) Regulations under this section—

(a) may make different provision with respect to different cases or descriptions of case; and

(b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of **[**F52the National Assembly for Wales**]** .

(9) The limitation imposed by a covenant within subsection (2) is a local land charge.

(10) The Chief Land Registrar must enter in the register of title a restriction reflecting the limitation imposed by any such covenant.

(11) Where there is a relevant disposal which is an exempted disposal by virtue of section 15(4)(d) or (e) (compulsory disposal or disposal of yard, garden, &c)—

(a) the covenant required by this section is not binding on the person to whom the disposal is made or any successor in title of his, and

(b) the covenant ceases to apply in relation to the property disposed of.

Textual Amendments

F46 Ss. 12A, 12B inserted (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by Housing Act 2004 (c. 34), **ss. 200(1)**, 270(2)(b), (3)(a) (with s. 200(3))

F47 Words in s. 12A(1) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 7(a)**; S.I. 2018/777, art. 3(g)

F48 Words in s. 12A(1) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 7(b)**; S.I. 2018/777, art. 3(g)

F49 Words in s. 12A(4) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F50 Word in s. 12A(4) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F51 Word in s. 12A(4) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(e)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F52 Words in s. 12A(8)(b) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C16 S. 12A applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

12B Consideration payable for disposal under section 12A

(1) The consideration for a disposal made in respect of a right of first refusal as mentioned in section 12A(4) shall be such amount as may be agreed between the parties, or determined by the district valuer, as being the amount which is to be taken to be the value of the house at the time when the offer is made (as determined in accordance with regulations under that section).

(2) That value shall be taken to be the price which, at that time, the interest to be reconveyed, conveyed, surrendered or assigned would realise if sold on the open market by a willing vendor, on the assumption that any liability under the covenant

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required by section 11 (repayment of discount on early disposal) would be discharged by the vendor.

(3) If the offer is accepted in accordance with regulations under section 12A, no payment shall be required in pursuance of any such covenant as is mentioned in subsection (2), but the consideration shall be reduced, subject to subsection (4), by such amount (if any) as, on a disposal made at the time the offer was made, being a relevant disposal which is not an exempted disposal, would fall to be paid under that covenant.

(4) Where there is a charge on the house having priority over the charge to secure payment of the sum due under the covenant mentioned in subsection (2), the consideration shall not be reduced under subsection (3) below the amount necessary to discharge the outstanding sum secured by the first-mentioned charge at the date of the offer (as determined in accordance with regulations under section 12A).**]**

Textual Amendments

F46 Ss. 12A, 12B inserted (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by Housing Act 2004 (c. 34), **ss. 200(1)**, 270(2)(b), (3)(a) (with s. 200(3))

Modifications etc. (not altering text)

C17 S. 12B applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

13 Restriction on disposal of houses in National Parks, &c.

(1) On the disposal by a registered social landlord [F53]... of a house situated in—

(a) a National Park,

(b) an area designated under **[**[F54]section 82 of the Countryside and Rights of Way Act 2000**]** as an area of outstanding natural beauty, or

(c) an area designated as a rural area by order under section 157 of the [M3]Housing Act 1985,

the conveyance, grant or assignment may (unless it contains a condition of a kind mentioned in section 33(2)(b) or (c) of the Housing Act 1985 (right of pre-emption or restriction on assignment) **[**[F55] or a covenant as mentioned in section 12A(2) of this Act (right of first refusal for registered social landlord) **]**) contain a covenant to the following effect limiting the freedom of the purchaser (including any successor in title of his and any person deriving title under him or such a successor) to dispose of the house.

(2) The limitation is that until such time (if any) as may be notified in writing by the registered social landlord to the purchaser or a successor in title of his, there will be no relevant disposal which is not an exempted disposal without the written consent of the landlord.

(3) That consent shall not be withheld if the person to whom the disposal is made (or, if it is made to more than one person, at least one of them) has, throughout the period of three years immediately preceding the application for consent—

(a) had his place of work in a region designated by order under section 157(3) of the Housing Act 1985 which, or part of which, is comprised in the National Park or area concerned, or

(b) had his only or principal home in such a region,

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or if he has had the one in part or parts of that period and the other in the remainder.

The region need not have been the same throughout the period.

(4) A disposal in breach of such a covenant as is mentioned above is void.

(5) The limitation imposed by such a covenant is a local land charge and, **[**F56if the first disposal involves registration under the Land Registration Act 2002, the Chief Land Registrar shall enter in the register of title a restriction reflecting the limitation**]**.

(6) In this section "purchaser" means the person acquiring the interest disposed of by the first disposal.

(7) Where there is a relevant disposal which is an exempted disposal by virtue of section 15(4)(d) or (e) (compulsory disposal or disposal of yard, garden, &c.), any such covenant as is mentioned in this section ceases to apply in relation to the property disposed of.

Textual Amendments

F53 Words in s. 13(1) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 8**; S.I. 2018/777, art. 3(g)

F54 Words in s. 13(1)(b) substituted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 C. 37, s. 93, Sch. 15 Pt. I para. 14; S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**

F55 Words in s. 13(1) inserted (18.1.2005) by Housing Act 2004 (c. 34), **ss. 200(2)**, 270(3)(a) (with s. 200(3))

F56 Words in s. 13(5) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), **Sch. 11 para. 35** (with s. 129); S.I. 2003/1725, art. 2(1)

Modifications etc. (not altering text)

C18 S. 13 extended (16.9.1996) by S.I. 1996/2402, art. 3, Sch. paras. 1, **11**

C19 S. 13 applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

Marginal Citations

M3 1985 c. 68.

14 Treatment of options.

(1) For the purposes of sections 9 to 13 the grant of an option enabling a person to call for a relevant disposal which is not an exempted disposal shall be treated as such a disposal made to him.

(2) For the purposes of section 13(2) (requirement of consent to disposal of house in National Park, &c.) consent to such a grant shall be treated as consent to a disposal made in pursuance of the option.

Modifications etc. (not altering text)

C20 S. 14 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch.**paras. 1, 11

C21 S. 14 applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

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15 Relevant and exempted disposals.

(1) In sections 11 to 14 the expression "relevant disposal which is not an exempted disposal" shall be construed as follows.

(2) A disposal, whether of the whole or part of the house, is a relevant disposal if it is—

(a) a conveyance of the freehold or an assignment of the lease, or

(b) the grant of a lease or sub-lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack-rent.

(3) For the purposes of subsection (2)(b) it shall be assumed—

(a) that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised, and

(b) that any option to terminate a lease or sub-lease is not exercised.

(4) A disposal is an exempted disposal if—

(a) it is a disposal of the whole of the house and a conveyance of the freehold or an assignment of the lease and the person or each of the persons to whom it is made is a qualifying person (as defined in subsection (5));

(b) it is a vesting of the whole of the house in a person taking under a will or on an intestacy;

(c) it is a disposal of the whole of the house in pursuance of any such order as is mentioned in subsection (6);

(d) it is a compulsory disposal (as defined in subsection (7));

(e) the property disposed of is a yard, garden, outhouses or appurtenances belonging to a house or usually enjoyed with it.

(5) For the purposes of subsection (4)(a) a person is a qualifying person in relation to a disposal if—

(a) he is the person or one of the persons by whom the disposal is made,

(b) he is the spouse or a former spouse **[**F57 , or the civil partner or a former civil partner, **]** of that person or one of those persons, or

(c) he is a member of the family of that person or one of those persons and has resided with him throughout the period of twelve months ending with the disposal.

(6) The orders referred to in subsection (4)(c) are orders under—

(a) section 24 or 24A of the M4Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings);

(b) section 2 of the M5Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate);

(c) section 17 of the M6Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.); F58...

(d) paragraph 1 of Schedule 1 to the M7Children Act 1989 (orders for financial relief against parents).**[**F59; or

(e) Part 2 or 3 of Schedule 5, or paragraph 9 of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders, or orders for the sale of property, in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).**]**

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(7) For the purposes of subsection (4)(d) a compulsory disposal is a disposal of property which is acquired compulsorily, or is acquired by a person who has made or would have made, or for whom another person has made or would have made, a compulsory purchase order authorising its compulsory purchase for the purposes for which it is acquired.

Textual Amendments

F57 Words in s. 15(5)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 50(2)**; S.I. 2005/3175, art. 2(1), Sch. 1

F58 Word in s. 15(6)(c) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)

F59 S. 15(6)(e) and word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 50(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

Modifications etc. (not altering text)

C22 S. 15 extended (16.9.1996) by S.I. 1996/2402, **art. 3**,Sch. paras. 1, 11

C23 S. 15 applied (with modifications) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 179**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

Marginal Citations

M4 1973 c. 18.

M5 1975 c. 63.

M6 1984 c. 42.

M7 1989 c. 41.

[F60 15A Treatment of deferred resale agreements for purposes of section 11

(1) If a purchaser or his successor in title enters into an agreement within subsection (3), any liability arising under the covenant required by section 11 shall be determined as if a relevant disposal which is not an exempted disposal had occurred at the appropriate time.

(2) In subsection (1) "the appropriate time" means—

(a) the time when the agreement is entered into, or

(b) if it was made before the beginning of the discount repayment period, immediately after the beginning of that period.

(3) An agreement is within this subsection if it is an agreement between the purchaser or his successor in title and any other person—

(a) which is made (expressly or impliedly) in contemplation of, or in connection with, a disposal to be made, or made, by virtue of section 8,

(b) which is made before the end of the discount repayment period, and

(c) under which a relevant disposal which is not an exempted disposal is or may be required to be made to any person after the end of that period.

(4) Such an agreement is within subsection (3)—

(a) whether or not the date on which the relevant disposal is to take place is specified in the agreement, and

(b) whether or not any requirement to make that disposal is or may be made subject to the fulfilment of any condition.

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(5) The **[**F61Welsh Ministers**]** may by order provide—

(a) for subsection (1) to apply to agreements of any description specified in the order in addition to those within subsection (3);

(b) for subsection (1) not to apply to agreements of any description so specified to which it would otherwise apply.

(6) An order under subsection (5)—

(a) may make different provision with respect to different cases or descriptions of case; and

(b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of **[**F62the National Assembly for Wales**]** .

(7) In this section—

"agreement" includes arrangement;

"the discount repayment period" means the period of three or five years that applies for the purposes of section 11(2) (depending on whether an offer such as is mentioned in section 199(3) of the Housing Act 2004 was made before or on or after the coming into force of that section).**]**

Textual Amendments

F60 S. 15A inserted (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by Housing Act 2004 (c. 34), **ss. 201(1)**, 270(2)(b), (3)(a) (with s. 201(2))

F61 Words in s. 15A(5) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F62 Words in s. 15A(6)(b) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Right of tenant to acquire dwelling

F63 16 Right of tenant to acquire dwelling.

. . . . . .

Textual Amendments

F63 S. 16 repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(3)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

F64 16A Extension of section 16 to dwellings funded by grants under section 27A

. . . . . .

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Textual Amendments

F64 S. 16A repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(4)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

[F65]16B Restriction on exercising the right to acquire

. . . . . .

Textual Amendments

F65 S. 16B repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), **ss. 6(2)(b)**, 11(3)(4); S.I. 2018/100, art. 2(a) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

[F66]16C Exception to restriction on exercising the right to acquire

. . . . . .

Textual Amendments

F66 S. 16C repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), **ss. 6(2)(b)**, 11(3)(4); S.I. 2018/100, art. 2(a) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

[F67]17 Right of tenant to acquire dwelling: supplementary provisions.

. . . . . .

Textual Amendments

F67 S. 17 repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(5)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

CHAPTER III

GRANTS AND OTHER FINANCIAL MATTERS

Grants and other financial assistance

18 Social housing grants.

(1) The **[**[F68]Relevant Authority**]** may make grants to registered social landlords in respect of expenditure incurred or to be incurred by them in connection with their housing activities.

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(2) The **[**F68Relevant Authority**]**F69... shall specify in relation to grants under this section—

(a) the procedure to be followed in relation to applications for grant,

(b) the circumstances in which grant is or is not to be payable,

(c) the method for calculating, and any limitations on, the amount of grant, and

(d) the manner in which, and time or times at which, grant is to be paid.

(3) In making a grant under this section, **[**F19the Welsh Ministers**]** may provide that the grant is conditional on compliance by the landlord with such conditions as **[**F19the Welsh Ministers**]** may specify.

(4) The **[**F68Relevant Authority**]** may, with the agreement of a local housing authority, appoint the authority to act as its agent in connection with the assessment and payment of grant under this section.

[F70(5) The appointment—

(a) if made by the Housing Corporation, shall be on such terms as the Housing Corporation may, with the approval of the Secretary of State given with the consent of the Treasury, specify, and

(b) **[**F71An appointment made by**]** the **[**F72Welsh Ministers**]****[**F73under this section**]** , shall be on such terms as the **[**F72Welsh Ministers**]** may **[**F74specify;

and the authority shall act in accordance with those terms.**]]**

(6) Where—

(a) a grant under this section is payable to a registered social landlord, and

(b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, another registered social landlord, or trustees for another such landlord,

this section (including this subsection) shall have effect after that time as if the grant, or such proportion of it as is specified or determined under subsection (7), were payable to the other landlord.

(7) The proportion mentioned in subsection (6) is that which, in the circumstances of the particular case—

(a) **[**F19the Welsh Ministers**]**, acting in accordance with such principles as it may from time to time determine, may specify as being appropriate, or

(b) **[**F19the Welsh Ministers**]** may determine to be appropriate.

F75(8) . . . . . .

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F68 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F69 Words in s. 18(2) repealed (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), Sch. 11 para. 8, **Sch. 16**

F70 S. 18(5) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 85(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F71 Words in s. 18(5)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 85(2)(a)** (with art. 6, Sch. 3)

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F72 Words in s. 18(5)(b) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F73 Words in s. 18(5)(b) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 85(2)(b)** (with art. 6, Sch. 3)

F74 Words in s. 18(5)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 85(2)(c)** (with art. 6, Sch. 3)

F75 S. 18(8) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 85(3), **Sch. 4** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C24 S. 18: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

C25 S. 18 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

C26 S. 18(2)(7) extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

Commencement Information

I4 S. 18 wholly in force 1.4.1997: s. 18 not in force at Royal Assent, see s. 232(1)-(3); s. 18(2)(7) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4** and s. 18 in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2**

19 Land subject to housing management agreement.

A registered social landlord is not entitled to a grant under section 18 (social housing grant) in respect of land comprised in a management agreement within the meaning of the [M8]Housing Act 1985 (see sections 27(2) and 27B(4) of that Act: delegation of housing management functions by certain authorities).

Marginal Citations

M8 1985 c. 68.

[F76]20 Purchase grant where right to acquire exercised.

. . . . . .

Textual Amendments

F76 S. 20 repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), s. 11(3)(4), **Sch. 1 para. 3(6)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

[F77]21 Purchase grant in respect of other disposals.

. . . . . .

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Textual Amendments

F77 S. 21 repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), **ss. 7(2)**, 11(3)(4); S.I. 2018/100, art. 2(a) (with art. 4) (with savings in S.I. 2019/110, reg. 5)

22 Assistance from local authorities.

(1) A local authority may promote—

(a) the formation of bodies to act as registered social landlords, and

(b) the extension of the objects or activities of registered social landlords.

(2) A local authority may for the assistance of any registered social landlord subscribe for share or loan capital of the landlord.

(3) A local authority may for the assistance of a registered social landlord—

(a) make grants or loans to the landlord, or

(b) guarantee or join in guaranteeing the payment of the principal of, and interest on, money borrowed by the landlord (including money borrowed by the issue of loan capital) or of interest on share capital issued by the landlord.

(4) A local housing authority may sell or supply under a hire-purchase agreement furniture to the occupants of houses provided by a registered social landlord, and may buy furniture for that purpose.

In this subsection "hire-purchase agreement" means a hire-purchase agreement or conditional sale agreement within the meaning of the [M9]Consumer Credit Act 1974.

Modifications etc. (not altering text)

C27 S. 22 extended (16.9.1996) by S.I. 1996/2402, **art. 3**,Sch. para. 1

Marginal Citations

M9 1974 c. 39.

23 [F78Local loans made by the Treasury]

(1) The [F79Treasury] may lend money to a registered social landlord—

(a) for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement, of dwellings,

(b) for the purchase of dwellings which the landlord desires to purchase with a view to their improvement, and

(c) for the purchase and development of land.

(2) A loan for any of those purposes, and interest on the loan, shall be secured by a mortgage of—

(a) the land in respect of which that purpose is to be carried out, and

(b) such other lands (if any) as may be offered as security for the loan;

and the money lent shall not exceed three-quarters (or, if the payment of the principal of, and interest on, the loan is guaranteed by a local authority, nine-tenths) of the value,

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to be ascertained to the satisfaction of the **[**F79Treasury**]**, of the estate or interest in the land proposed to be so mortgaged.

(3) Loans may be made by instalments as the building of dwellings or other work on the land mortgaged under subsection (2) progresses (so, however, that the total amount lent does not at any time exceed the amount specified in that subsection); and a mortgage may accordingly be made to secure such loans to be so made.

(4) If the loan exceeds two-thirds of the value referred to in subsection (2), and is not guaranteed as to principal and interest by a local authority, the **[**F79Treasury**]** shall require, in addition to such a mortgage as is mentioned in that subsection, such further security as they think fit.

(5) Subject to subsection (6), the period for repayment of a loan under this section shall not exceed 40 years, and no money shall be lent on mortgage of any land unless the estate proposed to be mortgaged is either an estate in fee simple absolute in possession or an estate for a term of years absolute of which not less than 50 years are unexpired at the date of the loan.

(6) Where a loan under this section is made for the purpose of carrying out a scheme for the provision of houses approved by the **[**F80Welsh Ministers**]**, the maximum period for the repayment of the loan is 50 instead of 40 years, and money may be lent on the mortgage of an estate for a term of years absolute of which a period of not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan.

[F81(7) Any loan made under subsection (1) is a local loan for the purposes of section 3 of the National Loans Act 1968 (see Schedule 4 to that Act).**]**

Textual Amendments

F78 S. 23 heading substituted (25.2.2020) by The Public Bodies (Abolition of Public Works Loan Commissioners) Order 2020 (S.I. 2020/176), art. 1(2), **Sch. 1 para. 80(2)** (with art. 9)

F79 Word in s. 23 substituted (25.2.2020) by The Public Bodies (Abolition of Public Works Loan Commissioners) Order 2020 (S.I. 2020/176), art. 1(2), **Sch. 1 para. 80(3)** (with art. 9)

F80 Words in s. 23(6) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F81 S. 23(7) inserted (25.2.2020) by The Public Bodies (Abolition of Public Works Loan Commissioners) Order 2020 (S.I. 2020/176), art. 1(2), **Sch. 1 para. 80(4)** (with art. 9)

Modifications etc. (not altering text)

C28 S. 23 extended (16.9.1996) by S.I. 1996/2402, **art. 3**,Sch. para. 1

Treatment of disposal proceeds

F82 24 The disposal proceeds fund.

. . . . . .

Textual Amendments

F82 S. 24 omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 15(a)**, 19(2); S.I. 2018/777, art. 3(e) (with art. 4)

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Commencement Information

I5 S. 24 wholly in force 1.4.1997; s. 24 not in force at Royal Assent see s. 232(3); s.24 in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 3** and s. 24 in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2**

[F83]25 Application or appropriation of disposal proceeds.

. . . . . .

Textual Amendments

F83 S. 25 omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 15(b)**, 19(2); S.I. 2018/777, art. 3(e) (with art. 4)

Modifications etc. (not altering text)

C29 S. 25 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

Commencement Information

I6 S. 25 wholly in force 1.4.1997: s. 25 not in force at Royal Assent, see s. 232(1)-(3); s. 25 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4** and s. 25 in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2**

[F84]26 Disposal proceeds: power to require information.

. . . . . .

Textual Amendments

F84 S. 26 omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 15(c)**, 19(2); S.I. 2018/777, art. 3(e) (with art. 4)

Recovery, &c. of social housing grants

27 Recovery, &c. of social housing grants.

(1) Where a registered social landlord has received a grant under section 18 (social housing grant), the following powers are exercisable in such events as **[**[F19]the Welsh Ministers**]** may from time to time determine.

(2) The **[**[F85]Relevant Authority**]** may, acting in accordance with such principles as it has determined—

(a) reduce any grant payable by it, or suspend or cancel any instalment of any such grant, or

(b) direct the registered social landlord to apply or appropriate for such purposes as **[**[F19]the Welsh Ministers**]** may specify, or to pay to **[**[F19]the Welsh Ministers**]**, such amount as **[**[F19]the Welsh Ministers**]** may specify.

(3) A direction by **[**[F19]the Welsh Ministers**]** under subsection (2)(b) may require the application, appropriation or payment of an amount with interest.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Any such direction shall specify—

(a) the rate or rates of interest (whether fixed or variable) which is or are applicable,

(b) the date from which interest is payable, and

(c) any provision for suspended or reduced interest which is applicable.

The date from which interest is payable must not be earlier than the date of the event giving rise to the exercise of **[**F19the Welsh Ministers**]** powers under this section.

(5) In subsection (4)(c)—

(a) provision for suspended interest means provision to the effect that if the principal amount is applied, appropriated or paid before a date specified in the direction, no interest will be payable for any period after the date of the direction; and

(b) provision for reduced interest means provision to the effect that if the principal amount is so applied, appropriated or paid, any interest payable will be payable at a rate or rates lower than the rate or rates which would otherwise be applicable.

(6) Where—

(a) a registered social landlord has received a payment in respect of a grant under section 18, and

(b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, some other registered social landlord,

this section (including this subsection) shall have effect in relation to periods after that time as if the grant, or such proportion of it as may be determined by **[**F19the Welsh Ministers**]** to be appropriate, had been made to that other registered social landlord.

(7) The matters specified in a direction under subsection (4)(a) to (c), and the proportion mentioned in subsection (6), shall be—

(a) such as **[**F19the Welsh Ministers**]**, acting in accordance with such principles as it may from time to time determine, may specify as being appropriate, or

(b) such as **[**F19the Welsh Ministers**]** may determine to be appropriate in the particular case.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F85 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Modifications etc. (not altering text)

C30 S. 27 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

C31 S. 27: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

C32 S. 27 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

C33 S. 27 excluded (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 177(8)**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I7 S. 27 wholly in force 1.4.1997: s. 27 not in force at Royal Assent, see s. 232(1)-(3); s. 27 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4** and s. 27 in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2**

[F86Grants to bodies other than registered social landlords

Textual Amendments

F86 Ss. 27A, 27B and cross-heading inserted (18.11.2004 for specified purposes, 17.2.2005 for E. in so far as not already in force) by Housing Act 2004 (c. 34), **ss. 220**, 270(2)(b); S.I. 2005/326, art. 2(a)

27A Grants to bodies other than registered social landlords

(1) **[**F19The Welsh Ministers**]** may make grants under this section to persons other than registered social landlords.

(2) Grants under this section are grants for any of the following purposes—

(a) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of—

(i) under equity percentage arrangements, or

(ii) on shared ownership terms;

(b) constructing houses to be disposed of—

(i) under equity percentage arrangements, or

(ii) on shared ownership terms;

(c) providing loans to be secured by mortgages to assist persons to acquire houses for their own occupation;

(d) providing, constructing or improving houses to be kept available for letting;

(e) providing, constructing or improving houses for letting that are to be managed by such registered social landlords, and under arrangements containing such terms, as are approved by **[**F19the Welsh Ministers**]**;

(f) such other purposes as may be specified in an order under subsection (3).

(3) The **[**F87Welsh Ministers**]** may by order make such provision in connection with the making of grants under this section as **[**F88they**][**F89consider**]** appropriate.

(4) An order under subsection (3) may, in particular, make provision—

(a) defining "equity percentage arrangements" for the purposes of this section;

(b) specifying or describing the bodies from whom loans may be obtained by persons wishing to acquire houses for their own occupation;

(c) dealing with the priority of mortgages entered into by such persons;

(d) specifying purposes additional to those mentioned in subsection (2)(a) to (e).

F90(5) . . . . . .

(6) **[**F19The Welsh Ministers**]** shall specify in relation to grants under this section—

(a) the procedure to be followed in relation to applications for grant,

(b) the circumstances in which grant is or is not to be payable,

(c) the method for calculating, and any limitations on, the amount of grant, and

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(d) the manner in which, and the time or times at which, grant is to be paid.

F91(7) . . . . . .

(8) In making a grant to a person under this section **[**F19the Welsh Ministers**]** may provide that the grant is conditional on compliance by the person with such conditions as **[**F19the Welsh Ministers**]** may specify.

(9) The conditions that may be so specified include conditions requiring the payment to **[**F19the Welsh Ministers**]** in specified circumstances of a sum determined by **[**F19the Welsh Ministers**]** (with or without interest).

(10) An order under subsection (3) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of **[**F92the National Assembly for Wales**]** .

(11) In this section—

"disposed of on shared ownership terms" has the meaning given by section 2(6);

"letting" includes the grant of a licence to occupy.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F87 Words in s. 27A(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F88 Word in s. 27A(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F89 Word in s. 27A(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(e)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F90 S. 27A(5) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 87, **Sch. 4** (with art. 6, Sch. 3)

F91 S. 27A(7) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 87, **Sch. 4** (with art. 6, Sch. 3)

F92 Words in s. 27A(10) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C34 S. 27A modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

C35 S. 27A: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

27B Transfer of property funded by grants under section 27A

(1) Where—

(a) any grant is paid or payable to any person under section 27A, and

(b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, another person who is not a registered social landlord,

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this Part shall have effect, in relation to times falling after that time, as if the grant, or such proportion of it as is determined or specified under subsection (4), had been paid or (as the case may be) were payable to that other person under section 27A.

(2) Where—

(a) any amount is paid or payable to any person by way of grant under section 27A, and

(b) at any time property to which the grant relates becomes vested in, or is leased for a term of years to, or reverts to, a registered social landlord,

this Part shall have effect, in relation to times falling after that time, as if the grant, or such proportion of it as is determined or specified under subsection (4), had been paid or (as the case may be) were payable to that other person under section 18.

(3) In such a case, the relevant section 18 conditions accordingly apply to that grant or proportion of it, in relation to times falling after that time, in place of those specified under section 27A(8).

"The relevant section 18 conditions" means such conditions specified under section 18(3) as would have applied at the time of the making of the grant if it had been made under section 18 to a registered social landlord.

(4) The proportion mentioned in subsection (1) or (2) is that which, in the circumstances of the particular case—

(a) **[**[F19]the Welsh Ministers**]**, acting in accordance with such principles as it may from time to time determine, may specify as being appropriate, or

(b) **[**[F19]the Welsh Ministers**]** may determine to be appropriate.**]**

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C36 S. 27B modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

C37 S. 27B: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

Grants, &c. under earlier enactments

28 Grants under [F93Part 2] of the Housing Act 1988.

F94(1) . . . . . .

F95(2) . . . . . .

(3) Section 52 of that Act (recovery, &c. of grants) is amended as follows—

(a) in subsection (2)(c), for "to pay to it" substitute " to apply or appropriate for such purposes as **[**[F19]the Welsh Ministers**]** may specify, or to pay to the **[**[F96]Relevant Authority**]**, ";

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(b) in the closing words of subsection (2), for the words from "requiring" to "interest on that amount" substitute " may require the application, appropriation or payment of an amount with interest ";

(c) in subsection (7), for the words from "requiring" to "to **[**F19the Welsh Ministers**]**" substitute " requiring the application, appropriation or payment of an amount with interest ";

(d) in subsection (8)(a), for the words from "the amount" to "is paid" substitute " the principal amount is applied, appropriated or paid ";

(e) in subsection (8)(b), for "that amount is so paid" substitute " the principal amount is so applied, appropriated or paid ".

(4) In section 53 of that Act (determinations by **[**F96Relevant Authority**]**), for subsection (2) (requirement of approval of Secretary of State and, in the case of a general determination, consent of the Treasury) substitute—

"(2) The **[**F96Relevant Authority**]** shall not make a general determination under the foregoing provisions of this Part except with the approval of the Secretary of State.".

(5) In section 55(1) of that Act (surplus rental income: cases in which section applies), omit paragraph (a).

F97(6) . . . . . .

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F93 Words in s. 28 heading substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 8 para. 65(3)**; S.I. 2010/862, art. 2 (with Sch.)

F94 S. 28(1) repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 8 para. 65(2), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

F95 S. 28(2) repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 8 para. 65(2), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

F96 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F97 S. 28(6) repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 8 para. 65(2), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

Modifications etc. (not altering text)

C38 S. 28(3) extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

Commencement Information

I8 S. 28 wholly in force 1.4.1997; s. 28 not in force at Royal Assent see s. 232(1)-(3); s.28(4) in force at 1.8.1996 by S.I. 1996/2048, **art. 2**; s. 28(3) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 5** and s. 28 in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2**

29 Commutation of payments of special residual subsidy.

(1) The **[**F98Welsh Ministers**]** may, after consultation with a housing association, determine to commute any payments of special residual subsidy payable to the association under

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paragraph 2 of Part I of Schedule 5 to the [M10]Housing Associations Act 1985 for the financial year 1998-99 and subsequent years.

(2) Where the **[**[F99]Welsh Ministers make**]** such a determination the payments of special residual subsidy payable to a housing association shall be commuted into a single sum calculated in such manner, and payable on such date, as the **[**[F100]Welsh Ministers**]** may consider appropriate.

(3) If after a commuted payment has been made to a housing association it appears to the **[**[F101]Welsh Ministers**]** that the payment was smaller or greater than it should have been, the **[**[F101]Welsh Ministers**]** may make a further payment to the association or require the association to repay to **[**[F102]them**]** such sum as **[**[F103]they**]** may direct.

[F104](4) . . . . . .

Textual Amendments

F98 Words in s. 29(1) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F99 Words in s. 29(2) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(b)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F100 Words in s. 29(2) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F101 Words in s. 29(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F102 Word in s. 29(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(d)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F103 Word in s. 29(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F104 S. 29(4) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 88, **Sch. 4** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C39 S. 29 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Commencement Information

I9 S. 29 wholly in force 1.4.1997; s. 29 not in force at Royal Assent see s. 232(3); s. 29 in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 3** and s. 29 in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2**

Marginal Citations

M10 1985 c. 69.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

CHAPTER IV

GENERAL POWERS OF THE [F105RELEVANT AUTHORITY]

Textual Amendments

F105 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Information

30 General power to obtain information.

(1) The [F106Relevant Authority] may for any purpose connected with the discharge of any of its functions in relation to registered social landlords serve a notice on a person requiring him—

(a) to give to [F19the Welsh Ministers], at a time and place and in the form and manner specified in the notice, such information relating to the affairs of a registered social landlord as may be specified or described in the notice, or

(b) to produce to [F19the Welsh Ministers] or a person authorised by [F19the Welsh Ministers], at a time and place specified in the notice, any documents relating to the affairs of the registered social landlord which are specified or described in the notice and are in his custody or under his control.

(2) A notice under this section may be served on—

(a) a registered social landlord,

(b) any person who is, or has been, an officer, member, employee or agent of a registered social landlord,

(c) a subsidiary or associate of a registered social landlord,

(d) any person who is, or has been, an officer, member, employee or agent of a subsidiary or associate of a registered social landlord, or

(e) any other person whom [F19the Welsh Ministers] has reason to believe is or may be in possession of relevant information.

In this section "agent" includes banker, solicitor and auditor.

(3) No notice shall be served on a person within paragraphs (b) to (e) of subsection (2) unless—

(a) a notice has been served on the registered social landlord and has not been complied with, or

(b) [F19the Welsh Ministers] believes that the information or documents in question are not in the possession of the landlord.

(4) Nothing in this section authorises [F19the Welsh Ministers] to require—

(a) the disclosure of anything which a person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court, or

(b) the disclosure by a banker of anything in breach of any duty of confidentiality owed by him to a person other than a registered social landlord or a subsidiary or associate of a registered social landlord.

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[F107(5) A notice under this section—

F108(a) . . . . . .

(b) if given by the **[**F109Welsh Ministers**]** , shall be given in writing.**]**

(6) References in this section to a document are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.

(7) Where by virtue of this section documents are produced to any person, he may take copies of or make extracts from them.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F106 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F107 S. 30(5) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.86** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F108 S. 30(5)(a) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 89, **Sch. 4** (with art. 6, Sch. 3)

F109 Words in s. 30(5)(b) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C40 S. 30 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

C41 S. 30(2) applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), **Sch. 2**

C42 S. 30(5) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

31 Enforcement of notice to provide information, &c.

(1) A person who without reasonable excuse fails to do anything required of him by a notice under section 30 commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person who intentionally alters, suppresses or destroys a document which he has been required by a notice under section 30 to produce commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum,

[F110(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.**]**

(3) Proceedings for an offence under subsection (1) or (2) may be brought only by or with the consent of **[**F19the Welsh Ministers**]** or the Director of Public Prosecutions.

(4) If a person makes default in complying with a notice under section 30, the High Court may, on the application of **[**F19the Welsh Ministers**]**, make such order as the court thinks fit for requiring the default to be made good.

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Any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a body who are responsible for its default.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F110 S. 31(2)(b) substituted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 12(1)** (with Sch. 11 para. 12(2))

Modifications etc. (not altering text)

C43 S. 31 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

32 Disclosure of information to [F19the Welsh Ministers].

(1) A body or person to whom this section applies may, subject to the following provisions, disclose to **[**F19the Welsh Ministers**]**, for the purpose of enabling **[**F19the Welsh Ministers**]** to discharge any of its functions relating to registered social landlords, any information received by that body or person under or for the purposes of any enactment.

(2) This section applies to the following bodies and persons—

(a) any government department (including a Northern Ireland department);

(b) any local authority;

(c) any constable; and

(d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

(3) This section has effect subject to any express restriction on disclosure imposed by or under any other enactment.

(4) Nothing in this section shall be construed as affecting any power of disclosure exercisable apart from this section.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C44 S. 32 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

33 Disclosure of information by [F19the Welsh Ministers].

(1) The **[**F111Relevant Authority**]** may disclose to a body or person to whom this section applies any information received by it relating to a registered social landlord—

(a) for any purpose connected with the discharge of the functions of **[**F19the Welsh Ministers**]** in relation to such landlords, or

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(b) for the purpose of enabling or assisting that body or person to discharge any of its or his functions.

(2) This section applies to the following bodies and persons—

(a) any government department (including a Northern Ireland department);

(b) any local authority;

(c) any constable; and

(d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

Paragraph (d) extends to any such body or person in a country or territory outside the United Kingdom.

(3) Where any information disclosed to **[**F19the Welsh Ministers**]** under section 32 is so disclosed subject to any express restriction on the further disclosure of the information, **[**F19the Welsh Ministers**]** power of disclosure under this section is exercisable subject to that restriction.

A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any information disclosed by **[**F19the Welsh Ministers**]** under this section may be subject by **[**F19the Welsh Ministers**]** to any express restriction on the further disclosure of the information.

(5) A person who discloses information in contravention of any such restriction commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Proceedings for such an offence may be brought only by or with the consent of **[**F19the Welsh Ministers**]** or the Director of Public Prosecutions.

(6) Nothing in this section shall be construed as affecting any power of disclosure exercisable apart from this section.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F111 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Modifications etc. (not altering text)

C45 S. 33 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

Standards of performance

[F112**33A Standards of performance**

(1) The Welsh Ministers may set standards to be met by registered social landlords in connection with—

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(a) their functions relating to the provision of housing, and

(b) matters relating to their governance and financial management.

(2) In setting standards the Welsh Ministers must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.

[[F113](2A) Standards set under subsection (1) may require registered social landlords to comply with rules specified in the standards.

(2B) The Welsh Ministers may—

(a) revise the standards by issuing further standards under this section;

(b) withdraw the standards by issuing further standards under this section or by notice.

(2C) The Welsh Ministers must publish any standards or notice under this section.**]**

(3) This section does not apply in relation to a registered social landlord's provision of housing in England.**]**

Textual Amendments

F112 S. 33A inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 35**, 90(2); S.I. 2011/2475, arts. 1(2), 2(a), 3(a)

F113 S. 33A(2A)-(2C) inserted (1.12.2014) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 28(2)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

[[F114]**33B Guidance on standards of performance**

(1) The Welsh Ministers may issue guidance that—

(a) relates to a matter addressed by a standard, and

(b) amplifies the standard.

(2) In considering whether standards have been met the Welsh Ministers may have regard to the guidance.

[[F115](3) The Welsh Ministers may—

(a) revise the guidance by issuing further guidance under this section;

(b) withdraw the guidance by issuing further guidance under this section or by notice.**]**

[[F116](4) The Welsh Ministers must publish any guidance or notice under this section.**]]**

Textual Amendments

F114 S. 33B inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 36**, 90(2); S.I. 2011/2475, arts. 1(2), 2(b), 3(b)

F115 S. 33B(3) substituted (1.12.2014) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 28(3)(a)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

F116 S. 33B(4) substituted (1.12.2014) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 28(3)(b)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

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[F117 33C Consultation

Before setting [F118, revising or withdrawing] standards under section 33A, or issuing, revising or withdrawing guidance under section 33B, the Welsh Ministers must consult -

(a) one or more bodies appearing to them to represent the interests of registered social landlords,

(b) one or more bodies appearing to them to represent the interests of tenants, and

(c) one or more bodies appearing to them to represent the interests of local housing authorities.]

Textual Amendments

F117 S. 33C inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 37**, 90(2); S.I. 2011/2475, arts. 1(2), 2(c)

F118 Words in s. 33C inserted (1.12.2014) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 28(4)**; S.I. 2014/3127, art. 2(a), Sch. Pt. 1

34 Standards of performance [F119– housing in England] .

The [F120Relevant Authority] may, after consultation with persons or bodies appearing to it to be representative of registered social landlords, from time to time—

(a) determine such standards of performance in connection with the provision of housing [F121in England] as, in its opinion, ought to be achieved by such landlords, and

(b) arrange for the publication, in such form and in such manner as it considers appropriate, of the standards so determined.

Textual Amendments

F119 Words in s. 34 heading inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 4**; S.I. 2011/2475, arts. 1(2), 3(k)

F120 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F121 Words in s. 34(a) inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 5**; S.I. 2011/2475, arts. 1(2), 3(k)

Modifications etc. (not altering text)

C46 S. 34 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

35 Information as to levels of performance.

[F122(A1) The Welsh Ministers shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with—

(a) their functions relating to the provision of housing in Wales, and

(b) matters relating to their governance and financial management.]

(1) The [F123Relevant Authority] shall from time to time collect information as to the levels of performance achieved by registered social landlords in connection with the provision of housing [F124in England] .

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(2) On or before such date in each year as may be specified in a direction given by **[**F19the Welsh Ministers**]**, each registered social landlord shall provide **[**F19the Welsh Ministers**]**, as respects each standard determined under **[**F125section 33A or 34**]**, with such information as to the level of performance achieved by him as may be so specified.

(3) A registered social landlord who without reasonable excuse fails to do anything required of him by a direction under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Proceedings for such an offence may be brought only by or with the consent of **[**F19the Welsh Ministers**]** or the Director of Public Prosecutions.

(4) The **[**F123Relevant Authority**]** shall at least once in every year arrange for the publication, in such form and in such manner as it considers appropriate, of such of the information collected by or provided to it under this section as appears to it expedient to give to tenants or potential tenants of registered social landlords.

(5) In arranging for the publication of any such information **[**F19the Welsh Ministers**]** shall have regard to the need for excluding, so far as that is practicable—

(a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the **[**F19the Welsh Ministers**]**, seriously and prejudicially affect the interests of that individual; and

(b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of **[**F19the Welsh Ministers**]**, seriously and prejudicially affect the interests of that body.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F122 S. 35(A1) inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 38(2)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(c)

F123 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F124 Words in s. 35(1) inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 38(3)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(c)

F125 Words in s. 35(2) substituted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 38(4)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(c)

Commencement Information

I10 S. 35 wholly in force 1.4.1998: s. 35 not in force at Royal Assent see s. 232(1)-(3); s. 35(1)(2)(3)(5) in force at 1.4.1997 and s. 35(4) in force at 1.4.1998 by S.I. 1997/618, **arts. 2**, 3

I[F126]*Complaints about performance*

Textual Amendments

F126 S. 35A and cross-heading inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 39**, 90(2); S.I. 2011/2475, arts. 1(2), 2(d)

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35A Guidance about complaints about performance

(1) The Welsh Ministers may publish guidance about complaints to the Welsh Ministers about the performance of registered social landlords.

(2) The guidance may specify (among other things)—

(a) the procedure to be followed in making a complaint;

(b) the criteria used by the Welsh Ministers in deciding whether to investigate a complaint;

(c) periods within which the Welsh Ministers aim to inform complainants of the result of complaints.

(3) The Welsh Ministers may revise or withdraw the guidance.

(4) This section does not apply in relation to complaints about a registered social landlord's provision of housing in England.**]**

[F127**35B Consultation**

Before publishing, revising or withdrawing guidance under section 35A the Welsh Ministers must consult—

(a) one or more bodies appearing to them to represent the interests of registered social landlords,

(b) one or more bodies appearing to them to represent the interests of tenants,

(c) one or more bodies appearing to them to represent the interests of local housing authorities, and

(d) the Auditor General for Wales.**]**

Textual Amendments

F127 S. 35B inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 40**, 90(2); S.I. 2011/2475, arts. 1(2), 2(e)

Housing management

36 Issue of guidance by [F19the Welsh Ministers][F128– housing in England] .

(1) **[**F19The Welsh Ministers**]** may issue guidance with respect to the management of housing accommodation **[**F129in England **]** by registered social landlords.

(2) Guidance under **[**F130 subsection (1) **]** may, in particular, be issued with respect to—

(a) the housing demands for which provision should be made and the means of meeting those demands;

(b) the allocation of housing accommodation between individuals;

(c) the terms of tenancies and the principles upon which levels of rent should be determined;

(d) standards of maintenance and repair and the means of achieving those standards;

(e) the services to be provided to tenants;

(f) the procedures to be adopted to deal with complaints by tenants against a landlord;

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(g) consultation and communication with tenants;

(h) the devolution to tenants of decisions concerning the management of housing accommodation.

[F131(i) the policy and procedures a landlord is required under section 218A to prepare and from time to time revise in connection with anti-social behaviour.**]**

F132(2A) . . . . . .

[F133(3) Before issuing any guidance under this section **[**F19the Welsh Ministers**]** shall consult such bodies appearing to **[**F19the Welsh Ministers**]** to be representative of registered social landlords as **[**F19the Welsh Ministers**]** considers appropriate; and where **[**F19the Welsh Ministers**]** issues guidance under this section it shall be issued in such manner as **[**F19the Welsh Ministers**]** considers appropriate for bringing it to the notice of the landlords concerned.

F134(4) . . . . . .**]**

(5) Guidance issued under this section may be revised or withdrawn; and **[**F135subsection (3) applies**]** in relation to the revision of guidance as in relation to its issue.

(6) Guidance under this section may make different provision in relation to different cases and, in particular, in relation to different areas, different descriptions of housing accommodation and different descriptions of registered social landlord.

F136(7) . . . . . .

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F128 Words in s. 36 heading inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 6**; S.I. 2011/2475, arts. 1(2), 3(k)

F129 Words in s. 36(1) inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 7(a)**; S.I. 2011/2475, arts. 1(2), 3(k)

F130 Words in s. 36(2) substituted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 13(2)**

F131 S. 36(2)(i) inserted (30.6.2004 for E.) by Anti-social Behaviour Act 2003 (c. 38), **ss. 12(2)**, 93; S.I. 2004/1502, art. 2(a)(i)

F132 S. 36(2A) omitted (2.12.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 7(b)**; S.I. 2011/2475, arts. 1(2), 3(k)

F133 S. 36(3)(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.87** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F134 S. 36(4) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 90(2), **Sch. 4** (with art. 6, Sch. 3)

F135 Words in s. 36(5) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 90(3)** (with art. 6, Sch. 3)

F136 S. 36(7) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 10**; S.I. 2018/777, art. 3(g)

Modifications etc. (not altering text)

C47 S. 36(4) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

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Commencement Information

I11 S. 36 wholly in force 1.10.1996; s. 36 not in force at Royal Assent see s. 232(1)-(3); s. 36(1)-(6) in force at 1.8.1996 by S.I. 1996/2048, **art. 2** and s. 36(7) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.)

37 Powers of entry.

(1) This section applies where it appears to **[**F19the Welsh Ministers**]** that a registered social landlord may be failing to maintain or repair any premises in accordance with **[**F137standards set under section 33A or**]** guidance issued under section 36.

(2) A person authorised by **[**F19the Welsh Ministers**]** may at any reasonable time, on giving not less than 28 days' notice of his intention to the landlord concerned, enter any such premises for the purpose of survey and examination.

(3) Where such notice is given to the landlord, the landlord shall give the occupier or occupiers of the premises not less than seven days' notice of the proposed survey and examination.

[F138(3A)**]** A landlord **[**F139who fails, without reasonable excuse, to give the required notice in relation to premises in Wales**]** commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[F140(3B) A landlord who fails to give the required notice in relation to premises in England commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.**]**

(4) Proceedings for an offence under subsection **[**F141(3A) or (3B)**]** may be brought only by or with the consent of **[**F19the Welsh Ministers**]** or the Director of Public Prosecutions.

(5) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf.

(6) The **[**F142Relevant Authority**]** shall give a copy of any survey carried out in exercise of the powers conferred by this section to the landlord concerned.

(7) The **[**F142Relevant Authority**]** may require the landlord concerned to pay to it such amount as **[**F19the Welsh Ministers**]** may determine towards the costs of carrying out any survey under this section.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F137 Words in s. 37(1) inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 8**; S.I. 2011/2475, arts. 1(2), 3(k)

F138 Words in s. 37(3) renumbered as s. 37(3A) (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 42(2)(a)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(d)

F139 Words in s. 37(3A) substituted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 42(2)(b)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(d)

F140 S. 37(3B) inserted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 42(2)(c)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(d)

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F141 Word in s. 37(4) substituted (2.12.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 42(3)**, 90(2); S.I. 2011/2475, arts. 1(2), 3(d)

F142 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Modifications etc. (not altering text)

C48 S. 37 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

38 Penalty for obstruction of person exercising power of entry.

(1) It is an offence for a registered social landlord or any of its officers or employees to obstruct a person authorised under section 37 (powers of entry) to enter premises in the performance of anything which he is authorised by that section to do.

(2) A person who commits such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Proceedings for such an offence may be brought only by or with the consent of **[**F19the Welsh Ministers**]** or the Director of Public Prosecutions.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C49 S. 38 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

Insolvency, &c. of registered social landlord

39 Insolvency, &c. of registered social landlord: scheme of provisions.

(1) The following sections make provision—

(a) for notice to be given to **[**F19the Welsh Ministers**]** of any proposal to take certain steps in relation to a registered social landlord (section 40), and for further notice to be given when any such step is taken (section 41),

(b) for a moratorium on the disposal of land, and certain other assets, held by the registered social landlord (sections 42 and 43),

[F143(ba) for the appointment of an interim manager during a moratorium (section 43A),**]**

(c) for proposals by **[**F19the Welsh Ministers**]** as to the future ownership and management of the land held by the landlord (section 44), which are binding if agreed (section 45),

(d) for the appointment of a manager to implement agreed proposals (section 46) and as to the powers of such a manager (sections 47 and 48),

(e) for the giving of assistance by **[**F19the Welsh Ministers**]** (section 49), and

(f) for application to the court to secure compliance with the agreed proposals (section 50).

(2) In those sections—

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"disposal" means sale, lease, mortgage, charge or any other disposition, and includes the grant of an option;

"secured creditor" means a creditor who holds a mortgage or charge (including a floating charge) over land held by the landlord or any existing or future interest of the landlord in rents or other receipts from land; and

"security" means any mortgage, charge or other security.

(3) The **[**F144Welsh Ministers**]** may make provision by order defining for the purposes of those sections what is meant by a step to enforce security over land.

Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of **[**F145the National Assembly for Wales**]** .

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F143 S. 39(1)(ba) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 9**; S.I. 2011/2475, arts. 1(2), 2(v)

F144 Words in s. 39(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F145 Words in s. 39(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

40 Initial notice to be given to [F19the Welsh Ministers].

(1) Notice must be given to **[**F19the Welsh Ministers**]** before any of the steps mentioned below is taken in relation to a registered social landlord.

The person by whom the notice must be given is indicated in the second column.

(2) Where the registered social landlord is **[**F21a registered society**]**, the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.
Presenting a petition for the winding up of the landlord.	The petitioner.
Passing a resolution for the winding up of the landlord.	The landlord.

(3) Where the registered social landlord is **[**F146a company**]** (including a registered charity), the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.
Applying for an administration order.	The applicant.
Presenting a petition for the winding up of the landlord.	The petitioner.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Passing a resolution for the winding up of the landlord.	The landlord.

(4) Where the registered social landlord is a registered charity (other than **[**F146a company**]**), the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.

F147(5) . . . . . .

(6) Any step purportedly taken without the requisite notice being given under this section is ineffective.

[F148(7) Subsections (8) and (9) apply in relation to the reference in subsection (3) to applying for an administration order.

(8) In a case where an administrator is appointed under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (appointment by floating charge holder, company or directors)—

(a) the reference includes a reference to appointing an administrator under that paragraph, and

(b) in respect of an appointment under either of those paragraphs the reference to the applicant shall be taken as a reference to the person making the appointment.

(9) In a case where a copy of a notice of intention to appoint an administrator under either of those paragraphs is filed with the court—

(a) the reference shall be taken to include a reference to the filing of the copy of the notice, and

(b) in respect of the filing of a copy of a notice of intention to appoint under either of those paragraphs the reference to the applicant shall be taken as a reference to the person giving the notice.**]**

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F146 Words in s. 40(3)(4) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(b)** (with art. 10)

F147 S. 40(5) omitted (15.8.2018) by virtue of The Regulation of Registered Social Landlords (Wales) Act 2018 (Consequential Amendments) Regulations 2018 (S.I. 2018/870), regs. 1(2), **3**

F148 S. 40(7)-(9) added (15.9.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 17 para. 51** (with s. 249(1)-(3)); S.I. 2003/2093, art. 2(1), Sch. 1 (with art. 3)

41 Further notice to be given to [F19the Welsh Ministers].

(1) Notice must be given to **[**F19the Welsh Ministers**]** as soon as may be after any of the steps mentioned below is taken in relation to a registered social landlord.

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The person by whom the notice must be given is indicated in the second column.

(2) Where the registered social landlord is **[**F21a registered society**]**, the steps and the person by whom notice must be given are—

The taking of a step to enforce any security over land held by the landlord.	The person taking the step.
The making of an order for the winding up of the landlord.	The petitioner.
The passing of a resolution for the winding up of the landlord.	The landlord.

(3) Where the registered social landlord is **[**F149a company**]** (including a registered charity), the steps and the person by whom notice must be given are—

The taking of a step to enforce any security over land held by the landlord.	The person taking the step.
The making of an administration order.	The person who applied for the order.
The making of an order for the winding up of the landlord.	The petitioner.
The passing of a resolution for the winding up of the landlord.	The landlord.

(4) Where the registered social landlord is a registered charity (other than **[**F149a company**]**), the steps and the person by whom notice must be given are—

The taking of a step to enforce any security over land held by the landlord.	The person taking the step.

(5) Failure to give notice under this section does not affect the validity of any step taken; but the period of 28 days mentioned in section 43(1) (period after which moratorium on disposal of land, &c. ends) does not begin to run until any requisite notice has been given under this section.

[F150(6) In subsection (3)—

(a) the reference to the making of an administration order includes a reference to appointing an administrator under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (administration), and

(b) in respect of an appointment under either of those paragraphs the reference to the applicant shall be taken as a reference to the person making the appointment.**]**

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

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F149 Words in s. 41(3)(4) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(b)** (with art. 10)

F150 S. 41(6) added (15.9.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 17 para. 52** (with s. 249(1)-(3)); S.I. 2003/2093, art. 2(1), Sch. 1 (with art. 3)

42 Moratorium on disposal of land, &c.

(1) Where any of the steps mentioned in section 41 is taken in relation to a registered social landlord, there is a moratorium on the disposal of land held by the landlord.

(2) During the moratorium the consent of **[**F19the Welsh Ministers**]** under this section is required (except as mentioned below) for any disposal of land held by the landlord, whether by the landlord itself or any person having a power of disposal in relation to the land.

Consent under this section may be given in advance and may be given subject to conditions.

[F151(3) Consent is not required under this section for—

(a) a letting of land under an assured tenancy or an assured agricultural occupancy, or what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8, or paragraph 12(1)(h), or any of paragraphs 12ZA to 12B, of Schedule 1 to the Housing Act 1988;

(b) a letting of land under a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;

(c) a disposal under Part 5 of the Housing Act 1985 (the right to buy) or under the right conferred by section 16 (the right to acquire).**]**

(4) A disposal made without the consent required by this section is void.

(5) Nothing in this section prevents a liquidator from disclaiming any land held by the landlord as onerous property.

(6) The provisions of this section apply in relation to any existing or future interest of the landlord in rent or other receipts arising from land as they apply to an interest in land.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F151 S. 42(3) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 11**; S.I. 2018/777, art. 3(g)

43 Period of moratorium.

(1) The moratorium in consequence of the taking of any step as mentioned in section 41—

(a) begins when the step is taken, and

(b) ends at the end of the period of 28 days beginning with the day on which notice of its having been taken was given to **[**F19the Welsh Ministers**]** under that section,

subject to the following provisions.

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(2) The taking of any further step as mentioned in section 41 at a time when a moratorium is already in force does not start a further moratorium or affect the duration of the existing one.

(3) A moratorium may be extended from time to time with the consent of all the landlord's secured creditors.

Notice of any such extension shall be given by **[**F19the Welsh Ministers**]** to—

(a) the landlord, and

(b) any liquidator, administrative receiver, receiver or administrator appointed in respect of the landlord or any land held by it.

(4) If during a moratorium **[**F19the Welsh Ministers**]** considers that the proper management of the landlord's land can be secured without making proposals under section 44 (proposals as to ownership and management of landlord's land), **[**F19the Welsh Ministers**]** may direct that the moratorium shall cease to have effect.

Before making any such direction **[**F19the Welsh Ministers**]** shall consult the person who took the step which brought about the moratorium.

(5) When a moratorium comes to an end, or ceases to have effect under subsection (4), **[**F19the Welsh Ministers**]** shall give notice of that fact to the landlord and the landlord's secured creditors.

(6) When a moratorium comes to an end (but not when it ceases to have effect under subsection (4)), the following provisions of this section apply.

The **[**F152Relevant Authority's**]** notice shall, in such a case, inform the landlord and the landlord's secured creditors of the effect of those provisions.

(7) If any further step as mentioned in section 41 is taken within the period of three years after the end of the original period of the moratorium, the moratorium may be renewed with the consent of all the landlord's secured creditors (which may be given before or after the step is taken).

Notice of any such renewal shall be given by **[**F19the Welsh Ministers**]** to the persons to whom notice of an extension is required to be given under subsection (3).

(8) If a moratorium ends without any proposals being agreed, then, for a period of three years the taking of any further step as mentioned in section 41 does not start a further moratorium except with the consent of the landlord's secured creditors as mentioned in subsection (7) above.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F152 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

[F153**43A Appointment of interim manager**

(1) During a moratorium the Welsh Ministers may appoint an interim manager of the registered social landlord.

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(2) An appointment may relate to the registered social landlord's affairs generally or to affairs specified in the appointment.

(3) But an appointment may not relate to affairs relating only to the provision of housing in England.

(4) Appointment is to be on terms and conditions (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.

(5) An interim manager has—

(a) any power specified in the appointment, and

(b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the landlord).

(6) But an interim manager may not—

(a) dispose of land, or

(b) grant security over land.

(7) The Welsh Ministers may give the interim manager general or specific directions.

(8) The Welsh Ministers may revoke or amend any directions given.

(9) An appointment under this section comes to an end with the earliest of the following—

(a) the end of the moratorium,

(b) the agreement of proposals made under section 44, or

(c) a date specified in the appointment.

(10) If a person ceases to be an interim manager before the appointment has come to an end, the Welsh Ministers may appoint a new interim manager in place of that person.**]**

Textual Amendments

F153 S. 43A inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 83**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

44 Proposals as to ownership and management of landlord's land.

(1) During the moratorium (see sections 42 and 43) **[**F19the Welsh Ministers**]** may make proposals as to the future ownership and management of the land held by the registered social landlord, designed to secure the continued proper management of the landlord's land by a registered social landlord.

(2) In drawing up its proposals **[**F19the Welsh Ministers**]**—

(a) shall consult the landlord and, so far as is practicable, its tenants, and

(b) shall have regard to the interests of all the landlord's creditors, both secured and unsecured.

(3) The **[**F154Relevant Authority**]** shall also consult—

(a) where the landlord is **[**F21a registered society**]**, the appropriate registrar, and

(b) where the landlord is a registered charity, the **[**F155Charity Commission**]** .

(4) No proposals shall be made under which—

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(a) a preferential debt of the landlord is to be paid otherwise than in priority to debts which are not preferential debts, [F156]...

[[F157](aa) an ordinary preferential debt of the landlord is to be paid otherwise than in priority to any secondary preferential debts that the landlord may have,**]**

(b) a preferential creditor is to be paid a smaller proportion of **[**[F158]an ordinary preferential debt**]** than another preferential creditor, except with the concurrence of the creditor concerned [F159]**[**[F160]...

(c) a preferential creditor is to be paid a smaller proportion of a secondary preferential debt than another preferential creditor, except with the concurrence of the creditor concerned.**][**[F161]or

(d) if the landlord is a relevant financial institution—

(i) an ordinary non-preferential debt of the landlord is to be paid otherwise than in priority to any secondary non-preferential debts of the landlord,

(ii) a secondary non-preferential debt of the landlord is to be paid otherwise than in priority to any tertiary non-preferential debts of the landlord, or

(iii) a secondary non-preferential creditor is to be paid a smaller proportion of a secondary non-preferential debt of the landlord than another secondary non-preferential creditor, except with the concurrence of the creditor concerned.**]**

In this subsection references to preferential debts **[**[F162], ordinary preferential debts, secondary preferential debts**][**[F163], ordinary non-preferential debts, secondary non-preferential debts, tertiary non-preferential debts, relevant financial institution**]** and preferential creditors have the same meaning as in the [M11]Insolvency Act 1986.

(5) So far as practicable no proposals shall be made which have the effect that unsecured creditors of the landlord are in a worse position than they would otherwise be.

(6) Where the landlord is a charity the proposals shall not require the landlord to act outside the terms of its trusts, and any disposal of housing accommodation occupied under a tenancy or licence from the landlord must be to another charity whose objects appear to **[**[F19]the Welsh Ministers**]** to be, as nearly as practicable, akin to those of the landlord.

(7) The **[**[F154]Relevant Authority**]** shall serve a copy of its proposals on—

(a) the landlord and its officers,

(b) the secured creditors of the landlord, and

(c) any liquidator, administrator, administrative receiver or receiver appointed in respect of the landlord or its land;

and it shall make such arrangements as it considers appropriate to see that the members, tenants and unsecured creditors of the landlord are informed of the proposals.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

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F154 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F155 Words in s. 44(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 187**; S.I. 2007/309, art. 2, Sch.

F156 Word in s. 44(4)(a) omitted (1.1.2015) by virtue of The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(a)** (with art. 3)

F157 S. 44(4)(aa) inserted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(b)** (with art. 3)

F158 Words in s. 44(4)(b) substituted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(c)** (with art. 3)

F159 Word in s. 44(4)(b) omitted (19.12.2018) by virtue of The Banks and Building Societies (Priorities on Insolvency) Order 2018 (S.I. 2018/1244), arts. 1(2), **39(2)** (with art. 3)

F160 S. 44(4)(c) and word inserted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(d)** (with art. 3)

F161 S. 44(4)(d) and word inserted (19.12.2018) by The Banks and Building Societies (Priorities on Insolvency) Order 2018 (S.I. 2018/1244), arts. 1(2), **39(3)** (with art. 3)

F162 Words in s. 44(4) inserted (1.1.2015) by The Banks and Building Societies (Depositor Preference and Priorities) Order 2014 (S.I. 2014/3486), arts. 1(2), **29(2)(e)** (with art. 3)

F163 Words in s. 44(4) inserted (19.12.2018) by The Banks and Building Societies (Priorities on Insolvency) Order 2018 (S.I. 2018/1244), arts. 1(2), **39(4)** (with art. 3)

Modifications etc. (not altering text)

C50 S. 44 modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by The Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1350), regs. 1(4), **123** (with reg. 108)

Marginal Citations

M11 1986 c. 45.

45 Effect of agreed proposals.

(1) The following provisions apply if proposals made by **[**F19the Welsh Ministers**]** under section 44 are agreed, with or without modifications, by all the secured creditors of the registered social landlord.

(2) Once agreed the proposals are binding on **[**F19the Welsh Ministers**]**, the landlord, all the landlord's creditors (whether secured or unsecured) and any liquidator, administrator, administrative receiver or receiver appointed in respect of the landlord or its land.

(3) It is the duty of—

(a) the members of the committee where the landlord is **[**F21a registered society**]**,

(b) the directors where the landlord is **[**F164a company (including a company that is a registered charity)**]** , and

(c) the trustees where the landlord is a charitable trust,

to co-operate in the implementation of the proposals.

This does not mean that they have to do anything contrary to any fiduciary or other duty owed by them.

(4) The **[**F165Relevant Authority**]** shall serve a copy of the agreed proposals on—

(a) the landlord and its officers,

(b) the secured creditors of the landlord, and

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(c) any liquidator, administrator, administrative receiver or receiver appointed in respect of the landlord or its land, and

(d) where the landlord is **[**F21a registered society**]** or registered charity, the **[**F166Financial Conduct Authority**]** or the **[**F167Charity Commission**]** , as the case may be;

and it shall make such arrangements as it considers appropriate to see that the members, tenants and unsecured creditors of the landlord are informed of the proposals.

(5) The proposals may subsequently be amended with the consent of the **[**F165Relevant Authority**]** and all the landlord's secured creditors.

Section 44(2) to (7) and subsections (2) to (4) above apply in relation to the amended proposals as in relation to the original proposals.

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F164 Words in s. 45(3)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(4)** (with art. 10)

F165 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.

F166 Words in s. 45(4)(d) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(d)** (with Sch. 12)

F167 Words in s. 45(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 188**; S.I. 2007/309, art. 2, Sch.

46 Appointment of manager to implement agreed proposals.

(1) Where proposals agreed as mentioned in section 45 so provide, **[**F19the Welsh Ministers**]** may by order F168. . . appoint a manager to implement the proposals or such of them as are specified in the order.

(2) If the landlord is a registered charity, **[**F19the Welsh Ministers**]** shall give notice to the **[**F169Charity Commission**]** of the appointment.

(3) Where proposals make provision for the appointment of a manager, they shall also provide for the payment of his reasonable remuneration and expenses.

(4) The **[**F170Relevant Authority**]** may give the manager directions in relation to the carrying out of his functions.

[F171(4A) The Welsh Ministers may amend or revoke any directions given by them.**]**

(5) The manager may apply to the High Court for directions in relation to any particular matter arising in connection with the carrying out of his functions.

A direction of the court supersedes any direction of **[**F19the Welsh Ministers**]** in respect of the same matter.

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(6) If a vacancy occurs by death, resignation or otherwise in the office of manager, **[**F19the Welsh Ministers**]** may by further order F168. . . fill the vacancy.

[F172(7) An order under this section—

(a) if made by the Housing Corporation, shall be made under its seal, and

(b) **[**F173An order made by**]** the **[**F174Welsh Ministers**]** , **[**F175under this section**]** shall be made in writing.**]**

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F168 Words in s. 46(1)(6) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 88(2), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F169 Words in s. 46(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 189**; S.I. 2007/309, art. 2, Sch.

F170 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F171 S. 46(4A) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 10**; S.I. 2011/2475, arts. 1(2), 2(v)

F172 S. 46(7) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 88(3)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F173 Words in s. 46(7)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 91(a)** (with art. 6, Sch. 3)

F174 Words in s. 46(7)(b) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F175 Words in s. 46(7)(b) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 91(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C51 S. 46(7) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

47 Powers of the manager.

(1) An order under section 46(1) shall confer on the manager power generally to do all such things as are necessary for carrying out his functions.

(2) The order may include the following specific powers—

(1) Power to take possession of the land held by the landlord and for that purpose to take any legal proceedings which seem to him expedient.

(2) Power to sell or otherwise dispose of the land by public auction or private contract.

(3) Power to raise or borrow money and for that purpose to grant security over the land.

(4) Power to appoint a solicitor or accountant or other professionally qualified person to assist him in the performance of his functions.

(5) Power to bring or defend legal proceedings relating to the land in the name and on behalf of the landlord.

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(6) Power to refer to arbitration any question affecting the land.

(7) Power to effect and maintain insurance in respect of the land.

(8) Power where the landlord is a body corporate to use the seal of the body corporate for purposes relating to the land.

(9) Power to do all acts and to execute in the name and on behalf of the landlord any deed, receipt or other document relating to the land.

(10) Power to appoint an agent to do anything which he is unable to do for himself or which can more conveniently be done by an agent, and power to employ and dismiss any employees.

(11) Power to do all such things (including the carrying out of works) as may be necessary in connection with the management or transfer of the land.

(12) Power to make any payment which is necessary or incidental to the performance of his functions.

(13) Power to carry on the business of the landlord so far as relating to the management or transfer of the land.

(14) Power to grant or accept a surrender of a lease or tenancy of any of the land, and to take a lease or tenancy of any property required or convenient for the landlord's housing activities.

(15) Power to make any arrangement or compromise on behalf of the landlord in relation to the management or transfer of the land.

(16) Power to do all other things incidental to the exercise of any of the above powers.

(3) In carrying out his functions the manager acts as the landlord's agent and he is not personally liable on a contract which he enters into as manager.

(4) A person dealing with the manager in good faith and for value is not concerned to inquire whether the manager is acting within his powers.

(5) The manager shall, so far as practicable, consult the landlord's tenants about any exercise of his powers which is likely to affect them and inform them about any such exercise of his powers.

Modifications etc. (not altering text)

C52 S. 47(2) applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), **Sch. 2**

48 Powers of the manager: transfer of engagements.

(1) An order under section 46(1) may, where the landlord is **[**[F21]a registered society**]**, give the manager power to make and execute on behalf of the society an instrument transferring the engagements of the society.

(2) Any such instrument has the same effect as a transfer of engagements under **[**[F176]section 110 or 112 of the Co-operative and Community Benefit Societies Act 2014**]** (transfer of engagements by special resolution to another society or a company).

[[F177]In particular, it does not prejudice any right of a creditor of the society.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(3) A copy of the instrument, signed by the manager, shall be sent to the **[**F178**[**F179Financial Conduct Authority**]** and registered by it**]**; and until that copy is so registered the instrument shall not take effect.

(4) It is the duty of the manager to send a copy for registration within 14 days from the day on which the instrument is executed; but this does not invalidate registration after that time.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F176 Words in s. 48(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 59(2)** (with Sch. 5)

F177 Words in s. 48(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 59(3)** (with Sch. 5)

F178 Words in s. 48(3) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 355

F179 Words in s. 48(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(e)** (with Sch. 12)

49 Assistance by **[**F19the Welsh Ministers**]**.

(1) The **[**F180Relevant Authority**]** may give such assistance as it thinks fit—

(a) to the landlord, for the purpose of preserving the position pending the making of and agreement to proposals;

(b) to the landlord or a manager appointed under section 46, for the purpose of carrying out any agreed proposals.

(2) The **[**F180Relevant Authority**]** may, in particular—

(a) lend staff;

(b) pay or secure payment of the manager's reasonable remuneration and expenses;

(c) give such financial assistance as appears to **[**F19the Welsh Ministers**]** to be appropriate.

F181(3) . . . . . .

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F180 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F181 S. 49(3) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 92, **Sch. 4** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C53 S. 49(3) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

50 Application to court to secure compliance with agreed proposals.

(1) The landlord or any creditor of the landlord may apply to the High Court on the ground that an action of the manager appointed under section 46 is not in accordance with the agreed proposals.

On such an application the court may confirm, reverse or modify any act or decision of the manager, give him directions or make such other order as it thinks fit.

(2) The **[**F182Relevant Authority**]** or any other person bound by agreed proposals may apply to the High Court on the ground that any action, or proposed action, by another person bound by the proposals is not in accordance with those proposals.

On such an application the court may—

(a) declare any such action to be ineffective, and

(b) grant such relief by way of injunction, damages or otherwise as appears to the court appropriate.

Textual Amendments

F182 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

[F183CHAPTER 4A

ENFORCEMENT POWERS

Textual Amendments

F183 Pt. I Ch. 4A and s. 50A and cross-heading inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 50**, 90(2); S.I. 2011/2475, arts. 1(2), 2(h)

General

50A Application of Chapter 4A

This Chapter does not apply in relation to a registered social landlord's provision of housing in England.**]**

[F184 50B Exercise of enforcement powers

(1) This section applies where the Welsh Ministers are deciding—

(a) whether to exercise an enforcement power,

(b) which enforcement power to exercise, or

(c) how to exercise an enforcement power.

(2) The Welsh Ministers must consider—

(a) the desirability of registered social landlords being free to choose how to provide services and conduct business;

(b) whether the failure or other problem concerned is serious or trivial;

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(c) whether the failure or other problem is a recurrent or isolated incident;

(d) the speed with which the failure or other problem needs to be addressed.

(3) In subsection (1), an "enforcement power" means a power exercisable under any of the following provisions—

this Chapter,

paragraphs 4, 6 to 8, 14 to 15B, 15D, 15F and 15H of Part 2 of Schedule 1,

paragraphs 20 to 27 of Part 4 of Schedule 1.**]**

Textual Amendments

F184 S. 50B inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 51**, 90(2); S.I. 2011/2475, arts. 1(2), 2(h)

[F185 Enforcement notice

Textual Amendments

F185 S. 50C and cross-heading inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 52**, 90(2); S.I. 2011/2475, arts. 1(2), 2(i), 3(e)

50C Grounds for giving notice

(1) The Welsh Ministers may give an enforcement notice to a registered social landlord if they are satisfied that—

(a) any of the following cases applies, and

(b) giving an enforcement notice is appropriate (whether it is likely to be sufficient in itself or a prelude to further action).

(2) Case 1 is where the registered social landlord has failed to meet a standard applicable to it under section 33A.

[F186(3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.**]**

(4) Case 3 is where the registered social landlord has failed to comply with an earlier enforcement notice.

(5) Case 4 is where the registered social landlord has failed to publish information in accordance with a requirement under section 50I(3) or 50Q(3).

(6) Case 5 is where the interests of tenants of the registered social landlord require protection.

(7) Case 6 is where the registered social landlord's assets require protection.

(8) Case 7 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.

(9) Case 8 is where an offence under this Part has been committed by the registered social landlord.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(10) Case 9 is where the registered social landlord has failed to implement a recommendation made by the Public Services Ombudsman for Wales in a report prepared under section 16 of the Public Services Ombudsman (Wales) Act 2005 **[**F187or section 23 of the Public Services Ombudsman (Wales) Act 2019**]**.

[But Case 2 is not to be treated as applying if any of the other cases listed in this section F188(10A) applies.**]**

(11) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—

(a) Case 8 applies,

(b) the Welsh Ministers may give an enforcement notice to the other person, and

(c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.**]**

Textual Amendments

F186 S. 50C(3) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 11(2)**, 19(2); S.I. 2018/777, art. 3(d)

F187 Words in s. 50C(10) inserted (23.7.2019) by Public Services Ombudsman (Wales) Act 2019 (anaw 3), s. 77(1), **Sch. 5 para. 16**; S.I. 2019/1096, reg. 2

F188 S. 50C(10A) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 11(3)**, 19(2); S.I. 2018/777, art. 3(d)

[F189**50D Content**

(1) An enforcement notice must—

(a) specify the grounds on which it is given,

(b) specify the action the Welsh Ministers want the registered social landlord to take in response to the notice,

(c) specify when the action is to be taken (which may be immediately on receipt of the notice), and

(d) explain the effect of sections 50E to 50G.

(2) The action specified in an enforcement notice may include publishing the notice in a specified manner.**]**

Textual Amendments

F189 S. 50D inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 53**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[F190**50E Appeal**

A registered social landlord who is given an enforcement notice may appeal to the High Court.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F190 S. 50E inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 54**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[F191 50F Withdrawal

The Welsh Ministers may withdraw an enforcement notice by notice to the registered social landlord.]

Textual Amendments

F191 S. 50F inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 55**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[F192 50G Sanction

(1) In the case of an enforcement notice given to a person other than the registered social landlord by virtue of section 50C(11), the Welsh Ministers may only—

(a) exercise the power to issue a penalty notice to the person in accordance with the next group of sections, or

(b) take steps to have the person prosecuted for the offence by reference to which the enforcement notice was given.

(2) A person to whom an enforcement notice is given on the ground in Case 8 of section 50C may not be prosecuted for the offence by reference to which the enforcement notice was given unless the person fails to comply with the enforcement notice.]

Textual Amendments

F192 S. 50G inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 56**, 90(2); S.I. 2011/2475, arts. 1(2), 2(j)

[F193 *Penalty*

Textual Amendments

F193 S. 50H and cross-heading inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 57**, 90(2); S.I. 2011/2475, arts. 1(2), 2(k), 3(f)

50H Grounds for imposition

(1) The Welsh Ministers may require a registered social landlord to pay a penalty if they are satisfied that—

(a) any of the following cases applies, and

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(b) the imposition of a penalty is appropriate (whether or not as part of a response including other action).

(2) Case 1 is where the registered social landlord has failed to meet a standard under section 33A.

[[F194](3) Case 2 is where the registered social landlord has failed to comply with a requirement imposed by or under an enactment.**]**

(4) Case 3 is where the registered social landlord has failed to comply with an enforcement notice.

(5) Case 4 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.

(6) Case 5 is where an offence under this Part has been committed by the registered social landlord.

[But Case 2 is not to be treated as applying if any of the other cases listed in this section [F195](6A) applies.**]**

(7) Where the Welsh Ministers are satisfied that an offence under this Part has been committed in respect of a registered social landlord but by another person (such as a member, employee or agent of the registered social landlord)—

(a) Case 5 applies,

(b) the Welsh Ministers may require the other person to pay a penalty, and

(c) this Chapter applies with the substitution of references to that other person for references to the registered social landlord.

(8) In order to rely on Case 5 the Welsh Ministers must be satisfied beyond reasonable doubt that it applies.**]**

Textual Amendments

F194 S. 50H(3) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 12(2)**, 19(2); S.I. 2018/777, art. 3(d)

F195 S. 50H(6A) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 12(3)**, 19(2); S.I. 2018/777, art. 3(d)

[[F196]**50I Imposition**

(1) A penalty is imposed by the Welsh Ministers giving notice (a "penalty notice") to the registered social landlord.

(2) The notice must specify—

(a) the grounds on which the penalty is imposed,

(b) the amount of the penalty,

(c) how the penalty must be paid,

(d) a period within which it must be paid, and

(e) any interest or additional penalty which, by virtue of section 50M, is payable in the event of late payment.

(3) The notice may require the registered social landlord to publish information about the penalty in a specified manner.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(4) The notice must explain the effect of sections 50M(1), (3) and (5) and 50N.**]**

Textual Amendments

F196 S. 50I inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 58**, 90(2); S.I. 2011/2475, arts. 1(2), 2(l)

[F197 50J Amount

(1) The amount of a penalty imposed on the ground specified in Case 5 of section 50H may not exceed the maximum amount **[**F198(if any)**]** of fine that a magistrates' court could impose for the relevant offence.

(2) The amount of a penalty imposed on the ground specified in any other Case of that section may not exceed £5,000.

(3) The Welsh Ministers may by order amend the amount specified in subsection (2).

(4) An order under subsection (3) is to be made by statutory instrument and must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.**]**

Textual Amendments

F197 S. 50J inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 59**, 90(2); S.I. 2011/2475, arts. 1(2), 2(l)

F198 Words in s. 50J(1) inserted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 5 para. 6** (with reg. 5(1))

[F199 50K Warning

(1) Before giving a penalty notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a "pre-penalty warning")—

(a) specifying grounds on which the Welsh Ministers think a penalty could be imposed,

(b) warning the landlord that the Welsh Ministers are considering imposing a penalty,

(c) including any indication that the Welsh Ministers are able to give of the likely amount of any penalty, and

(d) explaining the effect of sections 50L, 50M(1), (3) and (5) and 50N.

(2) The Welsh Ministers must send a copy of a pre-penalty warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-penalty warning is given).

(3) A pre-penalty warning must—

(a) refer to section 6A, and

(b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, a penalty.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(4) A pre-penalty warning may be combined with notice under one or more of the following—

(a) section 50S,

(b) paragraphs 15C, 15E and 15G of Schedule 1.**]**

Textual Amendments

F199 S. 50K inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 60**, 90(2); S.I. 2011/2475, arts. 1(2), 2(l)

[F200 50L Representations

(1) A pre-penalty warning must specify a period during which the registered social landlord may make representations to the Welsh Ministers.

(2) The period must—

(a) be a period of at least 28 days, and

(b) begin with the date on which the registered social landlord receives the pre-penalty warning.

(3) Representations may address—

(a) whether a penalty should be imposed;

(b) the amount of any penalty that may be imposed.

(4) After the end of the period specified under subsection (1) the Welsh Ministers must—

(a) consider any representations made, and

(b) decide whether to impose a penalty.**]**

Textual Amendments

F200 S. 50L inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 61**, 90(2); S.I. 2011/2475, arts. 1(2), 2(l)

[F201 50MEnforcement

(1) A penalty is to be treated as a debt owed to the Welsh Ministers.

(2) The Welsh Ministers may—

(a) charge interest on a penalty not paid during the period specified under section 50I(2)(d);

(b) impose one or more additional penalties where a penalty is not paid during that period.

(3) Interest and additional penalty are to be treated as penalty (and may have the effect of increasing the penalty above a limit set by section 50J).

(4) A penalty notice may include provision allowing a discount if the penalty is paid on or before a date specified in the notice (falling within the period specified under section 50I(2)(d)).

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) A person to whom a penalty notice is given on the ground in Case 5 of section 50H may not be prosecuted for the offence by reference to which the penalty notice was given.**]**

Textual Amendments

F201 S. 50M inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 62**, 90(2); S.I. 2011/2475, arts. 1(2), 2(l)

[F202 50N Appeal

A registered social landlord who is given a penalty notice may appeal to the High Court against—

(a) the imposition of the penalty,

(b) its amount, or

(c) both.**]**

Textual Amendments

F202 S. 50N inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 63**, 90(2); S.I. 2011/2475, arts. 1(2), 2(l)

[F203 Compensation

Textual Amendments

F203 S. 50O and cross-heading inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 64**, 90(2); S.I. 2011/2475, arts. 1(2), 2(m), 3(g)

50O Grounds for award

(1) The Welsh Ministers may require a registered social landlord to pay compensation if they are satisfied that—

(a) either of the following cases applies, and

(b) the award of compensation is appropriate (whether or not as part of a response including other action).

(2) Case 1 is where the registered social landlord has failed to meet a standard under section 33A.

(3) Case 2 is where the registered social landlord has given an undertaking under section 6A and failed to comply with it.**]**

[F204 50P Persons to whom compensation may be awarded

Compensation in respect of a failure may be awarded to one or more persons who have suffered as a result of the failure.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F204 S. 50P inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 65**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[F205 50Q Award

(1) Compensation is awarded by the Welsh Ministers giving notice (a "compensation notice") to—

(a) the registered social landlord, and

(b) the person to be compensated.

(2) The notice must specify—

(a) the grounds on which the compensation is awarded,

(b) the amount of the compensation,

(c) the person to be compensated,

(d) a period within which it must be paid, and

(e) any interest or additional compensation which, by virtue of section 50U(2), is payable in the event of late payment.

(3) The notice may require the registered social landlord to publish information about the compensation award in a specified manner.

(4) The notice must explain the effect of sections 50U(1) and (3) and 50V.**]**

Textual Amendments

F205 S. 50Q inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 66**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[F206 50R Impact

(1) This section applies when the Welsh Ministers are considering—

(a) whether to award compensation, or

(b) the amount of compensation to award.

(2) The Welsh Ministers must take account of any information available to them about the financial situation of the registered social landlord.

(3) The Welsh Ministers must consider the likely impact of the compensation on the registered social landlord's ability to provide services.

(4) In particular, the Welsh Minsters must aim to avoid—

(a) jeopardising the financial viability of the registered social landlord,

(b) preventing the registered social landlord from honouring financial commitments, or

(c) preventing the registered social landlord from taking action to remedy the matters on the grounds of which the compensation might be awarded.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F206 S. 50R inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 67**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[F207 50S Warning

(1) Before giving a compensation notice to a registered social landlord the Welsh Ministers must give the landlord a notice (a "pre-compensation warning")—

(a) specifying grounds on which the Welsh Ministers think compensation could be awarded,

(b) warning the landlord that the Welsh Ministers are considering awarding compensation to a specified person,

(c) including any indication that the Welsh Ministers are able to give of the likely amount of any compensation, and

(d) explaining the effect of sections 50T, 50U(1) and (3) and 50V.

(2) Before giving a pre-compensation warning the Welsh Ministers must consult the Public Services Ombudsman for Wales.

(3) The Welsh Ministers must send a copy of a pre-compensation warning to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the pre-compensation warning is given).

(4) A pre-compensation warning must—

(a) refer to section 6A, and

(b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, awarding compensation.

(5) A pre-compensation warning may be combined with notice under one or more of the following—

(a) section 50K,

(b) paragraphs 15C, 15E and 15G of Schedule 1.**]**

Textual Amendments

F207 S. 50S inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 68**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[F208 50T Representations

(1) A pre-compensation warning must specify a period during which the registered social landlord may make representations to the Welsh Ministers.

(2) The period must—

(a) be a period of at least 28 days, and

(b) begin with the date on which the registered social landlord receives the pre-compensation warning.

(3) Representations may address—

(a) whether compensation should be awarded;

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the amount of any compensation that may be awarded.

(4) After the end of the period specified under subsection (1) the Welsh Ministers must—

(a) consider any representations made, and

(b) decide whether to award compensation.**]**

Textual Amendments

F208 S. 50T inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 69**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[F209 50U Enforcement

(1) Compensation is to be treated as a debt owed to the person to whom it is awarded.

(2) The Welsh Ministers may —

(a) award interest on compensation not paid during the period specified under section 50Q(2)(d);

(b) award additional compensation where compensation is not paid during that period.

(3) Interest and additional compensation are to be treated as compensation.**]**

Textual Amendments

F209 S. 50U inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 70**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

[F210 50V Appeal

A registered social landlord who is given a compensation notice may appeal to the High Court against—

(a) the award of compensation,

(b) its amount, or

(c) both.**]**

Textual Amendments

F210 S. 50V inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 71**, 90(2); S.I. 2011/2475, arts. 1(2), 2(n)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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CHAPTER V

MISCELLANEOUS AND GENERAL PROVISIONS

Housing complaints

51 Schemes for investigation of complaints.

(1) The provisions of Schedule 2 have effect for the purpose of enabling tenants and other individuals to have complaints against social landlords investigated by a housing ombudsman in accordance with a scheme approved by the Secretary of State.

(2) For the purposes of that Schedule a "social landlord" means—

[F211(za) a local authority in England which is a registered provider of social housing,**]**

[F212(a) a **[**F213private registered provider**]** of social housing,**]**

(b) a transferee of housing pursuant to **[**F214—

(i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act; or

(ii) a qualifying disposal that was made**]** under section 135 of the M12Leasehold Reform, Housing and Urban Development Act 1993;

(c) a body which has acquired dwellings under Part IV of the M13Housing Act 1988 (change of landlord: secure tenants); or

(d) any other body which was at any time registered with **[**F215the Regulator of Social Housing or**]** the **[**F216Housing Corporation, or with Housing for Wales,**]** and which owns or manages publicly-funded dwellings.

(3) In subsection (2)(d) a "publicly-funded dwelling" means a dwelling which was—

(a) provided by means of a grant under—

[F217section 19 of the Housing and Regeneration Act 2008 (financial assistance) where the grant was made on condition that the recipient provides social housing F218...,**]**

section 18 of this Act (social housing grant), or

section 50 of the Housing Act 1988, section 41 of the M14Housing Associations Act 1985, or section 29 or 29A of the M15Housing Act 1974 (housing association grant)**[**F219, or a grant from the Greater London Authority which was a grant made on condition that the recipient provides social housing; or**]**F220...

(b) acquired on a disposal by a public sector landlord.

[F221(3A) In subsection (3) "provides social housing" has the same meaning as in Part 1 of the Housing and Regeneration Act 2008.**]**

(4) The Secretary of State may by order add to or amend the descriptions of landlords who are to be treated as social landlords for the purposes of Schedule 2.

(5) Before making any such order the Secretary of State shall consult such persons as he considers appropriate.

(6) Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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[F222(7) This section shall not apply in relation to social landlords in Wales (within the meaning given by **[**F223section 78 of the Public Services Ombudsman (Wales) Act 2019**]**).**]**

[F224(7) Section 52 shall apply to an order under subsection (4) (with any necessary modifications).**]**

Textual Amendments

F211 S. 51(2)(za) inserted (1.4.2013 for E.) by Localism Act 2011 (c. 20), **ss. 181(3)**, 240(2) (with s. 181(11)); S.I. 2013/722, art. 2(c)

F212 S. 51(2)(a) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(2)(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F213 Word in s. 51(2)(a) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 2 para. 23(5)**

F214 Words in s. 51(2)(b) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 14 para. 4(2)**; S.I. 2008/3068, art. 4(1)(c) (with arts. 6-13)

F215 Words in s. 51(2)(d) inserted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(2)(b)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F216 Words in s. 51(2)(d) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 90(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F217 Words in s. 51(3)(a) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 1 para. 8** (with art. 6, Sch. 3)

F218 Words in s. 51(3)(a) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 19 para. 34(2)(a), **Sch. 25 Pt. 31**; S.I. 2012/628, art. 6(i)(j) (with arts. 9, 11, 14, 15, 17)

F219 Words in s. 51(3)(a) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 34(2)(b)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

F220 Word in s. 51(3)(a) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 31**; S.I. 2012/628, art. 6(j) (with arts. 9, 11, 14, 15, 17)

F221 S. 51(3A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 34(3)**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

F222 S. 51(7) inserted (14.7.2005) by Housing Act 2004 (c. 34), **ss. 228(1)**, 270(7); S.I. 2005/1814, arts. 1(2), 2(c)

F223 Words in s. 51(7) substituted (23.7.2019) by Public Services Ombudsman (Wales) Act 2019 (anaw 3), s. 77(1), **Sch. 5 para. 17**; S.I. 2019/1096, reg. 2

F224 S. 51(7) added (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(2)(c)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

C54 S. 51(2)(d) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Commencement Information

I12 S. 51 wholly in force 1.4.1997; s. 51 not in force at Royal Assent see s. 232(3); s.51 in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 2**; s. 51(1) in force so far as not already in force and 51(2)-(6) in force at 1.4.1997 by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

Marginal Citations

M12 1993 c. 28.

M13 1988 c. 50.

M14 1985 c. 69.

M15 1974 c. 44.

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F225 51A Social Housing Ombudsman for Wales

. . . . . .

Textual Amendments

F225 Ss. 51A-51C repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 58, **Sch. 7**; S.I. 2005/2800, art. 5(1)(3) (with Sch. 2)

F225 51B Investigation of complaints

. . . . . .

Textual Amendments

F225 Ss. 51A-51C repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 58, **Sch. 7**; S.I. 2005/2800, art. 5(1)(3) (with Sch. 2)

F225 51C Meaning of "social landlord in Wales"

. . . . . .

Textual Amendments

F225 Ss. 51A-51C repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 58, **Sch. 7**; S.I. 2005/2800, art. 5(1)(3) (with Sch. 2)

Orders and determinations

52 General provisions as to orders.

(1) The following provisions apply to any power of the **[**F226Welsh Ministers**]** under **[**F227section 2, **[**F2287J,**]** 17, **[**F229 27A,**]** 39, **[**F230 50J,**]** 51 or 55 or Schedule 2**]** to make an order.

(2) An order may make different provision for different cases or descriptions of case.

This includes power to make different provision for different bodies or descriptions of body, different provision for different housing activities and different provision for different areas.

(3) An order may contain such supplementary, incidental, consequential or transitional provisions and savings as the **[**F226Welsh Ministers**][**F231consider**]** appropriate.

Textual Amendments

F226 Words in s. 52(1)(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.); S.I. 2010/862, art. 2 (with Sch.)

F227 Words in s. 52(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 91** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

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F228 Word in s. 52(1) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 12**; S.I. 2018/777, art. 3(g)
F229 Word in s. 52(1) inserted (6.4.2006 for E.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 41**; S.I. 2006/1060, art. 2(1)(d) (with Sch.)
F230 Word in s. 52(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 11**; S.I. 2011/2475, arts. 1(2), 2(v)
F231 Word in s. 52(1)(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(e)**, 325(1); S.I. 2010/862, art. 2 (with Sch.); S.I. 2010/862, art. 2 (with Sch.)

53 General provisions as to determinations.

(1) The following provisions apply to determinations of [F232]... the **[**[F233]Welsh Ministers**]** this Part.

(2) A determination may make different provision for different cases or descriptions of case.

This includes power to make—

(a) different provision for different registered social landlords or descriptions of registered social landlord, and

(b) different provision for different housing activities and different provision for different areas;

and for the purposes of paragraph (b) descriptions may be framed by reference to any matters whatever, including in particular, in the case of housing activities, the manner in which they are financed.

(3) In this Part a general determination means a determination which does not relate solely to a particular case.

(4) Before making a general determination, [F234]... the **[**[F235]Welsh Ministers**]** shall consult such bodies appearing to them to be representative of registered social landlords as they consider appropriate.

(5) After making a general determination, [F236]... the **[**[F235]Welsh Ministers**]** shall publish the determination in such manner as they consider appropriate for bringing the determination to the notice of the landlords concerned.

Textual Amendments

F232 Words in s. 53(1) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 93, **Sch. 4** (with art. 6, Sch. 3)
F233 Words in s. 53(1) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)
F234 Words in s. 53(4) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 93, **Sch. 4** (with art. 6, Sch. 3)
F235 Words in s. 53(4)(5) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.); S.I. 2010/862, art. 2 (with Sch.)
F236 Words in s. 53(5) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 93, **Sch. 4** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C55 S. 53: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

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C56 S. 53 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

[F237]54 Determinations of the [Housing Corporation] requiring approval.

. . . . . .

Textual Amendments

F237 S. 54 repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 94, **Sch. 4** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C57 S. 54: transfer of functions (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2**

C58 S. 54 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Minor and consequential amendments

55 Minor and consequential amendments: Part I.

(1) The enactments mentioned in Schedule 3 have effect with the minor amendments specified there.

(2) The **[**[F238]Welsh Ministers**]** may by order make such amendments or repeals of any enactment as appear to **[**[F239]them**]** necessary or expedient in consequence of the provisions of this Part.

(3) Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of **[**[F240]the National Assembly for Wales**]** .

Textual Amendments

F238 Words in s. 55(2) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F239 Word in s. 55(2) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(d)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F240 Words in s. 55(3) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Commencement Information

I13 S. 55 wholly in force 1.4.1997; s. 55 not in force at Royal Assent see s. 232(3); s. 55(1) in force for certain purposes and s. 55(2)(3) wholly in force at 1.8.1996 by S.I. 1996/2048, artS. 2, 4; s. 55(1) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 3** (subject to the transitional provisions and savings in Sch. para. 1) and in force at 1.4.1997 to the extent it is not already in force by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

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Interpretation

[F241]56 Meaning of "[F19the Welsh Ministers]".

. . . . . .

Textual Amendments

F19 Words in Pt. I substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 61(7)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F241 S. 56 repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), ss. 61(8), 325(1), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

Modifications etc. (not altering text)

C59 S. 56 modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6, Sch. para. 5(9))

57 Definitions relating to [F242registered societies].

(1) In this Part, in relation to **[**[F21]a registered society**]**—

[F243]. . .

"committee" means the committee of management or other directing body of the society; and

"co-opted member", in relation to the committee, includes any person co-opted to serve on the committee, whether he is a member of the society or not.

(2) Any reference in this Part to a member of the committee of **[**[F21]a registered society**]** includes a co-opted member.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F242 Words in s. 57 heading substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 60** (with Sch. 5)

F243 Definition of "appropriate registrar" in s. 57(1) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 356(1)

58 Definitions relating to charities.

[[F244](1) In this Part—

(a) "trusts", in relation to a charity, has the same meaning as in the Charities Act 2011 and "trustee" means a charitable trustee within the meaning of that Act, and

(b) "registered charity" means a charity which is registered in accordance with section 30 of that Act.**]**

[[F245](1A) For the purposes of this Part a registered charity has received public assistance if at least one of the following conditions is satisfied—

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(a) the charity has received financial assistance under section 24 of the Local Government Act 1988 (assistance for privately let housing accommodation);

(b) the charity has received financial assistance under section 19 of the Housing and Regeneration Act 2008 (financial assistance);

(c) the charity has had housing transferred to it pursuant to—

(i) a large scale disposal, within the meaning of section 34 of the Housing Act 1985, for which consent was required under section 32 or 43 of that Act, or

(ii) a qualifying disposal that was made under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993;

(d) the charity has received a grant or loan under—

(i) section 18 (social housing grants),

(ii) section 22 (assistance from local authorities),

(iii) section 58 of the Housing Associations Act 1985 (grants or loans by local authorities),

(iv) section 50 of the Housing Act 1980, section 41 of the Housing Associations Act 1985 or any enactment replaced by that section (housing association grant),

(v) section 51 of the Housing Act 1988 or sections 54 or 55 of the Housing Associations Act 1985 (revenue deficit grant or hostel deficit grant),

(vi) section 79 of the Housing Associations Act 1985 (loans by Housing Corporation),

(vii) section 31 of the Housing Act 1974 (management grants), or

(viii) any enactment mentioned in paragraph 2 or 3 of Schedule 1 to the Housing Associations Act 1985 (pre-1974 grants and certain loans).**]**

(2) References in this Part to **[**[F246]a company**]** do not include a company which is a registered charity, except where otherwise provided.

Textual Amendments

F244 Words in s. 58(1)(a) substituted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, Sch. para. 45; s. 58(1) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 71** (with s. 20(2), Sch. 8)

F245 S. 58(1A) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 86**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F246 Words in s. 58(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(c)** (with art. 10)

59 Meaning of "officer" of registered social landlord.

(1) References in this Part to an officer of a registered social landlord are—

(a) in the case of a registered charity which is not **[**[F247]a company**]** , to any trustee, secretary or treasurer of the charity;

(b) in the case of **[**[F21]a registered society**]**, to any officer of the society as defined in **[**[F248]section 149 of the Co-operative and Community Benefit Societies Act 2014**]**; and

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(c) in the case of **[**F249a company (including a company that is a registered charity)**]** , to any director or other officer of the company within the meaning of **[**F250the Companies Acts (see sections 250 and 1173(1) of the Companies Act 2006)**]** .

(2) Any such reference includes, in the case of **[**F21a registered society**]**, a co-opted member of the committee of the society.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F247 Words in s. 59(1)(a) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(d)** (with art. 10)

F248 Words in s. 59(1)(b) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 61** (with Sch. 5)

F249 Words in s. 59(1)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(6)(a)** (with art. 10)

F250 Words in s. 59(1)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(6)(b)** (with art. 10)

60 Meaning of "subsidiary".

(1) In this Part "subsidiary", in relation to a registered social landlord, means a company with respect to which one of the following conditions is fulfilled—

(a) the landlord is a member of the company and controls the composition of the board of directors;

(b) the landlord holds more than half in nominal value of the company's equity share capital; or

(c) the company is a subsidiary, within the meaning of **[**F251the Companies Acts (see section 1159 of the Companies Act 2006)**]** or **[**F252Part 7 of the Co-operative and Community Benefit Societies Act 2014**]**, of another company which, by virtue of paragraph (a) or paragraph (b), is itself a subsidiary of the landlord.

(2) For the purposes of subsection (1)(a), the composition of a company's board of directors shall be deemed to be controlled by a registered social landlord if, but only if, the landlord, by the exercise of some power exercisable by him without the consent or concurrence of any other person, can appoint or remove the holders of all or a majority of the directorships.

(3) In relation to a company which is **[**F21a registered society**]**—

(a) any reference in this section to the board of directors is a reference to the committee of management of the society; and

(b) the reference in subsection (2) to the holders of all or a majority of the directorships is a reference—

(i) to all or a majority of the members of the committee, or

(ii) if the landlord is himself a member of the committee, such number as together with him would constitute a majority.

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(4) In the case of a registered social landlord which is a body of trustees, references in this section to the landlord are to the trustees acting as such.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F251 Words in s. 60(1)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(7)** (with art. 10)

F252 Words in s. 60(1)(c) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 62** (with Sch. 5)

61 Meaning of "associate".

(1) In this Part "associate", in relation to a registered social landlord, means—

(a) any body of which the landlord is a subsidiary, and

(b) any other subsidiary of such a body.

(2) In this section "subsidiary" has the same meaning as in **[**F253the Companies Acts (see section 1159 of the Companies Act 2006)**]** or **[**F254Part 7 of the Co-operative and Community Benefit Societies Act 2014**]** or, in the case of a body which is itself a registered social landlord, has the meaning given by section 60.

Textual Amendments

F253 Words in s. 61(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(7)** (with art. 10)

F254 Words in s. 61(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 63** (with Sch. 5)

62 Members of a person's family: Part I.

(1) A person is a member of another's family within the meaning of this Part if—

(a) he is the spouse **[**F255 or civil partner**]** of that person, or he and that person live together **[**F256as if they were a married couple or**][**F257civil partners**]**, or

(b) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

(2) For the purpose of subsection (1)(b)—

(a) a relationship by marriage **[**F258 or civil partnership**]** shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and

(c) the stepchild of a person shall be treated as his child.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F255 Words in s. 62(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 51(2)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1

F256 Words in s. 62(1)(a) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 20(2)**

F257 Words in s. 62(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 51(2)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1

F258 Words in s. 62(2)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 51(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

63 Minor definitions: Part I.

(1) In this Part—

[[F259]"action" includes inaction, proposed action and decision;**]**

[[F260]"company" means a company registered under the Companies Act 2006;**]**

"dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

"fully mutual", in relation to a housing association, and "co-operative housing association" have the same meaning as in the [M16]Housing Associations Act 1985 (see section 1(2) of that Act);

"hostel" means a building in which is provided for persons generally or for a class or classes of persons—

(a) residential accommodation otherwise than in separate and self-contained premises, and

(b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

"house" includes—

(a) any part of a building occupied or intended to be occupied as a separate dwelling, and

(b) any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

"housing accommodation" includes flats, lodging-houses and hostels;

"housing activities" means, in relation to a registered social landlord, all its activities in pursuance of the purposes, objects and powers mentioned in or specified under section 2;

"information" includes accounts, estimates and returns;

"local authority" has the same meaning as in the [M17]Housing Associations Act 1985;

"long tenancy" has the same meaning as in Part V of the [M18]Housing Act 1985;

[[F259]"misconduct" includes any failure to comply with the requirements of this Part of this Act;**]**

"modifications" includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

"notice" means notice in writing;

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[F261notify" means notify in writing;**]**

[F261"public sector landlord" means any of the authorities or bodies within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);

"registrar of companies" has the same meaning as in **[**F262the Companies Acts (see section 1060 of the Companies Act 2006)**]** ;

[F259"representations" means representations in writing;**]**

"statutory tenancy" has the same meaning as in the Housing Act 1985.

(2) References in this Part to the provision of a dwelling or house include the provision of a dwelling or house—

(a) by erecting the dwelling or house, or converting a building into dwellings or a house, or

(b) by altering, enlarging, repairing or improving an existing dwelling or house;

and references to a dwelling or house provided by means of a grant or other financial assistance are to its being so provided directly or indirectly.**]**

Textual Amendments

F259 Words in s. 63(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 87**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F260 Words in s. 63(1) inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(8)(a)** (with art. 10)

F261 Words in s. 63 inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 13**; S.I. 2018/777, art. 3(g)

F262 Words in s. 63(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(8)(b)** (with art. 10)

Marginal Citations

M16 1985 c. 69.

M17 1985 c. 69.

M18 1985 c. 68.

64 Index of defined expressions: Part I.

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

[F263action	section 63**]**
appointed person (in relation to inquiry into affairs of registered social landlord)	paragraph 20 of Schedule 1
F264	F264
. . .	. . .
associate (in relation to a registered social landlord)	section 61(1)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

assured tenancy	section 230
assured agricultural occupancy	section 230
assured shorthold tenancy	section 230
F265	**F265**
. . .	. . .
committee member (in relation to **[**F21a registered society**]**)	section 57(2)
[F266company	section 63 (and see section 58(2))**]**
F267	**F267**
. . .	. . .
co-operative housing association	section 63
co-opted member (of committee of **[**F268registered society**]**)	section 57(1)
F269	**F269**
. . .	. . .
disposal proceeds fund	section 24
dwelling	section 63
enactment	section 230
fully mutual housing association	section 63
hostel	section 63
house	section 63
housing accommodation	section 63
housing activities	section 63
housing association	section 230
F270	section 2(1)(b)
. . .	
information	section 63
lease	section 229
local authority	section 63
[F263local housing authority	section 230**]**
long tenancy	section 63
member of family	section 62
[F263misconduct	section 63**]**
modifications	section 63
notice	section 63
officer of registered social landlord	section 59

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provision (in relation to dwelling or house)	section 63(2)
public sector landlord	section 63
[[F263]received public assistance	section 58(1A)**]**
register, registered and registration (in relation to social landlords)	section 1
registered charity	section 58(1)(b)
[[F271]registered society	section 1A.**]**
registrar of companies	section 63
F272	F272
. . .	. . .
relevant disposal which is not an exempted disposal (in sections 11 to 14)	section 15
[[F263]representations	section 63**]**
secure tenancy	section 230
social housing grant	section 18(1)
statutory tenancy	section 63
subsidiary (in relation to a registered social landlord)	section 60(1)
trustee and trusts (in relation to a charity)	section 58(1)(a)

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F263 Words in s. 64 inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 12**; S.I. 2011/2475, arts. 1(2), 2(v)

F264 S. 64: Entry relating to "appropriate registrar" in the Table repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 356(2)

F265 Words in s. 64 omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of The Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), art. 1, **Sch. para. 45**

F266 Words in s. 64 inserted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(9)(a)** (with art. 10)

F267 S. 64 entry omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(9)(b)** (with art. 10)

F268 Words in s. 64 substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 64(2)** (with Sch. 5)

F269 Entry in s. 64 repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 95(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.

F270 Words in s. 64 omitted (1.8.2014) by virtue of Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 64(3)** (with Sch. 5)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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F271 Words in s. 64 inserted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 64(4)** (with Sch. 5)
F272 S. 64: entry repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 95, **Sch. 4** (with art. 6, Sch. 3)

PART II

HOUSES IN MULTIPLE OCCUPATION

Registration schemes

F273 65 Making and approval of registration schemes.

. . . . . .

Textual Amendments
F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

Commencement Information
I14 S. 65 wholly in force 3.3.1997: s. 65 not in force at Royal Assent, see s. 232(1)-(3); s. 65 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**, and in force at 3.3.1997 so far as not already in force, by S.I. 1997/350, **art. 2**

F273 66 Registration schemes: control provisions.

. . . . . .

Textual Amendments
F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

Commencement Information
I15 S. 66 wholly in force 3.3.1997: s. 66 not in force at Royal Assent, see s. 232(1)-(3); s. 66 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**, and in force at 3.3.1997 so far as not already brought into force, by S.I. 1997/350, **art. 2**

F273 67 Registration schemes: special control provisions.

. . . . . .

Textual Amendments
F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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F273 68 Offences in connection with registration schemes.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 69 Information requirements in connection with registration schemes.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 70 Existing registration schemes.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

Other amendments of Part XI of the Housing Act 1985

F273 71 Restriction on notices requiring execution of works.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 72 Recovery of expenses of notice requiring execution of works.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

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Commencement Information

I16 S. 72 wholly in force 3.3.1997: s. 72 not in force at Royal Assent, see s. 232(1)-(3); s. 72 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**, and in force at 3.3.1997 so far as not already brought into force, by S.I. 1997/350, **art. 2**

PROSPECTIVE

F273 73 Duty to keep premises fit for number of occupants.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 74 Section 354 direction to be local land charge.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 75 Means of escape from fire.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

Commencement Information

I17 S. 75 wholly in force 3.3.1997: s. 75 not in force at Royal Assent, see s. 232(1)-(3); s. 75 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**, and in force at 3.3.1997 so far as not already brought into force, by S.I. 1997/350, **art. 2**

F273 76 Works notices: improvement of enforcement procedures.

. . . . . .

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 77 Codes of practice.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 78 Increase of fines, &c.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F273 79 Minor amendments.

. . . . . .

Textual Amendments

F273 Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

Common lodging houses

80 Repeal of Part XII of the Housing Act 1985.

(1) Part XII of the Housing Act 1985 (common lodging houses) is hereby repealed.

(2) In consequence of the above repeal—

(a) in section 619(2) of the Housing Act 1985, for "The other provisions of this Act" substitute " The provisions of Parts I to XI and XIII to XVIII of this Act "; and

(b) in section 65(2)(a) of the M19Housing Act 1988, for "XII" substitute " XI ".

(3) The Secretary of State may by order make such consequential amendments or repeals in any local Act as he considers necessary or expedient.

Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Commencement Information

I18 S. 80 wholly in force 3.3.1997: s. 80 not in force at Royal Assent, see s. 232(1)-(3); S. 80(3) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 80 in force at 3.3.1997 so far as not already brought into force, by S.I. 1997/350, **art. 2**

Marginal Citations

M19 1988 c. 50.

PART III

LANDLORD AND TENANT

CHAPTER I

TENANTS' RIGHTS

Forfeiture

81 Restriction on termination of tenancy for failure to pay service charge.

(1) A landlord may not, in relation to premises let as a dwelling, exercise a right of re-entry or forfeiture for failure **[**F274by a tenant to pay a service charge or administration charge unless— **]**

[F274(a) it is finally determined by (or on appeal from) **[**F275the appropriate tribunal**]** or by a court, or by an arbitral tribunal in proceedings pursuant to a post-dispute arbitration agreement, that the amount of the service charge or administration charge is payable by him, or**]**

[F274(b) the tenant has admitted that it is so payable.**]**

[F276(2) The landlord may not exercise a right of re-entry or forfeiture by virtue of subsection (1)(a) until after the end of the period of 14 days beginning with the day after that on which the final determination is made.**]**

[F277(3) For the purposes of this section it is finally determined that the amount of a service charge or administration charge is payable—

(a) if a decision that it is payable is not appealed against or otherwise challenged, at the end of the time for bringing an appeal or other challenge, or

(b) if such a decision is appealed against or otherwise challenged and not set aside in consequence of the appeal or other challenge, at the time specified in subsection (3A).

(3A) The time referred to in subsection (3)(b) is the time when the appeal or other challenge is disposed of—

(a) by the determination of the appeal or other challenge and the expiry of the time for bringing a subsequent appeal (if any), or

(b) by its being abandoned or otherwise ceasing to have effect.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(4) The reference in subsection (1) to premises let as a dwelling does not include premises let on—

(a) a tenancy to which Part II of the [M20]Landlord and Tenant Act 1954 applies (business tenancies),

(b) a tenancy of an agricultural holding within the meaning of the [M21]Agricultural Holdings Act 1986 in relation to which that Act applies, or

(c) a farm business tenancy within the meaning of the [M22]Agricultural Tenancies Act 1995.

[[F278](4A) References in this section to the exercise of a right of re-entry or forfeiture include the service of a notice under section 146(1) of the Law of Property Act 1925 (restriction on re-entry or forfeiture).**]**

(5) In this section

[[F279](a) "administration charge" has the meaning given by Part 1 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002,

(b) "arbitration agreement" and "arbitral tribunal" have the same meaning as in Part 1 of the Arbitration Act 1996 (c. 23) and "post-dispute arbitration agreement", in relation to any matter, means an arbitration agreement made after a dispute about the matter has arisen,

(c) "dwelling" has the same meaning as in the Landlord and Tenant Act 1985 (c. 70), and

(d)**]**

"service charge" means a service charge within the meaning of section 18(1) of the [M23]Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).

[[F280](5A) Any order of a court to give effect to a determination of **[**[F281]the appropriate tribunal**]** shall be treated as a determination by the court for the purposes of this section.**]**

(6) Nothing in this section affects the exercise of a right of re-entry or forfeiture on other grounds.

[[F282](7) For the purposes of this section, "appropriate tribunal" means—

(a) in relation to premises in England, the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and

(b) in relation to premises in Wales, a leasehold valuation tribunal.**]**

Textual Amendments

F274 Words in s. 81(1) substituted (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 170(2)**, 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))

F275 Words in s. 81(1)(a) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 130(a)** (with Sch. 3)

F276 S. 81(2) substituted (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 170(3)**, 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))

F277 S. 81(3)(3A) substituted for s. 81(3) (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 170(4)**, 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))

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F278 S. 81(4A) inserted (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 170(5)**, 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))

F279 Words in s. 81(5) inserted (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 170(6)**, 181(1); S.I. 2004/3056, art. 3(f) (with art. 4(3)); S.I. 2005/1353, art. 2(f) (with art. 3(4))

F280 S. 81(5A) inserted (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 13 para. 16**; S.I. 2004/3056, art. 3(i); S.I. 2005/1353, art. 2(i)

F281 Words in s. 81(5A) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 130(a)** (with Sch. 3)

F282 S. 81(7) inserted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 130(b)** (with Sch. 3)

Modifications etc. (not altering text)

C60 S. 81 extended to Crown Land (30.9.2003 for E. for specified purposes, 30.3.2004 for W. for specified purposes, 28.2.2005 for E. for specified purposes, 31.5.2005 for W. for specified purposes) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 172**, 181(1); S.I. 2003/1986, art. 2(c)(ii) (with Sch. 2); S.I. 2004/669, art. 2(c)(ii) (with Sch. 2); S.I. 2004/3056, art. 3(h) (with art. 4); S.I. 2005/1353, art. 2(h)

Marginal Citations

M20 1954 c. 56.
M21 1986 c. 5.
M22 1995 c. 8.
M23 1985 c. 70.

F283 82 Notice under s.146 of the Law of Property Act 1925.

. . . . . .

Textual Amendments

F283 S. 82 repealed (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2004/3056, art. 3(j); S.I. 2005/1353, art. 2(j)

Service charges

83 Determination of reasonableness of service charges.

F284(1) . . . . . .

(2) In the Schedule to the Landlord and Tenant Act 1985, for paragraph 8 (right to challenge landlord's choice of insurers) substitute—

"8 (1) This paragraph applies where a tenancy of a dwelling requires the tenant to insure the dwelling with an insurer nominated by the landlord.

(2) The tenant or landlord may apply to a county court or leasehold valuation tribunal for a determination whether—

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(a) the insurance which is available from the nominated insurer for insuring the tenant's dwelling is unsatisfactory in any respect, or

(b) the premiums payable in respect of any such insurance are excessive.

(3) No such application may be made in respect of a matter which—

(a) has been agreed or admitted by the tenant,

(b) under an arbitration agreement to which the tenant is a party is to be referred to arbitration, or

(c) has been the subject of determination by a court or arbitral tribunal.

(4) On an application under this paragraph the court or tribunal may make—

(a) an order requiring the landlord to nominate such other insurer as is specified in the order, or

(b) an order requiring him to nominate another insurer who satisfies such requirements in relation to the insurance of the dwelling as are specified in the order.

(5) Any such order of a leasehold valuation tribunal may, with the leave of the court, be enforced in the same way as an order of a county court to the same effect.

(6) An agreement by the tenant of a dwelling (other than an arbitration agreement) is void in so far as it purports to provide for a determination in a particular manner, or on particular evidence, of any question which may be the subject of an application under this paragraph.".

F285(3) . . . . . .

(4) For section 20C of the M24Landlord and Tenant Act 1985 (limitation of service charges: costs of court proceedings) substitute—

"**20C Limitation of service charges: costs of proceedings.**

(1) A tenant may make an application for an order that all or any of the costs incurred, or to be incurred, by the landlord in connection with proceedings before a court or leasehold valuation tribunal, or the Lands Tribunal, or in connection with arbitration proceedings, are not to be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenant or any other person or persons specified in the application.

(2) The application shall be made—

(a) in the case of court proceedings, to the court before which the proceedings are taking place or, if the application is made after the proceedings are concluded, to a county court;

(b) in the case of proceedings before a leasehold valuation tribunal, to the tribunal before which the proceedings are taking place or, if the application is made after the proceedings are concluded, to any leasehold valuation tribunal;

(c) in the case of proceedings before the Lands Tribunal, to the tribunal;

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(d) in the case of arbitration proceedings, to the arbitral tribunal or, if the application is made after the proceedings are concluded, to a county court.

(3) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.".

(5) In section 38 of the [M25]Landlord and Tenant Act 1985 (minor definitions), at the appropriate place insert—

""arbitration agreement", "arbitration proceedings" and "arbitral tribunal" have the same meaning as in Part I of the [M26]Arbitration Act 1996;".

(6) In section 39 of that Act (index of defined expressions), at the appropriate place insert—

"arbitration agreement, arbitration proceedings and arbitral tribunal	section 38"

Textual Amendments

F284 S. 83(1) repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2)

F285 S. 83(3) repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

Commencement Information

I19 S. 83 wholly in force 11.8.1998; s. 83 not in force at Royal Assent see s. 232(1)-(3); s. 83(3) in force for certain purposes at 23.8.1996 by S.I. 1996/2212, **art. 2(1)**; s. 83 in force at 1.9.1997 to the extent not already in force by S.I. 1997/1851, **art. 2** (subject to the saving in Sch. para. 1); s. 83 in force at 11.8.1998 to the extent that it does not, because of Sch. para. 1, already have effect by S.I. 1998/1768, **art. 2** (subject to art. 3).

Marginal Citations

M24 1985 c. 70.
M25 1985 c. 70.
M26 1996 c. 23.

84 Right to appoint surveyor to advise on matters relating to service charges.

(1) A recognised tenants' association may appoint a surveyor for the purposes of this section to advise on any matters relating to, or which may give rise to, service charges payable to a landlord by one or more members of the association.

The provisions of Schedule 4 have effect for conferring on a surveyor so appointed rights of access to documents and premises.

(2) A person shall not be so appointed unless he is a qualified surveyor.

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For this purpose "qualified surveyor" has the same meaning as in section 78(4)(a) of the [M27]Leasehold Reform, Housing and Urban Development Act 1993 (persons qualified for appointment to carry out management audit).

(3) The appointment shall take effect for the purposes of this section upon notice in writing being given to the landlord by the association stating the name and address of the surveyor, the duration of his appointment and the matters in respect of which he is appointed.

(4) An appointment shall cease to have effect for the purposes of this section if the association gives notice in writing to the landlord to that effect or if the association ceases to exist.

(5) A notice is duly given under this section to a landlord of any tenants if it is given to a person who receives on behalf of the landlord the rent payable by those tenants; and a person to whom such a notice is so given shall forward it as soon as may be to the landlord.

(6) In this section—

"recognised tenants' association" has the same meaning as in the provisions of the [M28]Landlord and Tenant Act 1985 relating to service charges (see section 29 of that Act); and

"service charge" means a service charge within the meaning of section 18(1) of that Act, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).

Modifications etc. (not altering text)

C61 S. 84 modified (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 7 para. 15(1)**; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)

C62 S. 84 extended to Crown Land (30.9.2003 for E. for specified purposes, 30.3.2004 for W. for specified purposes) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 172**, 181(1); S.I. 2003/1986, art. 2(c)(ii) (with Sch. 2); S.I. 2004/669, art. 2(c)(ii) (with Sch. 2)

C63 S. 84(5) applied (with modifications) (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 7 para. 15(2)**; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)

Marginal Citations

M27 1993 c. 28.

M28 1985 c. 70.

Appointment of manager

85 Appointment of manager by the court.

(1) Section 24 of the [M29]Landlord and Tenant Act 1987 (appointment of manager by the court) is amended as follows.

(2) In subsection (2) (circumstances in which order may be made), in paragraph (a) (breach of obligation by landlord), omit sub-paragraph (ii) (requirement that circumstances likely to continue).

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(3) In that subsection, after paragraph (a), and before the word "or" following that paragraph, insert—

"(ab) where the court is satisfied—

(i) that unreasonable service charges have been made, or are proposed or likely to be made, and

(ii) that it is just and convenient to make the order in all the circumstances of the case;

(ac) where the court is satisfied—

(i) that the landlord has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the [M30]Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and

(ii) that it is just and convenient to make the order in all the circumstances of the case;".

(4) After that subsection insert—

"(2A) For the purposes of subsection (2)(ab) a service charge shall be taken to be unreasonable—

(a) if the amount is unreasonable having regard to the items for which it is payable,

(b) if the items for which it is payable are of an unnecessarily high standard, or

(c) if the items for which it is payable are of an insufficient standard with the result that additional service charges are or may be incurred.

In that provision and this subsection "service charge" means a service charge within the meaning of section 18(1) of the [M31]Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).".

(5) The above amendments apply to applications for an order under section 24 of the [M32]Landlord and Tenant Act 1987 which are made after this section comes into force.

In relation to any such application the reference in the inserted subsection (2)(ab) to service charges which have been made includes services charges made before that date.

(6) After subsection (9) insert—

"(9A) The court shall not vary or discharge an order under subsection (9) on a landlord's application unless it is satisfied—

(a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and

(b) that it is just and convenient in all the circumstances of the case to vary or discharge the order.".

Marginal Citations

M29 1987 c. 31.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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M30 1993 c. 28.
M31 1985 c. 70.
M32 1987 c. 31.

86 Appointment of manager: transfer of jurisdiction to leasehold valuation tribunal.

(1) Part II of the Landlord and Tenant Act 1987 (appointment of managers by the court) is amended as follows for the purpose of transferring to a leasehold valuation tribunal the jurisdiction of the court under that Part.

(2) In the following contexts for "the court", in the first (or only) place where it occurs, substitute "a leasehold valuation tribunal": section 21(1), section 22(2)(b), section 22(3), section 23(1), section 24(1), (2), (9) and (10); and in every other context in those sections, except section 21(6), for "the court" substitute "the tribunal".

(3) In section 21(6) (exclusion of application under inherent jurisdiction of court) for "any jurisdiction existing apart from this Act" substitute "any jurisdiction".

F286(4) . . . . . .

F286(5) . . . . . .

(6) In section 52 of the M33Landlord and Tenant Act 1987 (jurisdiction of county courts), in subsection (2)(a) for "Parts I to IV" substitute "Parts I, III and IV".

Textual Amendments

F286 S. 86(4)(5) repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt 1 (with Sch. 2)

Commencement Information

I20 S. 86 wholly in force 1.9.1997: s. 86 not in force at Royal Assent see s. 232(1)-(3); s. 86(4)(5) in force for certain purposes at 23.8.1996 by S.I. 1996/2212, **art. 2(1)** and s. 86 in force at 1.9.1997 to the extent not already in force by S.I. 1997/1851, **art. 2** (subject to the saving in Sch. para. 2)

Marginal Citations

M33 1987 c. 31.

PROSPECTIVE

87 Text of Part II of the Landlord and Tenant Act 1987, as amended.

The text of Part II of the Landlord and Tenant Act 1987 as amended by this Act is set out in Schedule 5.

88 Period after which acquisition order may be made.

In Part III of the Landlord and Tenant Act 1987 (compulsory acquisition by tenants of their landlord's interest), in section 29(3) (conditions for making acquisition orders:

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period since appointment of manager under Part II) for "three years" substitute " two years ".

Modifications etc. (not altering text)
C64 S. 88 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 1

Right of first refusal

89 Application of right of first refusal in relation to contracts.

(1) After section 4 of the [M34]Landlord and Tenant Act 1987 (relevant disposals) insert—

"**4A Application of provisions to contracts.**

(1) The provisions of this Part apply to a contract to create or transfer an estate or interest in land, whether conditional or unconditional and whether or not enforceable by specific performance, as they apply in relation to a disposal consisting of the creation or transfer of such an estate or interest.

As they so apply—

(a) references to a disposal of any description shall be construed as references to a contract to make such a disposal;

(b) references to making a disposal of any description shall be construed as references to entering into a contract to make such a disposal; and

(c) references to the transferee under the disposal shall be construed as references to the other party to the contract and include a reference to any other person to whom an estate or interest is to be granted or transferred in pursuance of the contract.

(2) The provisions of this Part apply to an assignment of rights under such a contract as is mentioned in subsection (1) as they apply in relation to a disposal consisting of the transfer of an estate or interest in land.

As they so apply—

(a) references to a disposal of any description shall be construed as references to an assignment of rights under a contract to make such a disposal;

(b) references to making a disposal of any description shall be construed as references to making an assignment of rights under a contract to make such a disposal;

(c) references to the landlord shall be construed as references to the assignor; and

(d) references to the transferee under the disposal shall be construed as references to the assignee of such rights.

(3) The provisions of this Part apply to a contract to make such an assignment as is mentioned in subsection (2) as they apply (in accordance with subsection (1)) to a contract to create or transfer an estate or interest in land.

(4) Nothing in this section affects the operation of the provisions of this Part relating to options or rights of pre-emption.".

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(2) In section 4(2) of the Landlord and Tenant Act 1987 (relevant disposals: excluded disposals), for paragraph (i) (certain disposals in pursuance of existing obligations) substitute—

"(i) a disposal in pursuance of a contract, option or right of pre-emption binding on the landlord (except as provided by section 8D (application of sections 11 to 17 to disposal in pursuance of option or right of pre-emption));".

(3) In section 20(1) (interpretation), in the definition of "disposal" for "has the meaning given by section 4(3)" substitute " shall be construed in accordance with section 4(3) and section 4A (application of provisions to contracts) ".

Modifications etc. (not altering text)
C65 S. 89 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 2

Marginal Citations
M34 1987 c. 31.

90 Notice required to be given by landlord making disposal.

(1) In section 4(2) of the [M35]Landlord and Tenant Act 1987 (disposals which are not relevant disposals for the purposes of Part I of that Act), for paragraph (l) substitute—

"(l) a disposal by a body corporate to a company which has been an associated company of that body for at least two years.".

(2) The above amendment does not apply to a disposal made in pursuance of an obligation entered into before the commencement of this section.

Modifications etc. (not altering text)
C66 S. 90 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 2

Marginal Citations
M35 1987 c. 31.

91 Offence of failure to comply with requirements of Part I.

(1) After section 10 of the Landlord and Tenant Act 1987 insert—

"**10A Offence of failure to comply with requirements of Part I.**

(1) A landlord commits an offence if, without reasonable excuse, he makes a relevant disposal affecting premises to which this Part applies—

(a) without having first complied with the requirements of section 5 as regards the service of notices on the qualifying tenants of flats contained in the premises, or

(b) in contravention of any prohibition or restriction imposed by sections 6 to 10.

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(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Where an offence under this section committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in such a capacity, or

(b) to be due to any neglect on the part of such an officer or person,

he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members, the above provision applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Proceedings for an offence under this section may be brought by a local housing authority (within the meaning of section 1 of the [M36]Housing Act 1985).

(5) Nothing in this section affects the validity of the disposal.".

(2) The above amendment does not apply to a disposal made in pursuance of an obligation entered into before the commencement of this section.

Modifications etc. (not altering text)
C67 S. 91 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 2

Marginal Citations
M36 1985 c. 68.

92 Procedure for exercise of rights of first refusal.

(1) Part I of the [M37]Landlord and Tenant Act 1987 (tenants' rights of first refusal) is amended in accordance with Schedule 6.

(2) The amendments restate the principal provisions of that Part so as to—

(a) simplify the procedures for the exercise of the rights conferred on tenants, and

(b) apply those procedures in relation to contracts and certain special cases.

(3) In Schedule 6—

Part I sets out provisions replacing sections 5 to 10 of the Act (rights of first refusal),

Part II sets out provisions replacing sections 11 to 15 of the Act (enforcement by tenants of rights against purchaser),

Part III sets out provisions replacing sections 16 and 17 of the Act (enforcement of rights against subsequent purchasers and termination of rights), and

Part IV contains consequential amendments.

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Modifications etc. (not altering text)

C68 S. 92 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 2

Commencement Information

I21 S. 92 wholly in force 1.10.1996; s. 92 not in force at Royal Assent see s. 232(1)-(3); s. 92 in force for certain purposes at 23.8.1996 and in force at 1.10.1996 so far as not already in force by S.I. 1996/2212, **art. 2**

Marginal Citations

M37 1987 c. 31.

93 Duty of new landlord to inform tenant of rights.

(1) In the [M38]Landlord and Tenant Act 1985, after section 3 (duty to inform tenant of assignment of landlord's interest) insert—

"**3A Duty to inform tenant of possible right to acquire landlord's interest.**

(1) Where a new landlord is required by section 3(1) to give notice to a tenant of an assignment to him, then if—

(a) the tenant is a qualifying tenant within the meaning of Part I of the Landlord and Tenant Act 1987 (tenants' rights of first refusal), and

(b) the assignment was a relevant disposal within the meaning of that Part affecting premises to which at the time of the disposal that Part applied,

the landlord shall give also notice in writing to the tenant to the following effect.

(2) The notice shall state—

(a) that the disposal to the landlord was one to which Part I of the Landlord and Tenant Act 1987 applied;

(b) that the tenant (together with other qualifying tenants) may have the right under that Part—

(i) to obtain information about the disposal, and

(ii) to acquire the landlord's interest in the whole or part of the premises in which the tenant's flat is situated; and

(c) the time within which any such right must be exercised, and the fact that the time would run from the date of receipt of notice under this section by the requisite majority of qualifying tenants (within the meaning of that Part).

(3) A person who is required to give notice under this section and who fails, without reasonable excuse, to do so within the time allowed for giving notice under section 3(1) commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.".

(2) In section 32(1) of the [M39]Landlord and Tenant Act 1985 (provisions not applying to tenancies within Part II of the [M40]Landlord and Tenant Act 1954), for "sections 1 to 3" substitute " sections 1 to 3A ".

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Modifications etc. (not altering text)
C69 S. 93 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 2

Marginal Citations
M38 1985 c. 70.
M39 1985 c. 70.
M40 1954 c. 56.

General [F287 advice etc.]

Textual Amendments
F287 Words in s. 94 cross-heading substituted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), **ss. 312(2)**, 325(2)(a)

94 Provision of general [F287 advice etc.] about residential tenancies.

(1) The Secretary of State may give financial assistance to any person in relation to the provision by that person of **[**F288 information, training or**]** general advice about**[**F289, or a dispute resolution service in connection with**]** —

(a) any aspect of the law of landlord and tenant, so far as relating to residential tenancies,

[F290(aa) any other matter relating to residential tenancies,**]**

(b) **[**F291 any matter relating to**]** Chapter IV of Part I of the M41 Leasehold Reform, Housing and Urban Development Act 1993 (estate management schemes in connection with enfranchisement).

(2) Financial assistance under this section may be given in such form and on such terms as the Secretary of State considers appropriate.

(3) The terms on which financial assistance under this section may be given may, in particular, include provision as to the circumstances in which the assistance must be repaid or otherwise made good to the Secretary of State and the manner in which that is to be done.

Textual Amendments
F288 Words in s. 94(1) inserted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), **ss. 312(1)(a)**, 325(2)(a)
F289 Words in s. 94(1) inserted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), **ss. 312(1)(b)**, 325(2)(a)
F290 S. 94(1)(aa) inserted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), **ss. 312(1)(c)**, 325(2)(a)
F291 Words in s. 94(1)(b) inserted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), **ss. 312(1)(d)**, 325(2)(a)

Marginal Citations
M41 1993 c. 28.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Supplementary

95 Jurisdiction of county courts.

(1) Any jurisdiction expressed by a provision to which this section applies to be conferred on the court shall be exercised by **[**F292the county court**]**.

(2) There shall also be brought in **[**F292the county court**]** any proceedings for determining any question arising under or by virtue of any provision to which this section applies.

(3) Where, however, other proceedings are properly brought in the High Court, that court has jurisdiction to hear and determine proceedings to which subsection (1) or (2) applies which are joined with those proceedings.

(4) Where proceedings are brought in **[**F292the county court**]** by virtue of subsection (1) or (2), that court has jurisdiction to hear and determine other proceedings joined with those proceedings despite the fact that they would otherwise be outside its jurisdiction.

(5) The provisions to which this section applies are—

(a) section 81 (restriction on termination of tenancy for failure to pay service charge), and

(b) section 84 (right to appoint surveyor to advise on matters relating to service charges) and Schedule 4 (rights exercisable by surveyor appointed by tenants' association).

Textual Amendments

F292 Words in s. 95 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

CHAPTER II

ASSURED TENANCIES

Assured shorthold tenancies

96 Tenancies which are assured shorthold tenancies.

(1) In Chapter II of Part I of the M42Housing Act 1988 (assured shorthold tenancies) there shall be inserted at the beginning—

"19A **Assured shorthold tenancies: post-Housing Act 1996 tenancies.**

An assured tenancy which—

(a) is entered into on or after the day on which section 96 of the Housing Act 1996 comes into force (otherwise than pursuant to a contract made before that day), or

(b) comes into being by virtue of section 5 above on the coming to an end of an assured tenancy within paragraph (a) above,

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is an assured shorthold tenancy unless it falls within any paragraph in Schedule 2A to this Act.".

(2) After Schedule 2 to that Act there shall be inserted the Schedule set out in Schedule 7 to this Act.

Commencement Information

I22 S. 96 wholly in force 28.2.1997; s. 96 not in force at Royal Assent see s. 232(1)-(3); s. 96 in force for certain purposes at 23.8.1996 by S.I. 1996/2212, **art. 2(1)** and in force at 28.2.1997 to the extent it is not already in force by S.I. 1997/225, **art. 2**

Marginal Citations

M42 1988 c. 50.

97 Duty of landlord to provide statement of terms of assured shorthold tenancy.

After section 20 of the Housing Act 1988 there shall be inserted—

"**20A Post-Housing Act 1996 tenancies: duty of landlord to provide statement as to terms of tenancy.**

(1) Subject to subsection (3) below, a tenant under an assured shorthold tenancy to which section 19A above applies may, by notice in writing, require the landlord under that tenancy to provide him with a written statement of any term of the tenancy which—

(a) falls within subsection (2) below, and

(b) is not evidenced in writing.

(2) The following terms of a tenancy fall within this subsection, namely—

(a) the date on which the tenancy began or, if it is a statutory periodic tenancy or a tenancy to which section 39(7) below applies, the date on which the tenancy came into being,

(b) the rent payable under the tenancy and the dates on which that rent is payable,

(c) any term providing for a review of the rent payable under the tenancy, and

(d) in the case of a fixed term tenancy, the length of the fixed term.

(3) No notice may be given under subsection (1) above in relation to a term of the tenancy if—

(a) the landlord under the tenancy has provided a statement of that term in response to an earlier notice under that subsection given by the tenant under the tenancy, and

(b) the term has not been varied since the provision of the statement referred to in paragraph (a) above.

(4) A landlord who fails, without reasonable excuse, to comply with a notice under subsection (1) above within the period of 28 days beginning with the date on which he received the notice is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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(5) A statement provided for the purposes of subsection (1) above shall not be regarded as conclusive evidence of what was agreed by the parties to the tenancy in question.

(6) Where—

(a) a term of a statutory periodic tenancy is one which has effect by virtue of section 5(3)(e) above, or

(b) a term of a tenancy to which subsection (7) of section 39 below applies is one which has effect by virtue of subsection (6)(e) of that section,

subsection (1) above shall have effect in relation to it as if paragraph (b) related to the term of the tenancy from which it derives.

(7) In subsections (1) and (3) above—

(a) references to the tenant under the tenancy shall, in the case of joint tenants, be taken to be references to any of the tenants, and

(b) references to the landlord under the tenancy shall, in the case of joint landlords, be taken to be references to any of the landlords.”

98 Form of notices under s. 21 of the Housing Act 1988.

(1) Section 21 of the [M43]Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy) shall be amended as follows.

(2) In subsection (1)(b) (which requires the landlord under a fixed term tenancy to give two months’ notice to recover possession), after “notice” there shall be inserted “ in writing ”.

(3) In subsection (4)(a) (corresponding provision for periodic tenancies), after “notice”, where it first occurs, there shall be inserted “ in writing ”.

Commencement Information

I23 S. 98 wholly in force at 28.2.1997 by S.I. 1997/225, **art. 2** (subject to savings in the Sch. to that S.I.)

Marginal Citations

M43 1988 c. 50.

99 Restriction on recovery of possession on expiry or termination.

In section 21 of the Housing Act 1988 there shall be inserted at the end—

“(5) Where an order for possession under subsection (1) or (4) above is made in relation to a dwelling-house let on a tenancy to which section 19A above applies, the order may not be made so as to take effect earlier than—

(a) in the case of a tenancy which is not a replacement tenancy, six months after the beginning of the tenancy, and

(b) in the case of a replacement tenancy, six months after the beginning of the original tenancy.

(6) In subsection (5)(b) above, the reference to the original tenancy is—

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(a) where the replacement tenancy came into being on the coming to an end of a tenancy which was not a replacement tenancy, to the immediately preceding tenancy, and

(b) where there have been successive replacement tenancies, to the tenancy immediately preceding the first in the succession of replacement tenancies.

(7) For the purposes of this section, a replacement tenancy is a tenancy—

(a) which comes into being on the coming to an end of an assured shorthold tenancy, and

(b) under which, on its coming into being—

(i) the landlord and tenant are the same as under the earlier tenancy as at its coming to an end, and

(ii) the premises let are the same or substantially the same as those let under the earlier tenancy as at that time.".

100 Applications for determination of rent: time limit.

(1) Section 22 of the [M44]Housing Act 1988 (reference of excessive rents to rent assessment committee) shall be amended as follows.

(2) In subsection (2) (circumstances in which no application under the section may be made) after paragraph (a) there shall be inserted—

"(aa) the tenancy is one to which section 19A above applies and more than six months have elapsed since the beginning of the tenancy or, in the case of a replacement tenancy, since the beginning of the original tenancy; or".

(3) At the end there shall be inserted—

"(6) In subsection (2)(aa) above, the references to the original tenancy and to a replacement tenancy shall be construed in accordance with subsections (6) and (7) respectively of section 21 above.".

Marginal Citations
M44 1988 c. 50.

Grounds for possession

101 Mandatory possession for non-payment of rent: reduction in arrears required.

In Part I of Schedule 2 to the Housing Act 1988 (grounds on which court must order possession) in Ground 8 (rent unpaid for certain periods)—

(a) in paragraph (a) (rent payable weekly or fortnightly) for "thirteen weeks"' there shall be substituted " eight weeks "', and

(b) in paragraph (b) (rent payable monthly) for "three months"' there shall be substituted " two months "'.

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Commencement Information

I24 S. 101 wholly in force at 28.2.1997 by S.I. 1997/225, **art. 2** (subject to savings in the Sch. to that S.I.)

102 Recovery of possession where grant induced by false statement.

In Part II of Schedule 2 to the Housing Act 1988 (grounds on which court may order possession) there shall be inserted at the end—

Ground 17

The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by—

(a) the tenant, or

(b) a person acting at the tenant's instigation."

Commencement Information

I25 S. 102 wholly in force at 28.2.1997 by S.I. 1997/225, **art. 2** (subject to savings in the Sch. to that S.I.)

Assured agricultural occupancies

103 Assured agricultural occupancies: exclusion of tenancies of agricultural holdings and farm business tenancies.

(1) Section 24 of the [M45]Housing Act 1988 (assured agricultural occupancies) shall be amended as follows.

(2) In subsection (2)(b) (under which a tenancy is an assured agricultural occupancy if it would be an assured tenancy, but for paragraph 7 of Schedule 1 to that Act) there shall be inserted at the end " and is not an excepted tenancy ".

(3) After subsection (2) there shall be inserted—

"(2A) For the purposes of subsection (2)(b) above, a tenancy is an excepted tenancy if it is—

(a) a tenancy of an agricultural holding within the meaning of the [M46]Agricultural Holdings Act 1986 in relation to which that Act applies, or

(b) a farm business tenancy within the meaning of the [M47]Agricultural Tenancies Act 1995.".

Marginal Citations

M45 1988 c. 50.

M46 1986 c. 5.

M47 1995 c. 8.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Consequential amendments

104 Consequential amendments: assured tenancies.

The enactments mentioned in Schedule 8 have effect with the amendments specified there which are consequential on the provisions of this Chapter.

CHAPTER III

LEASEHOLD REFORM

Scope of rights

105 Low rent test: nil rateable values.

(1) In section 4(1) of the [M48]Leasehold Reform Act 1967 (meaning of "low rent") —

(a) in paragraph (i) (cases where rent limit of two-thirds of rateable value on later of appropriate day and first day of term applies), for the words from "or (where" to "that date" there shall be substituted " , or on or after 1st April 1990 in pursuance of a contract made before that date, and the property had a rateable value other than nil at the date of the commencement of the tenancy or else at any time before 1st April 1990, ",

(b) in paragraph (ii) (other cases), for the words from "is entered" to "1990)," there shall be substituted " does not fall within paragraph (i) above, ", and

(c) in paragraph (a) (definition of "appropriate day" by reference to section 25(3) of the [M49]Rent Act 1977), there shall be inserted at the end " if the reference in paragraph (a) of that provision to a rateable value were to a rateable value other than nil ".

(2) In section 4A of the [M50]Leasehold Reform Act 1967 (alternative rent limits for the purposes of section 1A(2) of that Act)—

(a) in subsection (1)(b) (cases where rent limit of two-thirds of rateable value on the relevant date applies), for sub-paragraph (ii) there shall be substituted—

"(ii) the property had a rateable value other than nil at the date of commencement of the tenancy or else at any time before 1st April 1990,", and

(b) in subsection (2), for paragraph (b) there shall be substituted—

"(b) "the relevant date" means the date of the commencement of the tenancy or, if the property did not have a rateable value, or had a rateable value of nil, on that date, the date on which it first had a rateable value other than nil;".

[F293](3) . . . . . .

Textual Amendments

F293 S. 105(3) repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, art. 2(b)(ii), **Sch. 1 Pt. 1** (subject to the transitional provisions and savings in Sch. 2); S.I. 2002/3012, art. 2(b)(ii), **Sch. 1 Pt. 1** (subject to the transitional provisions and savings in Sch. 2)

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Modifications etc. (not altering text)
C70 S. 105(1)(2) restricted (22.8.1996) by S.I. 1996/2212, art. 2(2), **Sch. para. 3**

Marginal Citations
M48 1967 c. 88.
M49 1977 c. 42.
M50 1967 c. 88.

106 Low rent test: extension of rights.

Schedule 9 (which makes provision for conferring an additional right to enfranchisement in relation to tenancies which fail the low rent test and for introducing an alternative to the low rent test in the case of the right to collective enfranchisement and the right to a new lease) shall have effect.

Modifications etc. (not altering text)
C71 S. 106 restricted (5.3.1997) by S.I. 1997/618, art. 2, **Sch. para. 2**

Commencement Information
I26 S. 106 wholly in force 1.4.1997; s. 106 not in force at Royal Assent see s. 232(1)-(3); s. 106 in force for certain purposes at 23.8.1996 by S.I. 1996/2212, **art. 2(1)** and in force at 1.4.1997 to the extent not already in force by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

107 Collective enfranchisement: multiple freeholders.

(1) In section 3 of the Leasehold Reform, Housing and Urban Development Act 1993 (premises in respect of which the right to collective enfranchisement is exercisable), in subsection (1)(a), the words "and the freehold of the whole of the building or of that part of the building is owned by the same person" shall be omitted.

(2) In section 4 of that Act (premises excluded from the right to collective enfranchisement), after subsection (3) there shall be inserted—

"(3A) Where different persons own the freehold of different parts of premises within subsection (1) of section 3, this Chapter does not apply to the premises if any of those parts is a self-contained part of a building for the purposes of that section.".

(3) In section 1(3) of that Act (additional property which may be acquired by tenants exercising the right to collective enfranchisement), the words "the freehold of it is owned by the person who owns the freehold of the relevant premises and" shall be omitted.

(4) Schedule 10 (amendments consequential on this section) shall have effect.

Modifications etc. (not altering text)
C72 S. 107 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para 4.

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Valuation

108 Collective enfranchisement: removal of need for professional valuation of interests to be acquired.

In section 13 of the [M51]Leasehold Reform, Housing and Urban Development Act 1993 (notice by qualifying tenants of claim to exercise right to collective enfranchisement) subsection (6) (tenants to obtain professional valuation of interests proposed to be acquired before giving notice) shall cease to have effect.

Modifications etc. (not altering text)
C73 S. 108 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para 4.

Marginal Citations
M51 1993 c. 28.

109 Collective enfranchisement: valuation principles.

(1) Schedule 6 to the Leasehold Reform, Housing and Urban Development Act 1993 (purchase price payable by nominee purchaser) shall be amended as follows.

(2) In paragraph 3(1) (freeholder's interest to be valued on the basis that neither the nominee purchaser nor any participating tenant is in the market) for "neither the nominee purchaser nor any participating tenant" there shall be substituted " no person who falls within sub-paragraph (1A) ".

(3) After paragraph 3(1) there shall be inserted—

"(1A) A person falls within this sub-paragraph if he is—

(a) the nominee purchaser, or

(b) a tenant of premises contained in the specified premises, or

(c) an owner of an interest which the nominee purchaser is to acquire in pursuance of section 2(1)(b).".

(4) In paragraph 7 (value of intermediate leasehold interests) after sub-paragraph (1) there shall be inserted—

"(1A) In its application in accordance with sub-paragraph (1), paragraph 3(1A) shall have effect with the addition after paragraph (a) of—

(") an owner of a freehold interest in the specified premises, or"".

(5) In paragraph 11 (value of other interests) after sub-paragraph (3) there shall be inserted—

"(4) In its application in accordance with sub-paragraph (2) above, paragraph 3(1A) shall have effect with the addition after paragraph (a) of—

(") an owner of a freehold interest in the specified premises, or"".

Modifications etc. (not altering text)
C74 S. 109 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para 4.

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110 New leases: valuation principles.

(1) Schedule 13 to the Leasehold Reform, Housing and Urban Development Act 1993 (premium and other amounts payable by tenant on grant of new lease) shall be amended as mentioned in subsections (2) to (4) below.

(2) In paragraph 3(2) (landlord's interest to be valued on the basis that the tenant is not buying or seeking to buy) for "the tenant not" there shall be substituted " neither the tenant nor any owner of an intermediate leasehold interest ".

(3) In paragraph 4(3) (calculation of marriage value) for paragraph (a) (value of tenant's interest) there shall be substituted—

"(a) the value of the interest of the tenant under his existing lease shall be determined in accordance with paragraph 4A;

(aa) the value of the interest to be held by the tenant under the new lease shall be determined in accordance with paragraph 4B;", and, in paragraph (b), for "that sub-paragraph" there shall be substituted " sub-paragraph (2) ".

(4) After paragraph 4 there shall be inserted—

"4A (1) Subject to the provisions of this paragraph, the value of the interest of the tenant under the existing lease is the amount which at the valuation date that interest might be expected to realise if sold on the open market by a willing seller (with neither the landlord nor any owner of an intermediate leasehold interest buying or seeking to buy) on the following assumptions—

(a) on the assumption that the vendor is selling such interest as is held by the tenant subject to any interest inferior to the interest of the tenant;

(b) on the assumption that Chapter I and this Chapter confer no right to acquire any interest in any premises containing the tenant's flat or to acquire any new lease;

(c) on the assumption that any increase in the value of the flat which is attributable to an improvement carried out at his own expense by the tenant or by any predecessor in title is to be disregarded; and

(d) on the assumption that (subject to paragraph (b)) the vendor is selling with and subject to the rights and burdens with and subject to which any interest inferior to the existing lease of the tenant has effect.

(2) It is hereby declared that the fact that sub-paragraph (1) requires assumptions to be made in relation to particular matters does not preclude the making of assumptions as to other matters where those assumptions are appropriate for determining the amount which at the valuation date the interest of the tenant under his existing lease might be expected to realise if sold as mentioned in that sub-paragraph.

(3) In determining any such amount there shall be made such deduction (if any) in respect of any defect in title as on a sale of that interest on the open market might be expected to be allowed between a willing seller and a willing buyer.

(4) Subject to sub-paragraph (5), the value of the interest of the tenant under his existing lease shall not be increased by reason of—

(a) any transaction which—

(i) is entered into after 19th January 1996, and

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(ii) involves the creation or transfer of an interest inferior to the tenant's existing lease; or

(b) any alteration after that date of the terms on which any such inferior interest is held.

(5) Sub-paragraph (4) shall not apply to any transaction which falls within paragraph (a) of that sub-paragraph if—

(a) the transaction is entered into in pursuance of a contract entered into on or before the date mentioned in that paragraph; and

(b) the amount of the premium payable by the tenant in respect of the grant of the new lease was determined on or before that date either by agreement or by a leasehold valuation tribunal under this Chapter.

4B

(1) Subject to the provisions of this paragraph, the value of the interest to be held by the tenant under the new lease is the amount which at the valuation date that interest (assuming it to have been granted to him at that date) might be expected to realise if sold on the open market by a willing seller (with the owner of any interest superior to the interest of the tenant not buying or seeking to buy) on the following assumptions—

(a) on the assumption that the vendor is selling such interest as is to be held by the tenant under the new lease subject to the inferior interests to which the tenant's existing lease is subject at the valuation date;

(b) on the assumption that Chapter I and this Chapter confer no right to acquire any interest in any premises containing the tenant's flat or to acquire any new lease;

(c) on the assumption that there is to be disregarded any increase in the value of the flat which would fall to be disregarded under paragraph (c) of sub-paragraph (1) of paragraph 4A in valuing in accordance with that sub-paragraph the interest of the tenant under his existing lease; and

(d) on the assumption that (subject to paragraph (b)) the vendor is selling with and subject to the rights and burdens with and subject to which any interest inferior to the tenant's existing lease at the valuation date then has effect.

(2) It is hereby declared that the fact that sub-paragraph (1) requires assumptions to be made in relation to particular matters does not preclude the making of assumptions as to other matters where those assumptions are appropriate for determining the amount which at the valuation date the interest to be held by the tenant under the new lease might be expected to realise if sold as mentioned in that sub-paragraph.

(3) In determining any such amount there shall be made such deduction (if any) in respect of any defect in title as on a sale of that interest on the open market might be expected to be allowed between a willing seller and a willing buyer.

(4) Subject to sub-paragraph (5), the value of the interest to be held by the tenant under the new lease shall not be decreased by reason of—

(a) any transaction which—

(i) is entered into after 19th January 1996, and

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(ii) involves the creation or transfer of an interest inferior to the tenant's existing lease; or

(b) any alteration after that date of the terms on which any such inferior interest is held.

(5) Sub-paragraph (4) shall not apply to any transaction which falls within paragraph (a) of that sub-paragraph if—

(a) the transaction is entered into in pursuance of a contract entered into on or before the date mentioned in that paragraph; and

(b) the amount of the premium payable by the tenant in respect of the grant of the new lease was determined on or before that date either by agreement or by a leasehold valuation tribunal under this Chapter.".

(5) This section applies in relation to any claim made after 19th January 1996 by the giving of notice under section 42 of the Act of 1993 unless the amount of the premium payable in pursuance of the claim has been determined, either by agreement or by a leasehold valuation tribunal under Chapter II of the Act of 1993, before the day on which this Act is passed.

Trusts

F294 111 . . . . . .

Textual Amendments

F294 S. 111 repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, art. 2(b)(ii), **Sch. 1 Pt. 1** (subject to transitional provisions and savings in Sch. 2); S.I. 2002/3012, art. 2(b)(ii), **Sch. 1 Pt. 1** (subject to transitional provisions and savings in Sch. 2)

F295 112 . . . . . .

Textual Amendments

F295 S. 112 repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, art. 2(b)(ii), **Sch. 1 Pt. 2** (subject to transitional provisions and savings in Sch. 2); S.I. 2002/3012, art. 2(b)(ii), **Sch. 1 Pt. 2** (subject to transitional provisions and savings in Sch. 2)

113 Powers of trustees.

After section 93 of the Leasehold Reform, Housing and Urban Development Act 1993 there shall be inserted—

"**93A Powers of trustees in relation to rights under Chapters I and II.**

(1) Where trustees are a qualifying tenant of a flat for the purposes of Chapter I or II, their powers under the instrument regulating the trusts shall include power to participate in the exercise of the right to collective enfranchisement under

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Chapter I or, as the case may be, to exercise the right to a new lease under Chapter II.

(2) Subsection (1) shall not apply where the instrument regulating the trusts—

(a) is made on or after the day on which section 113 of the Housing Act 1996 comes into force, and

(b) contains an explicit direction to the contrary.

(3) The powers conferred by subsection (1) shall be exercisable with the like consent or on the like direction (if any) as may be required for the exercise of the trustees' powers (or ordinary powers) of investment.

(4) The following purposes, namely—

(a) those authorised for the application of capital money by section 73 of the [M52]Settled Land Act 1925, or by that section as applied by section 28 of the [M53]Law of Property Act 1925 in relation to trusts for sale, and

(b) those authorised by section 71 of the Settled Land Act 1925, or by that section as so applied, as purposes for which moneys may be raised by mortgage,

shall include the payment of any expenses incurred by a tenant for life or statutory owners or by trustees for sale, as the case may be, in or in connection with participation in the exercise of the right to collective enfranchisement under Chapter I or in or in connection with the exercise of the right to a new lease under Chapter II.".

Modifications etc. (not altering text)
C75 S. 113 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para 4.

Marginal Citations
M52 1925 c. 18.
M53 1925 c. 20.

Miscellaneous

114 Minor amendment of section 1(1)(a) of Leasehold Reform Act 1967.

In section 1 of the [M54]Leasehold Reform Act 1967 (tenants entitled to enfranchisement or extension), in subsection (1)(a)—

(a) in sub-paragraph (i), for the words from "or (where" to "that date," there shall be substituted " , or on or after 1st April 1990 in pursuance of a contract made before that date, and the house and premises had a rateable value at the date of commencement of the tenancy or else at any time before 1st April 1990, ", and

(b) in sub-paragraph (ii), for the words from "is entered" to "1990)," there shall be substituted " does not fall within sub-paragraph (i) above, ".

Modifications etc. (not altering text)
C76 S. 114 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 3

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations
M54 1967 c. 88.

115 Power for leasehold valuation tribunal to determine amount of costs payable under Leasehold Reform Act 1967.

In section 21(1) of the Leasehold Reform Act 1967 (matters to be determined by leasehold valuation tribunal), after paragraph (b) there shall be inserted—

"(ba) the amount of any costs payable under section 9(4) or 14(2);".

Modifications etc. (not altering text)
C77 S. 115 restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 3

116 Compensation for postponement of termination in connection with ineffective claims.

Schedule 11 (which makes, in relation to claims to enfranchisement or an extended lease under Part I of the Leasehold Reform Act 1967 and claims to collective enfranchisement or a new lease under Chapter I or II of Part I of the [M55]Leasehold Reform, Housing and Urban Development Act 1993, provision for compensation of the landlord where the claim has prolonged an existing tenancy, but is ineffective) shall have effect.

Marginal Citations
M55 1993 c. 28.

117 Priority of interests on grant of new lease.

After section 58 of the [M56]Leasehold Reform, Housing and Urban Development Act 1993 there shall be inserted—

"**58A Priority of interests on grant of new lease.**

(1) Where a lease granted under section 56 takes effect subject to two or more interests to which the existing lease was subject immediately before its surrender, the interests shall have the same priority in relation to one another on the grant of the new lease as they had immediately before the surrender of the existing lease.

(2) Subsection (1) is subject to agreement to the contrary.

(3) Where a person who is entitled on the grant of a lease under section 56 to rights of occupation in relation to the flat comprised in that lease was entitled immediately before the surrender of the existing lease to rights of occupation in relation to the flat comprised in that lease, the rights to which he is entitled on the grant of the new lease shall be treated as a continuation of the rights to which he was entitled immediately before the surrender of the existing lease.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In this section—

"the existing lease", in relation to a lease granted under section 56, means the lease surrendered on the grant of the new lease, and

"rights of occupation" has the same meaning as in the [M57]Matrimonial Homes Act 1983.".

Marginal Citations

M56 1993 c. 28.

M57 1983 c. 19.

118 Estate management schemes in connection with enfranchisement by virtue of s. 106.

(1) Chapter IV of Part I of the 1993 Act, except section 75(1), (estate management schemes in connection with enfranchisement by virtue of that Act) shall also have effect subject to the modifications mentioned in subsections (2) to (4) below.

(2) In section 69(1) (definition of estate management schemes), for paragraphs (a) and (b) there shall be substituted—

"(a) acquiring the landlord's interest in their house and premises ("the house") under Part I of the [M58]Leasehold Reform Act 1967 by virtue of the provisions of section 1AA of that Act (as inserted by paragraph 1 of Schedule 9 to the Housing Act 1996), or

(b) acquiring the landlord's interest in any premises ("the premises") in accordance with Chapter I of this Part of this Act by virtue of the amendments of that Chapter made by paragraph 3 of Schedule 9 to the Housing Act 1996,".

(3) In section 70 (time limit for applications for approval), for "two years beginning with the date of the coming into force of this section" there shall be substituted " two years beginning with the coming into force of section 118 of the Housing Act 1996 ".

(4) In section 74 (effect of application for approval on claim to acquire freehold), in subsection (1)—

(a) in paragraph (b), in sub-paragraph (i), the words from "being" to the end shall be omitted, and

(b) after that paragraph there shall be inserted "and

(c) in the case of an application for the approval of a scheme as an estate management scheme, the scheme would extend to the house or premises if acquired in pursuance of the notice.".

(5) Section 94(6) to (8) of the 1993 Act (estate management schemes relating to Crown land) shall also have effect with the substitution for any reference to a provision of Chapter IV of Part I of that Act of a reference to that provision as it has effect by virtue of subsection (1) above.

(6) In section 33 of the [M59]National Heritage Act 1983 (general functions of the Historic Buildings and Monuments Commission for England), after subsection (2B) there shall be inserted—

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(2C) In subsection (2B), references to provisions of the [M60]Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.".

(7) In section 72 of the [M61]Planning (Listed Buildings and Conservation Areas) Act 1990 (general duty as respects conservation area in exercise of planning functions), at the end there shall be inserted—

"(3) In subsection (2), references to provisions of the Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.".

(8) In this section, "the 1993 Act" means the Leasehold Reform, Housing and Urban Development Act 1993.

Modifications etc. (not altering text)
C78 S. 118 restricted (5.3.1997) by S.I. 1997/618, art.2, **Sch. para. 3**

Marginal Citations
M58 1967 c. 88.
M59 1983 c. 47.
M60 1993 c. 28.
M61 1990 c. 9.

[F296]119 Leasehold valuation tribunals: pre-trial review.

. . . . . .

Textual Amendments
F296 S. 119 repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

Commencement Information
I27 S. 119 partly in force; s. 119 not in force at Royal Assent see s. 232(1)-(3); s. 119 in force for certain purposes at 23.8.1996 by S.I. 1996/2212, **art. 2(1)**

PART IV

[F297UNIVERSAL CREDIT,] HOUSING BENEFIT AND RELATED MATTERS

Textual Amendments
F297 Words in Pt. IV heading inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **12(2)**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

120 Payment of housing benefit to third parties.

(1) In section 5 of the [M62]Social Security Administration Act 1992 (regulations about claims for and payments of benefit), after subsection (5) insert—

"(6) As it has effect in relation to housing benefit subsection (1)(p) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.".

(2) The above amendment shall be deemed always to have had effect; and provision corresponding to that made by the amendment shall be deemed to have had effect at all material times in relation to corresponding earlier enactments.

Marginal Citations
M62 1992 c. 5.

121 Administration of housing benefit, &c.

Part VIII of the Social Security Administration Act 1992 (arrangements for housing benefit and council tax benefit and related subsidies) is amended in accordance with Schedule 12.

122 Functions of rent officers in connection with [F298universal credit,] housing benefit and rent allowance subsidy.

(1) The Secretary of State may by order require rent officers to carry out such functions as may be specified in the order in connection with **[**F299universal credit,**]** housing benefit and rent allowance subsidy.

(2) Without prejudice to the generality of subsection (1), an order under this section may contain provision—

(a) enabling a prospective landlord to apply for a determination for the purposes of any application for housing benefit which may be made by a tenant of a dwelling which he proposes to let;

(b) as to the payment of a fee by the landlord for that determination;

(c) requiring the landlord to give a copy of the determination to the appropriate local authority; and

(d) enabling the appropriate local authority to seek a redetermination when a claim for housing benefit or rent allowance subsidy is made.

F300(3) . . . . . .

(4) In relation to rent allowance subsidy, the Secretary of State may by order under section 140B of the Social Security Administration Act 1992—

(a) provide for any calculation under subsection (2) of that section to be made,

(b) specify any additions and deductions as are referred to in **[**F301subsection (4) or (5) of that section**]** , and

(c) exercise his discretion as to what is unreasonable for the purposes of subsection **[**F302(5)(b)**]** of that section,

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by reference to determinations made by rent officers in exercise of functions conferred on them under this section.

(5) The Secretary of State may by any such **[**F303order as is mentioned in subsection (4)**]** require a local authority in any prescribed case—

(a) to apply to a rent officer for a determination to be made in pursuance of the functions conferred on them under this section, and

(b) to do so within such time as may be specified in the order F304....

(6) An order under this section—

(a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament;

(b) may make different provision for different cases or classes of case and for different areas; and

(c) may contain such transitional, incidental and supplementary provisions as appear to the Secretary of State to be desirable.

(7) In this section "housing benefit" and "rent allowance subsidy" have the same meaning as in Part VIII of the M63Social Security Administration Act 1992.

Textual Amendments

F298 Words in s. 122 heading inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 36**; S.I. 2013/358, art. 2(2), Sch. 2 para. 40

F299 Words in s. 122(1) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 36**; S.I. 2013/358, art. 2(2), Sch. 2 para. 40

F300 S. 122(3) repealed (7.4.2008) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 8**; S.I. 2007/2872, art. 2(1)(c) (with arts. 3-5)

F301 Words in s. 122(4)(b) substituted (retrospective to 18.9.2003) by Local Government Act 2003 (c. 26), s. 128(1)(b), **Sch. 7 para. 60(1)(a)**

F302 Word in s. 122(4)(c) substituted (retrospective to 18.9.2003) by Local Government Act 2003 (c. 26), s. 128(1)(b), **Sch. 7 para. 60(1)(b)**

F303 Words in s. 122(5) substituted (7.4.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 5 para. 12**; S.I. 2007/2872, art. 2(1)(d) (with arts. 3-5)

F304 Words in s. 122(5)(b) repealed (7.4.2008) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 8**; S.I. 2007/2872, art. 2(1)(c) (with arts. 3-5)

Marginal Citations

M63 1992 c. 5.

123 Consequential amendments: Part IV.

The enactments mentioned in Schedule 13 have effect with the amendments specified there which are consequential on the provisions of this Part.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART V

CONDUCT OF TENANTS

CHAPTER I

INTRODUCTORY TENANCIES

General provisions

124 Introductory tenancies.

(1) A local housing authority or a housing action trust may elect to operate an introductory tenancy regime.

(2) When such an election is in force, every periodic tenancy of a dwelling-house entered into or adopted by the authority or trust shall, if it would otherwise be a secure tenancy, be an introductory tenancy, unless immediately before the tenancy was entered into or adopted the tenant or, in the case of joint tenants, one or more of them was—

(a) a secure tenant of the same or another dwelling-house, or

[[F305](b) a tenant under a relevant assured tenancy, other than an assured shorthold tenancy, of the same or another dwelling-house.**]**

[[F306](2A) In subsection (2)(b) "relevant assured tenancy" means—

(a) an assured tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or

(b) an assured tenancy under which the landlord is a registered social landlord;

and for these purposes "social housing" has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.**]**

(3) Subsection (2) does not apply to a tenancy entered into or adopted in pursuance of a contract made before the election was made.

(4) For the purposes of this Chapter a periodic tenancy is adopted by a person if that person becomes the landlord under the tenancy, whether on a disposal or surrender of the interest of the former landlord.

(5) An election under this section may be revoked at any time, without prejudice to the making of a further election.

Textual Amendments

F305 S. 124(2)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 96(2)** (with art. 6, Sch. 3)

F306 S. 124(2A) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 96(3)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C79 S. 124 modified (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(b), **Sch. 7 para. 12(6)(b)** (with Sch. 7 para. 12(9)); S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

C80 S. 124 modified (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(b), **Sch. 7 para. 4(6)(b)**; S.I. 2006/1060, art. 2(1)(a) (with Sch.); S.I. 2006/1535, art. 2(a) (with Sch.)

125 Duration of introductory tenancy.

(1) A tenancy remains an introductory tenancy until the end of the trial period, unless one of the events mentioned in subsection (5) occurs before the end of that period.

(2) The "trial period" is the period of one year beginning with—

(a) in the case of a tenancy which was entered into by a local housing authority or housing action trust—

(i) the date on which the tenancy was entered into, or

(ii) if later, the date on which a tenant was first entitled to possession under the tenancy; or

(b) in the case of a tenancy which was adopted by a local housing authority or housing action trust, the date of adoption;

[[F307] but this is subject to subsections (3) and (4) and to section 125A (extension of trial period by 6 months). **]** .

(3) Where the tenant under an introductory tenancy was formerly a tenant under another introductory tenancy, **[**[F308]or a relevant assured shorthold tenancy**]** , any period or periods during which he was such a tenant shall count towards the trial period, provided—

(a) if there was one such period, it ended immediately before the date specified in subsection (2), and

(b) if there was more than one such period, the most recent period ended immediately before that date and each period succeeded the other without interruption.

[[F309](3A) In subsection (3) "relevant assured shorthold tenancy" means—

(a) an assured shorthold tenancy in respect of social housing under which the landlord is a private registered provider of social housing, or

(b) an assured shorthold tenancy under which the landlord is a registered social landlord;

and for these purposes "social housing" has the same meaning as in Part 2 of the Housing and Regeneration Act 2008.**]**

(4) Where there are joint tenants under an introductory tenancy, the reference in subsection (3) to the tenant shall be construed as referring to the joint tenant in whose case the application of that subsection produces the earliest starting date for the trial period.

(5) A tenancy ceases to be an introductory tenancy if, before the end of the trial period—

(a) the circumstances are such that the tenancy would not otherwise be a secure tenancy,

(b) a person or body other than a local housing authority or housing action trust becomes the landlord under the tenancy,

(c) the election in force when the tenancy was entered into or adopted is revoked, or

(d) the tenancy ceases to be an introductory tenancy by virtue of section 133(3) (succession).

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(6) A tenancy does not come to an end merely because it ceases to be an introductory tenancy, but a tenancy which has once ceased to be an introductory tenancy cannot subsequently become an introductory tenancy.

(7) This section has effect subject to section 130 (effect of beginning proceedings for possession).

Textual Amendments

F307 Words in s. 125(2) substituted (6.6.2005 for E., 25.11.2005 for W.) by Housing Act 2004 (c. 34), **ss. 179(2)**, 270(4), (5)(c) (with s. 179(4)); S.I. 2005/1451, art. 2(a); S.I. 2005/3237, arts. 1(2), 2(f)

F308 Words in s. 125(3) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 97(2)** (with art. 6, Sch. 3)

F309 S. 125(3A) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 97(3)** (with art. 6, Sch. 3)

[F310 125A Extension of trial period by 6 months

(1) If both of the following conditions are met in relation to an introductory tenancy, the trial period is extended by 6 months.

(2) The first condition is that the landlord has served a notice of extension on the tenant at least 8 weeks before the original expiry date.

(3) The second condition is that either—

(a) the tenant has not requested a review under section 125B in accordance with subsection (1) of that section, or

(b) if he has, the decision on the review was to confirm the landlord's decision to extend the trial period.

(4) A notice of extension is a notice—

(a) stating that the landlord has decided that the period for which the tenancy is to be an introductory tenancy should be extended by 6 months, and

(b) complying with subsection (5).

(5) A notice of extension must—

(a) set out the reasons for the landlord's decision, and

(b) inform the tenant of his right to request a review of the landlord's decision and of the time within which such a request must be made.

(6) In this section and section 125B "the original expiry date" means the last day of the period of one year that would apply as the trial period apart from this section.

Textual Amendments

F310 Ss. 125A, 125B inserted (18.11.2004 for specified purposes) by Housing Act 2004 (c. 34), **ss. 179(3)**, 270(2)(b) (with s. 179(4))

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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125B Review of decision to extend trial period

(1) A request for review of the landlord's decision that the trial period for an introductory tenancy should be extended under section 125A must be made before the end of the period of 14 days beginning with the day on which the notice of extension is served.

(2) On a request being duly made to it, the landlord shall review its decision.

(3) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under this section.

Nothing in the following provisions affects the generality of this power.

(4) Provision may be made by regulations—

(a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and

(b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.

(5) The landlord shall notify the tenant of the decision on the review.

If the decision is to confirm the original decision, the landlord shall also notify him of the reasons for the decision.

(6) The review shall be carried out and the tenant notified before the original expiry date.**]**

Textual Amendments

F310 Ss. 125A, 125B inserted (18.11.2004 for specified purposes) by Housing Act 2004 (c. 34), **ss. 179(3)**, 270(2)(b) (with s. 179(4))

126 Licences.

(1) The provisions of this Chapter apply in relation to a licence to occupy a dwelling-house (whether or not granted for a consideration) as they apply in relation to a tenancy.

(2) Subsection (1) does not apply to a licence granted as a temporary expedient to a person who entered the dwelling-house or any other land as a trespasser (whether or not, before the grant of that licence, another licence to occupy that or another dwelling-house had been granted to him).

Proceedings for possession

127 Proceedings for possession.

(1) The landlord may only bring an introductory tenancy to an end by obtaining **[**F311—

(a) an order of the court for the possession of the dwelling-house, and

(b) the execution of the order.**]**

[F312(1A) In such a case, the tenancy ends when the order is executed.**]**

(2) The court shall make **[**F313an order of the kind mentioned in subsection (1)(a)**]** unless the provisions of section 128 apply.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F314(3) . . . . . .

Textual Amendments

F311 Words in s. 127(1) substituted (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 11 para. 11(2)** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

F312 S. 127(1A) inserted (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 11 para. 11(3)** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

F313 Words in s. 127(2) substituted (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 11 para. 11(4)** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

F314 S. 127(3) repealed (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 11 para. 11(5), **Sch. 16** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

128 Notice of proceedings for possession.

(1) The court shall not entertain proceedings for the possession of a dwelling-house let under an introductory tenancy unless the landlord has served on the tenant a notice of proceedings complying with this section.

(2) The notice shall state that the court will be asked to make an order for the possession of the dwelling-house.

(3) The notice shall set out the reasons for the landlord's decision to apply for such an order.

(4) The notice shall specify a date after which proceedings for the possession of the dwelling-house may be begun.

[F315The date so specified must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.**]**

[F316(4A) The date specified in accordance with subsection (4)—

(a) must not be earlier than the end of the period of—

(i) in relation to a dwelling-house in England, the relevant notice period beginning with the date on which the notice of proceedings is served, and

(ii) in relation to a dwelling-house in Wales—

(aa) four weeks beginning with the date on which the notice of proceedings is served where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), and

(ab) in any other case, six months from the date on which the notice of proceedings is served, and

(b) must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.**]**

(5) The court shall not entertain any proceedings for possession of the dwelling-house unless they are begun after the date specified in the notice of proceedings.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(6) The notice shall inform the tenant of his right to request a review of the landlord's decision to seek an order for possession and of the time within which such a request must be made.

(7) The notice shall also inform the tenant that if he needs help or advice about the notice, and what to do about it, he should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.

[F317(8) In this section—

"relevant notice period" means—

(a) where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), four weeks, and

(b) in any other case, six months;

"ASB reason" means , in relation to a dwelling-house in England, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2, 2ZA and 2A of Schedule 2 to that Act and, in relation to a dwelling-house in Wales, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2 and 2A of Schedule 2 to that Act.**]**

Textual Amendments

F315 Words in s. 128(4) omitted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, **8(a)** (with ss. 88-90) (as amended (W.) (29.9.2020) by The Coronavirus Act 2020 (Residential Tenancies Protection from Eviction) (Wales) Regulations 2020 (S.I. 2020/1044), regs. 1(2), **3** (with reg. 17))

F316 S. 128(4A) inserted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, **8(b)** (with ss. 88-90) (as amended (E.) (28.8.2020) by The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914), regs. 1(2), **3(2)(8)(b)** (with reg. 4) and as amended (W.) (29.9.2020) by The Coronavirus Act 2020 (Residential Tenancies Protection from Eviction) (Wales) Regulations 2020 (S.I. 2020/1044), regs. 1(2), **3**, **11(2)** (with reg. 17))

F317 S. 128(8) inserted (temp.) by virtue of Coronavirus Act 2020 (c. 7), Sch. 29 paras. 1, **8(c)** (as inserted (E.) (28.8.2020) by The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914), regs. 1(2), **3(2)(8)(c)** (with reg. 4) and as amended (W.) (29.9.2020) by The Coronavirus Act 2020 (Residential Tenancies Protection from Eviction) (Wales) Regulations 2020 (S.I. 2020/1044), regs. 1(2), **3**, **11(3)** (with reg. 17))

129 Review of decision to seek possession.

(1) A request for review of the landlord's decision to seek an order for possession of a dwelling-house let under an introductory tenancy must be made before the end of the period of 14 days beginning with the day on which the notice of proceedings is served.

(2) On a request being duly made to it, the landlord shall review its decision.

(3) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under this section.

Nothing in the following provisions affects the generality of this power.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Provision may be made by regulations—

(a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and

(b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.

(5) The landlord shall notify the person concerned of the decision on the review.

If the decision is to confirm the original decision, the landlord shall also notify him of the reasons for the decision.

(6) The review shall be carried out and the tenant notified before the date specified in the notice of proceedings as the date after which proceedings for the possession of the dwelling-house may be begun.

Commencement Information

I28 S. 129 wholly in force 4.2.1997: s. 129 not in force at Royal Assent, see s. 232(1)-(3); s. 129(3)(4) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 129(1)(2)(5)(6) in force at 4.2.1997 by S.I. 1997/66, **art. 2**

130 Effect of beginning proceedings for possession.

(1) This section applies where the landlord has begun proceedings for the possession of a dwelling-house let under an introductory tenancy and—

(a) the trial period ends, or

(b) any of the events specified in section 125(5) occurs (events on which a tenancy ceases to be an introductory tenancy).

(2) Subject to the following provisions, the tenancy remains an introductory tenancy until—

(a) the tenancy comes to an end **[**F318in accordance with section 127(1A)**]** , or

(b) the proceedings are otherwise finally determined.

(3) If any of the events specified in section 125(5)(b) to (d) occurs, the tenancy shall thereupon cease to be an introductory tenancy but—

(a) the landlord (or, as the case may be, the new landlord) may continue the proceedings, and

(b) if he does so, section **[**F319127(1A) and (2)**]** (termination by landlord) apply as if the tenancy had remained an introductory tenancy.

(4) Where in accordance with subsection (3) a tenancy ceases to be an introductory tenancy and becomes a secure tenancy, the tenant is not entitled to exercise the right to buy under Part V of the M64Housing Act 1985 unless and until the proceedings are finally determined on terms such that he is not required to give up possession of the dwelling-house.

(5) For the purposes of this section proceedings shall be treated as finally determined if they are withdrawn or any appeal is abandoned or the time for appealing expires without an appeal being brought.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F318 Words in s. 130(2)(a) substituted (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 11 para. 12(2)** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

F319 Words in s. 130(3)(b) substituted (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 11 para. 12(3)** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

Marginal Citations

M64 1985 c. 68.

Succession on death of tenant

131 Persons qualified to succeed tenant.

A person is qualified to succeed the tenant under an introductory tenancy if he occupies the dwelling-house as his only or principal home at the time of the tenant's death and either—

(a) he is the tenant's spouse **[**F320or civil partner**]** , or

(b) he is another member of the tenant's family and has resided with the tenant throughout the period of twelve months ending with the tenant's death;

unless, in either case, the tenant was himself a successor, as defined in section 132.

Textual Amendments

F320 Words in s. 131(a) inserted (5.12.2005) by Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005 (S.I. 2005/3336), arts. 1, **20**

132 Cases where the tenant is a successor.

(1) The tenant is himself a successor if—

(a) the tenancy vested in him by virtue of section 133 (succession to introductory tenancy),

(b) he was a joint tenant and has become the sole tenant,

(c) he became the tenant on the tenancy being assigned to him (but subject to subsections (2) and (3)), or

(d) he became the tenant on the tenancy being vested in him on the death of the previous tenant.

(2) A tenant to whom the tenancy was assigned in pursuance of an order under section 24 of the M65Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings) or section 17(1) of the M66Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.) is a successor only if the other party to the marriage was a successor.

[F321(2A) A tenant to whom the tenancy was assigned in pursuance of an order under Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.) is a successor only if the other civil partner was a successor.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(3) Where within six months of the coming to an end of an introductory tenancy ("the former tenancy") the tenant becomes a tenant under another introductory tenancy, and—

(a) the tenant was a successor in relation to the former tenancy, and

(b) under the other tenancy either the dwelling-house or the landlord, or both, are the same as under the former tenancy,

the tenant is also a successor in relation to the other tenancy unless the agreement creating that tenancy otherwise provides.

Textual Amendments

F321 S. 132(2A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 52**; S.I. 2005/3175, art. 2(1), Sch. 1

Marginal Citations

M65 1973 c. 18.

M66 1984 c. 42.

133 Succession to introductory tenancy.

(1) This section applies where a tenant under an introductory tenancy dies.

(2) Where there is a person qualified to succeed the tenant, the tenancy vests by virtue of this section in that person, or if there is more than one such person in the one to be preferred in accordance with the following rules—

(a) the tenant's spouse **[**F322 or civil partner **]** is to be preferred to another member of the tenant's family;

(b) of two or more other members of the tenant's family such of them is to be preferred as may be agreed between them or as may, where there is no such agreement, be selected by the landlord.

(3) Where there is no person qualified to succeed the tenant, the tenancy ceases to be an introductory tenancy—

(a) when it is vested or otherwise disposed of in the course of the administration of the tenant's estate, unless the vesting or other disposal is in pursuance of an order made under—

(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders made in connection with matrimonial proceedings),

(ii) section 17(1) of the M67Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), F323...

(iii) paragraph 1 of Schedule 1 to the M68Children Act 1989 (orders for financial relief against parents); or

[F324(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)**]**

(b) when it is known that when the tenancy is so vested or disposed of it will not be in pursuance of such an order.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F322 Words in s. 133(2)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 53(2)**; S.I. 2005/3175, art. 2(1), Sch. 1

F323 Word in s. 133(3)(a)(ii) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)

F324 S. 133(3)(a)(iv) and word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 53(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

Marginal Citations

M67 1984 c. 42.

M68 1989 c. 41.

Assignment

134 Assignment in general prohibited.

(1) An introductory tenancy is not capable of being assigned except in the cases mentioned in subsection (2).

(2) The exceptions are—

(a) an assignment in pursuance of an order made under—

(i) section 24 of the [M69]Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), [F325]...

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);**[**[F326], or

(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)**]**

(b) an assignment to a person who would be qualified to succeed the tenant if the tenant died immediately before the assignment.

(3) Subsection (1) also applies to a tenancy which is not an introductory tenancy but would be if the tenant, or where the tenancy is a joint tenancy, at least one of the tenants, were occupying or continuing to occupy the dwelling-house as his only or principal home.

Textual Amendments

F325 Word in s. 134(2)(a)(ii) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)

F326 S. 134(2)(a)(iv) and word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 54**; S.I. 2005/3175, art. 2(1), Sch. 1

Marginal Citations

M69 1973 c. 18.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Repairs

135 Right to carry out repairs.

The Secretary of State may by regulations under section 96 of the [M70]Housing Act 1985 (secure tenants: right to carry out repairs) apply to introductory tenants any provision made under that section in relation to secure tenants.

Marginal Citations
M70 1985 c. 68.

Provision of information and consultation

136 Provision of information about tenancies.

(1) Every local housing authority or housing action trust which lets dwelling-houses under introductory tenancies shall from time to time publish information about its introductory tenancies, in such form as it considers best suited to explain in simple terms, and, so far as it considers it appropriate, the effect of—

(a) the express terms of its introductory tenancies,

(b) the provisions of this Chapter, and

(c) the provisions of sections 11 to 16 of the [M71]Landlord and Tenant Act 1985 (landlord's repairing obligations),

and shall ensure that so far as is reasonably practicable the information so published is kept up to date.

(2) The landlord under an introductory tenancy shall supply the tenant with—

(a) a copy of the information for introductory tenants published by it under subsection (1), and

(b) a written statement of the terms of the tenancy, so far as they are neither expressed in the lease or written tenancy agreement (if any) nor implied by law;

and the statement required by paragraph (b) shall be supplied on the grant of the tenancy or as soon as practicable afterwards.

Marginal Citations
M71 1985 c. 70.

137 Consultation on matters of housing management.

(1) This section applies in relation to every local housing authority and housing action trust which lets dwelling-houses under introductory tenancies and which is a landlord authority for the purposes of Part IV of the [M72]Housing Act 1985 (secure tenancies).

(2) The authority or trust shall maintain such arrangements as it considers appropriate to enable those of its introductory tenants who are likely to be substantially affected by a relevant matter of housing management—

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(a) to be informed of the proposals of the authority or trust in respect of the matter, and

(b) to make their views known to the authority or trust within a specified period;

and the authority or trust shall, before making a decision on the matter, consider any representations made to it in accordance with those arrangements.

(3) A matter is one of housing management if, in the opinion of the authority or trust concerned, it relates to—

(a) the management, improvement, maintenance or demolition of dwelling-houses let by the authority or trust under introductory or secure tenancies, or

(b) the provision of services or amenities in connection with such dwelling-houses;

but not so far as it relates to the rent payable under an introductory or secure tenancy or to charges for services or facilities provided by the authority or trust.

(4) A matter is relevant if, in the opinion of the authority or trust concerned, it represents—

(a) a new programme of maintenance, improvement or demolition, or

(b) a change in the practice or policy of the authority or trust,

and is likely substantially to affect either its introductory tenants as a whole or a group of them who form a distinct social group or occupy dwelling-houses which constitute a distinct class (whether by reference to the kind of dwelling-house, or the housing estate or other larger area in which they are situated).

(5) In the case of a local housing authority, the reference in subsection (3) to the provision of services or amenities is a reference only to the provision of services or amenities by the authority acting in its capacity as landlord of the dwelling-houses concerned.

(6) The authority or trust shall publish details of the arrangements which it makes under this section, and a copy of the documents published under this subsection shall—

(a) be made available at its principal office for inspection at all reasonable hours, without charge, by members of the public, and

(b) be given, on payment of a reasonable fee, to any member of the public who asks for one.

Marginal Citations

M72 1985 c. 68.

I[F327 Introductory tenancies that are to become flexible tenancies

Textual Amendments

F327 S. 137A and cross-heading inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 155(6)**, 240(2); S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)

137A Introductory tenancies that are to become flexible tenancies

(1) Where this section applies, a tenancy of a dwelling-house in England that ceases to be an introductory tenancy and becomes a secure tenancy in accordance with this Chapter becomes a flexible tenancy for a term certain.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) This section applies if, before entering into or adopting the introductory tenancy, the person who became the landlord under the tenancy served a written notice on the person who was or became the tenant under the tenancy—

(a) stating that, on ceasing to be an introductory tenancy, the tenancy would become a secure tenancy that would be a flexible tenancy for a term certain of the length specified in the notice,

(b) specifying a period of at least two years as the length of the term of the tenancy, and

(c) setting out the other express terms of the tenancy.

(3) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of this section is that specified in the notice under subsection (2).

(4) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection "statutory provision" means any provision made by or under an Act.**]**

Supplementary

138 Jurisdiction of county court.

(1) **[**F328The county court**]** has jurisdiction to determine questions arising under this Chapter and to entertain proceedings brought under this Chapter and claims, for whatever amount, in connection with an introductory tenancy.

(2) That jurisdiction includes jurisdiction to entertain proceedings as to whether a statement supplied in pursuance of section 136(2)(b) (written statement of certain terms of tenancy) is accurate notwithstanding that no other relief is sought than a declaration.

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

F329(4) . . . . . .

F329(5) . . . . . .

F329(6) . . . . . .

Textual Amendments

F328 Words in s. 138(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F329 S. 138(4)-(6) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 4 para. 257, **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(v), 30(b)

Commencement Information

I29 S. 138 wholly in force 4.2.1997: s. 138 not in force at Royal Assent, see s. 232(1)-(3); s. 138(4)-(6) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 138(1)-(3) in force at 4.2.1997 by S.I. 1997/66, **art. 2**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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139 Meaning of "dwelling-house".

(1) For the purposes of this Chapter a dwelling-house may be a house or a part of a house.

(2) Land let together with a dwelling-house shall be treated for the purposes of this Chapter as part of the dwelling-house unless the land is agricultural land which would not be treated as part of a dwelling-house for the purposes of Part IV of the [M73]Housing Act 1985 (see section 112(2) of that Act).

Marginal Citations

M73 1985 c. 68.

140 Members of a person's family: Chapter I.

(1) A person is a member of another's family within the meaning of this Chapter if—

(a) he is the spouse **[**[F330]or civil partner**]** of that person, or he and that person live together **[**[F331]as if they were a married couple or**]****[**[F332]civil partners**]**, or

(b) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

(2) For the purpose of subsection (1)(b)—

(a) a relationship by marriage **[**[F333]or civil partnership**]** shall be treated as a relationship by blood,

(b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and

(c) the stepchild of a person shall be treated as his child.

Textual Amendments

F330 Words in s. 140(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 51(2)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1

F331 Words in s. 140(1)(a) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 20(3)**

F332 Words in s. 140(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 51(2)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1

F333 Words in s. 140(2)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 51(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

141 Consequential amendments: introductory tenancies.

(1) The enactments mentioned in Schedule 14 have effect with the amendments specified there which are consequential on the provisions of this Chapter.

(2) The Secretary of State may by order make such other amendments or repeals of any enactment as appear to him necessary or expedient in consequence of the provisions of this Chapter.

(3) Without prejudice to the generality of subsection (2), an order under that subsection may make such provision in relation to an enactment as the Secretary of State considers appropriate as regards its application (with or without modifications) or non-application in relation to introductory tenants or introductory tenancies.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I30 S. 14 who1ly in force 4.2.1997: s. 141 not in force at Royal Assent, see s. 232(1)-(3); s. 141(2)(3) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 141(1) in force at 4.2.1997 by S.I. 1997/66, **art. 2**

142 Regulations and orders.

Any regulations or order under this Part—

(a) may contain such incidental, supplementary or transitional provisions, or savings, as the Secretary of State thinks fit, and

(b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

143 Index of defined expressions: introductory tenancies.

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

adopt (in relation to periodic tenancy)	section 124(4)
assured tenancy and assured shorthold tenancy	section 230
dwelling-house	section 139
housing action trust	section 230
introductory tenancy and introductory tenant	section 124
local housing authority	section 230
member of family	section 140
registered social landlord	section 2
secure tenancy and secure tenant	section 230

[F334 CHAPTER 1A

Textual Amendments

F334 Pt. 5 Ch. 1A inserted (30.6.2004 for E., 30.9.2004 for W. for specified purposes, 30.4.2005 for W. so far as not already in force) by Anti Social Behaviour Act 2003 (c. 38), s. 93, **Sch. 1 para. 1**; S.I. 2004/1502, **art. 2(a)(iii)**; S.I. 2004/2557, **art. 2(a)(ii)**; S.I. 2005/1225, **art. 2(b)**

General provisions

Demoted tenancies

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

143A Demoted tenancies

(1) This section applies to a periodic tenancy of a dwelling-house if each of the following conditions is satisfied.

(2) The first condition is that the landlord is either a local housing authority or a housing action trust.

(3) The second condition is that the tenant condition in section 81 of the Housing Act 1985 is satisfied.

(4) The third condition is that the tenancy is created by virtue of a demotion order under section 82A of that Act.

(5) In this Chapter—

(a) a tenancy to which this section applies is referred to as a demoted tenancy;

(b) references to demoted tenants must be construed accordingly.

Duration of demoted tenancy

143B Duration of demoted tenancy

(1) A demoted tenancy becomes a secure tenancy at the end of the period of one year (the demotion period) starting with the day the demotion order takes effect; but this is subject to subsections (2) to (5).

(2) A tenancy ceases to be a demoted tenancy if any of the following paragraphs applies—

(a) either of the first or second conditions in section 143A ceases to be satisfied;

(b) the demotion order is quashed;

(c) the tenant dies and no one is entitled to succeed to the tenancy.

(3) If at any time before the end of the demotion period the landlord serves a notice of proceedings for possession of the dwelling-house subsection (4) applies.

(4) The tenancy continues as a demoted tenancy until the end of the demotion period or (if later) until any of the following occurs—

(a) the notice of proceedings is withdrawn by the landlord;

(b) the proceedings are determined in favour of the tenant;

(c) the period of 6 months beginning with the date on which the notice is served ends and no proceedings for possession have been brought.

(5) A tenancy does not come to an end merely because it ceases to be a demoted tenancy.

Change of landlord

143C Change of landlord

(1) A tenancy continues to be a demoted tenancy for the duration of the demotion period if—

(a) at the time the demoted tenancy is created the interest of the landlord belongs to a local housing authority or a housing action trust, and

(b) during the demotion period the interest of the landlord transfers to another person who is a local housing authority or a housing action trust.

(2) Subsections (3) and (4) apply if—

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(a) at the time the demoted tenancy is created the interest of the landlord belongs to a local housing authority or a housing action trust, and

(b) during the demotion period the interest of the landlord transfers to a person who is not such a body.

(3) If the new landlord is **[**F335a private registered provider of social housing,**]** a registered social landlord or a person who does not satisfy the landlord condition the tenancy becomes an assured shorthold tenancy.

[F336(4) If the new landlord—

(a) is neither a private registered provider of social housing nor a registered social landlord, and

(b) satisfies the landlord condition,

the tenancy becomes a secure tenancy.**]**

(5) The landlord condition must be construed in accordance with section 80 of the Housing Act 1985.**]**

Textual Amendments

F335 Words in s. 143C(3) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 98(2)** (with art. 6, Sch. 3)

F336 S. 143C(4) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 98(3)** (with art. 6, Sch. 3)

Proceedings for possession

Proceedings for possession

143D Proceedings for possession

(1) The landlord may only bring a demoted tenancy to an end by obtaining **[**F337—

(a) an order of the court for the possession of the dwelling-house, and

(b) the execution of the order.**]**

[In such a case, the tenancy ends when the order is executed.**]**

F338(1A)

(2) The court must make an order for possession unless it thinks that the procedure under sections 143E and 143F has not been followed.

F339(3) . . . . . .

Textual Amendments

F337 Words in s. 143D(1) substituted (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 11 para. 13(2)** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

F338 S. 143D(1A) inserted (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 11 para. 13(3)** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

F339 S. 143D(3) repealed (20.5.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), Sch. 11 para. 13(4), **Sch. 16** (with Sch. 11 para. 14); S.I. 2009/1261, arts. 2, 3

Notice of proceedings for possession

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

143E Notice of proceedings for possession

(1) Proceedings for possession of a dwelling-house let under a demoted tenancy must not be brought unless the landlord has served on the tenant a notice of proceedings under this section.

(2) The notice must—

(a) state that the court will be asked to make an order for the possession of the dwelling-house;

(b) set out the reasons for the landlord's decision to apply for the order;

(c) specify the date after which proceedings for the possession of the dwelling-house may be begun;

(d) inform the tenant of his right to request a review of the landlord's decision and of the time within which the request must be made.

[F340(3) The date specified under subsection (2)(c)—

(a) must not be earlier than the end of the period of—

(i) in relation to a dwelling-house in England, the relevant notice period beginning with the date on which the notice of proceedings is served, and

(ii) in relation to a dwelling-house in Wales—

(aa) four weeks beginning with the date on which the notice of proceedings is served where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), and

(ab) in any other case, six months from the date on which the notice of proceedings is served, and

(b) must not be earlier than the date on which the tenancy could (apart from this Chapter) be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.**]**

(4) The court must not entertain proceedings begun on or before the date specified under subsection (2)(c).

(5) The notice must also inform the tenant that if he needs help or advice—

(a) about the notice, or

(b) about what to do about the notice,

he must take the notice immediately to a Citizen's Advice Bureau, a housing aid centre, a law centre or a solicitor.

[F341(6) In this section—

"relevant notice period" means—

(a) where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), four weeks, and

(b) in any other case, six months;

"ASB reason" means , in relation to a dwelling-house in England, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2, 2ZA and 2A of Schedule 2 to that Act and, in relation to a dwelling-house in Wales, a reason which corresponds to any

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of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2 and 2A of Schedule 2 to that Act.**]**

Textual Amendments

F340 S. 143E(3) substituted (temp.) (26.3.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(1), Sch. 29 paras. 1, **9(a)** (with ss. 88-90) (as amended (E.) (28.8.2020) by The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914), **regs. 1(2)**, **3(2)(9)(a)(b)** (with reg. 4) and as amended (W.) (29.9.2020) by The Coronavirus Act 2020 (Residential Tenancies Protection from Eviction) (Wales) Regulations 2020 (S.I. 2020/1044), regs. 1(2), **3**, **12(2)** (with reg. 17))

F341 S. 143E(6) inserted (temp.) by virtue of Coronavirus Act 2020 (c. 7), Sch. 29 paras. 1, **9(b)** (as inserted (E.) (28.8.2020) by The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914), regs. 1(2), **3(2)(9)(c)** (with reg. 4) and as amended (W.) (29.9.2020) by The Coronavirus Act 2020 (Residential Tenancies Protection from Eviction) (Wales) Regulations 2020 (S.I. 2020/1044), regs. 1(2), **3**, **12(3)** (with reg. 17))

Review of decision to seek possession

143F Review of decision to seek possession

(1) Before the end of the period of 14 days beginning with the date of service of a notice for possession of a dwelling-house let under a demoted tenancy the tenant may request the landlord to review its decision to seek an order for possession.

(2) If a request is made in accordance with subsection (1) the landlord must review the decision.

(3) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with a review under this section.

(4) The regulations may include provision—

(a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision;

(b) as to the circumstances in which the tenant is entitled to an oral hearing, and whether and by whom he may be represented at the hearing.

(5) The landlord must notify the tenant—

(a) of the decision on the review;

(b) of the reasons for the decision.

(6) The review must be carried out and notice given under subsection (5) before the date specified in the notice of proceedings as the date after which proceedings for possession of the dwelling-house may be begun.

Effect of proceedings for possession

143G Effect of proceedings for possession

(1) This section applies if the landlord has begun proceedings for the possession of a dwelling-house let under a demoted tenancy and—

(a) the demotion period ends, or

(b) any of paragraphs (a) to (c) of section 143B(2) applies (circumstances in which a tenancy ceases to be a demoted tenancy).

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) If any of paragraphs (a) to (c) of section 143B(2) applies the tenancy ceases to be a demoted tenancy but the landlord (or the new landlord as the case may be) may continue the proceedings.

(3) Subsection (4) applies if in accordance with subsection (2) a tenancy ceases to be a demoted tenancy and becomes a secure tenancy.

(4) The tenant is not entitled to exercise the right to buy unless—

(a) the proceedings are finally determined, and

(b) he is not required to give up possession of the dwelling-house.

(5) The proceedings must be treated as finally determined if—

(a) they are withdrawn;

(b) any appeal is abandoned;

(c) the time for appealing expires without an appeal being brought.**]**

[F334Succession

Succession to demoted tenancy

143H Succession to demoted tenancy

(1) This section applies if the tenant under a demoted tenancy dies.

(2) If the tenant was a successor, the tenancy—

(a) ceases to be a demoted tenancy, but

(b) does not become a secure tenancy.

(3) In any other case a person is qualified to succeed the tenant if—

(a) he occupies the dwelling-house as his only or principal home at the time of the tenant's death,

(b) he is a member of the tenant's family, and

(c) he has resided with the tenant throughout the period of 12 months ending with the tenant's death.

(4) If only one person is qualified to succeed under subsection (3) the tenancy vests in him by virtue of this section.

(5) If there is more than one such person the tenancy vests by virtue of this section in the person preferred in accordance with the following rules—

(a) the tenant's **[**F342 spouse or civil partner or (if the tenant has neither spouse nor civil partner) **]** the person mentioned in section 143P(1)(b) is to be preferred to another member of the tenant's family;

(b) if there are two or more other members of the tenant's family the person preferred may be agreed between them or (if there is no such agreement) selected by the landlord.

Textual Amendments

F342 Words in s. 143H(5)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 55**; S.I. 2005/3175, art. 2(1), Sch. 1

No successor tenant: termination

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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143I No successor tenant: termination

(1) This section applies if the demoted tenant dies and no person is qualified to succeed to the tenancy as mentioned in section 143H(3).

(2) The tenancy ceases to be a demoted tenancy if either subsection (3) or (4) applies.

(3) This subsection applies if the tenancy is vested or otherwise disposed of in the course of the administration of the tenant's estate unless the vesting or other disposal is in pursuance of an order under—

(a) section 23A or 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);

(b) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, etc);

(c) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).

[[F343](d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).**]**

(4) This subsection applies if it is known that when the tenancy is vested or otherwise disposed of in the course of the administration of the tenant's estate it will not be in pursuance of an order mentioned in subsection (3).

(5) A tenancy which ceases to be a demoted tenancy by virtue of this section cannot subsequently become a secure tenancy.

Textual Amendments

F343 S. 143I(3)(d) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 56**; S.I. 2005/3175, art. 2(1), Sch. 1

Successor tenants

143J Successor tenants

(1) This section applies for the purpose of sections 143H and 143I.

(2) A person is a successor to a secure tenancy which is terminated by a demotion order if any of subsections (3) to (6) applies to him.

(3) The tenancy vested in him—

(a) by virtue of section 89 of the Housing Act 1985 or section 133 of this Act;

(b) under the will or intestacy of the preceding tenant.

(4) The tenancy arose by virtue of section 86 of the Housing Act 1985 and the original fixed term was granted—

(a) to another person, or

(b) to him jointly with another person.

(5) He became the tenant on the tenancy being assigned to him unless—

[[F344](a) the tenancy was assigned—

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(i) in proceedings under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings) or section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, etc.), or

(ii) in proceedings under Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.),**]**

[F344(b) where the tenancy was assigned as mentioned in paragraph (a)(i), neither he nor the other party to the marriage was a successor, and

(c) where the tenancy was assigned as mentioned in paragraph (a)(ii), neither he nor the other civil partner was a successor.**]**

(6) He became the tenant on assignment under section 92 of the Housing Act 1985 if he himself was a successor to the tenancy which he assigned in exchange.

(7) A person is the successor to a demoted tenancy if the tenancy vested in him by virtue of section 143H(4) or (5).

(8) A person is the successor to a joint tenancy if he has become the sole tenant.**]**

Textual Amendments

F344 Ss. 143J(5)(a)-(c) substituted for s. 143J(5)(a)(b) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 57**; S.I. 2005/3175, art. 2(1), Sch. 1

*I*F334*Assignment*

Restriction on assignment

143K Restriction on assignment

(1) A demoted tenancy is not capable of being assigned except as mentioned in subsection (2).

(2) The exceptions are assignment in pursuance of an order made under—

(a) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);

(b) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, etc.);

(c) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).**]**

[F345(d) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).**]**

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Textual Amendments

F345 S. 143K(2)(d) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 58**; S.I. 2005/3175, art. 2(1), Sch. 1

⌈F334 Repairs

Right to carry out repairs

143L Right to carry out repairs

The Secretary of State may by regulations under section 96 of the Housing Act 1985 (secure tenants: right to carry out repairs) apply to demoted tenants any provision made under that section in relation to secure tenants.⌋

⌈F334 Provision of information

Provision of information

143M Provision of information

(1) This section applies to a local housing authority or a housing action trust if it is the landlord of a demoted tenancy.

(2) The landlord must from time to time publish information about the demoted tenancy in such form as it thinks best suited to explain in simple terms and so far as it considers appropriate the effect of—

(a) the express terms of the demoted tenancy;

(b) the provisions of this Chapter;

(c) the provisions of sections 11 to 16 of the Landlord and Tenant Act 1985 (landlord's repairing obligations).

(3) The landlord must ensure that information published under subsection (2) is, so far as is reasonably practicable, kept up to date.

(4) The landlord must supply the tenant with—

(a) a copy of the information published under subsection (2);

(b) a written statement of the terms of the tenancy, so far as they are neither expressed in the lease or written tenancy agreement (if any) nor implied by law.

(5) The statement required by subsection (4)(b) must be supplied on the grant of the tenancy or as soon as practicable afterwards.⌋

⌈F346 Demoted tenancies that are to become flexible tenancies

Textual Amendments

F346 S. 143MA and cross-heading inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 155(7)**, 240(2); S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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143MA Demoted tenancies that are to become flexible tenancies

(1) Subsection (2) applies to a demoted tenancy of a dwelling-house in England that—

(a) was created on the termination of a flexible tenancy within the meaning of section 107A of the Housing Act 1985, and

(b) ceases to be a demoted tenancy and becomes a secure tenancy in accordance with this Chapter.

(2) If the landlord has served a notice within subsection (3) on the tenant before the end of the demoted tenancy then, on ceasing to be a demoted tenancy, the tenancy becomes a secure tenancy for a term certain that is a flexible tenancy.

(3) The notice must—

(a) state that, on ceasing to be a demoted tenancy, the tenancy will become a secure tenancy that is a flexible tenancy for a term certain of the length specified in the notice,

(b) specify a period of at least two years as the length of the term of the tenancy, and

(c) set out the other express terms of the tenancy.

(4) The length of the term of a flexible tenancy that becomes such a tenancy by virtue of this section is that specified in the notice under subsection (3).

(5) The other express terms of the flexible tenancy are those set out in the notice, so far as those terms are compatible with the statutory provisions relating to flexible tenancies; and in this subsection "statutory provision" means any provision made by or under an Act.**]**

[*F334 Supplementary*

Jurisdiction of county court

143N Jurisdiction of county court

(1) **[**F347The county**]** court has jurisdiction—

(a) to determine questions arising under this Chapter;

(b) to entertain proceedings brought under this Chapter;

(c) to determine claims (for whatever amount) in connection with a demoted tenancy.

(2) The jurisdiction includes jurisdiction to entertain proceedings as to whether a statement supplied in pursuance of section 143M(4)(b) (written statement of certain terms of tenancy) is accurate.

(3) For the purposes of subsection (2) it is immaterial that no relief other than a declaration is sought.

(4) If a person takes proceedings in the High Court which, by virtue of this section, he could have taken in the county court he is not entitled to recover any costs.

F348(5) . . . . . .

F348(6) . . . . . .

F348(7) . . . . . .

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F347 Words in s. 143N(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 37(2)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F348 Ss. 143N(5)-(7) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 4 para. 258, **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(v), 30(b)

Meaning of dwelling house

143O Meaning of dwelling house

(1) For the purposes of this Chapter a dwelling-house may be a house or a part of a house.

(2) Land let together with a dwelling-house must be treated for the purposes of this Chapter as part of the dwelling-house unless the land is agricultural land which would not be treated as part of a dwelling-house for the purposes of Part 4 of the Housing Act 1985.

Members of a person's family

143P Members of a person's family

(1) For the purposes of this Chapter a person is a member of another's family if—

(a) he is the spouse **[**F349 or civil partner **]** of that person;

(b) he and that person live together as a couple in an enduring family relationship, but he does not fall within paragraph (c);

(c) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.

(2) For the purposes of subsection (1)(b) it is immaterial that two persons living together in an enduring family relationship are of the same sex.

(3) For the purposes of subsection (1)(c)—

(a) a relationship by marriage **[**F350 or civil partnership **]** must be treated as a relationship by blood;

(b) a relationship of the half-blood must be treated as a relationship of the whole blood;

(c) a stepchild of a person must be treated as his child.**]**

Textual Amendments

F349 Words in s. 143P(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 59(2)**; S.I. 2005/3175, art. 2(1), Sch. 1

F350 Words in s. 143P(3)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 59(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

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CHAPTER II

REPOSSESSION, &C.: SECURE AND ASSURED TENANCIES

Secure tenancies

144 Extension of ground of nuisance or annoyance to neighbours, &c.

For Ground 2 in Schedule 2 to the [M74]Housing Act 1985 (nuisance or annoyance to neighbours, &c.) substitute—

Ground 2

The tenant or a person residing in or visiting the dwelling-house—

(a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or

(b) has been convicted of—

(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or

(ii) an arrestable offence committed in, or in the locality of, the dwelling-house.".

Modifications etc. (not altering text)
C81 S. 144 restricted (14.1.1997) by S.I. 1997/66, **art. 2**,Sch.

Marginal Citations
M74 1985 c. 68.

145 New ground of domestic violence: secure tenancies.

After Ground 2 in Schedule 2 to the [M75]Housing Act 1985 (as substituted by section 144) insert—

Ground 2A

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and—

(a) one or both of the partners is a tenant of the dwelling-house,

(b) one partner has left because of violence or threats of violence by the other towards—

(i) that partner, or

(ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and

(c) the court is satisfied that the partner who has left is unlikely to return.".

Modifications etc. (not altering text)
C82 S. 145 restricted (14.1.1997) by S.I. 1997/66, **art. 2**,Sch.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Marginal Citations
M75 1985 c. 68.

146 Extension of ground that grant of tenancy induced by false statement.

In Ground 5 in Schedule 2 to the Housing Act 1985 (grant of tenancy induced by false statement) for "by the tenant" substitute "by—

(a) the tenant, or

(b) a person acting at the tenant's instigation".

Modifications etc. (not altering text)
C83 S. 146 restricted (14.1.1997) by S.I. 1997/66, **art. 2**,Sch.

147 Proceedings for possession or termination.

(1) For section 83 of the Housing Act 1985 (notice of proceedings for possession or termination) substitute—

"**83 Proceedings for possession or termination: notice requirements.**

(1) The court shall not entertain proceedings for the possession of a dwelling-house let under a secure tenancy or proceedings for the termination of a secure tenancy unless—

(a) the landlord has served a notice on the tenant complying with the provisions of this section, or

(b) the court considers it just and equitable to dispense with the requirement of such a notice.

(2) A notice under this section shall—

(a) be in a form prescribed by regulations made by the Secretary of State,

(b) specify the ground on which the court will be asked to make an order for the possession of the dwelling-house or for the termination of the tenancy, and

(c) give particulars of that ground.

(3) Where the tenancy is a periodic tenancy and the ground or one of the grounds specified in the notice is Ground 2 in Schedule 2 (nuisance or other anti-social behaviour), the notice—

(a) shall also—

(i) state that proceedings for the possession of the dwelling-house may be begun immediately, and

(ii) specify the date sought by the landlord as the date on which the tenant is to give up possession of the dwelling-house, and

(b) ceases to be in force twelve months after the date so specified.

(4) Where the tenancy is a periodic tenancy and Ground 2 in Schedule 2 is not specified in the notice, the notice—

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(a) shall also specify the date after which proceedings for the possession of the dwelling-house may be begun, and

(b) ceases to be in force twelve months after the date so specified.

(5) The date specified in accordance with subsection (3) or (4) must not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same date as the notice under this section.

(6) Where a notice under this section is served with respect to a secure tenancy for a term certain, it has effect also with respect to any periodic tenancy arising on the termination of that tenancy by virtue of section 86; and subsections (3) to (5) of this section do not apply to the notice.

(7) Regulations under this section shall be made by statutory instrument and may make different provision with respect to different cases or descriptions of case, including different provision for different areas.

83A Additional requirements in relation to certain proceedings for possession.

(1) Where a notice under section 83 has been served on a tenant containing the information mentioned in subsection (3)(a) of that section, the court shall not entertain proceedings for the possession of the dwelling-house unless they are begun at a time when the notice is still in force.

(2) Where—

(a) a notice under section 83 has been served on a tenant, and

(b) a date after which proceedings may be begun has been specified in the notice in accordance with subsection (4)(a) of that section,

the court shall not entertain proceedings for the possession of the dwelling-house unless they are begun after the date so specified and at a time when the notice is still in force.

(3) Where—

(a) the ground or one of the grounds specified in a notice under section 83 is Ground 2A in Schedule 2 (domestic violence), and

(b) the partner who has left the dwelling-house as mentioned in that ground is not a tenant of the dwelling-house,

the court shall not entertain proceedings for the possession of the dwelling-house unless it is satisfied that the landlord has served a copy of the notice on the partner who has left or has taken all reasonable steps to serve a copy of the notice on that partner.

This subsection has effect subject to subsection (5).

(4) Where—

(a) Ground 2A in Schedule 2 is added to a notice under section 83 with the leave of the court after proceedings for possession are begun, and

(b) the partner who has left the dwelling-house as mentioned in that ground is not a party to the proceedings,

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the court shall not continue to entertain the proceedings unless it is satisfied that the landlord has served a notice under subsection (6) on the partner who has left or has taken all reasonable steps to serve such a notice on that partner.

This subsection has effect subject to subsection (5).

(5) Where subsection (3) or (4) applies and Ground 2 in Schedule 2 (nuisance or other anti-social behaviour) is also specified in the notice under section 83, the court may dispense with the requirements as to service in relation to the partner who has left the dwelling-house if it considers it just and equitable to do so.

(6) A notice under this subsection shall—

(a) state that proceedings for the possession of the dwelling-house have begun,

(b) specify the ground or grounds on which possession is being sought, and

(c) give particulars of the ground or grounds.".

(2) In section 84 of that Act (grounds and orders for possession), for subsection (3) substitute—

"(3) Where a notice under section 83 has been served on the tenant, the court shall not make such an order on any of those grounds above unless the ground is specified in the notice; but the grounds so specified may be altered or added to with the leave of the court.

(4) Where a date is specified in a notice under section 83 in accordance with subsection (3) of that section, the court shall not make an order which requires the tenant to give up possession of the dwelling-house in question before the date so specified.".

(3) In Schedule 2 to that Act, in Ground 16, after "notice of the proceedings for possession was served under section 83" insert " (or, where no such notice was served, the proceedings for possession were begun) ".

Modifications etc. (not altering text)

C84 S. 147 restricted (14.1.1997) by S.I. 1997/66, **art. 2**,Sch.

Commencement Information

I31 S. 147 wholly in force 4.2.1997: s. 147 not in force at Royal Assent, see s. 232(1)-(3); s. 147 in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4** and s. 147 in force at 4.2.1997 to the extent it is not already in force by S.I. 1997/66, **art. 2**

Assured tenancies

148 Extension of ground of nuisance or annoyance to adjoining occupiers &c.

For Ground 14 in Schedule 2 to the [M76]Housing Act 1988 (nuisance or annoyance to adjoining occupiers etc.) substitute—

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Ground 14

The tenant or a person residing in or visiting the dwelling-house—

(a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or

(b) has been convicted of—

(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or

(ii) an arrestable offence committed in, or in the locality of, the dwelling-house.".

Marginal Citations

M76 1988 c. 50.

149 New ground of domestic violence: assured tenancies.

After Ground 14 in Schedule 2 to the Housing Act 1988 (as substituted by section 148) insert—

Ground 14A

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and—

(a) one or both of the partners is a tenant of the dwelling-house,

(b) the landlord who is seeking possession is a registered social landlord or a charitable housing trust,

(c) one partner has left the dwelling-house because of violence or threats of violence by the other towards—

(i) that partner, or

(ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and

(d) the court is satisfied that the partner who has left is unlikely to return.

For the purposes of this ground "registered social landlord" and "member of the family" have the same meaning as in Part I of the [M77]Housing Act 1996 and "charitable housing trust" means a housing trust, within the meaning of the [M78]Housing Associations Act 1985, which is a charity within the meaning of the Charities Act 1993.".

Commencement Information

I32 S. 149 wholly in force at 28.2.1997 by S.I. 1997/225, **art. 2** (subject to savings in the Sch. to that S.I.)

Marginal Citations

M77 1985 c. 69.

M78 1993 c. 10.

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150 Additional notice requirements: domestic violence.

After section 8 of the Housing Act 1988 insert—

"**8A Additional notice requirements: ground of domestic violence.**

(1) Where the ground specified in a notice under section 8 (whether with or without other grounds) is Ground 14A in Schedule 2 to this Act and the partner who has left the dwelling-house as mentioned in that ground is not a tenant of the dwelling-house, the court shall not entertain proceedings for possession of the dwelling-house unless—

(a) the landlord or, in the case of joint landlords, at least one of them has served on the partner who has left a copy of the notice or has taken all reasonable steps to serve a copy of the notice on that partner, or

(b) the court considers it just and equitable to dispense with such requirements as to service.

(2) Where Ground 14A in Schedule 2 to this Act is added to a notice under section 8 with the leave of the court after proceedings for possession are begun and the partner who has left the dwelling-house as mentioned in that ground is not a party to the proceedings, the court shall not continue to entertain the proceedings unless—

(a) the landlord or, in the case of joint landlords, at least one of them has served a notice under subsection (3) below on the partner who has left or has taken all reasonable steps to serve such a notice on that partner, or

(b) the court considers it just and equitable to dispense with the requirement of such a notice.

(3) A notice under this subsection shall—

(a) state that proceedings for the possession of the dwelling-house have begun,

(b) specify the ground or grounds on which possession is being sought, and

(c) give particulars of the ground or grounds.".

Commencement Information

I33 S. 150 wholly in force at 28.2.1997 by S.I. 1997/225, **art. 2** (subject to savings in the Sch. to that S.I.)

151 Early commencement of certain proceedings for possession.

(1) Section 8 of the [M79]Housing Act 1988 (notice of proceedings for possession) is amended as follows.

(2) In subsection (1)(a) for the words "subsections (3) and (4)" substitute " subsections (3) to (4B) ".

(3) In subsection (3)(b) for the words from "which," to "of the notice" substitute " in accordance with subsections (4) to (4B) below ".

(4) For subsection (4) substitute—

"(4) If a notice under this section specifies in accordance with subsection (3)(a) above Ground 14 in Schedule 2 to this Act (whether with or without other

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grounds), the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than the date of the service of the notice.

(4A) If a notice under this section specifies in accordance with subsection (3)(a) above, any of Grounds 1, 2, 5 to 7, 9 and 16 in Schedule 2 to this Act (whether without other grounds or with any ground other than Ground 14), the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than—

(a) two months from the date of service of the notice; and

(b) if the tenancy is a periodic tenancy, the earliest date on which, apart from section 5(1) above, the tenancy could be brought to an end by a notice to quit given by the landlord on the same date as the date of service of the notice under this section.

(4B) In any other case, the date specified in the notice as mentioned in subsection (3)(b) above shall not be earlier than the expiry of the period of two weeks from the date of the service of the notice.”.

Commencement Information

I34 S. 151 wholly in force at 28.2.1997 by S.I. 1997/225, **art. 2** (subject to savings in the Sch. to that S.I.)

Marginal Citations

M79 1988 c. 50.

CHAPTER III

INJUNCTIONS AGAINST ANTI-SOCIAL BEHAVIOUR

F351 152 Power to grant injunctions against anti-social behaviour.

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Textual Amendments

F351 S. 152 repealed (30.6.2004 for E., 30.9.2004 for W.) by Anti-social Behaviour Act 2003 (c. 38), ss. 13(2), 93, **Sch. 3**; S.I. 2004/1502, art. 2(a)(c)(ii)(ii) (with Sch. para. 1); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

F352 153 Power of arrest for breach of other injunctions against anti-social behaviour.

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Textual Amendments

F352 S. 153 repealed (30.6.2004 for E., 30.9.2004 for W.) by Anti-social Behaviour Act 2003 (c. 38), ss. 13(2), 93, **Sch. 3**; S.I. 2004/1502, art. 2(a)(c)(ii)(ii) (with Sch. para. 1); S.I. 2004/2557, art. 2(a)(i) (with Sch. para. 1)

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F353 153A Anti-social behaviour injunction

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 153B Injunction against unlawful use of premises

. . . . . .

Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 153C Injunctions: exclusion order and power of arrest

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 153D Injunction against breach of tenancy agreement

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 153E Injunctions: supplementary

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 154 Powers of arrest: ex-parte applications for injunctions.

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 155 Arrest and remand.

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 156 Remand for medical examination and report.

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 157 Powers of arrest: supplementary provisions.

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F353 158 Interpretation: Chapter III.

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Textual Amendments

F353 Ss. 153A-158 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

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PART VI

ALLOCATION OF HOUSING ACCOMMODATION

Modifications etc. (not altering text)

C85 Pt. VI excluded (20.1.1997) by S.I. 1996/2753, **reg. 3**
Pt. VI modified (1.4.1997) by S.I. 1996/3205, art. 2, **Sch. 1**
Pt. VI excluded (E.) (3.4.2000) by S.I. 2000/702, **reg. 3**
Pt. VI excluded (W.) (29.1.2003) by The Allocation of Housing (Wales) Regulations 2003 (S.I. 2003/239), **reg. 3**
Pt. VI excluded (E.) (31.1.2003) by The Allocation of Housing (England) Regulations 2003 (S.I. 2002/3264), **reg. 3**

C86 Pt. VI modified (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 3 para. 2(2)**; S.I. 2014/2771, art. 6(1)(m); S.I. 2016/11, art. 2(m)

Introductory

159 Allocation of housing accommodation.

(1) A local housing authority shall comply with the provisions of this Part in allocating housing accommodation.

(2) For the purposes of this Part a local housing authority allocate housing accommodation when they—

(a) select a person to be a secure or introductory tenant of housing accommodation held by them,

(b) nominate a person to be a secure or introductory tenant of housing accommodation held by another person, or

(c) nominate a person to be an assured tenant of housing accommodation held by **[**[F354]a private registered provider of social housing or**]** a registered social landlord.

(3) The reference in subsection (2)(a) to selecting a person to be a secure tenant includes deciding to exercise any power to notify an existing tenant or licensee that his tenancy or licence is to be a secure tenancy.

(4) The references in subsection (2)(b) and (c) to nominating a person include nominating a person in pursuance of any arrangements (whether legally enforceable or not) to require that housing accommodation, or a specified amount of housing accommodation, is made available to a person or one of a number of persons nominated by the authority.

[[F355](4A) Subject to subsection (4B), the provisions of this Part do not apply to an allocation of housing accommodation by a local housing authority in England to a person who is already—

(a) a secure or introductory tenant, or

(b) an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord.

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(4B) The provisions of this Part apply to an allocation of housing accommodation by a local housing authority in England to a person who falls within subsection (4A)(a) or (b) if—

(a) the allocation involves a transfer of housing accommodation for that person,

(b) the application for the transfer is made by that person, and

(c) the authority is satisfied that the person is to be given reasonable preference under section 166A(3).**]**

[F356(5) The provisions of this Part do not apply to an allocation of housing accommodation **[**F357by a local housing authority in Wales**]** to a person who is already a secure or introductory tenant unless the allocation involves a transfer of housing accommodation for that person and is made on his application.**]**

(7) Subject to the provisions of this Part, a local housing authority may allocate housing accommodation in such manner as they consider appropriate.

Textual Amendments

F354 Words in s. 159(2)(c) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 100** (with art. 6, Sch. 3)

F355 S. 159(4A)(4B) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 145(2)**, 240(2); S.I. 2012/57, art. 4(1)(j) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F356 S. 159(5) substituted (27.1.2003 for W. and 31.1.2003 for E.) for s. 159(5)(6) by 2002 c. 7, **s. 13** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F357 Words in s. 159(5) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 145(3)**, 240(2); S.I. 2012/57, art. 4(1)(j) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

Modifications etc. (not altering text)

C87 S. 159(4A) excluded (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 3 para. 2(2)**; S.I. 2014/2771, art. 6(1)(m); S.I. 2016/11, art. 2(m)

160 Cases where provisions about allocation do not apply.

(1) The provisions of this Part about the allocation of housing accommodation do not apply in the following cases.

(2) They do not apply where a secure tenancy—

(a) vests under section 89 of the **M80**Housing Act 1985 (succession to periodic secure tenancy on death of tenant),

(b) remains a secure tenancy by virtue of section 90 of that Act (devolution of term certain of secure tenancy on death of tenant),

(c) is assigned under section 92 of that Act (assignment of secure tenancy by way of exchange),

(d) is assigned to a person who would be qualified to succeed the secure tenant if the secure tenant died immediately before the assignment,

[F358(da) is granted in response to a request under section 158 of the Localism Act 2011 (transfer of tenancy), or**]**

(e) vests or is otherwise disposed of in pursuance of an order made under—

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(i) section 24 of the [M81]Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the [M82]Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), [F359]...

(iii) paragraph 1 of Schedule 1 to the [M83]Children Act 1989 (orders for financial relief against parents).**[**[F360], or

(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).**]**

(3) They do not apply where an introductory tenancy—

(a) becomes a secure tenancy on ceasing to be an introductory tenancy,

(b) vests under section 133(2) (succession to introductory tenancy on death of tenant),

(c) is assigned to a person who would be qualified to succeed the introductory tenant if the introductory tenant died immediately before the assignment, or

(d) vests or is otherwise disposed of in pursuance of an order made under—

(i) section 24 of the [M84]Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the [M85]Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), [F361]...

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).**[**[F362], or

(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.).**]**

(4) They do not apply in such other cases as the Secretary of State may prescribe by regulations.

(5) The regulations may be framed so as to make the exclusion of the provisions of this Part about the allocation of housing accommodation subject to such restrictions or conditions as may be specified.

In particular, those provisions may be excluded—

(a) in relation to specified descriptions of persons, or

(b) in relation to housing accommodation of a specified description or a specified proportion of housing accommodation of any specified description.

Textual Amendments

F358 S. 160(2)(da) substituted (1.4.2012) for word by Localism Act 2011 (c. 20), **ss. 159(7)**, 240(2); S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)

F359 Word in s. 160(2)(e)(ii) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)

F360 S. 160(2)(e)(iv) and preceding word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 60**; S.I. 2005/3175, art. 2(1), Sch. 1

F361 Word in s. 160(3)(d)(ii) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)

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F362 S. 160(3)(d)(iv) and preceding word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 60**; S.I. 2005/3175, art. 2(1), Sch. 1

Modifications etc. (not altering text)

C88 S. 160 modified (1.12.2014 for specified purposes, 1.2.2016 for E. in so far as not already in force) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 3 para. 2(3)**; S.I. 2014/2771, art. 6(1)(m); S.I. 2016/11, art. 2(m)

Commencement Information

I35 S. 160 wholly in force 1.4.1997: s. 160 not in force at Royal Assent, see s. 232(1)-(3); s. 160(4)(5) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 160 in force at 1.4.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 3**

Marginal Citations

M80 1985 c. 68.
M81 1973 c. 18.
M82 1984 c. 42.
M83 1989 c. 41.
M84 1973 c. 18.
M85 1984 c. 42.

[F363 Eligibility for allocation of housing accommodation]

Textual Amendments

F363 S. 160A and cross-heading inserted (5.12.2002 for the purpose of making regulations and 31.1.2003 otherwise, E.; 27.1.2003 for W.) by 2002 c. 7, **s. 14(2)** (with s. 20(4)); S.I. 2002/3114, **arts. 2**, 3; S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**

[F364160ZAAllocation only to eligible and qualifying persons: England

(1) A local housing authority in England shall not allocate housing accommodation—

(a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (2) or (4), or

(b) to two or more persons jointly if any of them is a person mentioned in paragraph (a).

(2) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by a local housing authority in England unless he is of a class prescribed by regulations made by the Secretary of State.

(3) No person who is excluded from entitlement to **[**F365universal credit or**]** housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).

(4) The Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local housing authorities in England.

(5) Nothing in subsection (2) or (4) affects the eligibility of a person who falls within section 159(4B).

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(6) Except as provided by subsection (1), a person may be allocated housing accommodation by a local housing authority in England (whether on his application or otherwise) if that person—

(a) is a qualifying person within the meaning of subsection (7), or

(b) is one of two or more persons who apply for accommodation jointly, and one or more of the other persons is a qualifying person within the meaning of subsection (7).

(7) Subject to subsections (2) and (4) and any regulations under subsection (8), a local housing authority may decide what classes of persons are, or are not, qualifying persons.

(8) The Secretary of State may by regulations—

(a) prescribe classes of persons who are, or are not, to be treated as qualifying persons by local housing authorities in England, and

(b) prescribe criteria that may not be used by local housing authorities in England in deciding what classes of persons are not qualifying persons.

(9) If a local housing authority in England decide that an applicant for housing accommodation—

(a) is ineligible for an allocation by them by virtue of subsection (2) or (4), or

(b) is not a qualifying person,

they shall notify the applicant of their decision and the grounds for it.

(10) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

(11) A person who is not being treated as a qualifying person may (if he considers that he should be treated as a qualifying person) make a fresh application to the authority for an allocation of housing accommodation by them.**]**

Textual Amendments

F364 S. 160ZA inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), ss. 146(1), 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F365 Words in s. 160ZA(3) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **12(3)**

[F367160AAllocation only to eligible persons[F366: Wales]

(1) A local housing authority **[**F368in Wales**]** shall not allocate housing accommodation—

(a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (3) or (5);

(b) to a person who the authority have decided is to be treated as ineligible for such an allocation by virtue of subsection (7); or

(c) to two or more persons jointly if any of them is a person mentioned in paragraph (a) or (b).

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Except as provided by subsection (1), any person may be allocated housing accommodation by a local housing authority **[**F369in Wales**]** (whether on his application or otherwise).

(3) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (c. 49) is (subject to subsection (6)) ineligible for an allocation of housing accommodation by a local housing authority **[**F370in Wales**]** unless he is of a class prescribed by regulations made by the Secretary of State.

(4) No person who is excluded from entitlement to **[**F371universal credit or**]** housing benefit by section 115 of the Immigration and Asylum Act 1999 (c. 33) (exclusion from benefits) shall be included in any class prescribed under subsection (3).

(5) The Secretary of State may by regulations prescribe other classes of persons from abroad who are (subject to subsection (6)) ineligible for an allocation of housing accommodation, either in relation to local housing authorities **[**F372in Wales**]** generally or any particular local housing authority **[**F373in Wales**]**.

(6) Nothing in subsection (3) or (5) affects the eligibility of a person who is already—

(a) a secure or introductory tenant;

(b) an assured tenant of housing accommodation allocated to him by a local housing authority **[**F374in Wales**]**.

(7) A local housing authority **[**F375in Wales**]** may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation by them if they are satisfied that—

(a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; and

(b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the authority by reason of that behaviour.

(8) The only behaviour which may be regarded by the authority as unacceptable for the purposes of subsection (7)(a) is—

(a) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84 of the Housing Act 1985 (c. 68) on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or

[F376(aa) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84A of the Housing Act 1985; or**]**

(b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to **[**F377a possession order of the type referred to in paragraph (a) or (aa)**]**.

(9) If a local housing authority **[**F378in Wales**]** decide that an applicant for housing accommodation—

(a) is ineligible for an allocation by them by virtue of subsection (3) or (5); or

(b) is to be treated as ineligible for such an allocation by virtue of subsection (7),

they shall notify the applicant of their decision and the grounds for it.

(10) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(11) A person who is being treated by a local housing authority **[**[F379]in Wales**]** as ineligible by virtue of subsection (7) may (if he considers that he should no longer be treated as ineligible by the authority **[**[F379]in Wales**]**) make a fresh application to the authority **[**[F379]in Wales**]** for an allocation of housing accommodation by them.**]**

Textual Amendments

F366 Words in s. 160A heading inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(a)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F367 S. 160A and cross-heading inserted (5.12.2002 for the purpose of making regulations and 31.1.2003 otherwise, E.; 27.1.2003 for W.) by 2002 c. 7, **s. 14(2)** (with s. 20(4)); S.I. 2002/3114, **arts. 2**, 3; S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**

F368 Words in s. 160A(1) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(b)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F369 Words in s. 160A(2) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(c)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F370 Words in s. 160A(3) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(d)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F371 Words in s. 160A(4) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **12(4)**

F372 Words in s. 160A(5) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(e)(i)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F373 Words in s. 160A(5) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(e)(ii)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F374 Words in s. 160A(6) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(f)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F375 Words in s. 160A(7) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(g)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F376 S. 160A(8)(aa) inserted (19.5.2015) by The Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) (Wales) Order 2015 (S.I. 2015/1321), arts. 1, **2(2)(a)**

F377 Words in s. 160A(8)(b) substituted (19.5.2015) by The Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) (Wales) Order 2015 (S.I. 2015/1321), arts. 1, **2(2)(b)**

F378 Words in s. 160A(9) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(h)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F379 Words in s. 160A(11) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 146(2)(i)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

The housing register

[[F380]**161** . . . . . .

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F380 S. 161 repealed (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, ss. 14(1), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F381162 . . . . . .

Textual Amendments

F381 S. 162 repealed (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, ss. 14(1), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F382163 . . . . . .

Textual Amendments

F382 S. 163 repealed (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, ss. 14(1), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F383164 . . . . . .

Textual Amendments

F383 S. 164 repealed (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, ss. 14(1), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F384165 . . . . . .

Textual Amendments

F384 S. 165 repealed (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, ss. 14(1), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

[F385 Applications for housing accommodation

Textual Amendments

F385 S. 166 and cross-heading substituted (27.1.2003 for W. and 31.1.2003 for E.) for s. 166 by 2002 c. 7, **s. 15** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

166 Applications for housing accommodation

(1) A local housing authority shall secure that—

(a) advice and information is available free of charge to persons in their district about the right to make an application for an allocation of housing accommodation; and

(b) any necessary assistance in making such an application is available free of charge to persons in their district who are likely to have difficulty in doing so without assistance.

[F386(1A) A local housing authority in England shall secure that an applicant for an allocation of housing accommodation is informed that he has the rights mentioned in section 166A(9).", and**]**

(2) A local housing authority **[**F387in Wales**]** shall secure that an applicant for an allocation of housing accommodation is informed that he has the rights mentioned in section 167(4A).

(3) Every application made to a local housing authority for an allocation of housing accommodation shall (if made in accordance with the procedural requirements of the authority's allocation scheme) be considered by the authority.

(4) The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without his consent) to any other member of the public.

(5) In this Part "district" in relation to a local housing authority has the same meaning as in the Housing Act 1985 (c. 68).**]**

Textual Amendments

F386 S. 166(1A) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(2)(a)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F387 Words in s. 166(2) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(2)(b)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

[F388 Allocation schemes]

Textual Amendments

F388 S. 167 cross-heading substituted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(3)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

[F389**166A Allocation in accordance with allocation scheme: England**

(1) Every local housing authority in England must have a scheme (their "allocation scheme") for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

For this purpose "procedure" includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are taken.

(2) The scheme must include a statement of the authority's policy on offering people who are to be allocated housing accommodation—

(a) a choice of housing accommodation; or

(b) the opportunity to express preferences about the housing accommodation to be allocated to them.

(3) As regards priorities, the scheme shall, subject to subsection (4), be framed so as to secure that reasonable preference is given to—

(a) people who are homeless (within the meaning of Part 7);

(b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);

(c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;

(d) people who need to move on medical or welfare grounds (including any grounds relating to a disability); and

(e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme may also be framed so as to give additional preference to particular descriptions of **[**[F390]people within one or more of paragraphs (a) to (e)**]** (being descriptions of people with urgent housing needs).

[[F391] The scheme must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more of paragraphs (a) to (e) and who –

(i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,

(ii) formerly served in the regular forces,

(iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or

(iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.**]**

(4) People are to be disregarded for the purposes of subsection (3) if they would not have fallen within paragraph (a) or (b) of that subsection without the local housing authority having had regard to a restricted person (within the meaning of Part 7).

(5) The scheme may contain provision for determining priorities in allocating housing accommodation to people within subsection (3); and the factors which the scheme may allow to be taken into account include—

(a) the financial resources available to a person to meet his housing costs;

(b) any behaviour of a person (or of a member of his household) which affects his suitability to be a tenant;

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(c) any local connection (within the meaning of section 199) which exists between a person and the authority's district.

(6) Subject to subsection (3), the scheme may contain provision about the allocation of particular housing accommodation—

(a) to a person who makes a specific application for that accommodation;

(b) to persons of a particular description (whether or not they are within subsection (3)).

(7) The Secretary of State may by regulations—

(a) specify further descriptions of people to whom preference is to be given as mentioned in subsection (3), or

(b) amend or repeal any part of subsection (3).

(8) The Secretary of State may by regulations specify factors which a local housing authority in England must not take into account in allocating housing accommodation.

(9) The scheme must be framed so as to secure that an applicant for an allocation of housing accommodation—

(a) has the right to request such general information as will enable him to assess—

(i) how his application is likely to be treated under the scheme (including in particular whether he is likely to be regarded as a member of a group of people who are to be given preference by virtue of subsection (3)); and

(ii) whether housing accommodation appropriate to his needs is likely to be made available to him and, if so, how long it is likely to be before such accommodation becomes available for allocation to him;

(b) has the right to request the authority to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him; and

(c) has the right to request a review of a decision mentioned in paragraph (b), or in section 160ZA(9), and to be informed of the decision on the review and the grounds for it.

(10) As regards the procedure to be followed, the scheme must be framed in accordance with such principles as the Secretary of State may prescribe by regulations.

(11) Subject to the above provisions, and to any regulations made under them, the authority may decide on what principles the scheme is to be framed.

(12) A local housing authority in England must, in preparing or modifying their allocation scheme, have regard to—

(a) their current homelessness strategy under section 1 of the Homelessness Act 2002,

(b) their current tenancy strategy under section 150 of the Localism Act 2011, and

(c) in the case of an authority that is a London borough council, the London housing strategy.

(13) Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority in England must—

(a) send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements (see section 159(4)), and

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(b) afford those persons a reasonable opportunity to comment on the proposals.

(14) A local housing authority in England shall not allocate housing accommodation except in accordance with their allocation scheme.**]**

Textual Amendments

F389 S. 166A inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(4)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F390 Words in s. 166A(3) substituted (30.11.2012) by The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (S.I. 2012/2989), regs. 1, **2(a)**

F391 Words in s. 166A(3) inserted (30.11.2012) by The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 (S.I. 2012/2989), regs. 1, **2(b)**

167 Allocation in accordance with allocation scheme [F392: Wales]

(1) Every local housing authority **[**F393in Wales**]** shall have a scheme (their "allocation scheme") for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.

For this purpose "procedure" includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are to be taken.

[F394(1A) The scheme shall include a statement of the authority's policy on offering people who are to be allocated housing accommodation—

(a) a choice of housing accommodation; or

(b) the opportunity to express preferences about the housing accommodation to be allocated to them.**]**

[F395(2) As regards priorities, the scheme shall **[**F396, subject to subsection (2ZA),**]** be framed so as to secure that reasonable preference is given to—

(a) people who are homeless **[**F397(within the meaning of Part 2 of the Housing (Wales) Act 2014)**]**;

[F398(b) people who are owed any duty by a local housing authority under section 66, 73 or 75 of the Housing (Wales) Act 2014;**]**

(c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;

(d) people who need to move on medical or welfare grounds **[**F399 (including grounds relating to a disability)**]**; and

(e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme may also be framed so as to give additional preference to particular descriptions of people within this subsection (being descriptions of people with urgent housing needs).

[People are to be disregarded for the purposes of subsection (2) if they would not F400(2ZA) have fallen within paragraph (a) or (b) of that subsection without the local housing authority having had regard to a restricted person (within the meaning of **[**F401Part 2 of the Housing (Wales) Act 2014**]**).**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2A) The scheme may contain provision for determining priorities in allocating housing accommodation to people within subsection (2); and the factors which the scheme may allow to be taken into account include—

(a) the financial resources available to a person to meet his housing costs;

(b) any behaviour of a person (or of a member of his household) which affects his suitability to be a tenant;

(c) any local connection (within the meaning of **[**F402section 81 of the Housing (Wales) Act 2014**]**) which exists between a person and the authority's district.

(2B) Nothing in subsection (2) requires the scheme to provide for any preference to be given to people the authority have decided are people to whom subsection (2C) applies.

(2C) This subsection applies to a person if the authority are satisfied that—

(a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; and

(b) in the circumstances at the time his case is considered, he deserves by reason of that behaviour not to be treated as a member of a group of people who are to be given preference by virtue of subsection (2).

(2D) Subsection (8) of section 160A applies for the purposes of subsection (2C)(a) above as it applies for the purposes of subsection (7)(a) of that section.

(2E) Subject to subsection (2), the scheme may contain provision about the allocation of particular housing accommodation—

(a) to a person who makes a specific application for that accommodation;

(b) to persons of a particular description (whether or not they are within subsection (2)).**]**

(3) The Secretary of State may by regulations—

(a) specify further descriptions of people to whom preference is to be given as mentioned in subsection (2), or

(b) amend or repeal any part of subsection (2).

(4) The Secretary of State may by regulations specify factors which a local housing authority **[**F403in Wales**]** shall not take into account in allocating housing accommodation.

[F404(4A) The scheme shall be framed so as to secure that an applicant for an allocation of housing accommodation—

(a) has the right to request such general information as will enable him to assess—

(i) how his application is likely to be treated under the scheme (including in particular whether he is likely to be regarded as a member of a group of people who are to be given preference by virtue of subsection (2)); and

(ii) whether housing accommodation appropriate to his needs is likely to be made available to him and, if so, how long it is likely to be before such accommodation becomes available for allocation to him;

(b) is notified in writing of any decision that he is a person to whom subsection (2C) applies and the grounds for it;

(c) has the right to request the authority to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him; and

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(d) has the right to request a review of a decision mentioned in paragraph (b) or (c), or in section 160A(9), and to be informed of the decision on the review and the grounds for it.**]**

(5) As regards the procedure to be followed, the scheme shall be framed in accordance with such principles as the Secretary of State may prescribe by regulations.

(6) Subject to the above provisions, and to any regulations made under them, the authority may decide on what principles the scheme is to be framed.

(7) Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority **[**F405in Wales**]** shall—

(a) send a copy of the draft scheme, or proposed alteration, to every **[**F406private registered provider of social housing and**]** registered social landlord with which they have nomination arrangements (see section 159(4)), and

(b) afford those persons a reasonable opportunity to comment on the proposals.

(8) A local housing authority **[**F407in Wales**]** shall not allocate housing accommodation except in accordance with their allocation scheme.

Textual Amendments

F392 Words in s. 167 heading inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(5)(a)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F393 Words in s. 167(1) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(5)(b)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F394 S. 167(1A) inserted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, **s. 16(1)(2)** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F395 S. 167(2)-(2E) substituted (27.1.2003 for W. and 31.1.2003 for E.) for s. 167(2) by 2002 c. 7, **s. 16(1)(3)** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F396 Words in s. 167(2) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 2(2)**; S.I. 2009/415, art. 2

F397 Words in s. 167(2)(a) substituted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 3(a)(i)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F398 S. 167(2)(b) substituted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 3(a)(ii)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F399 Words in s. 167(2)(d) inserted (27.4.2005 for E.) by Housing Act 2004 (c. 34), **ss. 223**, 270(4), (5)(c); S.I. 2005/1120, art. 2

F400 S. 167(2ZA) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 2(3)**; S.I. 2009/415, art. 2

F401 Words in s. 167(2ZA) substituted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 3(b)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F402 Words in s. 167(2A)(c) substituted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 3(c)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F403 Words in s. 167(4) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(5)(c)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F404 S. 167(4A) inserted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, **s. 16(1)(4)** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F405 Words in s. 167(7) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(5)(d)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F406 Words in s. 167(7)(a) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 101** (with art. 6, Sch. 3)

F407 Words in s. 167(8) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(5)(e)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

Commencement Information

I36 S. 167 wholly in force 1.4.1997: s. 167 not in force at Royal Assent, see s. 232(1)-(3); s. 167(3)-(5) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 167 in force for certain purposes at 23.10.1996 by S.I. 1996/2658, **art. 2** and in force at 1.4.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 3**

168 F392F388 Information about allocation scheme.

(1) A local housing authority shall publish a summary of their allocation scheme and provide a copy of the summary free of charge to any member of the public who asks for one.

(2) The authority shall make the scheme available for inspection at their principal office and shall provide a copy of the scheme, on payment of a reasonable fee, to any member of the public who asks for one.

(3) When the authority make an alteration to their scheme reflecting a major change of policy, they shall within a reasonable period of time **[**F408take such steps as they consider reasonable to bring the effect of the alteration to the attention of those likely to be affected by it**]**.

Textual Amendments

F392 Words in s. 167 heading inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 147(5)(a)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

F408 Words in s. 168(3) substituted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 4** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

Supplementary

169 Guidance to authorities by the Secretary of State.

(1) In the exercise of their functions under this Part, local housing authorities shall have regard to such guidance as may from time to time be given by the Secretary of State.

(2) The Secretary of State may give guidance generally or to specified descriptions of authorities.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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170 Co-operation between [F409certain] social landlords and local housing authorities.

Where a local housing authority so request, a **[**F410private registered provider of social housing or**]** registered social landlord shall co-operate to such extent as is reasonable in the circumstances in offering accommodation to **[**F411people with priority under the authority's allocation scheme**]**.

Textual Amendments

F409 Word in s. 170 heading substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 102(b)** (with art. 6, Sch. 3)

F410 Words in s. 170 inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 102(a)** (with art. 6, Sch. 3)

F411 Words in s. 170 substituted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 5** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

171 False statements and withholding information.

(1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part—

(a) he knowingly or recklessly makes a statement which is false in a material particular, or

(b) he knowingly withholds information which the authority have reasonably required him to give in connection with the exercise of those functions.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

172 Regulations.

(1) Regulations under this Part shall be made by statutory instrument.

(2) No regulations shall be made under section **[**F412166A(7) or**]** 167(3) (regulations amending provisions about priorities in allocating housing accommodation) unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.

(3) Any other regulations under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations under this Part may contain such incidental, supplementary and transitional provisions as appear to the Secretary of State appropriate, and may make different provision for different cases including different provision for different areas.

Textual Amendments

F412 Words in s. 172(2) inserted (15.1.2012) by Localism Act 2011 (c. 20), **ss. 147(6)**, 240(2); S.I. 2012/57, art. 4(1)(l) (with arts. 6, 7, 9-11)

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173 Consequential amendments: Part VI.

The enactments mentioned in Schedule 16 have effect with the amendments specified there which are consequential on the provisions of this Part.

174 Index of defined expressions: Part VI.

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

allocation (of housing)	section 159(2)
allocation scheme	**[**F413166A and**]** section 167
assured tenancy	section 230
[F414district (of local housing authority)	section 166(5)**]**
F415	F415
...	...
introductory tenancy and introductory tenant	sections 230 and 124
local housing authority	section 230
F415	F415
...	...
registered social landlord	sections 230 and 2
secure tenancy and secure tenant	section 230

Textual Amendments

F413 Words in s. 174 inserted (18.6.2012) by Localism Act 2011 (c. 20), **ss. 147(7)**, 240(2); S.I. 2012/1463, art. 3

F414 S. 174: entry inserted (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 6** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

F415 S. 174: entries repealed (27.1.2003 for W. and 31.1.2003 for E.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**; S.I. 2002/3114, **art. 3**

PART VII

HOMELESSNESS**[**F416: ENGLAND**]**

Textual Amendments

F416 Words in Pt. VII title inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 4**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Modifications etc. (not altering text)

C89 Pt. VII (ss. 175-218) modified (20.1.1997) by S.I. 1996/3205, art. 3, **Sch.2**
Pt. VII (ss. 175-218) applied (with modifications) (*temp.*) (6.12.1999) by S.I. 1999/3126, **arts.2**, 7

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Pt. VII (ss. 175-218): power to apply (with modifications) (transitional provision) (11.11.1999) by 1999 c. 33, s. 169(2), **Sch. 15 para. 13**

Homelessness and threatened homelessness

175 Homelessness and threatened homelessness.

(1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he—

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,

(b) has an express or implied licence to occupy, or

(c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.

(2) A person is also homeless if he has accommodation but—

(a) he cannot secure entry to it, or

(b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.

(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(4) A person is threatened with homelessness if it is likely that he will become homeless within **[**F417 56**]** days.

[F418 (5) A person is also threatened with homelessness if—

(a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and

(b) that notice will expire within 56 days.**]**

Textual Amendments

F417 Word in s. 175(4) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 1(2)**, 13(3); S.I. 2018/167, reg. 3(a) (with reg. 4(1))

F418 S. 175(5) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 1(3)**, 13(3); S.I. 2018/167, reg. 3(a) (with reg. 4(1))

176 Meaning of accommodation available for occupation.

Accommodation shall be regarded as available for a person's occupation only if it is available for occupation by him together with—

(a) any other person who normally resides with him as a member of his family, or

(b) any other person who might reasonably be expected to reside with him.

References in this Part to securing that accommodation is available for a person's occupation shall be construed accordingly.

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177 Whether it is reasonable to continue to occupy accommodation.

(1) It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to domestic violence **[**F419or other violence**]** against him, or against—

(a) a person who normally resides with him as a member of his family, or

(b) any other person who might reasonably be expected to reside with him.

[F420(1A) For this purpose "violence" means—

(a) violence from another person; or

(b) threats of violence from another person which are likely to be carried out;

and violence is "domestic violence" if it is from a person who is associated with the victim.**]**

(2) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, regard may be had to the general circumstances prevailing in relation to housing in the district of the local housing authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

(3) The Secretary of State may by order specify—

(a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and

(b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.

Textual Amendments

F419 Words in s. 177(1) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 10(1)(a)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F420 S. 177(1A) substituted for the words following s. 177(1)(b) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 10(1)(b)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

Commencement Information

I37 S. 177 wholly in force 20.1.1997: s. 177 not in force at Royal Assent, see s. 232(1)-(3); s. 177(3) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 177 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

178 Meaning of associated person.

(1) For the purposes of this Part, a person is associated with another person if—

(a) they are or have been married to each other;

[F421(aa) they are or have been civil partners of each other;**]**

(b) they are cohabitants or former cohabitants;

(c) they live or have lived in the same household;

(d) they are relatives;

(e) they have agreed to marry one another (whether or not that agreement has been terminated);

[F422(ea) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);**]**

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(f) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.

(2) If a child has been adopted or **[**F423 falls within subsection (2A) **]** , two persons are also associated with each other for the purposes of this Part if—

(a) one is a natural parent of the child or a parent of such a natural parent, and

(b) the other is the child or a person—

(i) who has become a parent of the child by virtue of an adoption order or who has applied for an adoption order, or

(ii) with whom the child has at any time been placed for adoption.

[F424(2A) A child falls within this subsection if—

(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or

(b) he is freed for adoption by virtue of an order made—

(i) in England and Wales, under section 18 of the Adoption Act 1976,

(ii) in Scotland, under section 18 of the Adoption (Scotland) Act 1978, or

(iii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987.**]**

(3) In this section—

[F425"adoption order" means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;**]**

"child" means a person under the age of 18 years;

[F426"civil partnership agreement" has the meaning given by section 73 of the Civil Partnership Act 2004;**]**

[F427"cohabitants" means **[**F428two people who, although not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners**]**

and "former cohabitants" shall be construed accordingly;**]**

"parental responsibility" has the same meaning as in the M86Children Act 1989; and

"relative", in relation to a person, means—

(a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person's **[**F429 spouse, civil partner, former spouse or former civil partner **]**, or

(b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by **[**F430 marriage or civil partnership **]**) of that person or of that person's **[**F429 spouse, civil partner, former spouse or former civil partner **]**,

and includes, in relation to a person who is living or has lived with another person as **[**F431if they were a married couple or civil partners**]**, a person who would fall within paragraph (a) or (b) if the parties were married to **[**F432, or civil partners of,**]** each other.

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Textual Amendments

F421 S. 178(1)(aa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(2)**; S.I. 2005/3175, art. 2(1), Sch. 1

F422 S. 178(1)(ea) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

F423 Words in s. 178(2) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 90** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

F424 S. 178(2A) inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 91** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

F425 Words in s. 178(3) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 92** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

F426 Words in s. 178(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(4)**; S.I. 2005/3175, art. 2(1), Sch. 1

F427 Words in s. 178(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(5)**; S.I. 2005/3175, art. 2(1), Sch. 1

F428 Words in s. 178(3) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 20(4)(a)**

F429 Words in s. 178(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(6)**; S.I. 2005/3175, art. 2(1), Sch. 1

F430 Words in s. 178(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(2), **Sch. 8 para. 61(7)**; S.I. 2005/3175, art. 2(1), Sch. 1

F431 Words in s. 178(3) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 20(4)(b)(i)**

F432 Words in s. 178(3) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 20(4)(b)(ii)**

Modifications etc. (not altering text)

C90 S. 178 applied (1.10.2015) by Deregulation Act 2015 (c. 20), **ss. 34(4)**, 115(7) (with s. 41); S.I. 2015/994, art. 11(h)

Marginal Citations

M86 1989 c. 41.

General functions in relation to homelessness or threatened homelessness

[F433 179 Duty of local housing authority in England to provide advisory services

(1) Each local housing authority in England must provide or secure the provision of a service, available free of charge to any person in the authority's district, providing information and advice on—

(a) preventing homelessness,

(b) securing accommodation when homeless,

(c) the rights of persons who are homeless or threatened with homelessness, and the duties of the authority, under this Part,

(d) any help that is available from the authority or anyone else, whether under this Part or otherwise, for persons in the authority's district who are homeless or may become homeless (whether or not they are threatened with homelessness), and

(e) how to access that help.

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(2) The service must be designed to meet the needs of persons in the authority's district including, in particular, the needs of—

(a) persons released from prison or youth detention accommodation,

(b) care leavers,

(c) former members of the regular armed forces,

(d) victims of domestic abuse,

(e) persons leaving hospital,

(f) persons suffering from a mental illness or impairment, and

(g) any other group that the authority identify as being at particular risk of homelessness in the authority's district.

(3) The authority may give to any person by whom the service is provided on behalf of the authority assistance by way of grant or loan.

(4) The authority may also assist any such person—

(a) by permitting the person to use premises belonging to the authority,

(b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and

(c) by making available the services of staff employed by the authority.

(5) In this section—

"care leavers" means persons who are former relevant children (within the meaning given by section 23C(1) of the Children Act 1989);

"domestic abuse" means—

(a) physical violence,

(b) threatening, intimidating, coercive or controlling behaviour, or

(c) emotional, financial, sexual or any other form of abuse,

where the victim is associated with the abuser;

"financial abuse" includes—

(a) having money or other property stolen,

(b) being defrauded,

(c) being put under pressure in relation to money or other property, and

(d) having money or other property misused;

"hospital" has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act);

"regular armed forces" means the regular forces as defined by section 374 of the Armed Forces Act 2006;

"youth detention accommodation" means—

(a) a secure children's home,

(b) a secure training centre,

(c) a secure college,

(d) a young offender institution,

(e) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children;

(f) accommodation provided for that purpose under section 82(5) of the Children Act 1989, or

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(g) accommodation, or accommodation of a description, for the time being specified **[**F434by regulations under section 248(1)(f) of the Sentencing Code**]** (youth detention accommodation for the purposes of detention and training orders).**]**

Textual Amendments

F433 S. 179 substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 2**, 13(3); S.I. 2018/167, reg. 3(b)

F434 Words in s. 179(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 141** (with Sch. 27); S.I. 2020/1236, reg. 2

180 Assistance for voluntary organisations.

(1) The Secretary of State or a local housing authority **[**F435in England**]** may give assistance by way of grant or loan to voluntary organisations concerned with homelessness or matters relating to homelessness.

(2) A local housing authority may also assist any such organisation—

(a) by permitting them to use premises belonging to the authority,

(b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and

(c) by making available the services of staff employed by the authority.

(3) A "voluntary organisation" means a body (other than a public or local authority) whose activities are not carried on for profit.

Textual Amendments

F435 Words in s. 180(1) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 6**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

181 Terms and conditions of assistance.

(1) This section has effect as to the terms and conditions on which assistance is given under section 179 or 180.

(2) Assistance shall be on such terms, and subject to such conditions, as the person giving the assistance may determine.

(3) No assistance shall be given unless the person to whom it is given undertakes—

(a) to use the money, furniture or other goods or premises for a specified purpose, and

(b) to provide such information as may reasonably be required as to the manner in which the assistance is being used.

The person giving the assistance may require such information by notice in writing, which shall be complied with within 21 days beginning with the date on which the notice is served.

(4) The conditions subject to which assistance is given shall in all cases include conditions requiring the person to whom the assistance is given—

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(a) to keep proper books of account and have them audited in such manner as may be specified,

(b) to keep records indicating how he has used the money, furniture or other goods or premises, and

(c) to submit the books of account and records for inspection by the person giving the assistance.

(5) If it appears to the person giving the assistance that the person to whom it was given has failed to carry out his undertaking as to the purpose for which the assistance was to be used, he shall take all reasonable steps to recover from that person an amount equal to the amount of the assistance.

(6) He must first serve on the person to whom the assistance was given a notice specifying the amount which in his opinion is recoverable and the basis on which that amount has been calculated.

182 Guidance by the Secretary of State.

(1) In the exercise of their functions relating to homelessness and the prevention of homelessness, a local housing authority or social services authority **[**F436in England**]** shall have regard to such guidance as may from time to time be given by the Secretary of State.

(2) The Secretary of State may give guidance either generally or to specified descriptions of authorities.

Textual Amendments

F436 Words in s. 182(1) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 7**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Application for assistance in case of homelessness or threatened homelessness

183 Application for assistance.

(1) The following provisions of this Part apply where a person applies to a local housing authority **[**F437in England**]** for accommodation, or for assistance in obtaining accommodation, and the authority have reason to believe that he is or may be homeless or threatened with homelessness.

(2) In this Part—

"applicant" means a person making such an application,

"assistance under this Part" means the benefit of any function under the following provisions of this Part relating to accommodation or assistance in obtaining accommodation, and

"eligible for assistance" means not excluded from such assistance by section 185 (persons from abroad not eligible for housing assistance) or section 186 (asylum seekers and their dependants).

(3) Nothing in this section or the following provisions of this Part affects a person's entitlement to advice and information under section 179 (duty to provide advisory services).

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F437 Words in s. 183(1) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 8**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Modifications etc. (not altering text)

C91 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Commencement Information

I38 S. 183 wholly in force 20.1.1997: s. 183 not in force at Royal Assent, see s. 232(1)-(3); s. 183(2) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 183 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

184 Inquiry into cases of homelessness or threatened homelessness.

(1) If the local housing authority have reason to believe that an applicant may be homeless or threatened with homelessness, they shall make such inquiries as are necessary to satisfy themselves—

(a) whether he is eligible for assistance, and

(b) if so, whether any duty, and if so what duty, is owed to him under the following provisions of this Part.

(2) They may also make inquiries whether he has a local connection with the district of another local housing authority in England, Wales or Scotland.

(3) On completing their inquiries the authority shall notify the applicant of their decision and, so far as any issue is decided against his interests, inform him of the reasons for their decision.

[F438(3A) If the authority decide that a duty is**[**F439, or after the authority's duty to the applicant under section 189B(2) comes to an end would be,**]** owed to the applicant under section 193(2) F440... but would not have done so without having had regard to a restricted person, the notice under subsection (3) must also—

(a) inform the applicant that their decision was reached on that basis,

(b) include the name of the restricted person,

(c) explain why the person is a restricted person, and

(d) explain the effect of section 193(7AD) F441....**]**

(4) If the authority have notified or intend to notify another local housing authority **[**F442in England under section 198(A1) (referral of cases where section 189B applies)**]**, they shall at the same time notify the applicant of that decision and inform him of the reasons for it.

(5) A notice under subsection (3) or (4) shall also inform the applicant of his right to request a review of the decision and of the time within which such a request must be made (see section 202).

(6) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given to him if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

[F443(7) In this Part "a restricted person" means a person—

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) who is not eligible for assistance under this Part,

(b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and

(c) either—

(i) who does not have leave to enter or remain in the United Kingdom, or

(ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds.**]**

Textual Amendments

F438 S. 184(3A) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 3(2)**; S.I. 2009/415, art. 2

F439 Words in s. 184(3A) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(3)(a)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F440 Words in s. 184(3A) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(3)(a)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F441 Words in s. 184(3A) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(3)(b)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F442 Words in s. 184(4) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(3)(b)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F443 S. 184(7) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 3(3)**; S.I. 2009/415, art. 2

Modifications etc. (not altering text)

C92 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Eligibility for assistance

185 Persons from abroad not eligible for housing assistance.

(1) A person is not eligible for assistance under this Part if he is a person from abroad who is ineligible for housing assistance.

(2) A person who is subject to immigration control within the meaning of the [M87]Asylum and Immigration Act 1996 is not eligible for housing assistance unless he is of a class prescribed by regulations made by the Secretary of State.

[[F444](2A) No person who is excluded from entitlement to **[**[F445]universal credit or**]** housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).**]**

(3) The Secretary of State may make provision by regulations as to other descriptions of persons who are to be treated for the purposes of this Part as persons from abroad who are ineligible for housing assistance.

(4) A person from abroad who is not eligible for housing assistance shall be disregarded in determining for the purposes of this Part whether **[**[F446]a person falling within subsection (5)**]** —

(a) is homeless or threatened with homelessness, or

(b) has a priority need for accommodation.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F447(5) A person falls within this subsection if the person—

(a) falls within a class prescribed by regulations made under subsection (2); but

(b) is not a national of an EEA State or Switzerland.**]**

Textual Amendments

F444 S. 185(2A) substituted (26.2.2002) by 2002 c. 7, s. 18(2), **Sch. 1 para. 7(1)** (with s. 20(4))

F445 Words in s. 185(2A) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **12(5)**

F446 Words in s. 185(4) substituted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 4(2)**; S.I. 2009/415, art. 2

F447 S. 185(5) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 4(3)**; S.I. 2009/415, art. 2

Modifications etc. (not altering text)

C93 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

C94 S. 185 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

Commencement Information

I39 S. 185 wholly in force at 20.1.1997: s. 185 not in force at Royal Assent, see s. 232(1)-(3); s. 185(2)(3) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 185 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

Marginal Citations

M87 1996 c. 49.

186 Asylum-seekers and their dependants.

(1) An asylum-seeker, or a dependant of an asylum-seeker who is not by virtue of section 185 a person from abroad who is ineligible for housing assistance, is not eligible for assistance under this Part if he has any accommodation in the United Kingdom, however temporary, available for his occupation.

(2) For the purposes of this section a person who makes a claim for asylum—

(a) becomes an asylum-seeker at the time when his claim is recorded by the Secretary of State as having been made, and

(b) ceases to be an asylum-seeker at the time when his claim is recorded by the Secretary of State as having been finally determined or abandoned.

(3) For the purposes of this section a person—

(a) becomes a dependant of an asylum-seeker at the time when he is recorded by the Secretary of State as being a dependant of the asylum-seeker, and

(b) ceases to be a dependant of an asylum-seeker at the time when the person whose dependant he is ceases to be an asylum-seeker or, if it is earlier, at the time when he is recorded by the Secretary of State as ceasing to be a dependant of the asylum-seeker.

(4) In relation to an asylum-seeker, "dependant" means a person—

(a) who is his spouse or a child of his under the age of eighteen, and

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(b) who has neither a right of abode in the United Kingdom nor indefinite leave under the [M88]Immigration Act 1971 to enter or remain in the United Kingdom.

(5) In this section a "claim for asylum" means a claim made by a person that it would be contrary to the United Kingdom's obligations under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention for him to be removed from, or required to leave, the United Kingdom.

Modifications etc. (not altering text)
C95 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**
C96 Savings for effects of 1999 c. 33, ss. 117(5), 169(3), 170(4), Sch. 16 (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), Sch. 2 para. 2; S.I. 2015/1272 (with art. 5)

Marginal Citations
M88 1971 c. 77.

187 Provision of information by Secretary of State.

(1) The Secretary of State shall, at the request of a local housing authority **[**[F448]in England**]**, provide the authority with such information as they may require—

(a) as to whether a person is **[**[F449]a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies**]**, or a dependant of an asylum-seeker, and

(b) to enable them to determine whether such a person is eligible for assistance under this Part under section 185 (persons from abroad not eligible for housing assistance).

(2) Where that information is given otherwise than in writing, the Secretary of State shall confirm it in writing if a written request is made to him by the authority.

(3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided by him to a local housing authority under this section, he shall inform the authority in writing of that fact, the reason for it and the date on which the previous information became inaccurate.

Textual Amendments
F448 Words in s. 187(1) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 9**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)
F449 Words in s. 187(1)(a) substituted (3.4.2000) by 1999 c. 33, **s. 117(6)**; S.I. 2000/464, art. 2, **Sch.**

Modifications etc. (not altering text)
C97 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Interim duty to accommodate

188 Interim duty to accommodate in case of apparent priority need.

[F450(1) If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must secure that accommodation is available for the applicant's occupation.

(1ZA) In a case in which the local housing authority conclude their inquiries under section 184 and decide that the applicant does not have a priority need—

(a) where the authority decide that they do not owe the applicant a duty under section 189B(2), the duty under subsection (1) comes to an end when the authority notify the applicant of that decision, or

(b) otherwise, the duty under subsection (1) comes to an end upon the authority notifying the applicant of their decision that, upon the duty under section 189B(2) coming to an end, they do not owe the applicant any duty under section 190 or 193.

(1ZB) In any other case, the duty under subsection (1) comes to an end upon the later of—

(a) the duty owed to the applicant under section 189B(2) coming to an end or the authority notifying the applicant that they have decided that they do not owe the applicant a duty under that section, and

(b) the authority notifying the applicant of their decision as to what other duty (if any) they owe to the applicant under the following provisions of this Part upon the duty under section 189B(2) coming to an end.**]**

[F451(1A) But if the local housing authority have reason to believe that the duty under section 193(2) may apply in relation to an applicant in the circumstances referred to in section 195A(1), they shall secure that accommodation is available for the applicant's occupation **[**F452until the later of paragraph (a) or (b) of subsection (1ZB).**]** regardless of whether the applicant has a priority need.**]**

(2) The duty under this section arises irrespective of any possibility of the referral of the applicant's case to another local housing authority (see sections 198 to 200).

[F453(2A) For the purposes of this section, where the applicant requests a review under section 202(1)(h) of the authority's decision as to the suitability of accommodation offered to the applicant by way of a final accommodation offer or a final Part 6 offer (within the meaning of section 193A), the authority's duty to the applicant under section 189B(2) is not to be taken to have come to an end under section 193A(2) until the decision on the review has been notified to the applicant.

(3) Otherwise, the duty under this section comes to an end in accordance with subsections (1ZA) to (1A), regardless of any review requested by the applicant under section 202.

But the authority may secure that accommodation is available for the applicant's occupation pending a decision on review.**]**

Textual Amendments

F450 S. 188(1)-(1ZB) substituted for s. 188(1) (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(4)(a)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F451 S. 188(1A) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **149(2)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F452 Words in s. 188(1A) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(4)(b)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F453 S. 188(2A)(3) substituted for s. 188(3) (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(4)(c)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

Modifications etc. (not altering text)

C98 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

189 Priority need for accommodation.

(1) The following have a priority need for accommodation—

(a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;

(b) a person with whom dependent children reside or might reasonably be expected to reside;

(c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;

(d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.

(2) The Secretary of State may by order—

(a) specify further descriptions of persons as having a priority need for accommodation, and

(b) amend or repeal any part of subsection (1).

(3) Before making such an order the Secretary of State shall consult such associations representing relevant authorities, and such other persons, as he considers appropriate.

(4) No such order shall be made unless a draft of it has been approved by resolution of each House of Parliament.

Modifications etc. (not altering text)

C99 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

Commencement Information

I40 S. 189 wholly in force 20.1.1997: s. 189 not in force at Royal Assent, see s. 232(1)-(3); s. 189(2)-(4) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 189 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

[F454 Duty to assess every eligible applicant's case and agree a plan

Textual Amendments

F454 S. 189A and cross-heading inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 3(1)**, 13(3); S.I. 2018/167, reg. 3(c)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

189A Assessments and personalised plan

(1) If the local housing authority are satisfied that an applicant is—

(a) homeless or threatened with homelessness, and

(b) eligible for assistance,

the authority must make an assessment of the applicant's case.

(2) The authority's assessment of the applicant's case must include an assessment of—

(a) the circumstances that caused the applicant to become homeless or threatened with homelessness,

(b) the housing needs of the applicant including, in particular, what accommodation would be suitable for the applicant and any persons with whom the applicant resides or might reasonably be expected to reside ("other relevant persons"), and

(c) what support would be necessary for the applicant and any other relevant persons to be able to have and retain suitable accommodation.

(3) The authority must notify the applicant, in writing, of the assessment that the authority make.

(4) After the assessment has been made, the authority must try to agree with the applicant—

(a) any steps the applicant is to be required to take for the purposes of securing that the applicant and any other relevant persons have and are able to retain suitable accommodation, and

(b) the steps the authority are to take under this Part for those purposes.

(5) If the authority and the applicant reach an agreement, the authority must record it in writing.

(6) If the authority and the applicant cannot reach an agreement, the authority must record in writing—

(a) why they could not agree,

(b) any steps the authority consider it would be reasonable to require the applicant to take for the purposes mentioned in subsection (4)(a), and

(c) the steps the authority are to take under this Part for those purposes.

(7) The authority may include in a written record produced under subsection (5) or (6) any advice for the applicant that the authority consider appropriate (including any steps the authority consider it would be a good idea for the applicant to take but which the applicant should not be required to take).

(8) The authority must give to the applicant a copy of any written record produced under subsection (5) or (6).

(9) Until such time as the authority consider that they owe the applicant no duty under any of the following sections of this Part, the authority must keep under review—

(a) their assessment of the applicant's case, and

(b) the appropriateness of any agreement reached under subsection (4) or steps recorded under subsection (6)(b) or (c).

(10) If—

(a) the authority's assessment of any of the matters mentioned in subsection (2) changes, or

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(b) the authority's assessment of the applicant's case otherwise changes such that the authority consider it appropriate to do so,

the authority must notify the applicant, in writing, of how their assessment of the applicant's case has changed (whether by providing the applicant with a revised written assessment or otherwise).

(11) If the authority consider that any agreement reached under subsection (4) or any step recorded under subsection (6)(b) or (c) is no longer appropriate—

(a) the authority must notify the applicant, in writing, that they consider the agreement or step is no longer appropriate,

(b) any failure, after the notification is given, to take a step that was agreed to in the agreement or recorded under subsection (6)(b) or (c) is to be disregarded for the purposes of this Part, and

(c) subsections (4) to (8) apply as they applied after the assessment was made.

(12) A notification under this section or a copy of any written record produced under subsection (5) or (6), if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.**]**

Duties to persons found to be homeless or threatened with homelessness

[F455 189B Initial duty owed to all eligible persons who are homeless

(1) This section applies where the local housing authority are satisfied that an applicant is—

(a) homeless, and

(b) eligible for assistance.

(2) Unless the authority refer the application to another local housing authority in England (see section 198(A1)), the authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicant's occupation for at least—

(a) 6 months, or

(b) such longer period not exceeding 12 months as may be prescribed.

(3) In deciding what steps they are to take, the authority must have regard to their assessment of the applicant's case under section 189A.

(4) Where the authority—

(a) are satisfied that the applicant has a priority need, and

(b) are not satisfied that the applicant became homeless intentionally,

the duty under subsection (2) comes to an end at the end of the period of 56 days beginning with the day the authority are first satisfied as mentioned in subsection (1).

(5) If any of the circumstances mentioned in subsection (7) apply, the authority may give notice to the applicant bringing the duty under subsection (2) to an end.

(6) The notice must—

(a) specify which of the circumstances apply, and

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) inform the applicant that the applicant has a right to request a review of the authority's decision to bring the duty under subsection (2) to an end and of the time within which such a request must be made.

(7) The circumstances are that the authority are satisfied that—

(a) the applicant has—

(i) suitable accommodation available for occupation, and

(ii) a reasonable prospect of having suitable accommodation available for occupation for at least 6 months, or such longer period not exceeding 12 months as may be prescribed, from the date of the notice,

(b) the authority have complied with the duty under subsection (2) and the period of 56 days beginning with the day that the authority are first satisfied as mentioned in subsection (1) has ended (whether or not the applicant has secured accommodation),

(c) the applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for occupation by the applicant for at least 6 months or such longer period not exceeding 12 months as may be prescribed,

(d) the applicant has become homeless intentionally from any accommodation that has been made available to the applicant as a result of the authority's exercise of their functions under subsection (2),

(e) the applicant is no longer eligible for assistance, or

(f) the applicant has withdrawn the application mentioned in section 183(1).

(8) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.

(9) The duty under subsection (2) can also be brought to an end under—

(a) section 193A (consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage), or

(b) sections 193B and 193C (notices in cases of applicant's deliberate and unreasonable refusal to co-operate).**]**

Textual Amendments

F455 S. 189B inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(2)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

190 Duties to persons becoming homeless intentionally.

[F456(1) This section applies where—

(a) the local housing authority are satisfied that an applicant—

(i) is homeless and eligible for assistance, but

(ii) became homeless intentionally,

(b) the authority are also satisfied that the applicant has a priority need, and

(c) the authority's duty to the applicant under section 189B(2) has come to an end.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) **[**F457The authority must—**]**

(a) secure that accommodation is available for his occupation for such period as they consider will give him a reasonable opportunity of securing accommodation for his occupation, and

(b) provide him with **[**F458(or secure that he is provided with) advice and assistance**]** in any attempts he may make to secure that accommodation becomes available for his occupation.

F459(3) . . . . . .

[F460(4) In deciding what advice and assistance is to be provided under this section, the authority must have regard to their assessment of the applicant's case under section 189A.**]**

F461(5) The advice and assistance provided under subsection (2)(b) F462... must include information about the likely availability in the authority's district of types of accommodation appropriate to the applicant's housing needs (including, in particular, the location and sources of such types of accommodation).

Textual Amendments

F456 S. 190(1) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(5)(a)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F457 Words in s. 190(2) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(5)(b)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F458 Words in s. 190(2)(b)(3) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 9** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F459 S. 190(3) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 5(5)(c)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F460 S. 190(4) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 3(2)**, 13(3); S.I. 2018/167, reg. 3(c)

F461 S. 190(4)(5) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 10** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F462 Words in s. 190(5) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 5(5)(d)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

Modifications etc. (not altering text)

C100 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

191 Becoming homeless intentionally.

(1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

(2) For the purposes of subsection (1) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.

(3) A person shall be treated as becoming homeless intentionally if—

(a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would have been reasonable for him to continue to occupy, and

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(b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,

and there is no other good reason why he is homeless.

F463(4) . . . . . .

Textual Amendments

F463 S. 191(4) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

Modifications etc. (not altering text)

C101 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

F464192 Duty to persons not in priority need who are not homeless intentionally.

. . . . . .

Textual Amendments

F464 S. 192 omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 5(6)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

193 Duty to persons with priority need who are not homeless intentionally.

[F465(1) This section applies where—

(a) the local housing authority—

(i) are satisfied that an applicant is homeless and eligible for assistance, and

(ii) are not satisfied that the applicant became homeless intentionally,

(b) the authority are also satisfied that the applicant has a priority need, and

(c) the authority's duty to the applicant under section 189B(2) has come to an end.**]**

[F466(1A) But this section does not apply if—

(a) section 193A(3) disapplies this section, or

(b) the authority have given notice to the applicant under section 193B(2).**]**

(2) Unless the authority refer the application to another local housing authority (see section 198), they shall secure that accommodation is available for occupation by the applicant.

[F467(3) The authority are subject to the duty under this section until it ceases by virtue of any of the following provisions of this section.**]**

F468(3A) . . . . . .

[F469(3B) In this section "a restricted case" means a case where the local housing authority would not be satisfied as mentioned in subsection (1) without having had regard to a restricted person.**]**

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(5) **[**F470The local housing authority shall cease to be subject to the duty under this section if—

(a) the applicant, having been informed by the authority of the possible consequence of refusal or acceptance and of the right to request a review of the suitability of the accommodation, refuses an offer of accommodation which the authority are satisfied is suitable for the applicant,

(b) that offer of accommodation is not an offer of accommodation under Part 6 or a private rented sector offer, and

(c) the authority notify the applicant that they regard themselves as ceasing to be subject to the duty under this section.**]**

(6) The local housing authority shall cease to be subject to the duty under this section if the applicant—

(a) ceases to be eligible for assistance,

(b) becomes homeless intentionally from the accommodation made available for his occupation,

(c) accepts an offer of accommodation under Part VI (allocation of housing), or

[F472(cc) accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord,**]**

(d) otherwise voluntarily ceases to occupy as his only or principal home the accommodation made available for his occupation.

[F473(7) The local housing authority shall also cease to be subject to the duty under this section if the applicant, having been informed of the possible consequence of refusal **[**F474or acceptance**]** and of his right to request a review of the suitability of the accommodation, refuses a final offer of accommodation under Part 6.

(7A) An offer of accommodation under Part 6 is a final offer for the purposes of subsection (7) if it is made in writing and states that it is a final offer for the purposes of subsection (7).**]**

[F475(7AA) F476... the authority shall also cease to be subject to the duty under this section if the applicant, having been informed **[**F477in writing**]** of the matters mentioned in subsection (7AB)—

(a) accepts a **[**F478private rented sector offer **]**, or

(b) refuses such an offer.

(7AB) The matters are—

(a) the possible consequence of refusal **[**F479or acceptance**]** of the offer, and

(b) that the applicant has the right to request a review of the suitability of the accommodation **[**F480, and

(c) in a case which is not a restricted case, the effect under section 195A of a further application to a local housing authority within two years of acceptance of the offer.**]**

(7AC) For the purposes of this section an offer is a **[**F481private rented sector offer**]** if—

(a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

(b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the authority's duty under this section to an end, and

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(c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 12 months.

(7AD) In a restricted case the authority shall, so far as reasonably practicable, bring their duty under this section to an end as mentioned in subsection (7AA).**]**

F482**[**F483(7B) . . . . . .

F482(7C) . . . . . .

F482(7D) . . . . . .

F482(7E) . . . . . .

(7F) The local housing authority shall not—

(a) make a final offer of accommodation under Part 6 for the purposes of subsection (7); **[**F484or**]**

[approve a **[**F486private rented sector offer**]**;**]** or

F485(ab)

F487(b) . . . . . .

unless they are satisfied that the accommodation is suitable for the applicant and that **[**F488subsection (8) does not apply to the applicant.**]**.**]**

[F489(8) This subsection applies to an applicant if—

(a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and

(b) the applicant is not able to bring those obligations to an end before being required to take up the offer.**]**

(9) A person who ceases to be owed the duty under this section may make a fresh application to the authority for accommodation or assistance in obtaining accommodation.

[F490(10) The **[**F491Secretary of State**]** may provide by regulations that subsection (7AC)(c) is to have effect as if it referred to a period of the length specified in the regulations.

(11) Regulations under subsection (10)—

(a) may not specify a period of less than 12 months, and

(b) may not apply to restricted cases.

F492(12) . . . . . .**]**

Textual Amendments

F465 S. 193(1) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(7)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F466 S. 193(1A) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 7(2)**, 13(3); S.I. 2018/167, reg. 3(g)

F467 S. 193(3) substituted for s. 193(3)(4) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 6(1)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F468 S. 193(3A) repealed (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., 148(2), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F469 S. 193(3B) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 5(3)**; S.I. 2009/415, art. 2

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F470 S. 193(5) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(3)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F471 Words in s. 193(5) inserted (26.2.2002) by 2002 c. 7, **s. 8(1)** (with s. 20(4))

F472 S. 193(6)(cc) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 7(1)(2)(6)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F473 S. 193(7)(7A) substituted for s. 193(7) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 7(1)(3)(6)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F474 Words in s. 193(7) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(4)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F475 S. 193(7AA)-(7AD) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 5(4)**; S.I. 2009/415, art. 2

F476 Words in s. 193(7AA) repealed (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., 148(5)(a), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F477 Words in s. 193(7AA) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(5)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F478 Words in s. 193(7AA)(a) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(5)(c)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F479 Words in s. 193(7AB)(a) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(6)(a)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F480 S. 193(7AB)(c) and word inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(6)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F481 Words in s. 193(7AC) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(7)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F482 S. 193(7B)-(7E) repealed (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., 148(8), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F483 S. 193(7B)-(7F) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 7(1)(4)(6)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F484 Word in s. 193(7F)(a) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(9)(a)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F485 S. 193(7F)(ab) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 5(6)**; S.I. 2009/415, art. 2

F486 Words in s. 193(7F)(ab) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(9)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F487 S. 193(7F)(b) repealed (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., 148(9)(c), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F488 Words in s. 193(7F) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(9)(d)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F489 S. 193(8) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(10)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F490 S. 193(10)-(12) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(11)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F491 Words in s. 193(10) substituted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 10(a)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F492 S. 193(12) omitted (27.4.2015) by virtue of Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 10(b)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Modifications etc. (not altering text)

C102 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

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[F493 193A Consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage

(1) Subsections (2) and (3) apply where—

(a) a local housing authority owe a duty to an applicant under section 189B(2), and

(b) the applicant, having been informed of the consequences of refusal and of the applicant's right to request a review of the suitability of the accommodation, refuses—

(i) a final accommodation offer, or

(ii) a final Part 6 offer.

(2) The authority's duty to the applicant under section 189B(2) comes to an end.

(3) Section 193 (the main housing duty) does not apply.

(4) An offer is a "final accommodation offer" if—

(a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

(b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority in the discharge of their duty under section 189B(2), and

(c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.

(5) A "final Part 6 offer" is an offer of accommodation under Part 6 (allocation of housing) that—

(a) is made in writing by the authority in the discharge of their duty under section 189B(2), and

(b) states that it is a final offer for the purposes of this section.

(6) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (7) does not apply.

(7) This subsection applies to an applicant if—

(a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and

(b) the applicant is not able to bring those obligations to an end before being required to take up the offer.

Textual Amendments

F493 Ss. 193A-193C inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by Homelessness Reduction Act 2017 (c. 13), **ss. 7(1)**, 13(3); S.I. 2018/167, regs. 2(a), 3(g)

193B Notices in cases of an applicant's deliberate and unreasonable refusal to co-operate

(1) Section 193C applies where—

(a) a local housing authority owe a duty to an applicant under section 189B(2) or 195(2), and

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(b) the authority give notice to the applicant under subsection (2).

(2) A local housing authority may give a notice to an applicant under this subsection if the authority consider that the applicant has deliberately and unreasonably refused to take any step—

(a) that the applicant agreed to take under subsection (4) of section 189A, or

(b) that was recorded by the authority under subsection (6)(b) of that section.

(3) A notice under subsection (2) must—

(a) explain why the authority are giving the notice and its effect, and

(b) inform the applicant that the applicant has a right to request a review of the authority's decision to give the notice and of the time within which such a request must be made.

(4) The authority may not give notice to the applicant under subsection (2) unless—

(a) the authority have given a relevant warning to the applicant, and

(b) a reasonable period has elapsed since the warning was given.

(5) A "relevant warning" means a notice—

(a) given by the authority to the applicant after the applicant has deliberately and unreasonably refused to take any step—

(i) that the applicant agreed to take under subsection (4) of section 189A, or

(ii) that was recorded by the authority under subsection (6)(b) of that section,

(b) that warns the applicant that, if the applicant should deliberately and unreasonably refuse to take any such step after receiving the notice, the authority intend to give notice to the applicant under subsection (2), and

(c) that explains the consequences of such a notice being given to the applicant.

(6) For the purposes of subsections (2) and (5), in deciding whether a refusal by the applicant is unreasonable, the authority must have regard to the particular circumstances and needs of the applicant (whether identified in the authority's assessment of the applicant's case under section 189A or not).

(7) The Secretary of State may make provision by regulations as to the procedure to be followed by a local housing authority in connection with notices under this section.

(8) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.

Textual Amendments

F493 Ss. 193A-193C inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by Homelessness Reduction Act 2017 (c. 13), **ss. 7(1)**, 13(3); S.I. 2018/167, regs. 2(a), 3(g)

193C Notice under section 193B: consequences

(1) In the circumstances mentioned in section 193B(1), this section applies in relation to a local housing authority and an applicant.

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(2) The authority's duty to the applicant under section 189B(2) or 195(2) comes to an end.

(3) Subsection (4) applies if the authority—

(a) are satisfied that the applicant is homeless, eligible for assistance and has a priority need, and

(b) are not satisfied that the applicant became homeless intentionally.

(4) Section 193 (the main housing duty) does not apply, but the authority must secure that accommodation is available for occupation by the applicant.

(5) The authority cease to be subject to the duty under subsection (4) if the applicant—

(a) ceases to be eligible for assistance,

(b) becomes homeless intentionally from accommodation made available for the applicant's occupation,

(c) accepts an offer of an assured tenancy from a private landlord, or

(d) otherwise voluntarily ceases to occupy, as the applicant's only or principal home, the accommodation made available for the applicant's occupation.

(6) The authority also cease to be subject to the duty under subsection (4) if the applicant, having been informed of the possible consequences of refusal or acceptance and of the applicant's right to request a review of the suitability of the accommodation, refuses or accepts—

(a) a final accommodation offer, or

(b) a final Part 6 offer.

(7) An offer is "a final accommodation offer" if—

(a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

(b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with a view to bringing the authority's duty under subsection (4) to an end, and

(c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.

(8) A "final Part 6 offer" is an offer of accommodation under Part 6 (allocation of housing) that is made in writing and states that it is a final offer for the purposes of this section.

(9) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (10) does not apply.

(10) This subsection applies to an applicant if—

(a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and

(b) the applicant is not able to bring those obligations to an end before being required to take up the offer.**]**

Textual Amendments

F493 Ss. 193A-193C inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by Homelessness Reduction Act 2017 (c. 13), **ss. 7(1)**, 13(3); S.I. 2018/167, regs. 2(a), 3(g)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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[F494]194 . . . . . .

Textual Amendments

F494 S. 194 repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, ss. 6(3), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

[F495195 Duties in cases of threatened homelessness

(1) This section applies where the local housing authority are satisfied that an applicant is—

(a) threatened with homelessness, and

(b) eligible for assistance.

(2) The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation.

(3) In deciding what steps they are to take, the authority must have regard to their assessment of the applicant's case under section 189A.

(4) Subsection (2) does not affect any right of the authority, whether by virtue of contract, enactment or rule of law, to secure vacant possession of any accommodation.

(5) If any of the circumstances mentioned in subsection (8) apply, the authority may give notice to the applicant bringing the duty under subsection (2) to an end.

(6) But the authority may not give notice to the applicant under subsection (5) on the basis that the circumstances in subsection (8)(b) apply if a valid notice has been given to the applicant under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) that—

(a) will expire within 56 days or has expired, and

(b) is in respect of the only accommodation that is available for the applicant's occupation.

(7) The notice must—

(a) specify which of the circumstances apply, and

(b) inform the applicant that the applicant has a right to request a review of the authority's decision to bring the duty under subsection (2) to an end and of the time within which such a request must be made.

(8) The circumstances are that the authority are satisfied that—

(a) the applicant has—

(i) suitable accommodation available for occupation, and

(ii) a reasonable prospect of having suitable accommodation available for occupation for at least 6 months, or such longer period not exceeding 12 months as may be prescribed, from the date of the notice,

(b) the authority have complied with the duty under subsection (2) and the period of 56 days beginning with the day that the authority are first satisfied as mentioned in subsection (1) has ended (whether or not the applicant is still threatened with homelessness),

(c) the applicant has become homeless,

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(d) the applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for occupation by the applicant for at least 6 months or such longer period not exceeding 12 months as may be prescribed,

(e) the applicant has become homeless intentionally from any accommodation that has been made available to the applicant as a result of the authority's exercise of their functions under subsection (2),

(f) the applicant is no longer eligible for assistance, or

(g) the applicant has withdrawn the application mentioned in section 183(1).

(9) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.

(10) The duty under subsection (2) can also be brought to an end under sections 193B and 193C (notices in cases of applicant's deliberate and unreasonable refusal to co-operate).**]**

Textual Amendments

F495 S. 195 substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 4(2)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

[F496 195A Re-application after private rented sector offer

(1) If within two years beginning with the date on which an applicant accepts an offer under section 193(7AA) (private rented sector offer), the applicant re-applies for accommodation, or for assistance in obtaining accommodation, and the local housing authority—

(a) is satisfied that the applicant is homeless and eligible for assistance, and

(b) is not satisfied that the applicant became homeless intentionally,

the duty under section 193(2) applies regardless of whether the applicant has a priority need.

(2) For the purpose of subsection (1), an applicant in respect of whom a valid notice under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) has been given is to be treated as homeless from the date on which that notice expires.

F497(3) . . . . . .

F497(4) . . . . . .

(5) Subsection (1) F498...does not apply to a case where the local housing authority would not be satisfied as mentioned in that subsection without having regard to a restricted person.

(6) Subsection (1) F499...does not apply to a re-application by an applicant for accommodation, or for assistance in obtaining accommodation, if the immediately preceding application made by that applicant was one to which subsection (1) F499...applied.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F496 S. 195A inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **149(4)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F497 S. 195A(3)(4) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(4)(a)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F498 Words in s. 195A(5) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(4)(b)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F499 Words in s. 195A(6) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(4)(c)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F500 196 Becoming threatened with homelessness intentionally.

. . . . . .

Textual Amendments

F500 S. 196 omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(5)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

Duty where other suitable accommodation available

F501 197 . . . . . .

Textual Amendments

F501 S. 197 repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, ss. 9(1), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

Referral to another local housing authority

198 Referral of case to another local housing authority.

[F502(A1) If the local housing authority would be subject to the duty under section 189B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for referral of the case to another local housing authority in England, they may notify that other authority of their opinion.**]**

(1) If the local housing authority would be subject to the duty under section 193 (accommodation for those with priority need who are not homeless intentionally) but consider that the conditions are met for referral of the case to another local housing authority, they may notify that other authority of their opinion.

F503...

(2) The conditions for referral of the case to another authority are met if—

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(a) neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,

(b) the applicant or a person who might reasonably be expected to reside with him has a local connection with the district of that other authority, and

(c) neither the applicant nor any person who might reasonably be expected to reside with him will run the risk of domestic violence in that other district.

[F504(2ZA) The conditions for referral of the case to another authority are also met if—

(a) the application is made within the period of two years beginning with the date on which the applicant accepted an offer from the other authority under section 193(7AA) (private rented sector offer), and

(b) neither the applicant nor any person who might reasonably be expected to reside with the applicant will run the risk of domestic violence in the district of the other authority.**]**

[F505(2A) But the conditions for referral mentioned in subsection (2) **[**F506or (2ZA)**]** are not met if—

(a) the applicant or any person who might reasonably be expected to reside with him has suffered violence (other than domestic violence) in the district of the other authority; and

(b) it is probable that the return to that district of the victim will lead to further violence of a similar kind against him.

(3) For the purposes of subsections (2) **[**F507, (2ZA)**]** and (2A) "violence" means—

(a) violence from another person; or

(b) threats of violence from another person which are likely to be carried out;

and violence is "domestic violence" if it is from a person who is associated with the victim.**]**

(4) The conditions for referral of the case to another authority are also met if—

(a) the applicant was on a previous application made to that other authority placed (in pursuance of their functions under this Part) in accommodation in the district of the authority to whom his application is now made, and

(b) the previous application was within such period as may be prescribed of the present application.

[F508(4A) Subsection (4) is to be construed, in a case where the other authority is an authority in Wales, as if the reference to "this Part" were a reference to Part 2 of the Housing (Wales) Act 2014.**]**

(5) The question whether the conditions for referral of a case **[**F509which does not involve a referral to a local housing authority in Wales**]** are satisfied shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State may direct by order.

[F510(5A) The question whether the conditions for referral of a case involving a referral to a local housing authority in Wales shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State and the Welsh Ministers may jointly direct by order.**]**

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(6) An order may direct that the arrangements shall be—

(a) those agreed by any relevant authorities or associations of relevant authorities, or

(b) in default of such agreement, such arrangements as appear to the Secretary of State **[**F511or, in the case of an order under subsection (5A), to the Secretary of State and the Welsh Ministers**]** to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.

(7) **[**F512An order under this section shall not**]** be made unless a draft of the order has been approved by a resolution of each House of Parliament **[**F513and, in the case of a joint order, a resolution of the National Assembly for Wales**]** .

Textual Amendments

F502 S. 198(A1) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(8)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F503 Words in s. 198(1) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F504 S. 198(2ZA) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **149(6)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F505 S. 198(2A)(3) substituted for s. 198(3) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 10(2)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F506 Words in s. 198(2A) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **149(7)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F507 Word in s. 198(3) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **149(8)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F508 S. 198(4A) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 11(a)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F509 Words in s. 198(5) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 11(b)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F510 S. 198(5A) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 11(c)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F511 Words in s. 198(6)(b) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 11(d)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F512 Words in s. 198(7) substituted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 11(e)(i)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F513 Words in s. 198(7) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 11(e)(ii)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Modifications etc. (not altering text)

C103 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

C104 S. 198 modified (*temp.*) (6.12.1999) by S.I. 1999/3126, **arts. 3**, 7

Commencement Information

I41 S. 198 wholly in force 20.1.1997: s. 198 not in force at Royal Assent, see s. 232(1)-(3); s. 198(4)-(7) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 198 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

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199 Local connection.

(1) A person has a local connection with the district of a local housing authority if he has a connection with it—

(a) because he is, or in the past was, normally resident there, and that residence is or was of his own choice,

(b) because he is employed there,

(c) because of family associations, or

(d) because of special circumstances.

F514(2) . . . . . .

(3) Residence in a district is not of a person's own choice if—

F515(a) . . . . . .

(b) he, or a person who might reasonably be expected to reside with him, becomes resident there because he is detained under the authority of an Act of Parliament.

F516(4) . . . . . .

(5) The Secretary of State may by order specify F517... circumstances in which—

(a) a person is not to be treated as employed in a district, or

(b) residence in a district is not to be treated as of a person's own choice.

[F518(6) A person has a local connection with the district of a local housing authority if he was (at any time) provided with accommodation in that district under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).

(7) But subsection (6) does not apply—

(a) to the provision of accommodation for a person in a district of a local housing authority if he was subsequently provided with accommodation in the district of another local housing authority under section 95 of that Act, or

(b) to the provision of accommodation in an accommodation centre by virtue of section 22 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (use of accommodation centres for section 95 support).**]**

[F519(8) While a local authority in England have a duty towards a person under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children)—

(a) if the local authority is a local housing authority, the person has a local connection with their district, and

(b) otherwise, the person has a local connection with every district of a local housing authority that falls within the area of the local authority.

(9) In subsection (8), "local authority" has the same meaning as in the Children Act 1989 (see section 105 of that Act).

(10) Where, by virtue of being provided with accommodation under section 22A of the Children Act 1989 (provision of accommodation for children in care), a person is normally resident in the district of a local housing authority in England for a continuous period of at least two years, some or all of which falls before the person attains the age of 16, the person has a local connection with that district.

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(11) A person ceases to have a local connection with a district under subsection (10) upon attaining the age of 21 (but this does not affect whether the person has a local connection with that district under any other provision of this section).**]**

Textual Amendments

F514 S. 199(2) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by Housing and Regeneration Act 2008 (c. 17), ss. 315(a), 325(1), **Sch. 16**; S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2

F515 S. 199(3)(a) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by Housing and Regeneration Act 2008 (c. 17), ss. 315(b), 325(1), **Sch. 16**; S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2

F516 S. 199(4) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by Housing and Regeneration Act 2008 (c. 17), ss. 315(c), 325(1), **Sch. 16**; S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2; and words in s. 199(4) substituted (28.3.2009 for specified purposes) by Armed Forces Act 2006 (c. 52), Sch. 16 para. 139; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059)

F517 Word in s. 199(5) repealed (1.12.2008 for E., 30.3.2009 for W. for specified purposes) by Housing and Regeneration Act 2008 (c. 17), ss. 315(d), 325(1), **Sch. 16**; S.I. 2008/3068, arts. 4(10), 5, Sch. (with arts. 6-13); S.I. 2009/773, art. 2

F518 S. 199(6)(7) added (4.1.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 11(1)**, 48(3); S.I. 2004/2999, art. 2, Sch.

F519 S. 199(8)-(11) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 8**, 13(3); S.I. 2018/167, reg. 3(h)

Modifications etc. (not altering text)

C105 S. 199 excluded (3.4.1997) by S.I. 1997/797, **art. 2(1)(3)(b)**
S. 199 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Commencement Information

I42 S. 199 in force 20.1.1997: s. 199 not in force at Royal Assent, see s. 232(1)-(3); s. 199(5) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 199 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

[F520 199A Duties to the applicant whose case is considered for referral or referred under section 198(A1)

(1) Where a local housing authority ("the notifying authority") notify an applicant that they intend to notify or have notified another local housing authority in England ("the notified authority") under section 198(A1) of their opinion that the conditions are met for referral of the applicant's case to the notified authority, the notifying authority—

(a) cease to be subject to any duty under section 188 (interim duty to accommodate in case of apparent priority need), and

(b) are not subject to the duty under section 189B (initial duty owed to all eligible persons who are homeless).

(2) But, if the notifying authority have reason to believe that the applicant may have a priority need, they must secure that accommodation is available for occupation by the applicant until the applicant is notified of the decision as to whether the conditions for referral of the applicant's case are met.

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(3) When it has been decided whether the conditions for referral are met, the notifying authority must give notice of the decision and the reasons for it to the applicant.

The notice must also inform the applicant of the applicant's right to request a review of the decision and of the time within which such a request must be made.

(4) If it is decided that the conditions for referral are not met—

(a) the notifying authority are subject to the duty under section 189B,

(b) the references in subsections (4) and (7)(b) of that section to the day that the notifying authority are first satisfied as mentioned in subsection (1) of that section are to be read as references to the day on which notice is given under subsection (3) of this section, and

(c) if the notifying authority have reason to believe that the applicant may have a priority need, they must secure that accommodation is available for occupation by the applicant until the later of—

(i) the duty owed to the applicant under section 189B coming to an end, and

(ii) the authority deciding what other duty (if any) they owe to the applicant under this Part after the duty under section 189B comes to an end.

(5) If it is decided that the conditions for referral are met—

(a) for the purposes of this Part, the applicant is to be treated as having made an application of the kind mentioned in section 183(1) to the notified authority on the date on which notice is given under subsection (3),

(b) from that date, the notifying authority owes no duties to the applicant under this Part,

(c) where the notifying authority have made a decision as to whether the applicant is eligible for assistance, is homeless or became homeless intentionally, the notified authority may only come to a different decision if they are satisfied that—

(i) the applicant's circumstances have changed, or further information has come to light, since the notifying authority made their decision, and

(ii) that change in circumstances, or further information, justifies the notified authority coming to a different decision to the notifying authority, and

(d) the notifying authority must give to the notified authority copies of any notifications that the notifying authority have given to the applicant under section 189A(3) or (10) (notifications of the notifying authority's assessments of the applicant's case).

(6) A duty under subsection (2) or paragraph (c) of subsection (4) ceases as provided in the subsection or paragraph concerned even if the applicant requests a review of the authority's decision upon which the duty ceases.

The authority may secure that accommodation is available for the applicant's occupation pending the decision on review.

(7) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available

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at the authority's office for a reasonable period for collection by or on behalf of the applicant.**]**

Textual Amendments

F520 S. 199A inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(9)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

200 Duties to applicant whose case is considered for referral or referred [F521under section 198(1)].

(1) Where a local housing authority notify an applicant that they intend to notify or have notified another local housing authority **[**F522under section 198(1)**]** of their opinion that the conditions are met for the referral of his case to that other authority—

(a) they cease to be subject to any duty under section 188 (interim duty to accommodate in case of apparent priority need), and

(b) they are not subject to any duty under section 193 (the main housing duty),

but they shall secure that accommodation is available for occupation by the applicant until he is notified of the decision whether the conditions for referral of his case are met.

[F523(1A) A local housing authority in England may not notify an applicant as mentioned in subsection (1) until the authority's duty to the applicant under section 189B(2) (initial duty owed to all eligible persons who are homeless) has come to an end.**]**

(2) When it has been decided whether the conditions for referral are met, the notifying authority shall notify the applicant of the decision and inform him of the reasons for it.

The notice shall also inform the applicant of his right to request a review of the decision and of the time within which such a request must be made.

[F524(3) If it is decided that the conditions for referral are not met, the notifying authority are subject to the duty under section 193 (the main housing duty).

F524(4) If it is decided that those conditions are met **[**F525and the notified authority is not an authority in Wales**]**, the notified authority are subject to the duty under section 193 (the main housing duty) **[**F526; for provision about cases where it is decided that those conditions are met and the notified authority is an authority in Wales, see section 83 of the Housing (Wales) Act 2014 (cases referred from a local housing authority in England)**].]**

(5) The duty under subsection (1), F527... ceases as provided in that subsection even if the applicant requests a review of the authority's decision (see section 202).

The authority may **[**F528secure**]** that accommodation is available for the applicant's occupation pending the decision on a review.

(6) Notice F529... given to an applicant under this section shall be given in writing and, if not received by him, shall be treated as having been given to him if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

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Textual Amendments

F521 Words in s. 200 heading inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(10)(a)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F522 Words in s. 200(1) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(10)(b)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F523 S. 200(1A) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(10)(c)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F524 S. 200(3)(4) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 15(a)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F525 Words in s. 200(4) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 12(a)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F526 Words in s. 200(4) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 12(b)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F527 Words in s. 200(5) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F528 Word in s. 200(5) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 15(b)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F529 Words in s. 200(6) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 5(10)(d)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

Modifications etc. (not altering text)

C106 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

201 Application of referral provisions to cases arising in Scotland.

Sections 198 and 200 (referral of application to another local housing authority and duties to applicant whose case is considered for referral or referred) apply—

(a) to applications referred by a local authority in Scotland in pursuance of sections 33 and 34 of the [M89]Housing (Scotland) Act 1987, and

(b) to persons whose applications are so transferred,

as they apply to cases arising under this Part (the reference in section 198 to this Part being construed as a reference to Part II of that Act).

Modifications etc. (not altering text)

C107 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

Marginal Citations

M89 1987 c. 26.

[F530201A Cases referred from a local housing authority in Wales

(1) This section applies where an application has been referred by a local housing authority in Wales to a local housing authority in England under section 80 of the Housing (Wales) Act 2014 (referral of case to another local housing authority).

(2) If it is decided that the conditions in that section for referral of the case are met, the notified authority are subject to the duty under section 193 of this Act in respect of the person whose case is referred (the main housing duty); for provision about cases

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where it is decided that the conditions for referral are not met, see section 82 of the Housing (Wales) Act 2014 (duties to applicant whose case is considered for referral or referred).

(3) References in this Part to an applicant include a reference to a person to whom a duty is owed by virtue of subsection (2).**]**

Textual Amendments

F530 S. 201A inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 13**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Right to request review of decision

202 Right to request review of decision.

(1) An applicant has the right to request a review of—

(a) any decision of a local housing authority as to his eligibility for assistance,

(b) any decision of a local housing authority as to what duty (if any) is owed to him under sections **[**F531189B to 193C**]** and 195 F532... (duties to persons found to be homeless or threatened with homelessness),

[F533(ba) any decision of a local housing authority—

(i) as to the steps they are to take under subsection (2) of section 189B, or

(ii) to give notice under subsection (5) of that section bringing to an end their duty to the applicant under subsection (2) of that section,

(bb) any decision of a local housing authority to give notice to the applicant under section 193B(2) (notice given to those who deliberately and unreasonably refuse to co-operate),

(bc) any decision of a local housing authority—

(i) as to the steps they are to take under subsection (2) of section 195, or

(ii) to give notice under subsection (5) of that section bringing to an end their duty to the applicant under subsection (2) of that section,**]**

(c) any decision of a local housing authority to notify another authority under section 198(1) (referral of cases),

(d) any decision under section 198(5) whether the conditions are met for the referral of his case,

(e) any decision under section 200(3) or (4) (decision as to duty owed to applicant whose case is considered for referral or referred), F534...

(f) any decision of a local housing authority as to the suitability of accommodation offered to him in discharge of their duty under any of the provisions mentioned in paragraph (b) or (e) **[**F535or as to the suitability of accommodation offered to him as mentioned in section 193(7)**]**, F536...

[F537(g) any decision of a local housing authority as to the suitability of accommodation offered to him by way of a **[**F538private rented sector offer**]** (within the meaning of section 193)**][**F539, or

(h) any decision of a local housing authority as to the suitability of accommodation offered to the applicant by way of a final accommodation offer or a final Part 6 offer (within the meaning of section 193A or 193C).**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F540(1A) An applicant who is offered accommodation as mentioned in section 193(5)**[**F541, (7) or (7AA)**]** may under subsection (1)(f) **[**F542or (as the case may be) (g)**]** request a review of the suitability of the accommodation offered to him whether or not he has accepted the offer.**]**

[F543(1B) An applicant may, under subsection (1)(h), request a review of the suitability of the accommodation offered whether or not the applicant has accepted the offer.**]**

(2) There is no right to request a review of the decision reached on an earlier review.

(3) A request for review must be made before the end of the period of 21 days beginning with the day on which he is notified of the authority's decision or such longer period as the authority may in writing allow.

(4) On a request being duly made to them, the authority or authorities concerned shall review their decision.

Textual Amendments

F531 Words in s. 202(1)(b) substituted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by Homelessness Reduction Act 2017 (c. 13), **ss. 9(2)(a)(i)**, 13(3); S.I. 2018/167, **regs. 2(b)**, 3(i) (with reg. 4(2))

F532 Words in s. 202(1)(b) omitted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 9(2)(a)(ii)**, 13(3); S.I. 2018/167, **regs. 2(b)**, 3(i) (with reg. 4(2))

F533 S. 202(1)(ba)-(bc) inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by Homelessness Reduction Act 2017 (c. 13), **ss. 9(2)(b)**, 13(3); S.I. 2018/167, **regs. 2(b)**, 3(i) (with reg. 4(2))

F534 Word in s. 202(1) repealed (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 16**; S.I. 2008/3068, art. 5, Sch. (with arts. 6-13)

F535 Words in s. 202(1)(f) inserted (26.2.2002) by 2002 c. 7, **s. 8(2)(a)** (with s. 20(4))

F536 Word in s. 202(1)(f) omitted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 9(2)(c)**, 13(3); S.I. 2018/167, **regs. 2(b)**, 3(i) (with reg. 4(2))

F537 S. 202(1)(g) and word inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 7(2)**; S.I. 2009/415, art. 2

F538 Words in s. 202(1)(g) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **149(9)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F539 S. 202(1)(h) and word inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by Homelessness Reduction Act 2017 (c. 13), **ss. 9(2)(d)**, 13(3); S.I. 2018/167, **regs. 2(b)**, 3(i) (with reg. 4(2))

F540 S. 202(1A) inserted (26.2.2002) by 2002 c. 7, **s. 8(2)(b)** (with s. 20(4))

F541 Words in s. 202(1A) substituted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 7(3)(a)**; S.I. 2009/415, art. 2

F542 Words in s. 202(1A) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 7(3)(b)**; S.I. 2009/415, art. 2

F543 S. 202(1B) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 9(3)**, 13(3); S.I. 2018/167, reg. 3(i) (with reg. 4(2))

Modifications etc. (not altering text)

C108 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

203 Procedure on a review.

(1) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under section 202.

Nothing in the following provisions affects the generality of this power.

(2) Provision may be made by regulations—

(a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and

(b) as to the circumstances in which the applicant is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.

(3) The authority, or as the case may be either of the authorities, concerned shall notify the applicant of the decision on the review.

(4) If the decision is—

(a) to confirm the original decision on any issue against the interests of the applicant, or

(b) to confirm a previous decision—

(i) to notify another authority under section 198 (referral of cases), or

(ii) that the conditions are met for the referral of his case,

they shall also notify him of the reasons for the decision.

(5) In any case they shall inform the applicant of his right to appeal to **[**F544the county court**]** on a point of law, and of the period within which such an appeal must be made (see section 204).

(6) Notice of the decision shall not be treated as given unless and until subsection (5), and where applicable subsection (4), is complied with.

(7) Provision may be made by regulations as to the period within which the review must be carried out and notice given of the decision.

(8) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

Textual Amendments

F544 Words in s. 203(5) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

C109 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Commencement Information

I43 S. 203 wholly in force 20.1.1997: s. 203 not in force at Royal Assent, see s. 232(1)-(3); s. 203(1)(2)(7) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 203 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

204 Right of appeal to county court on point of law.

(1) If an applicant who has requested a review under section 202—

(a) is dissatisfied with the decision on the review, or

(b) is not notified of the decision on the review within the time prescribed under section 203,

he may appeal to the county court on any point of law arising from the decision or, as the case may be, the original decision.

(2) An appeal must be brought within 21 days of his being notified of the decision or, as the case may be, of the date on which he should have been notified of a decision on review.

[F545(2A) The court may give permission for an appeal to be brought after the end of the period allowed by subsection (2), but only if it is satisfied—

(a) where permission is sought before the end of that period, that there is a good reason for the applicant to be unable to bring the appeal in time; or

(b) where permission is sought after that time, that there was a good reason for the applicant's failure to bring the appeal in time and for any delay in applying for permission.**]**

(3) On appeal the court may make such order confirming, quashing or varying the decision as it thinks fit.

(4) Where the authority were under a duty under section 188, 190**[**F546, 199A**]** or 200 to secure that accommodation is available for the applicant's occupation**[**F547, F548... they may**]** secure that accommodation is so available—

(a) during the period for appealing under this section against the authority's decision, and

(b) if an appeal is brought, until the appeal (and any further appeal) is finally determined.

Textual Amendments

F545 S. 204(2A) inserted (30.9.2002) by 2002 c. 7, s. 18(1), **Sch. 1 para. 17(a)** (with s. 20(4)); S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**; S.I. 2002/2324, **art. 3** (subject to transitional provisions in art. 4)

F546 Word in s. 204(4) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(11)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F547 Words in s. 204(4) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 17(b)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F548 Words in s. 204(4) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(6)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

Modifications etc. (not altering text)

C110 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

C111 S. 204(4) restricted (8.1.2003) by 2002 c. 41, **s. 55(4)(b)** (with s. 159); S.I. 2002/2811, art. 2, **Sch.**
S. 204(4) restricted (*prosp.*) by 2002 c. 41, ss. 54, 162(2), **Sch. 3 para. 1(1)(j)** (with s. 159)

[F549**204A** Section 204(4): appeals

(1) This section applies where an applicant has the right to appeal to the county court against a local housing authority's decision on a review.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) If the applicant is dissatisfied with a decision by the authority—

(a) not to exercise their power under section 204(4) ("the section 204(4) power") in his case;

(b) to exercise that power for a limited period ending before the final determination by the county court of his appeal under section 204(1) ("the main appeal"); or

(c) to cease exercising that power before that time,

he may appeal to the county court against the decision.

(3) An appeal under this section may not be brought after the final determination by the county court of the main appeal.

(4) On an appeal under this section the court—

(a) may order the authority to secure that accommodation is available for the applicant's occupation until the determination of the appeal (or such earlier time as the court may specify); and

(b) shall confirm or quash the decision appealed against,

and in considering whether to confirm or quash the decision the court shall apply the principles applied by the High Court on an application for judicial review.

(5) If the court quashes the decision it may order the authority to exercise the section 204(4) power in the applicant's case for such period as may be specified in the order.

(6) An order under subsection (5)—

(a) may only be made if the court is satisfied that failure to exercise the section 204(4) power in accordance with the order would substantially prejudice the applicant's ability to pursue the main appeal;

(b) may not specify any period ending after the final determination by the county court of the main appeal.**]**

Textual Amendments

F549 S. 204A inserted (30.9.2002) by 2002 c. 7, **s. 11** (with s. 20(4)); S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**; S.I. 2002/2324, **art. 3** (subject to transitional provisions in art. 4)

Supplementary provisions

205 Discharge of functions: introductory.

(1) The following sections have effect in relation to the discharge by a local housing authority of their functions under this Part to secure that accommodation is available for the occupation of a person—

section 206 (general provisions),

F550 ...

section 208 (out-of-area placements),

section 209 (arrangements with private landlord).

(2) In **[**F551sections 206 and 208**]** those functions are referred to as the authority's "housing functions under this Part".

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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[F552(3) For the purposes of this section, a local housing authority's duty under section 189B(2) or 195(2) is a function of the authority to secure that accommodation is available for the occupation of a person only if the authority decide to discharge the duty by securing that accommodation is so available.**]**

Textual Amendments

F550 Words in s. 205(1) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F551 Words in s. 205(2) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 18** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F552 S. 205(3) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 6**, 13(3); S.I. 2018/167, reg. 3(f)

Modifications etc. (not altering text)

C112 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

206 Discharge of functions by local housing authorities.

(1) A local housing authority may discharge their housing functions under this Part only in the following ways—

(a) by securing that suitable accommodation provided by them is available,

(b) by securing that he obtains suitable accommodation from some other person, or

(c) by giving him such advice and assistance as will secure that suitable accommodation is available from some other person.

(2) A local housing authority may require a person in relation to whom they are discharging such functions—

(a) to pay such reasonable charges as they may determine in respect of accommodation which they secure for his occupation (either by making it available themselves or otherwise), or

(b) to pay such reasonable amount as they may determine in respect of sums payable by them for accommodation made available by another person.

Modifications etc. (not altering text)

C113 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

C114 S. 206 modified (*temp.*) (6.12.1999) by S.I. 1999/3126, **arts.4**, 7

F553207 Discharge of functions: provision of accommodation by the authority.

. . . . . .

Textual Amendments

F553 S. 207 repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

208 Discharge of functions: out-of-area placements.

(1) So far as reasonably practicable a local housing authority shall in discharging their housing functions under this Part secure that accommodation is available for the occupation of the applicant in their district.

(2) If they secure that accommodation is available for the occupation of the applicant outside their district, they shall give notice to the local housing authority in whose district the accommodation is situated.

(3) The notice shall state—

(a) the name of the applicant,

(b) the number and description of other persons who normally reside with him as a member of his family or might reasonably be expected to reside with him,

(c) the address of the accommodation,

(d) the date on which the accommodation was made available to him, and

(e) which function under this Part the authority was discharging in securing that the accommodation is available for his occupation.

(4) The notice must be in writing, and must be given before the end of the period of 14 days beginning with the day on which the accommodation was made available to the applicant.

Modifications etc. (not altering text)
C115 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**
C116 S. 208 modified (*temp.*) (6.12.1999) by S.I. 1999/3126, **arts.5**, 7

[F554 209 Discharge of interim duties: arrangements with private landlord

(1) This section applies where in pursuance of any of their housing functions under section 188, 190, 200 or 204(4) (interim duties) a local housing authority make arrangements with a private landlord to provide accommodation.

(2) A tenancy granted to the applicant in pursuance of the arrangements cannot be an assured tenancy before the end of the period of twelve months beginning with—

(a) the date on which the applicant was notified of the authority's decision under section 184(3) or 198(5); or

(b) if there is a review of that decision under section 202 or an appeal to the court under section 204, the date on which he is notified of the decision on review or the appeal is finally determined,

unless, before or during that period, the tenant is notified by the landlord (or in the case of joint landlords, at least one of them) that the tenancy is to be regarded as an assured shorthold tenancy or an assured tenancy other than an assured shorthold tenancy.**]**

Textual Amendments
F554 S. 209 substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 19** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

210 Suitability of accommodation.

(1) In determining for the purposes of this Part whether accommodation is suitable for a person, the local housing authority shall have regard to **[**F555 Parts 9 and 10 **]** of the Housing Act 1985 (slum clearance **[**F556 and overcrowding) and Parts 1 to 4 of the Housing Act 2004 **]** .

(2) The Secretary of State may by order specify—

(a) circumstances in which accommodation is or is not to be regarded as suitable for a person, and

(b) matters to be taken into account or disregarded in determining whether accommodation is suitable for a person.

Textual Amendments

F555 Words in s. 210 substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 43(a)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

F556 Words in s. 210 substituted (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 15 para. 43(b)**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)

Modifications etc. (not altering text)

C117 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

C118 S. 210 modified (*temp.*) (6.12.1999) by S.I. 1999/3126, **arts.6**, 7

Commencement Information

I44 S. 210 wholly in force 20.1.1997: s. 210 not in force at Royal Assent, see s. 232(1)-(3); s. 210(2) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 210 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

211 Protection of property of homeless persons and persons threatened with homelessness.

(1) This section applies where a local housing authority have reason to believe that—

(a) there is danger of loss of, or damage to, any personal property of an applicant by reason of his inability to protect it or deal with it, and

(b) no other suitable arrangements have been or are being made.

(2) If the authority have become subject to a duty towards the applicant under—

section 188 (interim duty to accommodate),

[F557section 189B (initial duty owed to all eligible persons who are homeless),**]**

section 190, 193 or 195 (duties to persons found to be homeless or threatened with homelessness), or

section 200 (duties to applicant whose case is considered for referral or referred),

then, whether or not they are still subject to such a duty, they shall take reasonable steps to prevent the loss of the property or prevent or mitigate damage to it.

(3) If they have not become subject to such a duty, they may take any steps they consider reasonable for that purpose.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The authority may decline to take action under this section except upon such conditions as they consider appropriate in the particular case, which may include conditions as to—

(a) the making and recovery by the authority of reasonable charges for the action taken, or

(b) the disposal by the authority, in such circumstances as may be specified, of property in relation to which they have taken action.

(5) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with him.

(6) Section 212 contains provisions supplementing this section.

Textual Amendments

F557 Words in s. 211(2) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 5(12)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

Modifications etc. (not altering text)

C119 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

212 Protection of property: supplementary provisions.

(1) The authority may for the purposes of section 211 (protection of property of homeless persons or persons threatened with homelessness)—

(a) enter, at all reasonable times, any premises which are the usual place of residence of the applicant or which were his last usual place of residence, and

(b) deal with any personal property of his in any way which is reasonably necessary, in particular by storing it or arranging for its storage.

(2) Where the applicant asks the authority to move his property to a particular location nominated by him, the authority—

(a) may, if it appears to them that his request is reasonable, discharge their responsibilities under section 211 by doing as he asks, and

(b) having done so, have no further duty or power to take action under that section in relation to that property.

If such a request is made, the authority shall before complying with it inform the applicant of the consequence of their doing so.

(3) If no such request is made (or, if made, is not acted upon) the authority cease to have any duty or power to take action under section 211 when, in their opinion, there is no longer any reason to believe that there is a danger of loss of or damage to a person's personal property by reason of his inability to protect it or deal with it.

But property stored by virtue of their having taken such action may be kept in store and any conditions upon which it was taken into store continue to have effect, with any necessary modifications.

(4) Where the authority—

(a) cease to be subject to a duty to take action under section 211 in respect of an applicant's property, or

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) cease to have power to take such action, having previously taken such action,

they shall notify the applicant of that fact and of the reason for it.

(5) The notification shall be given to the applicant—

(a) by delivering it to him, or

(b) by leaving it, or sending it to him, at his last known address.

(6) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with him.

Modifications etc. (not altering text)

C120 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

213 Co-operation between relevant housing authorities and bodies.

(1) Where a local housing authority **[**[F558]in England**]**—

(a) request another relevant housing authority or body, in England, Wales or Scotland, to assist them in the discharge of their functions under this Part, or

(b) request a social services authority, in England, Wales or Scotland, to exercise any of their functions in relation to a case which the local housing authority are dealing with under this Part,

the authority or body to whom the request is made shall co-operate in rendering such assistance in the discharge of the functions to which the request relates as is reasonable in the circumstances.

(2) In subsection (1)(a) "relevant housing authority or body" means—

(a) in relation to England and Wales, a local housing authority, a new town corporation, **[**[F559]a private registered provider of social housing**]** a registered social landlord or a housing action trust;

(b) in relation to Scotland, a local authority, a development corporation, a registered housing association or Scottish Homes.

Expressions used in paragraph (a) have the same meaning as in the [M90]Housing Act 1985; and expressions used in paragraph (b) have the same meaning as in the [M91]Housing (Scotland) Act 1987.

(3) Subsection (1) above applies to a request by a local authority in Scotland under section 38 of the Housing (Scotland) Act 1987 as it applies to a request by a local housing authority in England and Wales (the references to this Part being construed, in relation to such a request, as references to Part II of that Act).

Textual Amendments

F558 Words in s. 213(1) inserted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 14**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

F559 Words in s. 213(2)(a) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 103** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C121 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M90 1985 c. 68.

M91 1987 c. 26.

[F560 213A Co-operation in certain cases involving children

(1) This section applies where a local housing authority have reason to believe that an applicant with whom a person under the age of 18 normally resides, or might reasonably be expected to reside—

(a) may be ineligible for assistance; **[**F561 or**]**

(b) may be homeless and may have become so intentionally; F562...

F562(c) . . . . . .

(2) A local housing authority shall make arrangements for ensuring that, where this section applies—

(a) the applicant is invited to consent to the referral of the essential facts of his case to the social services authority for the district of the housing authority (where that is a different authority); and

(b) if the applicant has given that consent, the social services authority are made aware of those facts and of the subsequent decision of the housing authority in respect of his case.

(3) Where the local housing authority and the social services authority for a district are the same authority (a "unitary authority"), that authority shall make arrangements for ensuring that, where this section applies—

(a) the applicant is invited to consent to the referral to the social services department of the essential facts of his case; and

(b) if the applicant has given that consent, the social services department is made aware of those facts and of the subsequent decision of the authority in respect of his case.

(4) Nothing in subsection (2) or (3) affects any power apart from this section to disclose information relating to the applicant's case to the social services authority or to the social services department (as the case may be) without the consent of the applicant.

(5) Where a social services authority—

(a) are aware of a decision of a local housing authority that the applicant is ineligible for **[**F563 assistance or became homeless intentionally**]**, and

(b) request the local housing authority to provide them with advice and assistance in the exercise of their social services functions under Part 3 of the Children Act 1989 **[**F564 or Part 6 of the Social Services and Well-being (Wales) Act 2014**]**,

the local housing authority shall provide them with such advice and assistance as is reasonable in the circumstances.

(6) A unitary authority shall make arrangements for ensuring that, where they make a decision of a kind mentioned in subsection (5)(a), the housing department provide the social services department with such advice and assistance as the social services department may reasonably request.

(7) In this section, in relation to a unitary authority—

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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"the housing department" means those persons responsible for the exercise of their housing functions; and

"the social services department" means those persons responsible for the exercise of their social services functions under Part 3 of the Children Act 1989 **[**[F565]or Part 6 of the Social Services and Well-being (Wales) Act 2014**].]**

Textual Amendments

F560 S. 213A inserted (30.9.2002 for W. and 1.10.2002 for E.) by 2002 c. 7, **s. 12** (with s. 20(4)); S.I. 2002/1736, art. 2(1), **Sch. 1 Pt. 1**; S.I. 2002/1799, **art. 3**

F561 Word in s. 213A(1)(a) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 4(7)(a)(i)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F562 S. 213A(1)(c) omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(7)(a)(ii)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F563 Words in s. 213A(5)(a) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 4(7)(b)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F564 Words in s. 213A(5)(b) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **150(a)**

F565 Words in s. 213A(7) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **150(b)**

[[F566]213B Duty of public authority to refer cases in England to local housing authority

(1) This section applies if a specified public authority considers that a person in England in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness.

(2) The specified public authority must ask the person to agree to the authority notifying a local housing authority in England of—

(a) the opinion mentioned in subsection (1), and

(b) how the person may be contacted by the local housing authority.

(3) If the person—

(a) agrees to the specified public authority making the notification, and

(b) identifies a local housing authority in England to which the person would like the notification to be made,

the specified public authority must notify that local housing authority of the matters mentioned in subsection (2)(a) and (b).

(4) In this section "specified public authority" means a public authority specified, or of a description specified, in regulations made by the Secretary of State.

(5) In subsection (4) "public authority" means a person (other than a local housing authority) who has functions of a public nature.**]**

Textual Amendments

F566 S. 213B inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by Homelessness Reduction Act 2017 (c. 13), **ss. 10**, 13(3); S.I. 2018/167, regs. 2(c), 3(j)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

General provisions

214 False statements, withholding information and failure to disclose change of circumstances.

(1) It is an offence for a person, with intent to induce a local housing authority to believe in connection with the exercise of their functions under this Part that he or another person is entitled to accommodation or assistance in accordance with the provisions of this Part, or is entitled to accommodation or assistance of a particular description—

(a) knowingly or recklessly to make a statement which is false in a material particular, or

(b) knowingly to withhold information which the authority have reasonably required him to give in connection with the exercise of those functions.

(2) If before an applicant receives notification of the local housing authority's decision on his application there is any change of facts material to his case, he shall notify the authority as soon as possible.

The authority shall explain to every applicant, in ordinary language, the duty imposed on him by this subsection and the effect of subsection (3).

(3) A person who fails to comply with subsection (2) commits an offence unless he shows that he was not given the explanation required by that subsection or that he had some other reasonable excuse for non-compliance.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Modifications etc. (not altering text)
C122 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

[F567 214A Codes of practice

(1) The Secretary of State may from time to time issue one or more codes of practice dealing with the functions of a local housing authority in England relating to homelessness or the prevention of homelessness.

(2) The provision that may be made by a code of practice under this section includes, in particular, provision about—

(a) the exercise by a local housing authority of functions under this Part;

(b) the training of an authority's staff in relation to the exercise of those functions;

(c) the monitoring by an authority of the exercise of those functions.

(3) A code of practice may—

(a) apply to all local housing authorities or to the local housing authorities specified or described in the code;

(b) contain different provision for different kinds of local housing authority.

(4) The Secretary of State may issue a code of practice under this section only in accordance with subsections (5) and (6).

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(5) Before issuing the code of practice, the Secretary of State must lay a draft of the code before Parliament.

(6) If—

(a) the Secretary of State lays a draft of the code before Parliament, and

(b) no negative resolution is made within the 40-day period,

the Secretary of State may issue the code in the form of the draft.

(7) For the purposes of subsection (6)—

(a) a "negative resolution" means a resolution of either House of Parliament not to approve the draft of the code, and

(b) "the 40-day period" means the period of 40 days beginning with the day on which the draft of the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).

(8) In calculating the 40-day period, no account is to be taken of any period during which—

(a) Parliament is dissolved or prorogued, or

(b) both Houses are adjourned for more than four days.

(9) The Secretary of State may—

(a) from time to time revise and reissue a code of practice under this section;

(b) revoke a code of practice under this section.

(10) Subsections (4) to (6) do not apply to the reissue of a code of practice under this section.

(11) The Secretary of State must publish the current version of each code of practice under this section in whatever manner the Secretary of State thinks fit.

(12) A local housing authority must have regard to a code of practice under this section in exercising their functions.**]**

Textual Amendments

F567 S. 214A inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 11**, 13(3); S.I. 2018/167, reg. 3(k)

215 Regulations and orders.

(1) In this Part "prescribed" means prescribed by regulations of the Secretary of State.

(2) Regulations or an order under this Part may make different provision for different purposes, including different provision for different areas.

(3) Regulations or an order under this Part shall be made by statutory instrument.

(4) Unless required to be approved in draft, regulations or an order under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Modifications etc. (not altering text)
C123 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

216 Transitional and consequential matters.

(1) The provisions of this Part have effect in place of the provisions of Part III of the [M92]Housing Act 1985 (housing the homeless) and shall be construed as one with that Act.

(2) Subject to any transitional provision contained in an order under section 232(4) (power to include transitional provision in commencement order), the provisions of this Part do not apply in relation to an applicant whose application for accommodation or assistance in obtaining accommodation was made before the commencement of this Part.

(3) The enactments mentioned in Schedule 17 have effect with the amendments specified there which are consequential on the provisions of this Part.

Modifications etc. (not altering text)
C124 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2**

Marginal Citations
M92 1985 c. 68.

217 Minor definitions: Part VII.

(1) In this Part, subject to subsection (2)—

[[F568]"private landlord" means a landlord who is not within section 80(1) of the Housing Act 1985 (c. 68) (the landlord condition for secure tenancies);**]**

"relevant authority" means a local housing authority or a social services authority; and

"social services authority" means**[**[F569]—

(a) in relation to England**]** a local authority for the purposes of the [M93]Local Authority Social Services Act 1970, as defined in section 1 of that Act.

(b) **[**[F570]in relation to Wales, a local authority exercising social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014.**]**

(2) In this Part, in relation to Scotland—

(a) "local housing authority" means a local authority within the meaning of the [M94]Housing (Scotland) Act 1988, and

(b) "social services authority" means a local authority for the purposes of the [M95]Social Work (Scotland) Act 1968.

(3) References in this Part to the district of a local housing authority—

(a) have the same meaning in relation to an authority in England or Wales as in the Housing Act 1985, and

(b) in relation to an authority in Scotland, mean the area of the local authority concerned.

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Textual Amendments

F568 S. 217(1): definition inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 20** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F569 Words in s. 217 inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **151(a)**

F570 Words in s. 217 inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **151(b)**

Modifications etc. (not altering text)

C125 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Marginal Citations

M93 1970 c. 42.

M94 1988 c. 43.

M95 1968 c. 49.

218 Index of defined expressions: Part VII.

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

accommodation available for occupation	section 176
applicant	section 183(2)
assistance under this Part	section 183(2)
associated (in relation to a person)	section 178
assured tenancy and assured shorthold tenancy	section 230
district (of local housing authority)	section 217(3)
eligible for assistance	section 183(2)
homeless	section 175(1)
housing functions under this Part (in sections **[**F571206 and 208**]**)	section 205(2)
intentionally homeless	section 191
F572	F572
...	...
local connection	section 199
local housing authority— -in England and Wales -in Scotland	section 230 section 217(2)(a)
F573	F573
...	...
prescribed	section 215(1)

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priority need	section 189
[[F574]private landlord	section 217(1)**]**
reasonable to continue to occupy accommodation	section 177
registered social landlord	section 230
[[F575]restricted person	section 184(7)**]**
relevant authority	section 217(1)
social services authority	section 217(1) and (2)(b)
threatened with homelessness	section 175(4)

Textual Amendments

F571 S. 218: words in entry substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 21(a)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F572 Words in s. 218 omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 4(8)**, 13(3); S.I. 2018/167, reg. 3(d) (with reg. 4(1))

F573 S. 218: entry repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2**) (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F574 S. 218: entry inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 21(b)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F575 Words in s. 218 inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 8**; S.I. 2009/415, art. 2

Modifications etc. (not altering text)

C126 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

PART VIII

MISCELLANEOUS AND GENERAL PROVISIONS

Extent Information

E2 For extent of Part VIII, see s. 231(2)-(4)

Miscellaneous

[[F576]218AAnti-social behaviour: landlords' policies and procedures

(1) This section applies to the following landlords—

(a) a local housing authority;

(b) a housing action trust;

[[F577](ba) a non-profit registered provider of social housing;**]**

(c) a registered social landlord.

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(2) The landlord must prepare—

(a) a policy in relation to anti-social behaviour;

(b) procedures for dealing with occurrences of anti-social behaviour.

(3) The landlord must not later than 6 months after the commencement of section 12 of the Anti-social Behaviour Act 2003 publish a statement of the policy and procedures prepared under subsection (2).

(4) The landlord must from time to time keep the policy and procedures under review and, when it thinks appropriate, publish a revised statement.

(5) A copy of a statement published under subsection (3) or (4)—

(a) must be available for inspection at all reasonable hours at the landlord's principal office;

(b) must be provided on payment of a reasonable fee to any person who requests it.

(6) The landlord must also—

(a) prepare a summary of its current policy and procedures;

(b) provide without charge a copy of the summary to any person who requests it.

(7) In preparing and reviewing the policy and procedures the landlord must have regard to guidance issued—

(a) by the Secretary of State in the case of a local housing authority or a housing action trust;

[[F578](aa) by the Regulator of Social Housing in the case of a non-profit registered provider of social housing;**]**

(b) by the **[**[F579]Welsh Ministers**]** under section 36 in the case of a registered social landlord.

[[F580](8) Anti-social behaviour is—

(a) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or

(b) conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.**]**

[F581](9) . . . . . .**]**

Textual Amendments

F576 S. 218A inserted (30.6.2004 for E.) by Anti-social Behaviour Act 2003 (c. 38), **ss. 12(1)**, 93; S.I. 2004/1502, art. 2(a)(i)

F577 S. 218A(1)(ba) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 104(2)** (with art. 6, Sch. 3)

F578 S. 218A(7)(aa) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 104(3)(a)** (with art. 6, Sch. 3)

F579 Words in s. 218A(7)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 104(3)(b)** (with art. 6, Sch. 3)

F580 S. 218A(8) substituted for s. 218A(8)(8A) (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 23** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

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F581 S. 218A(9) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 104(4), **Sch. 4** (with art. 6, Sch. 3)

219 Directions as to certain charges by social landlords.

(1) The Secretary of State may give directions to social landlords about the making of service charges in respect of works of repair, maintenance or improvement—

(a) requiring or permitting the waiver or reduction of charges where relevant assistance is given by the Secretary of State, and

(b) permitting the waiver or reduction of charges in such other circumstances as may be specified in the directions.

(2) A direction shall not require the waiver or reduction of charges by reference to assistance for which application was made before the date on which the direction was given, but subject to that directions may relate to past charges or works to such extent as appears to the Secretary of State to be appropriate.

(3) Directions which require or permit the waiver or reduction of charges have corresponding effect—

(a) in relation to charges already demanded so as to require or permit the non-enforcement of the charges, and

(b) in relation to charges already paid so as to require or permit a refund.

(4) For the purposes of this section "social landlord" means—

(a) an authority or body within section 80(1) of the [M96]Housing Act 1985 (the landlord condition for secure tenancies), other than **[**[F582]the Homes and Communities Agency, **[**[F583]the Greater London Authority,**]** the Welsh Ministers and**]** a housing co-operative, [F584]...

[[F585](aa) a private registered provider of social housing, or**]**

(b) a registered social landlord.

[[F586](4A) A direction may be given to a social landlord which is a profit-making private registered provider of social housing only in relation to charges relating to its social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008).**]**

(5) In this section "assistance" means grant or other financial assistance of any kind; and directions may specify what assistance is relevant for the purposes of this section, and to what buildings or other land any assistance is to be regarded as relevant.

(6) The provisions of section 220 supplement this section.

Textual Amendments

F582 Words in s. 219(4)(a) inserted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 1(2), **Sch. 1 para. 46** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))

F583 Words in s. 219(4)(a) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 35**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

F584 Word in s. 219(4) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 105(2)(a), **Sch. 4** (with art. 6, Sch. 3)

F585 S. 219(4)(aa) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 105(2)(b)** (with art. 6, Sch. 3)

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F586 S. 219(4A) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 105(3)** (with art. 6, Sch. 3)

Marginal Citations

M96 1985 c. 68.

220 Directions as to certain charges: supplementary provisions.

(1) Directions under section 219 may make different provision for different cases or descriptions of case.

This includes power to make—

(a) different provision for different social landlords or descriptions of social landlords, and

(b) different provision for different areas.

(2) Directions under section 219 requiring the reduction of a service charge may specify the amount (or proportion) of the reduction or provide for its determination in such manner as may be specified.

(3) Directions under section 219 permitting the waiver or reduction of a service charge may specify criteria to which the social landlord is to have regard in deciding whether to do so or to what extent.

(4) The Secretary of State shall publish any direction under section 219 relating to all social landlords or any description of social landlords in such manner as he considers appropriate for bringing it to the notice of the landlords concerned.

(5) For the purposes of section 219 "service charge" means an amount payable by a lessee of a dwelling—

(a) which is payable, directly or indirectly, for repairs, maintenance or improvements, and

(b) the whole or part of which varies or may vary according to the relevant costs.

(6) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the social landlord, or a superior landlord, in connection with the matters for which the service charge is payable.

For this purpose costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.

(7) In this section—

"costs" includes overheads, and

"dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

[F587220A Provision of general advice etc about residential licences: England

(1) The Secretary of State may give financial assistance to any person in relation to the provision by that person of—

(a) information, training or general advice about any matter relating to residential licences in England, or

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(b) a dispute resolution service in connection with any matter relating to residential licences in England.

(2) Financial assistance under this section may be given in such form and on such terms as the Secretary of State considers appropriate.

(3) The terms on which financial assistance under this section may be given may, in particular, include provision as to the circumstances in which the assistance must be repaid or otherwise made good to the Secretary of State and the manner in which that is to be done.**]**

Textual Amendments

F587 S. 220A inserted (1.4.2015) by Deregulation Act 2015 (c. 20), **ss. 48**, 115(7); S.I. 2015/994, art. 2(a)

221 Exercise of compulsory purchase powers in relation to Crown land.

(1) This section applies to any power to acquire land compulsorily under—

(a) the Housing Act 1985,

(b) the [M97]Housing Associations Act 1985,

(c) Part III of the [M98]Housing Act 1988 (housing action trust areas), or

(d) Part VII of the [M99]Local Government and Housing Act 1989 (renewal areas).

(2) Any power to which this section applies may be exercised in relation to an interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown, but only with the consent of the appropriate authority.

(3) In this section "Crown land" means land in which there is a Crown interest or a Duchy interest.

For this purpose—

"Crown interest" means an interest belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department; and

"Duchy interest" means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall.

(4) For the purposes of this section "the appropriate authority", in relation to Crown land, is—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;

(b) in relation to any other land belonging to Her Majesty in right of the Crown, the government department having the management of that land;

(c) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(d) in relation to land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;

(e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Extent Information

E3 For extent of s. 221, see s. 231(2)(4)(a)

Marginal Citations

M97 1985 c. 69.
M98 1988 c. 50.
M99 1989 c. 42.

222 Miscellaneous minor amendments.

The enactments mentioned in Schedule 18 have effect with the amendments specified there, which are miscellaneous minor amendments relating to housing.

Part I relates to housing management.

Part II relates to housing finance.

Part III relates to orders in relation to property in family and matrimonial proceedings, &c.

Part IV relates to other housing provisions.

Commencement Information

I45 S. 222 wholly in force 1.10.1996: s. 222 in force for certain purposes at 24.9.1996, see s. 232(2) and S.I. 1996/2402, **art. 2**; s. 222 in force at 1.10.1996 in so far as not already in force by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.)

General

223 Offences by body corporate.

(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in such a capacity, he as well as the body corporate is guilty of an offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

224 The Common Council of the City of London.

(1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act which in their opinion may be better regulated and managed by means of a committee.

(2) A committee so appointed—

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) shall consist as to a majority of its members of members of the Common Council, and

(b) shall not be authorised to borrow money or to make a rate,

and shall be subject to any regulations and restrictions which may be imposed by the Common Council.

(3) A person is not, by reason only of the fact that he occupies a house at a rental from the Common Council, disqualified from being elected or being a member of that Council or any committee of that Council; but no person shall vote as a member of that Council, or any such committee, on a resolution or question which is proposed or arises in pursuance of this Act and relates to land in which he is beneficially interested.

(4) A person who votes in contravention of subsection (3) commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale; but the fact of his giving the vote does not invalidate any resolution or proceeding of the authority.

225 The Isles of Scilly.

(1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.

(2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

226 Corresponding provision for Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the [M100]Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of section 120 (payment of housing benefit to third parties)—

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M100 1974 c. 28.

227 Repeals.

The enactments specified in Schedule 19 are repealed to the extent specified.

Modifications etc. (not altering text)

C127 S. 227 restricted (22.8.1996) by S.I. 1996/2212, art. 2(2), **Sch. para 4**.

Commencement Information

I46 S. 227 partly in force (for certain purposes) at:
25.9.1996, see s. 232(2)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1.10.1996 by S.I. 1996/2212, **art. 2(2)**
24.9.1996 and 1.10.1996 by S.I. 1996/2402, **arts. 2**, 3 (with transitional provisions and savings in the Sch. to that S.I.)
20.1.1997 and 1.4.1997 by S.I. 1996/2959, **arts. 2**, 3
28.2.1997 by s.I 1997/225, art. 2
3.3.1997 by S.I. 1997/596, **art. 2**
1.4.1997 by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)
1.9.1997 by S.I. 1997/1851, **art. 2** (subject to the saving in Sch. para. 1 of that S.I.)

228 Financial provisions.

(1) There shall be paid out of money provided by Parliament—

(a) any expenses of the Secretary of State incurred in consequence of this Act, and

(b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

(2) There shall be paid out of the National Loans Fund any increase attributable to this Act in the sums so payable under any other enactment.

(3) Any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

229 Meaning of "lease" and "tenancy" and related expressions.

(1) In this Act "lease" and "tenancy" have the same meaning.

(2) Both expressions include—

(a) a sub-lease or a sub-tenancy, and

(b) an agreement for a lease or tenancy (or sub-lease or sub-tenancy).

(3) The expressions "lessor" and "lessee" and "landlord" and "tenant", and references to letting, to the grant of a lease or to covenants or terms, shall be construed accordingly.

230 Minor definitions: general.

In this Act—

"assured tenancy", "assured shorthold tenancy" and "assured agricultural occupancy" have the same meaning as in Part I of the [M101]Housing Act 1988;

"enactment" includes an enactment comprised in subordinate legislation (within the meaning of the [M102]Interpretation Act 1978);

"housing action trust" has the same meaning as in the Housing Act 1988;

"housing association" has the same meaning as in the [M103]Housing Associations Act 1985;

"introductory tenancy" and "introductory tenant" have the same meaning as in Chapter I of Part V of this Act;

"local housing authority" has the same meaning as in the [M104]Housing Act 1985;

"registered social landlord" has the same meaning as in Part I of this Act;

"secure tenancy" and "secure tenant" have the same meaning as in Part IV of the Housing Act 1985.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M101 1988 c. 50.
M102 1978 c. 30.
M103 1985 c. 69.
M104 1985 c. 68.

Final provisions

231 Extent.

(1) The provisions of this Act extend to England and Wales, and only to England and Wales, subject as follows.

(2) The following provisions also extend to Scotland—

Part IV (**[**F588universal credit,**]** housing benefit and related matters), and

the provisions of this Part so far as relating to Part IV.

(3) Section 226 (power to make corresponding provision for Northern Ireland) also extends to Northern Ireland.

(4) Any amendment or repeal by this Act of an enactment has the same extent as the enactment amended or repealed, except that—

(a) amendments or repeals of provisions of the Housing Associations Act 1985, other than in consequence of paragraph 1 of Schedule 18 to this Act (repeal of Part IV of the Housing Act 1988), do not extend to Scotland,

(b) amendments or repeals of provisions of the Housing Act 1988 relating to registered housing associations do not extend to Scotland,

(c) amendments or repeals of provisions of the M105Asylum and Immigration Appeals Act 1993 or the M106Asylum and Immigration Act 1996 do not extend to Scotland or Northern Ireland, and

(d) repeals of the following provisions do not extend to Scotland—

(i) section 24(5)(a) and (c) of the M107Local Government Act 1988,

(ii) section 182 of the M108Local Government and Housing Act 1989,

(iii) paragraph 21(3) of Schedule 6 to the M109Charities Act 1993, and

(iv) provisions in Schedule 26 to the M110Local Government, Planning and Land Act 1980.

(5) Any power conferred by this Act to make consequential amendments or repeals of enactments may be exercised in relation to enactments as they extend to any part of the United Kingdom.

Textual Amendments

F588 Words in s. 231(2) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **12(6)**

Marginal Citations

M105 1993 c. 23.
M106 1996 c. 49.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

M107 1988 c. 9.
M108 1989 c. 42.
M109 1993 c. 10.
M110 1980 c. 65.

232 Commencement.

(1) The following provisions of this Act come into force on Royal Assent—

section 110 (new leases: valuation principles),

section 120 (payment of housing benefit to third parties), and

sections 223 to 226 and 228 to 233 (general provisions).

(2) The following provisions of this Act come into force at the end of the period of two months beginning with the date on which this Act is passed—

sections 81 and 82 (restriction on termination of tenancy for failure to pay service charge),

section 85 (appointment of manager by the court),

section 94 (provision of general legal advice about residential tenancies),

section 95 (jurisdiction of county courts),

section 221 (exercise of compulsory purchase powers in relation to Crown land),

paragraph 24 (powers of local housing authorities to acquire land for housing purposes), paragraph 26 (preserved right to buy) and paragraphs 27 to 29 of Schedule 18 (local authority assistance in connection with mortgages), and

sections 222 and 227, and Schedule 19 (consequential repeals), in so far as they relate to those paragraphs.

(3) The other provisions of this Act come into force on a day appointed by order of the Secretary of State, and different days may be appointed for different areas and different purposes.

(4) An order under subsection (3) shall be made by statutory instrument and may contain such transitional provisions and savings as appear to the Secretary of State to be appropriate.

Subordinate Legislation Made

P1 S. 232(3)(4) power of appointment exercised for specified provisions as follows:
1.8.1996 appointed (30.7.1996) by S.I. 1996/2048, **arts. 2-4**
23.8.1996 and 1.10.1996 appointed (22.8.1996) by S.I. 1996/2212, **arts. 1**, 2
24.9.1996 and 1.10.1996 appointed (16.9.1996) by S.I. 1996/2402, **arts. 2-5**
23.10.1996 appointed (15.10.1996) by S.I. 1996/2658, **art. 2**
20.1.1997 and 1.4.1997 appointed (25.11.1996) by S.I. 1996/2959, **arts. 2**, 3
4.2.1997 appointed (14.1.1997) by S.I. 1997/66, **arts. 1**, 2
28.2.1997 appointed (28.1.1997) by S.I. 1997/225, **arts. 1**, 2
3.3.1997 appointed (13.2.1997) by S.I. 1997/350, **art. 2** and (26.2.1997) by S.I. 1997/596, **art. 2**
1.4.1997 and 1.4.1998 appointed (5.3.1997) by S.I. 1997/618, **arts. 2**, 3
1.9.1997 appointed (25.7.1997) by S.I. 1997/1851, **arts. 1**, 2
11.8.1998 appointed (21.7.1998) by S.I. 1998/1768, **art. 2**.
15.10.2001 appointed (12.9.2001) by S.I. 2001/3164, **art. 2**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

233 Short title.

This Act may be cited as the Housing Act 1996.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 7.

REGISTERED SOCIAL LANDLORDS: REGULATION

PART I

CONTROL OF PAYMENTS TO MEMBERS, &C

Payments by way of gift, dividend or bonus

1 (1) A registered social landlord shall not make a gift or pay a sum by way of dividend or bonus to—

(a) a person who is or has been a member of the body,

(b) a person who is a member of the family of a person within paragraph (a), or

(c) a company of which a person within paragraph (a) or (b) is a director,

except as permitted by this paragraph.

(2) The following are permitted—

(a) the payment of a sum which, in accordance with the constitution or rules of the body, is paid as interest on capital lent to the body or subscribed by way of shares in the body;

(b) the payment by a fully mutual housing association to a person who has ceased to be a member of the association of a sum which is due to him either under his tenancy agreement with the association or under the terms of the agreement under which he became a member of the association.

[F589(c) the payment of a sum, in accordance with the constitution or rules of the body, to a registered social landlord which is a subsidiary or associate of the body.**]**

(3) Where **[**F21a registered society**]** or **[**F590a company**]** pays a sum or makes a gift in contravention of this paragraph, the society or company may recover the sum or the value of the gift, and proceedings for its recovery shall be taken if the **[**F591Relevant Authority**]** so directs.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F589 Sch. 1 para. 1(2)(c) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 14**

F590 Words in Sch. 1 para. 1(3) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F591 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Payments and benefits to officers and employees, &c.

2 (1) A registered social landlord which is **[**F21a registered society**]** or **[**F592a company**]** shall not make a payment or grant a benefit to—

(a) an officer or employee of the society or company,

(b) a person who at any time within the preceding twelve months has been a person within paragraph (a),

(c) a close relative of a person within paragraph (a) or (b), or

(d) a business trading for profit of which a person falling within paragraph (a), (b) or (c) is a principal proprietor or in the management of which such a person is directly concerned,

except as permitted by this paragraph.

(2) The following are permitted—

(a) payments made or benefits granted to an officer or employee of the society or company under his contract of employment with the society or company;

(b) the payment of remuneration or expenses to an officer of the society or company who does not have a contract of employment with the society or company;

(c) any such payment as may be made in accordance with paragraph 1(2) (interest payable in accordance with the rules and certain sums payable by a fully mutual housing association to a person who has ceased to be a member);

(d) the grant or renewal of a tenancy by a co-operative housing association;

(e) where a tenancy of a house has been granted to, or to a close relative of, a person who later became an officer or employee, the grant to that tenant of a new tenancy whether of the same or another house;

(f) payments made or benefits granted in accordance with any determination made by the **[**F593Relevant Authority**]**.

(3) A determination for the purposes of sub-paragraph (2)(f) may specify the class or classes of case in which a payment may be made or benefit granted and specify the maximum amount.

(4) Where a society or company pays a sum or grants a benefit in contravention of this paragraph, the society or company may recover the sum or value of the benefit; and proceedings for its recovery shall be taken if the **[**F593Relevant Authority**]** so directs.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F592 Words in Sch. 1 para. 2(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)

F593 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I47 Sch. 1 para. 2 wholly in force at 1.10.1996; Sch. 1 para. 2 not in force at Royal Assent; Sch. 1 para. 2(2)(f) in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 3**; Sch. 1 para. 2 in force at 1.10.1996 to the extent that it is not already in force by S.I. 1996/2404, **art. 3** (subject to the transitional provisions and savings in the Sch. of that S.I.)

Maximum amounts payable by way of fees, expenses, &c.

3 (1) The **[**F594Relevant Authority**]** may from time to time specify the maximum amounts which may be paid by a registered social landlord which is **[**F21a registered society**]** or **[**F595a company**]** —

(a) by way of fees or other remuneration, or by way of expenses, to a member of the society or company who is not an officer or employee of the society or company, or

(b) by way of remuneration or expenses to an officer of the society or company who does not have a contract of employment with the society or company.

(2) Different amounts may be so specified for different purposes.

(3) Where a society or company makes a payment in excess of the maximum permitted under this paragraph, the society or company may recover the excess, and proceedings for its recovery shall be taken if the **[**F594Relevant Authority**]** so directs.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F594 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F595 Words in Sch. 1 para. 3(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)

Commencement Information

I48 Sch. 1 para. 3 wholly in force 1.10.1996; Sch. 1 para. 3 not in force at Royal Assent see s. 232(3); Sch. 1 para. 3(1)(2) in force at 1.8.1996 by 1996/2048, art. 2(1); Sch. 1 para. 3 in force at 1.10.1996 to the extent it is not already in force, by S.I. 1996/2402, **art. 3** (subject to the transitional provisions in the Sch. to that S.I.)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART II

CONSTITUTION, CHANGE OF RULES, AMALGAMATION AND DISSOLUTION

General power to remove [F596officer]

Textual Amendments

F596 Words in Sch. 1 para. 4 heading substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 84(2)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

4 (1) The **[**F597Relevant Authority**]** may, in accordance with the following provisions, by order remove **[**F598 an officer of a registered social landlord**]** —

F599(a) . . . . . .

F599(b) . . . . . .

F599(c) . . . . . .

(2) The **[**F597Relevant Authority**]** may make an order removing any such person if—

(a) he has been **[**F600made**]** bankrupt or **[**F601a debt relief order (under Part 7A of the Insolvency Act 1986) has been made in respect of him, or he**]** has made an arrangement with his creditors;

[F602(b) he is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002;**]**

(c) he is subject to an order under section 429(2) of the M111Insolvency Act 1986 (failure to pay under county court administration order);

(d) he is disqualified under **[**F603section 178 of the Charities Act 2011**]** from being a charity trustee;

(e) he is incapable of acting by reason of mental disorder;

(f) he has not acted; or

(g) he cannot be found or does not act and his absence or failure to act is impeding the **[**F604registered social landlord's compliance with a requirement imposed by or under an enactment**]**.

(3) Before making an order the **[**F597Relevant Authority**]** shall give at least 14 days' notice of its intention to do so to the person whom it intends to remove, and to the registered social landlord.

(4) That notice may be given by post, and if so given to the person whom the **[**F597Relevant Authority**]** intend to remove may be addressed to his last known address in the United Kingdom.

(5) A person who is ordered to be removed under this paragraph may appeal against the order to the High Court.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F597 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.

F598 Words in Sch. 1 para. 4(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 84(3)(a)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F599 Sch. 1 para. 4(1)(a)-(c) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), **ss. 84(3)(b)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F600 Word in Sch. 1 para. 4(2)(a) substituted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 18**

F601 Words in Sch. 1 para. 4(2)(a) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 36** (with art. 5)

F602 Sch. 1 para. 4(2)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(b)** (with art. 10)

F603 Words in Sch. 1 para. 4(2)(d) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 72(2)** (with s. 20(2), Sch. 8)

F604 Words in Sch. 1 para. 4(2)(g) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 6(2)**, 19(2); S.I. 2018/777, art. 3(b)

Marginal Citations

M111 1986 c. 45.

Restriction on power of removal in case of registered charity

5 (1) The **[**F605Relevant Authority**]** may make an order under paragraph 4 removing **[**F606an officer**]** of a registered charity only if the charity has **[**F607 received public assistance**]**F608...

F609(2) . . . . . .

Textual Amendments

F605 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F606 Words in Sch. 1 para. 5(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 84(4)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F607 Words in Sch. 1 para. 5(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 13(a)(i)**; S.I. 2011/2475, arts. 1(2), 2(v)

F608 Words in Sch. 1 para. 5(1) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 13(a)(ii)**; S.I. 2011/2475, arts. 1(2), 2(v)

F609 Sch. 1 para. 5(2) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 13(b)**; S.I. 2011/2475, arts. 1(2), 2(v)

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Registered charity: power to appoint new ***[****F610****officer]***

Textual Amendments

F610 Words in Sch. 1 para. 6 cross-heading substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(2)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

6 (1) The **[**F611Relevant Authority**]** may by order appoint a person to be a **[**F612officer**]** of a registered social landlord which is a registered charity—

(a) in place of a person removed by the **[**F611Relevant Authority**]**,

(b) where there are **[**F613no officers**]**, or

(c) where the **[**F611Relevant Authority**]** is of the opinion that it is necessary **[**F614to have an additional officer in order to ensure that the company complies with a requirement imposed by or under an enactment**]**.

The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of **[**F615officers**]** permissible under the charity's constitution to be exceeded.

(2) The **[**F611Relevant Authority**]** shall only exercise its power under sub-paragraph (1) if—

(a) the charity has, at any time before the power is exercised, received **[**F616public assistance**]**, and

(b) the **[**F611Relevant Authority**]** has consulted the **[**F617Charity Commission**]**.

(3) A person may be so appointed notwithstanding any restrictions on appointment in the charity's constitution or rules.

(4) A person appointed under this paragraph shall hold office for such period and on such terms as the **[**F611Relevant Authority**]** may specify; and on the expiry of the appointment the **[**F611Relevant Authority**]** may renew the appointment for such period as it may specify.

This does not prevent a person appointed under this paragraph from retiring in accordance with the charity's constitution or rules.

(5) A person appointed under this paragraph as **[**F618an officer**]** of a registered charity is entitled—

(a) to attend, speak and vote at any general meeting of the charity and to receive all notices of and other communications relating to any such meeting which a member is entitled to receive,

(b) to move a resolution at any general meeting of the charity, and

(c) to require a general meeting of the charity to be convened within 21 days of a request to that effect made in writing to the directors or trustees.

Textual Amendments

F611 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

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F612 Words in Sch. 1 para. 6(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(a)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F613 Words in Sch. 1 para. 6(1)(b) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(b)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F614 Words in Sch. 1 para. 6(1)(c) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 6(3)**, 19(2); S.I. 2018/777, art. 3(b)

F615 Words in Sch. 1 para. 6(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(d)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F616 Words in Sch. 1 para. 6(2)(a) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 14**; S.I. 2011/2475, arts. 1(2), 2(v)

F617 Words in Sch. 1 para. 6(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(2)**; S.I. 2007/309, art. 2, Sch.

F618 Words in Sch. 1 para. 6(5) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(e)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

Company: power to appoint new ***[****F619****officer]***

Textual Amendments

F619 Word in Sch. 1 para. 7 cross-heading substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(4)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

7 (1) The **[**F620Relevant Authority**]** may by order appoint a person to be **[**F621an officer**]** of a registered social landlord which is **[**F622a company**]** —

(a) in place of **[**F621an officer**]** removed by the **[**F620Relevant Authority**]**,

(b) where there are **[**F623no officers**]**, or

(c) where the **[**F620Relevant Authority**]** is of the opinion that it is necessary **[**F624to have an additional officer in order to ensure that the company complies with a requirement imposed by or under an enactment**]**.

(2) A person may be so appointed whether or not he is a member of the company and notwithstanding anything in the company's articles of association.

(3) Where a person is appointed under this paragraph—

(a) he shall hold office for such period and on such terms as the **[**F620Relevant Authority**]** may specify, and

(b) on the expiry of the appointment the **[**F620Relevant Authority**]** may renew the appointment for such period as it may specify.

This does not prevent a person from retiring in accordance with the company's articles of association.

[F625(4) A person appointed under this paragraph is entitled—

(a) to receive all such communications relating to a written resolution proposed to be agreed to by the company as are required to be supplied to a member of the company;

(b) to receive all notices of, and other communications relating to, any general meeting which a member of the company is entitled to receive, and to attend, speak and vote at any such meeting;

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(c) to move a resolution at any general meeting of the company; and

(d) to require a general meeting of the company to be convened within 21 days of a request to that effect made in writing to the directors of the company.**]**

Textual Amendments

F620 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F621 Words in Sch. 1 para. 7(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(5)(a)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F622 Words in Sch. 1 para. 7(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)

F623 Words in Sch. 1 para. 7(1)(b) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(5)(b)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F624 Words in Sch. 1 para. 7(1)(c) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 6(4)**, 19(2); S.I. 2018/777, art. 3(b)

F625 Sch. 1 para. 7(4) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3)(a), **Sch. 4 para. 88(2)** (with art. 12)

[F626 Registered society]: power to appoint [F627 officer]

Textual Amendments

F626 Words in Sch. 1 para. 8 heading substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(2)** (with Sch. 5)

F627 Words in Sch. 1 para. 8 cross-heading substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(6)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

8 (1) The **[**F628Relevant Authority**]** may by order appoint a person to be **[**F629an officer**]** of a registered social landlord which is **[**F21a registered society**]** —

(a) in place of a person removed by the **[**F628Relevant Authority**]**,

(b) where there are **[**F630no officers**]**, or

(c) where the **[**F628Relevant Authority**]** is of the opinion that it is necessary **[**F631to have an additional officer in order to ensure that the society complies with a requirement imposed by or under an enactment**]**.

The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of **[**F632officers**]** permissible under the society's constitution to be exceeded.

(2) A person may be so appointed whether or not he is a member of the society and, if he is not, notwithstanding that the rules of the society restrict appointment to members.

(3) A person appointed under this paragraph shall hold office for such period and on such terms as the **[**F628Relevant Authority**]** may specify; and on the expiry of the

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appointment the **[**F628Relevant Authority**]** may renew the appointment for such period as it may specify.

This does not prevent a person appointed under this paragraph from retiring in accordance with the rules of the society.

(4) A person appointed under this paragraph is entitled—

(a) to attend, speak and vote at any general meeting of the society and to receive all notices of and other communications relating to any general meeting which a member of the society is entitled to receive,

(b) to move a resolution at any general meeting of the society, and

(c) to require a general meeting of the society to be convened within 21 days of a request to that effect made in writing to the committee of the society.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F628 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F629 Words in Sch. 1 para. 8(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(7)(a)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F630 Words in Sch. 1 para. 8(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(7)(d)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

F631 Words in Sch. 1 para. 8(1)(c) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 6(5)**, 19(2); S.I. 2018/777, art. 3(b)

F632 Words in Sch. 1 para. 8(1)(b) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(7)(b)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

Change of rules, &c. by ***[****F633****registered society****]***

Textual Amendments

F633 Words in Sch. 1 para. 9 heading substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(3)** (with Sch. 5)

9 (1) This paragraph applies to **[**F21a registered society**]** whose registration as a social landlord has been recorded by the **[**F634Financial Conduct Authority**]**.

[F635(2) The registered society must notify the Welsh Ministers of any amendment to its rules (including a change in its registered office or name).

(3) The reference in sub-paragraph (2) to an amendment to the rules of a society is to be interpreted in accordance with section 149 of the Co-operative and Community Benefit Societies Act 2014 (c. 14).**]**

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

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F634 Words in Sch. 1 para. 9 substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(f)** (with Sch. 12)

F635 Sch. 1 para. 9(2)(3) substituted for Sch. 1 para. 9(2)-(5) (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 3(2)**, 19(2); S.I. 2018/777, art. 3(a)

Change of objects by certain charities

10 (1) This paragraph applies to a registered social landlord—

(a) which is a registered charity and is not **[**F636a company**]** , and

(b) whose registration under this Part of this Act has been recorded by the **[**F637Charity Commission**]** in accordance with section 3(3).

(2) No power contained in the provisions establishing the registered social landlord as a charity, or regulating its purposes or administration, to vary or add to its objects may be exercised without the consent of the **[**F637Charity Commission**]** .

Before giving **[**F638its**]** consent the **[**F637Charity Commission**]** shall consult the **[**F639Relevant Authority**]**.

Textual Amendments

F636 Words in Sch. 1 para. 10(1)(a) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(c)** (with art. 10)

F637 Words in Sch. 1 para. 10(1)(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(3)(a)**; S.I. 2007/309, art. 2, Sch.

F638 Word in Sch. 1 para. 10(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(3)(b)**; S.I. 2007/309, art. 2, Sch.

F639 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

*Change of **[**F640articles**]** of company*

Textual Amendments

F640 Word in Sch. 1 para. 11 heading substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(d)(i)** (with art. 10)

11 (1) This paragraph applies to **[**F641a company (including a company that is a registered charity)**]** whose registration as a social landlord has been recorded by the registrar of companies.

[F642(2) The company must notify the Welsh Ministers of any change to—

(a) its name;

(b) the address of its registered office;

(c) its articles of association.**]**

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Textual Amendments

F641 Words in Sch. 1 para. 11(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(d)(ii)** (with art. 10)

F642 Sch. 1 para. 11(2) substituted for Sch. 1 para. 11(2)-(4) (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 3(3)**, 19(2); S.I. 2018/777, art. 3(a)

Amalgamation and dissolution &c. of ***[****F643* *registered society****]***

Textual Amendments

F643 Words in Sch. 1 para. 12 heading substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(5)** (with Sch. 5)

12 (1) This paragraph applies to **[**F21a registered society**]** whose registration as a social landlord has been recorded by the **[**F644Financial Conduct Authority**]**.

(2) **[**F645The society must notify the Welsh Ministers of a special resolution which it has**]** passed for the purposes of—

[F646(a) section 109 of the Co-operative and Community Benefit Societies Act 2014 ("the 2014 Act") (amalgamation of societies),

(b) section 110 of that Act (transfer of engagements between societies), or

(c) section 112 of that Act (conversion of society into a company etc),**]**

F647…

[F648(2A) On giving notification under sub-paragraph (2), a society must also provide the Welsh Ministers with a statement about the consultation carried out by the society with its tenants before passing the resolution to which the notification relates.

(2B) But the requirement in sub-paragraph (2A) does not apply in respect of a resolution passed for the purposes of paragraph (a) of section 112(1) of the 2014 Act (conversion of society into a company).**]**

(3) Any new body created by the amalgamation or conversion or, in the case of a transfer of engagements, the transferee, shall be deemed to be registered as a social landlord forthwith upon the amalgamation, conversion or transfer taking effect.

(4) If the society resolves by special resolution that it be wound up voluntarily under the M112Insolvency Act 1986, **[**F649the society must notify the Welsh Ministers of the resolution.**]**

[F650(5) If an instrument of dissolution is approved in accordance with section 119(3) of the 2014 Act (dissolution of society by instrument), the society to which the instrument relates must notify the Welsh Ministers of the approval.**]**

F651(6) . . . . . .

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Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F644 Words in Sch. 1 para. 12 substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(f)** (with Sch. 12)

F645 Words in Sch. 1 para. 12(2) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(2)(a)**, 19(2); S.I. 2018/777, art. 3(a)

F646 Sch. 1 para. 12(2)(a)-(c) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(6)(a)** (with Sch. 5)

F647 Words in Sch. 1 para. 12(2) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(2)(b)**, 19(2); S.I. 2018/777, art. 3(a)

F648 Sch. 1 para. 12(2A)(2B) inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(3)**, 19(2); S.I. 2018/777, art. 3(a)

F649 Words in Sch. 1 para. 12(4) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(4)**, 19(2); S.I. 2018/777, art. 3(a)

F650 Sch. 1 para. 12(5) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(5)**, 19(2); S.I. 2018/777, art. 3(a)

F651 Sch. 1 para. 12(6) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(6)**, 19(2); S.I. 2018/777, art. 3(a)

Marginal Citations

M112 1986 c. 45.

Arrangement, reconstruction, &c. of company

13 (1) This paragraph applies to **[**[F652]a company**]** whose registration as a social landlord has been recorded by the registrar of companies.

[[F653](2) If a court makes an order under section 899 of the Companies Act 2006 (sanction of compromise or arrangement with creditors or members) in relation to the company, the company must notify the Welsh Ministers of the order.

(3) If a court makes an order under section 900 of the Companies Act 2006 (powers of court to facilitate reconstruction or amalgamation) in relation to the company, the company must notify the Welsh Ministers of the order.

[[F654](3A) If a court makes an order under section 901F of the Companies Act 2006 (sanction of compromise or arrangement with creditors or members) in relation to the company, the company must notify the Welsh Ministers of the order.

(3B) If a court makes an order under section 901J of the Companies Act 2006 (powers of court to facilitate reconstruction or amalgamation) in relation to the company, the company must notify the Welsh Ministers of the order.**]**

(4) If the company passes a resolution under section 115 of the Co-operative and Community Benefit Societies Act 2014 (conversion of company into registered society), the company must notify the Welsh Ministers of the resolution.

(5) If a voluntary arrangement is proposed under Part 1 of the Insolvency Act 1986 in relation to a company, the company must notify the Welsh Ministers of the proposal.**]**

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(6) If the company resolves by special resolution that it be wound up voluntarily under the Insolvency Act 1986, **[**F655the company must notify the Welsh Ministers of the resolution.**]**

F656(7) . . . . . .

(8) Where sub-paragraph (3)**[**F657, (3B)**]** or (4) applies, the transferee or, as the case may be, any new body created by the conversion shall be deemed to be registered as a social landlord forthwith upon the transfer or conversion taking effect.

Textual Amendments

F652 Words in Sch. 1 para. 13(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)

F653 Sch. 1 para. 13(2)-(5) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(7)**, 19(2); S.I. 2018/777, art. 3(a)

F654 Sch. 1 para. 13(3A)(3B) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 16(2)** (with ss. 2(2), 5(2))

F655 Words in Sch. 1 para. 13(6) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(8)**, 19(2); S.I. 2018/777, art. 3(a)

F656 Sch. 1 para. 13(7) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(9)**, 19(2); S.I. 2018/777, art. 3(a)

F657 Word in Sch. 1 para. 13(8) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 16(3)** (with ss. 2(2), 5(2))

[F658Directions to registered social landlords about notifications

Textual Amendments

F658 Sch. 1 para. 13A and cross-heading inserted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 5**, 19(2); S.I. 2018/777, art. 3(a)

13A (1) The Welsh Ministers may give directions to registered social landlords about—

(a) the delivery, form and content of a notification given to the Welsh Ministers under paragraph 9, 11, 12 or 13;

(b) the deadline for giving a notification referred to in paragraph (a).

(2) The Welsh Ministers may give directions to registered social landlords dispensing with a requirement to give a notification referred to in sub-paragraph (1)(a).

(3) A direction under this paragraph may be given generally in respect of all registered social landlords, or in respect of a particular registered social landlord or a particular type of registered social landlord, and may make provision about notifications generally, or about particular notifications or types of notification.

(4) A direction may vary or revoke a previous direction under this paragraph.

(5) A registered social landlord must comply with a direction under this paragraph.**]**

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[F659Relevant Authority's] power to petition for winding up

Textual Amendments

F659 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F660 14 . . . . . .

Textual Amendments

F660 Sch. 1 para. 14 omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 4(10)**, 19(2); S.I. 2018/777, art. 3(a)

Transfer of net assets on dissolution or winding up

15 (1) This paragraph applies—

(a) where a registered social landlord which is **[**F21a registered society**]** is dissolved as mentioned in **[**F661section 119 or 123 of the Co-operative and Community Benefit Societies Act 2014 (dissolution by instrument of dissolution or by winding up)**]**, and

(b) where a registered social landlord which is **[**F662a company (including a company that is a registered charity)**]** is wound up under the Insolvency Act 1986.

(2) On such a dissolution or winding-up, so much of the property of the society or company as remains after meeting the claims of its creditors and any other liabilities arising on or before the dissolution or winding-up shall be transferred to the **[**F663Relevant Authority**]** or, if the **[**F663Relevant Authority**]** so directs, to a specified registered social landlord.

The above provision has effect notwithstanding anything in **[**F664the Co-operative and Community Benefit Societies Act 2014**]**, **[**F665the Companies Act 2006**]** or the Insolvency Act 1986, or in the rules of the society or, as the case may be, in the **[**F665articles**]** of the company.

(3) In order to avoid the necessity for the sale of land belonging to the registered social landlord and thereby secure the transfer of the land under this paragraph, the **[**F663Relevant Authority**]** may, if it appears to it appropriate to do so, make payments to discharge such claims or liabilities as are referred to in sub-paragraph (2).

(4) Where the registered social landlord which is dissolved or wound up is a charity, the **[**F663Relevant Authority**]** may dispose of property transferred to it by virtue of this paragraph only to another registered social landlord—

(a) which is also a charity, and

(b) the objects of which appear to the **[**F663Relevant Authority**]** to be, as nearly as practicable, akin to those of the body which is dissolved or wound up.

[F666(5) In any other case the Welsh Ministers may dispose of property transferred to them by virtue of this paragraph to a registered social landlord.**]**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) Where property transferred to the **[**F663Relevant Authority**]** by virtue of this paragraph includes land subject to an existing mortgage or charge (whether in favour of the **[**F663Relevant Authority**]** or not), the **[**F663Relevant Authority**]** may, in exercise of its powers under Part III of the M113Housing Associations Act 1985, dispose of the land either—

(a) subject to that mortgage or charge, or

(b) subject to a new mortgage or charge in favour of the **[**F663Relevant Authority**]** securing such amount as appears to the **[**F663Relevant Authority**]** to be appropriate in the circumstances.

Textual Amendments

F21 Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 56** (with Sch. 5)

F661 Words in Sch. 1 para. 15(1)(a) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(9)(a)** (with Sch. 5)

F662 Words in Sch. 1 para. 15(1)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(g)(ii)** (with art. 10)

F663 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F664 Words in Sch. 1 para. 15(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(9)(b)** (with Sch. 5)

F665 Word in Sch. 1 para. 15(2) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(g)(iii)** (with art. 10)

F666 Sch. 1 para. 15(5) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 106(6)** (with art. 6, Sch. 3)

Marginal Citations

M113 1985 c. 69.

[**F667 Transfer of net assets on termination of charity not within paragraph 15(1)

Textual Amendments

F667 Sch. 1 para. 15A and preceding cross-heading inserted (18.11.2004 for specified purposes) by Housing Act 2004 (c. 34), s. 270(2)(b), **Sch. 11 para. 16**

15A (1) The **[**F668 Welsh Ministers**]** may by regulations provide for any provisions of paragraph 15(2) to (6) to apply in relation to a registered social landlord within sub-paragraph (2)—

(a) in such circumstances, and

(b) with such modifications,

as may be specified in the regulations.

(2) A registered social landlord is within this sub-paragraph if—

(a) it is a registered charity, and

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) it does not fall within sub-paragraph (1) of paragraph 15.

(3) Regulations under this paragraph may in particular provide that any provision of the regulations requiring the transfer of any property of the charity is to have effect notwithstanding—

(a) anything in the terms of its trusts, or

(b) any resolution, order or other thing done for the purposes of, or in connection with, the termination of the charity in any manner specified in the regulations.

(4) Any regulations under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of **[**F669the National Assembly for Wales**]** .**]**

Textual Amendments

F668 Words in Sch. 1 para. 15A(1) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F669 Words in Sch. 1 para. 15A(4) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 63**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

*I*F670*Management etc*

Textual Amendments

F670 Sch. 1 para. 15B and cross-heading inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 72**, 90(2); S.I. 2011/2475, arts. 1(2), 2(o), 3(h)

Management tender

15B (1) This paragraph applies if the Welsh Ministers are satisfied **[**F671that a registered social landlord has failed to comply with a requirement imposed by or under an enactment.**]**

(2) But this paragraph does not apply **[**F672if the failure**]** relates only to the registered social landlord's provision of housing in England.

(3) The Welsh Ministers may require the registered social landlord to implement a process specified by them for the purpose of—

(a) inviting persons to apply to undertake management functions of the registered social landlord, and

(b) selecting from the applications and making an appointment.

(4) A requirement may relate to—

(a) the registered social landlord's affairs generally, or

(b) specified affairs.

(5) A requirement must include—

(a) provision about the constitution of a selection panel (which must include provision for ensuring representation of tenants' interests),

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(b) provision for ensuring best procurement practice (and consistent with any applicable procurement law), and

(c) provision about the terms and conditions on which the manager is to be appointed (including provision about—

(i) setting, monitoring and enforcing performance standards, and

(ii) resources).**]**

Textual Amendments

F671 Words in Sch. 1 para. 15B(1) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 7(2)**, 19(2); S.I. 2018/777, art. 3(b)

F672 Words in Sch. 1 para. 15B(2) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 7(3)**, 19(2); S.I. 2018/777, art. 3(b)

Management tender: supplemental

[F673 15C (1) Before acting under paragraph 15B(3) the Welsh Ministers must give the registered social landlord a notice—

(a) specifying grounds on which action might be taken under that paragraph,

(b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and

(c) explaining the effect of this paragraph.

(2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.

(3) The period must—

(a) be a period of at least 28 days, and

(b) begin with the date on which the registered social landlord receives the notice.

(4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).

(5) A notice under sub-paragraph (1) must—

(a) refer to section 6A, and

(b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15B(3).

(6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following—

(a) sections 50K and 50S,

(b) paragraphs 15E and 15G.

(7) In imposing a requirement the Welsh Ministers must have regard to views of—

(a) relevant tenants,

(b) the registered social landlord, and

(c) if they think it appropriate, any relevant local housing authority.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
***Changes to legislation:** Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15B(3).**]**

Textual Amendments

F673 Sch. 1 para. 15C inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 73**, 90(2); S.I. 2011/2475, arts. 1(2), 2(p)

Management transfer

[[F674]15D(1) This paragraph applies if, as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied **[**[F675]that a registered social landlord has failed to comply with a requirement imposed by or under an enactment.**]**

[[F676](2) But this paragraph does not apply if the failure relates only to the registered social landlord's provision of housing in England.**]**

(3) The Welsh Ministers may require the registered social landlord to transfer management functions to a specified person.

(4) A requirement may relate to—

(a) the registered social landlord's affairs generally, or

(b) specified affairs.

(5) Transfer is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the requirement.

(6) A transferee manager is to have—

(a) any power specified in the requirement, and

(b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord).**]**

Textual Amendments

F674 Sch. 1 para. 15D inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 74**, 90(2); S.I. 2011/2475, arts. 1(2), 2(p)

F675 Words in Sch. 1 para. 15D(1) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 7(4)**, 19(2); S.I. 2018/777, art. 3(b)

F676 Sch. 1 para. 15D(2) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 7(5)**, 19(2); S.I. 2018/777, art. 3(b)

Management transfer: supplemental

[[F677]15E(1) Before acting under paragraph 15D(3) the Welsh Ministers must give the registered social landlord a notice—

(a) specifying grounds on which action might be taken under that paragraph,

(b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and

(c) explaining the effect of this paragraph.

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(2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.

(3) The period must—

(a) be a period of at least 28 days, and

(b) begin with the date on which the registered social landlord receives the notice.

(4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).

(5) A notice under sub-paragraph (1) must—

(a) refer to section 6A, and

(b) indicate whether or to what extent the social landlord would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15D(3).

(6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following—

(a) sections 50K and 50S,

(b) paragraphs 15C and 15G.

(7) In imposing a requirement the Welsh Ministers must have regard to views of—

(a) relevant tenants,

(b) the registered social landlord, and

(c) if they think it appropriate, any relevant local housing authority.

(8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15D(3).**]**

Textual Amendments

F677 Sch. 1 para. 15E inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 75**, 90(2); S.I. 2011/2475, arts. 1(2), 2(p)

Appointment of manager of registered social landlord

[[F678]15F1) This paragraph applies if the Welsh Ministers are satisfied **[**[F679]that a registered social landlord has failed to comply with a requirement imposed by or under an enactment.**]**

(2) But this paragraph does not apply **[**[F680]if the failure**]** relates only to the registered social landlord's provision of housing in England.

(3) The Welsh Ministers may—

(a) appoint an individual as a manager of the registered social landlord, or

(b) require the registered social landlord to appoint an individual as a manager.

(4) An appointment or requirement may relate to the management of —

(a) the registered social landlord's affairs generally, or

(b) specified affairs.

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(5) Appointment is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the appointment or requirement.

(6) A manager is to have—

(a) any power specified in the appointment or requirement, and

(b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment or requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord).**]**

Textual Amendments

F678 Sch. 1 para. 15F inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by Housing (Wales) Measure 2011 (nawm 5), **ss. 76**, 90(2); S.I. 2011/2475, arts. 1(2), 2(q), 3(i)

F679 Words in Sch. 1 para. 15F(1) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 8(2)**, 19(2); S.I. 2018/777, art. 3(b)

F680 Words in Sch. 1 para. 15F(2) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 8(3)**, 19(2); S.I. 2018/777, art. 3(b)

Appointment of manager: supplemental

[[F681]15G(1) Before acting under paragraph 15F(3) the Welsh Ministers must give the registered social landlord a notice—

(a) specifying grounds on which action might be taken under that paragraph,

(b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and

(c) explaining the effect of this paragraph.

(2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.

(3) The period must—

(a) be a period of at least 28 days, and

(b) begin with the date on which the registered social landlord receives the notice.

(4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).

(5) A notice under sub-paragraph (1) must—

(a) refer to section 6A, and

(b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15F(3).

(6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following—

(a) sections 50K and 50S,

(b) paragraphs 15C and 15E.

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(7) The Welsh Ministers may require a manager to report to them on the affairs specified in the appointment or requirement under paragraph 15F(3).

(8) A registered social landlord may appeal to the High Court against an appointment or requirement under paragraph 15F(3).**]**

Textual Amendments

F681 Sch. 1 para. 15G inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 77**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

Amalgamation

[[F682]15H(1) This paragraph applies if as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied **[**[F683]that a registered social landlord which is a registered society has failed to comply with a requirement imposed by or under an enactment.**]**

[[F684](2) But this paragraph does not apply if the failure relates only to the registered social landlord's provision of housing in England.**]**

(3) The Welsh Ministers may make and execute on behalf of the society an instrument providing for the amalgamation of the society with **[**[F685]another registered society**]**.

(4) An instrument providing for the amalgamation of a society ("S1") with another has the same effect as a special resolution by S1 under **[**[F686]section 109 of the Co-operative and Community Benefit Societies Act 2014**]** (amalgamation of societies by special resolution).

(5) A copy of an instrument must be sent to and registered by the **[**[F687]Financial Conduct Authority**]**.

(6) An instrument does not take effect until the copy is registered.

(7) The copy must be sent for registration during the period of 14 days beginning with the date of execution, but a copy registered after that period is valid.

(8) Any body created by virtue of an amalgamation must be registered as a social landlord by the Welsh Ministers, and pending registration is to be treated as registered.**]**

Textual Amendments

F682 Sch. 1 para. 15H inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 78**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

F683 Words in Sch. 1 para. 15H(1) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 9(2)**, 19(2); S.I. 2018/777, art. 3(b)

F684 Sch. 1 para. 15H(2) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 9(3)**, 19(2); S.I. 2018/777, art. 3(b)

F685 Words in Sch. 1 para. 15H(3) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(10)(b)** (with Sch. 5)

F686 Words in Sch. 1 para. 15H(4) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(10)(c)** (with Sch. 5)

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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F687 Words in Sch. 1 para. 15H(5) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 5(1)**(2)(f)** (with Sch. 12)

PART III

ACCOUNTS AND AUDIT

General requirements as to accounts and audit

16 (1) The **[**F688Relevant Authority**]** may from time to time determine accounting requirements for registered social landlords with a view to ensuring that the accounts of every registered social landlord—

(a) are prepared in a proper form, and

(b) give a true and fair view of—

(i) the state of affairs of the landlord, so far as its housing activities are concerned, and

(ii) the disposition of funds and assets which are, or at any time have been, in its hands in connection with those activities.

(2) The **[**F688Relevant Authority**]** by a determination under sub-paragraph (1) may lay down a method by which a registered charity is to distinguish in its accounts between its housing activities and other activities.

(3) The accounts of every registered social landlord shall comply with the requirements laid down under this paragraph.

F689(4) . . . . . .

[F690(5) Every registered social landlord shall furnish to the Relevant Authority—

(a) a copy of its accounts, and

(b) (subject to sub-paragraph (7)) a copy of the auditor's report in respect of them,

within six months of the end of the period to which they relate.

(6) The auditor's report shall state, in addition to any other matters which it is required to state, whether in the auditor's opinion the accounts comply with the requirements laid down under this paragraph.

(7) The provisions of sub-paragraphs (5)(b) and (6) do not apply where, by virtue of any enactment—

(a) any accounts of a registered social landlord are not required to be audited, and

(b) instead a report is required to be prepared in respect of them by a person appointed for the purpose ("the reporting accountant"),

and sub-paragraph (8) shall apply in place of those provisions.

(8) In such a case—

(a) the registered social landlord shall furnish to the Relevant Authority a copy of the reporting accountant's report in respect of the accounts within six months of the end of the period to which they relate; and

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(b) that report shall state, in addition to any other matters which it is required to state, whether in the reporting accountant's opinion the accounts comply with the requirements laid down under this paragraph.**]**

Textual Amendments

F688 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F689 Sch. 1 para. 16(4) repealed (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), Sch. 11 para. 17(2), **Sch. 16**

F690 Sch. 1 para. 16(5)-(8) substituted for Sch. 1 para. 16(5) (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 17(3)**

Modifications etc. (not altering text)

C128 Sch. 1 para. 16(3)-(5) extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 5**

Commencement Information

I49 Sch. 1 para. 16 wholly in force 1.10.1996; Sch. 1 para. 16 not in force at Royal Assent see s. 232(3) ; Sch. 1 para. 16(1)(2) in force at 1.8.1996 by 1996/2048, art. 2(1); Sch. 1 para. 16 in force at 1.10.1996 to the extent not already in force, by S.I. 1996/2402, **art. 3** (subject to the transitional savings in the Sch. to that S.I.)

[F691 Companies exempt from audit requirements: accountant's report

Textual Amendments

F691 Sch. 1 para. 16A and cross-heading inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 18**

[F692 16A (1) This paragraph applies to a registered social landlord that—

(a) is a company,

(b) is exempt from the audit requirements of the Companies Act 2006 by virtue of section 477 of that Act (small companies' exemption), and

(c) is not a charity.

(2) The directors of the company must cause a report to be prepared in accordance with paragraph 16B and made to the company's members in respect of the company's individual accounts for any year in which the company takes advantage of its exemption from audit.

(3) The Relevant Authority may, in respect of any such financial year, give a direction to the company requiring it—

(a) to appoint a qualified auditor to audit its accounts and balance sheet for that year, and

(b) to furnish to the Relevant Authority a copy of the auditor's report by such date as is specified in the direction.

(4) A direction under sub-paragraph (3) may not be given until after the end of the financial year to which it relates.

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Textual Amendments

F692 Sch. 1 paras. 16A-16E substituted for Sch. 1 para. 16A (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 202(3)** (with arts. 6, 11, 12)

16B. (1) The report required for the purposes of paragraph 16A(2) must be prepared by a person ("the reporting accountant") who is eligible under paragraph 16C.

(2) The report must state whether in the opinion of the reporting accountant making it—

(a) the accounts of the company for the financial year in question are in agreement with the accounting records kept by the company under section 386 of the Companies Act 2006, and

(b) having regard only to, and on the basis of, the information contained in those accounting records, those accounts have been drawn up in a manner consistent with the provisions of Part 15 of that Act, so far as applicable to the company.

(3) The report must also state that in the opinion of the reporting accountant, having regard only to, and on the basis of, the information contained in the accounting records kept by the company under section 386 of the Companies Act 2006, the company is entitled to exemption from audit under section 477 of that Act (small companies' exemption) for the financial year in question.

(4) The report must state the name of the reporting accountant and be signed and dated.

(5) The report must be signed—

(a) where the reporting accountant is an individual, by that individual;

(b) where the reporting accountant is a firm, for and on behalf of the firm by an individual authorised to do so.

Textual Amendments

F692 Sch. 1 paras. 16A-16E substituted for Sch. 1 para. 16A (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 202(3)** (with arts. 6, 11, 12)

16C. (1) The reporting accountant must be either—

(a) a member of a body listed in sub-paragraph (4) who, under the rules of the body—

(i) is entitled to engage in public practice, and

(ii) is not ineligible for appointment as a reporting accountant, or

(b) any person (whether or not a member of any such body) who—

(i) is subject to the rules of any such body in seeking appointment or acting as a statutory auditor under Part 42 of the Companies Act 2006, and

(ii) under those rules, is eligible for such appointment.

(2) In sub-paragraph (1), references to the rules of a body listed in sub-paragraph (4) are to the rules (whether or not laid down by the body itself) which the body has power to enforce and which are relevant for the purposes of Part 42 of the Companies Act 2006 (statutory auditors) or this paragraph.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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This includes rules relating to the admission and expulsion of members of the body, so far as relevant for the purposes of that Part or this paragraph.

(3) An individual or a firm may be appointed as a reporting accountant, and section 1216 of the Companies Act 2006 (effect of appointment of partnership) applies to the appointment as reporting accountant of a partnership constituted under the law of England and Wales or Northern Ireland, or under the law of any other country or territory in which a partnership is not a legal person.

(4) The bodies referred to in sub-paragraphs (1) and (2) are—

(a) the Institute of Chartered Accountants in England and Wales,
(b) the Institute of Chartered Accountants of Scotland,
(c) the Institute of Chartered Accountants in Ireland,
(d) the Association of Chartered Certified Accountants,
(e) the Association of Authorised Public Accountants,
(f) the Association of Accounting Technicians,
(g) the Association of International Accountants,
(h) the Chartered Institute of Management Accountants, and
(i) the Institute of Chartered Secretaries and Administrators.

(5) The Secretary of State may by order amend sub-paragraph (4) by adding or removing a body to or from the list in that sub-paragraph or by varying any entry for the time being included in that list.

(6) An order under sub-paragraph (5) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) A person may not be appointed by a company as reporting accountant if he would be prohibited from acting as auditor of that company by virtue of section 1214 of the Companies Act 2006 (independence requirement).

Textual Amendments

F692 Sch. 1 paras. 16A-16E substituted for Sch. 1 para. 16A (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 202(3)** (with arts. 6, 11, 12)

16D. (1) The provisions of the Companies Act 2006 listed in sub-paragraph (2) apply to the reporting accountant and a reporting accountant's report as they apply to an auditor of the company and an auditor's report on the company's accounts, subject to any necessary modifications.

(2) The provisions are—

(a) sections 423 to 425 (duty to circulate copies of annual accounts);
(b) sections 431 and 432 (right of member or debenture holder to demand copies of accounts);
(c) sections 434 to 436 (requirements in connection with publication of accounts);
(d) sections 437 and 438 (public companies: laying of accounts before general meeting);
(e) sections 441 to 444 (duty to file accounts with registrar of companies);

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(f) section 454(4)(b) and regulations made under that provision (functions of auditor in relation to revised accounts);

(g) sections 499 to 501 (auditor's right to information);

(h) sections 505 and 506 (name of auditor to be stated in published copies of report).

(3) In sections 505 and 506 as they apply by virtue of this paragraph in a case where the reporting accountant is a firm, any reference to the senior statutory auditor shall be read as a reference to the person who signed the report on behalf of the firm.

Textual Amendments

F692 Sch. 1 paras. 16A-16E substituted for Sch. 1 para. 16A (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 202(3)** (with arts. 6, 11, 12)

16E. In paragraphs 16A to 16D—

"company" means a company registered under the Companies Act 1985;

"financial year" has the meaning given by section 390 of the Companies Act 2006;

"firm" has the meaning given by section 1173(1) of that Act;

"individual accounts" has the meaning given by section 394 of that Act;

"qualified auditor", in relation to a company, means a person who—

(a) is eligible for appointment as a statutory auditor of the company under Part 42 of that Act, and

(b) is not prohibited from acting as statutory auditor of the company by virtue of section 1214 of that Act (independence requirement).**]**

Textual Amendments

F692 Sch. 1 paras. 16A-16E substituted for Sch. 1 para. 16A (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 202(3)** (with arts. 6, 11, 12)

[F693[F694Registered societies] exempt from audit requirements: accountant's report

Textual Amendments

F693 Sch. 1 para. 17 and cross-heading substituted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 19**

F694 Words in Sch. 1 para. 17 heading substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(11)** (with Sch. 5)

17 (1) This paragraph applies to registered social landlords which are **[**F695registered societies**]**.

[F696(2) Section 85 of the Co-operative and Community Benefit Societies Act 2014 ("the 2014 Act") (duty to obtain accountant's report) has effect, in its application to such

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a landlord, with the omission of subsection (1)(b) (accountant's report required only where turnover exceeds a specified sum).**]**

(3) The Relevant Authority may, in respect of any relevant year of account of such a landlord, give a direction to the landlord requiring it—

(a) to appoint a qualified auditor to audit its accounts and balance sheet for that year, and

(b) to furnish to the Relevant Authority a copy of the auditor's report by such date as is specified in the direction.

(4) For the purposes of sub-paragraph (3), a year of account of a landlord is a "relevant year of account"if—

(a) it precedes that in which the direction is given, and

[F697(b) section 83 of the 2014 Act (duty to appoint auditors) did not apply for the year because of a resolution under section 84 of that Act (power to disapply auditing requirements).**]**

[F698(5) In this paragraph "qualified auditor" and "year of account" have the same meaning as in Part 7 of the 2014 Act (for "year of account" see sections 77 and 78 of that Act).**]]**

Textual Amendments

F695 Words in Sch. 1 para. 17(1) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(12)(a)** (with Sch. 5)

F696 Sch. 1 para. 17(2) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(12)(b)** (with Sch. 5)

F697 Sch. 1 para. 17(4)(b) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(12)(c)** (with Sch. 5)

F698 Sch. 1 para. 17(5) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 65(12)(d)** (with Sch. 5)

*Accounting and audit **[**F699 or reporting **]** requirements for charities*

Textual Amendments

F699 Words in Sch. 1 para. 18 cross-heading inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 20(2)**

18 (1) A registered social landlord which is a registered charity shall, in respect of its housing activities (and separately from its other activities, if any), be subject to the following provisions F700...

F700...

(2) The charity shall in respect of its housing activities—

(a) cause to be kept properly books of account showing its transactions and its assets and liabilities, and

(b) establish and maintain a satisfactory system of control of its books of accounts, its cash holdings and all its receipts and remittances.

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The books of account must be such as to enable a true and fair view to be given of the state of affairs of the charity in respect of its housing activities, and to explain its transactions in the course of those activities.

(3) The charity shall for each period of account prepare—

(a) a revenue account giving a true and fair view of the charity's income and expenditure in the period, so far as arising in connection with its housing activities, and

(b) a balance sheet giving a true and fair view as at the end of the period of the state of the charity's affairs.

The revenue account and balance sheet must be signed by at least two directors or trustees of the charity.

[[F701]**[**[F702](4) The charity must appoint a qualified auditor ("the auditor") to audit the accounts prepared in accordance with sub-paragraph (3) in respect of each period of account in which—

(a) the charity's gross income arising in connection with its housing activities exceeds the sum for the time being specified in section 144(1)(a) of the Charities Act 2011, or

(b) the charity's gross income arising in that connection exceeds the accounts threshold and at the end of that period the aggregate value of its assets (before deduction of liabilities) in respect of its housing activities exceeds the sum for the time being specified in section 144(1)(b) of that Act;

and in this sub-paragraph "gross income" and "accounts threshold" have the same meanings as in section 144 of that Act.**]**

(4A) Where sub-paragraph (4) does not apply in respect of a period of account, the charity must appoint a qualified auditor ("the reporting accountant") to make such a report as is mentioned in paragraph 18A(1) in respect of the period of account.

[[F703](4B) In sub-paragraphs (4) and (4A) "qualified auditor" means a person who—

(a) is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006, and

(b) if the appointment were an appointment as a statutory auditor, would not be prohibited from acting by virtue of section 1214 of that Act (independence requirement).**]]**

(5) The auditor shall make a report to the charity on the accounts audited by him, stating whether in his opinion—

(a) the revenue account gives a true and fair view of the state of income and expenditure of the charity in respect of its housing activities and of any other matters to which it relates, and

(b) the balance sheet gives a true and fair view of the state of affairs of the charity as at the end of the period of account.

(6) The auditor in preparing his report shall carry out such investigations as will enable him to form an opinion as to the following matters—

(a) whether the association has kept, in respect of its housing activities, proper books of account in accordance with the requirements of this paragraph,

(b) whether the charity has maintained a satisfactory system of control over its transactions in accordance with those requirements, and

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(c) whether the accounts are in agreement with the charity's books;

and if he is of opinion that the charity has failed in any respect to comply with this paragraph, or if the accounts are not in agreement with the books, he shall state that fact in his report.

(7) The auditor—

(a) has a right of access at all times to the books, deeds and accounts of the charity, so far as relating to its housing activities, and to all other documents relating to those activities, and

(b) is entitled to require from officers of the charity such information and explanations as he thinks necessary for the performance of his duties;

and if he fails to obtain all the information and explanations which, to the best of his knowledge and belief, are necessary for the purposes of his audit, he shall state that fact in his report.

(8) A period of account for the purposes of this paragraph is twelve months or such other period not less than six months or more than 18 months as the charity may, with the consent of the **[**F704Relevant Authority**]**, determine.

Textual Amendments

F700 Words in Sch. 1 para. 18(1) repealed (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), Sch. 11 para. 20(3), **Sch. 16**

F701 Sch. 1 para. 18(4)-(4B) substituted for Sch. 1 para. 18(4) (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 20(4)**

F702 Sch. 1 para. 18(4) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 72(3)** (with s. 20(2), Sch. 8)

F703 Sch. 1 para. 18(4B) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 20** (with arts. 6, 11, 12)

F704 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

*[*F705*Charities exempt from audit requirements: accountant's report*

Textual Amendments

F705 Sch. 1 para. 18A and cross-heading inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 21**

18A (1) The report referred to in paragraph 18(4A) is a report—

(a) relating to the charity's accounts prepared in accordance with paragraph 18(3) in respect of the period of account in question, and

(b) complying with sub-paragraphs (2) and (3) below.

(2) The report must state whether, in the opinion of the reporting accountant—

(a) the revenue account or accounts and the balance sheet are in agreement with the books of account kept by the charity under paragraph 18(2),

(b) on the basis of the information contained in those books of account, the revenue account or accounts and the balance sheet comply with the requirements of **[**F706the Charities Act 2011**]**, and

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(c) on the basis of the information contained in those books of account, paragraph 18(4A) applied to the charity in respect of the period of account in question.

(3) The report must also state the name of the reporting accountant and be signed by him.

(4) Paragraph 18(7) applies to the reporting accountant and his functions under this paragraph as it applies to an auditor and his functions under paragraph 18.

(5) The Relevant Authority may, in respect of a relevant period of account of a charity, give a direction to the charity requiring it—

(a) to appoint a qualified auditor to audit its accounts for that period, and

(b) to furnish to the Relevant Authority a copy of the auditor's report by such date as is specified in the direction;

and paragraph 18(5) to (7) apply to an auditor so appointed as they apply to an auditor appointed under paragraph 18.

(6) For the purposes of sub-paragraph (5), a period of account of a charity is a relevant period of account if—

(a) it precedes that in which the direction is given; and

(b) paragraph 18(4A) applied in relation to it.

(7) In this paragraph "period of account" and "qualified auditor" have the same meaning as in paragraph 18(4A).**]**

Textual Amendments

F706 Words in Sch. 1 para. 18A(2)(b) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 72(4)** (with s. 20(2), Sch. 8)

Responsibility for securing compliance with accounting requirements

19 (1) Every responsible person, that is to say, every person who—

(a) is directly concerned with the conduct and management of the affairs of a registered social landlord, and

(b) is in that capacity responsible for the preparation and audit of accounts,

shall ensure that paragraph 16 (general requirements as to accounts and audit) and, where applicable, paragraph 18 (accounting and audit requirements for charities) are complied with by the registered social landlord.

(2) If—

(a) paragraph 16(5) (furnishing of accounts and auditor's report) is not complied with,

(b) the accounts furnished to the **[**F707Relevant Authority**]** under that provision do not comply with the accounting requirements laid down under paragraph 16(1),

(c) paragraph 18 (accounting and audit **[**F708 or reporting **]** requirements for charities), where applicable, is not complied with,

F709(d) . . . . . .

(e) any notice under section 26 (information relating to disposal proceeds fund) is not complied with,

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every responsible person, and the registered social landlord itself, commits a summary offence and is liable on conviction to a fine not exceeding **[**F710 level 5 **]** on the standard scale.

(3) In proceedings for an offence under this paragraph it is a defence—

(a) for a responsible person to prove that he did everything that could reasonably have been expected of him by way of discharging the relevant duty;

(b) for a registered social landlord to prove that every responsible person did everything that could reasonably have been expected of him by way of discharging the relevant duty in relation to the registered social landlord.

(4) Proceedings for an offence under this paragraph may be brought only by or with the consent of the **[**F707Relevant Authority**]** or the Director of Public Prosecutions.

F711 **[** (5) Where any of paragraphs (a) to (e) of sub-paragraph (2) applies in respect of any default on the part of a registered social landlord, the High Court may, on the application of the Relevant Authority, make such order as the court thinks fit for requiring the default to be made good.

Any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the registered social landlord or by any of its officers who are responsible for the default.**]**

Textual Amendments

F707 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F708 Words in Sch. 1 para. 19(2)(c) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 22(2)(a)**

F709 Sch. 1 para. 19(2)(d) repealed (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), Sch. 11 para. 22(2)(b), **Sch. 16**

F710 Words in Sch. 1 para. 19(2) substituted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 22(2)(c)** (with Sch. 11 para. 22(3))

F711 Sch. 1 para. 19(5) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 22(4)**

[F712Disclosure of information by auditors etc. to the Relevant Authority

Textual Amendments

F712 Sch. 1 para. 19A and cross-heading inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 23**

19A (1) A person who is, or has been, an auditor of a registered social landlord does not contravene any duty to which he is subject merely because he gives to the Relevant Authority —

(a) information on a matter of which he became aware in his capacity as auditor of the registered social landlord, or

(b) his opinion on such a matter,

if he is acting in good faith and he reasonably believes that the information or opinion is relevant to any functions of the Relevant Authority.

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(2) Sub-paragraph (1) applies whether or not the person is responding to a request from the Relevant Authority.

(3) This paragraph applies to a person who is, or has been, a reporting accountant as it applies to a person who is, or has been, an auditor.

(4) A "reporting accountant" means a person appointed as mentioned in paragraph 16(7)(b).**]]**

[F713PART 3A

INSPECTION

Textual Amendments

F713 Sch. 1 Pt. 3A and Sch. 1 para. 19B inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 43**, 90(2); S.I. 2011/2475, arts. 1(2), 2(g)

Overview and application

19B (1) This Part provides for the inspection of a registered social landlord's affairs.

(2) But this Part does not apply in relation to affairs relating only to the provision of housing in England.**]**

Inspection

[F714**19C**(1) The Welsh Ministers—

(a) may inspect a registered social landlord's affairs, or

(b) may arrange for another person to do so.

(2) An inspection may be general or specific.

(3) If the Welsh Ministers arrange for a person to carry out an inspection, they may direct that person to discontinue it.

(4) If the Welsh Ministers arrange for a person to carry out an inspection, the arrangements may include (among other things) provision about payments.**]**

Textual Amendments

F714 Sch. 1 para. 19C inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 44**, 90(2); S.I. 2011/2475, arts. 1(2), 2(g)

Inspection: supplemental

[F715**19D**(1) The person carrying out the inspection must produce a written report.

(2) The Welsh Ministers—

(a) must give the registered social landlord a copy of the report, and

(b) may publish the report and related information.

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(3) If the Welsh Ministers have arranged for a person to carry out the inspection, that person may publish the report and related information (whether or not the Welsh Ministers have done so).

(4) If a registered social landlord is inspected, the Welsh Ministers may charge a fee.

(5) A registered social landlord must pay any fee charged to—

(a) the person with whom the Welsh Ministers have made an arrangement to carry out an inspection (if any), or

(b) the Welsh Ministers.

(6) The Welsh Ministers may direct a registered social landlord to pay the fee to one of those persons.

(7) If a fee is paid to a person other than the Welsh Ministers, that person must notify the Welsh Ministers about the payment.**]**

Textual Amendments

F715 Sch. 1 para. 19D inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 45**, 90(2); S.I. 2011/2475, arts. 1(2), 2(g)

Inspector's powers to require provision of documents or information

[F716 19E (1) An inspector may by notice require a person to provide specified documents or information.

(2) A requirement may specify—

(a) the form and manner in which a document or information is to be provided (which may include the provision of a legible copy of information stored electronically);

(b) when and where it is to be provided.

(3) The inspector may copy or record documents or information provided.

(4) Failure to comply with a requirement without reasonable excuse is an offence.

(5) Intentionally altering, suppressing or destroying a document or information to which a requirement relates is an offence.

(6) If a person fails to comply with a requirement the High Court may, on an application by the inspector, make an order for the purpose of remedying the failure.

(7) In this paragraph "inspector" means—

(a) the Welsh Ministers, or

(b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C.**]**

Textual Amendments

F716 Sch. 1 para. 19E inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 46**, 90(2); S.I. 2011/2475, arts. 1(2), 2(g)

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Inspector's powers to require provision of documents or information: supplemental

[[F717]19F(1) A requirement does not require a person to disclose anything which the person would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court.

(2) A requirement does not require a banker to breach a duty of confidentiality owed to a person who is not—

(a) the registered social landlord to whose affairs or activities the document or information relates,

(b) a subsidiary of that landlord, or

(c) an associate of that landlord.

(3) A person guilty of an offence under paragraph 19E(4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of an offence under paragraph 19E(5) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to—

(i) imprisonment for a term not exceeding two years,

(ii) a fine, or

(iii) both.

(5) Proceedings for an offence under paragraph 19E(4) or (5) may be brought only by or with the consent of—

(a) the Welsh Ministers, or

(b) the Director of Public Prosecutions.**]**

Textual Amendments

F717 Sch. 1 para. 19F inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 47**, 90(2); S.I. 2011/2475, arts. 1(2), 2(g)

Inspector's powers of entry and inspection

[[F718]19G(1) An inspector may at any reasonable time—

(a) enter premises occupied by the registered social landlord which is being inspected, and

(b) inspect, copy or take away documents found there.

(2) But the inspector may not enter residential accommodation (whether the residential accommodation is the whole of, or only part of, premises occupied by the registered social landlord).

(3) The reference to documents found on the premises includes (but is not limited to)—

(a) documents stored on computers or electronic storage devices on the premises, and

(b) documents stored elsewhere which can be accessed by computers on the premises.

(4) The power to inspect documents includes (but is not limited to) the power to inspect any computer or electronic storage device on which they have been created or stored.

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(5) An inspector may require any person on the premises to provide such facilities or assistance as the inspector reasonably requests.

(6) For the purposes of sub-paragraphs (3) and (4) an inspector may require any person having charge of a computer to provide any assistance that the inspector reasonably requests.

(7) It is an offence for a person without reasonable excuse to obstruct an inspector exercising the powers conferred by sub-paragraphs (1) to (6).

(8) A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Proceedings for an offence may be brought only by or with the consent of—

(a) the Welsh Ministers, or

(b) the Director of Public Prosecutions.

(10) In this paragraph—

"inspector" means—

(a) the Welsh Ministers, or

(b) a person authorised in writing by the Welsh Ministers to exercise the powers under this paragraph for the purpose of an inspection under paragraph 19C;

"residential accommodation" means accommodation of any description (including, but not limited to, a dwelling or residential accommodation in a hostel) that is occupied by one or more persons as a permanent or temporary place of residence (whether or not it is also occupied by any person for any other purpose).**]**

Textual Amendments

F718 Sch. 1 para. 19G inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 48**, 90(2); S.I. 2011/2475, arts. 1(2), 2(g)

PART IV

INQUIRY INTO AFFAIRS OF REGISTERED SOCIAL LANDLORDS

Inquiry

20 (1) The **[**F719Relevant Authority**]** may direct an inquiry into the affairs of a registered social landlord if it appears to the **[**F719Relevant Authority**]** that **[**F720the registered social landlord may have failed to comply with a requirement imposed by or under an enactment.**]**

F721...

(2) Any such inquiry shall be conducted by one or more persons appointed by the **[**F719Relevant Authority**]**.

F722(3) . . . . . .

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(4) If the **[**F719Relevant Authority**]** so directs, or if during the course of the inquiry the person or persons conducting the inquiry consider it necessary, the inquiry shall extend to the affairs of any other body which at any material time is or was a subsidiary or associate of the registered social landlord.

[F723(4A) The person or persons conducting the inquiry may determine the procedure to be followed in connection with the inquiry.**]**

(5) The person or persons conducting the inquiry may, if they think fit during the course of the inquiry, make one or more interim reports on such matters as appear to them to be appropriate.

(6) On completion of the inquiry the person or persons conducting the inquiry shall make a final report on such matters as the **[**F719Relevant Authority**]** may specify.

(7) An interim or final report shall be in such form as the **[**F719Relevant Authority**]** may specify. **[**F724 , and the Relevant Authority may arrange for the whole or part of an interim or final report to be published in such manner as it considers appropriate. **]**

[F725(8) A local authority may, if they think fit, contribute to the expenses of the Relevant Authority in connection with any inquiry under this paragraph.**]**

Textual Amendments

F719 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F720 Words in Sch. 1 para. 20(1) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 10(2)**, 19(2); S.I. 2018/777, art. 3(c)

F721 Words in Sch. 1 para. 20(1) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 18**; S.I. 2011/2475, arts. 1(2), 2(v)

F722 Sch. 1 para. 20(3) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 106(7), **Sch. 4** (with art. 6, Sch. 3)

F723 Sch. 1 para. 20(4A) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 24(2)**

F724 Words in Sch. 1 para. 20(7) added (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 24(3)**

F725 Sch. 1 para. 20(8) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 24(4)**

Modifications etc. (not altering text)

C129 Sch. 1 para. 20(3) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

*I*F726*Evidence*

Textual Amendments

F726 Sch. 1 para. 20A and cross-heading inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 25**

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20A (1) For the purposes of an inquiry the person or persons conducting it may serve a notice on an appropriate person directing him to attend at a specified time and place and do either or both of the following, namely—

(a) give evidence;

(b) produce any specified documents, or documents of a specified description, which are in his custody or under his control and relate to any matter relevant to the inquiry.

(2) The person or persons conducting such an inquiry—

(a) may take evidence on oath and for that purpose administer oaths, or

(b) instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matters about which he is examined.

(3) In this paragraph—

"appropriate person" means a person listed in section 30(2);

"document" has the same meaning as in section 30;

"inquiry" means an inquiry under paragraph 20.

(4) A person may not be required under this paragraph to disclose anything that, by virtue of section 30(4), he could not be required to disclose under section 30.

(5) Section 31 (enforcement of notice to provide information, &c) applies in relation to a notice given under this paragraph by the person or persons conducting an inquiry as it applies in relation to a notice given under section 30 by the Relevant Authority, but subject to sub-paragraph (6).

(6) A person guilty of an offence under section 31(1) as it applies in accordance with sub-paragraph (5) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

(7) Any person who, in purported compliance with a notice given under this paragraph by the person or persons conducting an inquiry, knowingly or recklessly provides any information which is false or misleading in a material particular commits an offence and is liable to the penalties mentioned in sub-paragraph (6).

(8) Proceedings for an offence under sub-paragraph (7) may be brought only by or with the consent of the Relevant Authority or the Director of Public Prosecutions.**]**

Power of appointed person to obtain information

21 (1) A person appointed by the **[**F727Relevant Authority**]** under paragraph 20 to conduct an inquiry (or, if more than one person is so appointed, each of those persons) has, for the purposes of the inquiry, the same powers as are conferred on the **[**F727Relevant Authority**]** by section 30 (general power to obtain information).

(2) Where by virtue of a notice under that section given by an appointed person any documents are produced to any person, the person to whom they are produced may take copies of or make extracts from them.

(3) Section 31 (enforcement of notice to provide information, &c.) applies in relation to a notice given under this paragraph by an appointed person as it applies in relation

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to a notice given under section 30 by the **[**F727Relevant Authority**]**. **[**F728 , but subject to sub-paragraph (4). **]**

[F729(4) A person guilty of an offence under section 31(1) as it applies in accordance with sub-paragraph (3) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

(5) Any person who, in purported compliance with a notice given under this paragraph by an appointed person, knowingly or recklessly provides any information which is false or misleading in a material particular commits an offence and is liable to the penalties mentioned in sub-paragraph (4).

(6) Proceedings for an offence under sub-paragraph (5) may be brought only by or with the consent of the Relevant Authority or the Director of Public Prosecutions.**]**

Textual Amendments

F727 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F728 Words in Sch. 1 para. 21(3) added (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 26(2)** (with Sch. 11 para. 26(4))

F729 Sch. 1 para. 21(4)-(6) inserted (18.1.2005) by Housing Act 2004 (c. 34), s. 270(3)(c), **Sch. 11 para. 26(3)** (with Sch. 11 para. 26(4))

Extraordinary audit for purposes of inquiry

22 (1) For the purposes of an inquiry under paragraph 20 the **[**F730Relevant Authority**]** may require the accounts and balance sheet of the registered social landlord concerned, or such of them as the **[**F730Relevant Authority**]** may specify, to be audited by a qualified auditor appointed by the **[**F730Relevant Authority**]**.

(2) A person is a qualified auditor for this purpose if he would be eligible for appointment as auditor of the ordinary accounts of the registered social landlord.

(3) On completion of the audit the appointed auditor shall make a report to the **[**F730Relevant Authority**]** on such matters and in such form as the **[**F730Relevant Authority**]** may specify.

(4) The expenses of the audit, including the remuneration of the auditor, shall be paid by the **[**F730Relevant Authority**]**.

(5) An audit under this paragraph is additional to, and does not affect, any audit made or to be made under any other enactment.

Textual Amendments

F730 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

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Powers exercisable on interim basis

23 (1) The **[**[F731]Relevant Authority**]** may make an order under this paragraph—

(a) where an inquiry has been directed under paragraph 20 and the **[**[F731]Relevant Authority**]** has reasonable grounds to believe—

[[F732](i) that a registered social landlord has failed to comply with a requirement imposed by or under an enactment, and**]**

(ii) that immediate action is needed to protect the interests of the tenants of the registered social landlord or to protect the assets of the landlord; or

(b) where an interim report has been made under paragraph 20(5) as a result of which the **[**[F731]Relevant Authority**]** is satisfied that **[**[F733]a registered social landlord has failed to comply with a requirement imposed by or under an enactment.**]**

(2) The orders that may be made under this paragraph are—

(a) an order suspending any officer, employee or agent of the registered social landlord who appears to the **[**[F731]Relevant Authority**]** to have been responsible for or privy to the **[**[F734]failure**]** or by his conduct to have contributed to or facilitated it;

(b) an order directing any bank or other person who holds money or securities on behalf of the registered social landlord not to part with the money or securities without the approval of the **[**[F731]Relevant Authority**]**;

(c) an order restricting the transactions which may be entered into, or the nature or amount of the payments which may be made, by the registered social landlord without the approval of the **[**[F731]Relevant Authority**]**.

[[F735](2A) Before making an order under sub-paragraph (2)(b) or (c) the Welsh Ministers must take all reasonable steps to give notice to the registered social landlord and, in the case of an order under sub-paragraph (2)(b), to the person to whom the order is directed.**]**

(3) An order under this paragraph, if not previously revoked by the **[**[F731]Relevant Authority**]**, shall cease to have effect six months after the making of the final report under paragraph 20(6) unless the **[**[F731]Relevant Authority**]** renews it, which it may do for a further period of up to six months.

(4) A person suspended by an order under sub-paragraph (2)(a) may appeal against the order to the High Court.

(5) Where a person is suspended by such an order, the **[**[F731]Relevant Authority**]** may give directions with respect to the performance of his functions and otherwise as to matters arising from his suspension.

The **[**[F731]Relevant Authority**]** may, in particular, appoint a named person to perform his functions.

(6) A person who contravenes an order under sub-paragraph (2)(b) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding three months, or both.

Proceedings for such an offence may be brought only by or with the consent of the **[**[F731]Relevant Authority**]** or the Director of Public Prosecutions.

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Textual Amendments

F731 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F732 Sch. 1 para. 23(1)(a)(i) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 10(3)(a)**, 19(2); S.I. 2018/777, art. 3(c)

F733 Words in Sch. 1 para. 23(1)(b) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 10(3)(b)**, 19(2); S.I. 2018/777, art. 3(c)

F734 Word in Sch. 1 para. 23(2)(a) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 10(4)**, 19(2); S.I. 2018/777, art. 3(c)

F735 Sch. 1 para. 23(2A) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 79**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

Powers exercisable as a result of final report or audit

24 (1) Where the **[**F736Relevant Authority**]** is satisfied, as the result of an inquiry under paragraph 20 or an audit under paragraph 22, that **[**F737a registered social landlord has failed to comply with a requirement imposed by or under an enactment**]**, it may make an order under this paragraph.

(2) The orders that may be made under this paragraph are—

(a) an order removing any officer, employee or agent of the registered social landlord who appears to the **[**F736Relevant Authority**]** to have been responsible for or privy to the **[**F738failure**]** or by his conduct to have contributed to or facilitated it;

(b) an order suspending any such person for up to six months, pending determination whether he should be removed;

(c) an order directing any bank or other person who holds money or securities on behalf of the registered social landlord not to part with the money or securities without the approval of the **[**F736Relevant Authority**]**;

(d) an order restricting the transactions which may be entered into, or the nature or amount of the payments which may be made, by the registered social landlord without the approval of the **[**F736Relevant Authority**]**.

(3) Before making an order under sub-paragraph (2)(a) the **[**F736Relevant Authority**]** shall give at least 14 days' notice of its intention to do so—

(a) to the person it intends to remove, and

(b) to the registered social landlord concerned.

Notice under this sub-paragraph may be given by post, and if so given to the person whom the **[**F736Relevant Authority**]** intends to remove may be addressed to his last known address in the United Kingdom.

[F739(3A) Before making an order under sub-paragraph (2)(c) or (d) the Welsh Ministers must take all reasonable steps to give notice to the registered social landlord and, in the case of an order under sub-paragraph (2)(c), to the person to whom the order is directed.**]**

(4) A person who is ordered to be removed under sub-paragraph (2)(a) or suspended under sub-paragraph (2)(b) may appeal against the order to the High Court.

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(5) Where a person is suspended under sub-paragraph (2)(b), the **[**F736Relevant Authority**]** may give directions with respect to the performance of his functions and otherwise as to matters arising from the suspension.

The **[**F736Relevant Authority**]** may, in particular, appoint a named person to perform his functions.

(6) A person who contravenes an order under sub-paragraph (2)(c) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding three months, or both.

Proceedings for such an offence may be brought only by or with the consent of the **[**F736Relevant Authority**]** or the Director of Public Prosecutions.

[F740(7) An order under sub-paragraph (2)(c) or (d) has effect until revoked by the Welsh Ministers.**]**

Textual Amendments

F736 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F737 Words in Sch. 1 para. 24(1) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 10(5)**, 19(2); S.I. 2018/777, art. 3(c)

F738 Word in Sch. 1 para. 24(2)(a) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 10(6)**, 19(2); S.I. 2018/777, art. 3(c)

F739 Sch. 1 para. 24(3A) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 80(2)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

F740 Sch. 1 para. 24(7) added (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 80(3)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

Disqualification as officer of registered social landlord.

25**[**F741(1) A person is disqualified from acting as an officer of a registered social landlord if the person has been removed under—

(a) paragraph 24(2)(a) (removal F742...), or

(b) section 260 of the Housing and Regeneration Act 2008, section 30(1)(a) of the Housing Associations Act 1985 or section 20(1)(a) of the Housing Act 1974 (other similar provisions).**]**

(2) The **[**F743Relevant Authority**]** may, on the application of any such person, waive his disqualification either generally or in relation to a particular registered social landlord or particular class of registered social landlord.

(3) Any waiver shall be notified in writing to the person concerned.

(4) For the purposes of this paragraph the **[**F743Relevant Authority**]** shall keep, in such manner as it thinks fit, a register of all persons who have been removed from office by the **[**F743Relevant Authority**]** under the provisions mentioned in sub-paragraph (1).

[F744(4A) The register must show details of any waivers.**]**

(5) The register shall be available for public inspection at all reasonable times.

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Textual Amendments

F741 Sch. 1 para. 25(1) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 106(8)** (with art. 6, Sch. 3)

F742 Words in Sch. 1 para. 25(1)(a) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 14**; S.I. 2018/777, art. 3(g)

F743 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F744 Sch. 1 para. 25(4A) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 81(1)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

Persons acting as officer while disqualified.

26 (1) A person who acts as an officer of a registered social landlord while he is disqualified under paragraph 25(1) commits an offence.

A person guilty of such an offence is liable—

(a) on summary conviction, to imprisonment for a term not exceeding **[**F745 12 months**]** or to a fine not exceeding the statutory maximum, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

[F746 (1A) In relation to an offence committed before the commencement of section 282 of the Criminal Justice Act 2003 (short sentences) the reference in sub-paragraph (1)(a) to 12 months has effect as if it were a reference to 6 months.**]**

(2) Proceedings for an offence under sub-paragraph (1) may be brought only by or with the consent of the **[**F747 Relevant Authority**]** or the Director of Public Prosecutions.

(3) Acts done as an officer of a registered social landlord by a person who is disqualified under paragraph 25(1) are not invalid by reason only of that disqualification.

(4) Where the **[**F747 Relevant Authority**]** is satisfied—

(a) that a person has acted as an officer of a registered social landlord while disqualified under paragraph 25(1), and

(b) that while so acting he has received from the registered social landlord any payments or benefits in connection with his so acting,

it may by order direct him to repay to the registered social landlord the whole or part of any such sums or, as the case may be, to pay to it the whole or part of the monetary value (as determined by it) of any such benefit.

[F748 (5) If a person fails to comply with an order directing repayment, the registered social landlord or the Welsh Ministers (as the case may be) may recover the sum or specified amount as a debt.**]**

Textual Amendments

F745 Words in Sch. 1 para. 26(1)(a) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 82(2)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

F746 Sch. 1 para. 26(1A) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 82(3)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

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F747 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F748 Sch. 1 para. 26(5) added (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 82(4)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(r)

Power to direct transfer of land

27 (1) Where as a result of an inquiry under paragraph 20 or an audit under paragraph 22 the **[**F749Relevant Authority**]** is satisfied as regards a registered social landlord—

[F750(a) that it has failed to comply with a requirement imposed by or under an enactment, and**]**

(b) that the management of its land would be improved if its land were transferred in accordance with the provisions of this paragraph,

F751F752the **[**F749Relevant Authority**]** may, . . . direct the registered social landlord to make such a transfer . ...

(2) Where the registered social landlord concerned is a charity, the **[**F749Relevant Authority**]** may only direct a transfer to be made to another registered social landlord—

(a) which is also a charity, and

(b) the objects of which appear to the **[**F749Relevant Authority**]** to be, as nearly as practicable, akin to those of the registered social landlord concerned.

(3) In any other case the **[**F749Relevant Authority**]** may direct a transfer to be made to the **[**F749Relevant Authority**]** or to another registered social landlord.

(4) The transfer shall be on such terms as the **[**F749Relevant Authority**]** may direct on the basis of principles determined by it.

F753...

(5) The price shall not be less than the amount certified by the district valuer to be the amount the property would command if sold by a willing seller to another registered social landlord.

(6) The terms shall include provision as to the payment of debts and liabilities (including debts and liabilities secured on the land).

Textual Amendments

F749 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F750 Sch. 1 para. 27(1)(a) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 10(7)**, 19(2); S.I. 2018/777, art. 3(c)

F751 Words in Sch. 1 para. 27(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 96(6)(a), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F752 Words in Sch. 1 para. 27(1) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 106(9)(a), **Sch. 4** (with art. 6, Sch. 3)

F753 Words in Sch. 1 para. 27(4) repealed (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 106(9)(b), **Sch. 4** (with art. 6, Sch. 3)

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Modifications etc. (not altering text)

C130 Sch. 1 para. 27(4) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Commencement Information

I50 Sch. 1 para. 27 wholly in force at 1.10.1996; Sch. 1 para. 27 not in force at Royal Assent see s. 232(3); Sch. 1 para. 27(4) in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 3**; Sch. 1 para. 27 in force at 1.10.1996 to the extent that it is not already in force, by S.I. 1996/2402, **art. 3** (subject to the transitional provisions and savings in the Sch. of that S.I.)

Availability of powers in relation to registered charities.

28 (1) The **[**F754Relevant Authority**]** may exercise its powers under paragraphs 20 to 26 in relation to a registered charity only if the charity has **[**F755 received public assistance**]**F756...

F757(2) . . . . . .

(3) In relation to a registered charity paragraphs 20 to 26 have effect with the following adaptations—

(a) references to its affairs are confined to its housing activities and such other activities (if any) as are incidental to or connected with its housing activities;

(b) references to its accounts do not include revenue accounts which do not relate to its housing activities, except so far as such accounts are necessary for the auditing of revenue accounts which do so relate or of the balance sheet;

(c) a person is a qualified auditor for the purpose of paragraph 22 (extraordinary audit) only if he is an auditor qualified for the purposes of paragraph 18 (accounting and audit requirements for charities).

(4) The **[**F754Relevant Authority**]** shall notify the **[**F758Charity Commission**]** upon the exercise in relation to a registered charity of its powers under—

(a) paragraph 20(1) (inquiry into affairs of registered social landlord),

(b) paragraph 23(2)(a) (interim suspension of person F759...), or

(c) paragraph 24(2)(a) or (b) (removal of person F760... or suspension with a view to removal).

Textual Amendments

F754 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

F755 Words in Sch. 1 para. 28(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 20(a)(i)**; S.I. 2011/2475, arts. 1(2), 2(v)

F756 Words in Sch. 1 para. 28(1) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 20(a)(ii)**; S.I. 2011/2475, arts. 1(2), 2(v)

F757 Sch. 1 para. 28(2) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 20(b)**; S.I. 2011/2475, arts. 1(2), 2(v)

F758 Words in Sch. 1 para. 28(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(5)**; S.I. 2007/309, art. 2, Sch.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F759 Words in Sch. 1 para. 28(4)(b) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 15(a)**; S.I. 2018/777, art. 3(g)

F760 Words in Sch. 1 para. 28(4)(c) omitted (15.8.2018) by virtue of Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), s. 19(2), **Sch. 2 para. 15(b)**; S.I. 2018/777, art. 3(g)

29 The **[**F761Relevant Authority**]** may not exercise its powers under paragraph 27 in relation to a registered charity.

Textual Amendments

F761 Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

SCHEDULE 2

Section 51.

SOCIAL RENTED SECTOR: HOUSING COMPLAINTS

Social landlords required to be member of approved scheme

1 (1) A social landlord**[**F762, other than a local housing authority,**]** must be a member of an approved scheme covering, or more than one approved scheme which together cover, all his housing activities.

[F763(1A) A social landlord which is a local housing authority must be a member of an approved scheme covering, or more than one scheme which together cover—

(a) action which—

(i) is taken by or on behalf of the authority in its capacity as a registered provider of social housing, and

(ii) is action in connection with its housing activities so far as they relate to the provision or management of social housing (and here "social housing" has the same meaning as in Part 2 of the Housing and Regeneration Act 2008), and

(b) action taken by or on behalf of the authority in connection with the management of dwellings owned by the authority and let on a long lease (and here "long lease" has the meaning given by section 59(3) of the Landlord and Tenant Act 1987).**]**

(2) If a social landlord fails to comply with the duty imposed by this paragraph, the Secretary of State may apply to the High Court for an order directing him to comply within a specified period and the High Court may, if it thinks fit, make such an order.

(3) Nothing in this Schedule shall be construed as restricting membership of an approved scheme to social landlords.

Textual Amendments

F762 Words in Sch. 2 para. 1(1) inserted (1.4.2013 for E.) by Localism Act 2011 (c. 20), **ss. 181(4)(a)**, 240(2) (with s. 181(11)); S.I. 2013/722, art. 2(c)

F763 Sch. 2 para. 1(1A) inserted (1.4.2013 for E.) by Localism Act 2011 (c. 20), **ss. 181(4)(b)**, 240(2) (with s. 181(11)); S.I. 2013/722, art. 2(c)

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Commencement Information

I51 Sch. 2 para. 1 wholly in force at 1.4.1997 see s. 232(1)-3) and S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

Matters for which scheme must provide

2 (1) A scheme shall not be approved for the purposes of this Schedule unless it makes provision for—

(1) The establishment or appointment of an independent person to administer the scheme.

(2) The criteria for membership for—

(a) social landlords under a duty to be members of an approved scheme, and

(b) other persons.

(3) The manner of becoming or ceasing to be a member.

(4) The matters about which complaints may be made under the scheme.

(5) The grounds on which a matter may be excluded from investigation, including that the matter is the subject of court proceedings or was the subject of court proceedings where judgment on the merits was given.

(6) The descriptions of individual who may make a complaint under the scheme.

(7) The appointment of an independent individual to be the housing ombudsman under the scheme.

(8) The appointment of staff to administer the scheme and to assist the housing ombudsman and the terms upon which they are appointed.

(9) A duty of the housing ombudsman to investigate any complaint duly made and not withdrawn, and a power to investigate any complaint duly made but withdrawn, and where he investigates to make a determination.

(10) A power of the housing ombudsman to propose alternative methods of resolving a dispute.

(11) The powers of the housing ombudsman for the purposes of his investigations, and the procedure to be followed in the conduct of investigations.

(12) The powers of the housing ombudsman on making a determination.

(13) The making and publication of annual reports by the housing ombudsman on the discharge of his functions.

(14) The manner in which determinations are to be—

(a) communicated to the complainant and the person against whom the complaint was made, and

(b) published.

(15) The manner in which the expenses of the scheme are to be defrayed by the members.

(16) **[**[F764]In the case of a scheme relating to Wales, the**]** keeping and auditing of accounts and the submission of accounts to the Secretary of State.

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[[F765](16A) In the case of a scheme relating to England, the keeping of accounts.**]**

(17) The making of annual reports on the administration of the scheme.

(18) The manner of amending the scheme.

(2) The Secretary of State may by order amend sub-paragraph (1) by adding to or deleting from it any item or by varying any item for the time being contained in it.

(3) An order under sub-paragraph (2) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F764 Words in Sch. 2 para. 2(1) substituted (21.12.2017) by The Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2017 (S.I. 2017/1313), art. 1, **Sch. 1 para. 3(a)**

F765 Words in Sch. 2 para. 2(1) inserted (21.12.2017) by The Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2017 (S.I. 2017/1313), art. 1, **Sch. 1 para. 3(b)**

Commencement Information

I52 Sch. 2 para. 2 wholly in force at 1.8.1996 see s. 232(1)-(3) and S.I. 1996/2048, **art. 2** (subject to the limitation in (2) of that art.)

Approval of scheme, or amendment, and withdrawal of approval

3 (1) An application to the Secretary of State for approval of a scheme shall be made in such manner as the Secretary of State may determine, and shall be accompanied by such information as the Secretary of State may require.

(2) If it appears to the Secretary of State that the scheme—

(a) provides for the matters specified in paragraph 2, and

(b) is a satisfactory scheme for the purposes of this Schedule,

he shall approve the scheme.

(3) An amendment of an approved scheme is not effective unless approved by the Secretary of State.

Sub-paragraph (1) applies in relation to an application for approval of an amendment as it applies to an application for approval of a scheme; and the Secretary of State shall approve the amendment if it appears to him that the scheme as amended meets the conditions in sub-paragraph (2).

(4) The Secretary of State may withdraw his approval of a scheme.

(5) If the Secretary of State proposes to withdraw his approval of a scheme, he shall serve on the person administering the scheme and on the housing ombudsman under the scheme, a notice stating—

(a) that he proposes to withdraw his approval,

(b) the grounds for the proposed withdrawal of his approval, and

(c) that the person receiving the notice may make representations with respect to the proposed withdrawal of approval within such period of not less than 14 days as is specified in the notice;

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and he shall, before reaching a decision on whether to withdraw approval, consider any representations duly made to him.

(6) The Secretary of State shall give notice of his decision on a proposal to withdraw approval of a scheme, together with his reasons, to every person on whom he served a notice under sub-paragraph (5).

(7) Withdrawal of approval by the Secretary of State has effect from such date as is specified in the notice of his decision.

(8) Where the person administering a scheme is given notice of a decision to withdraw approval of the scheme, he shall give notice of the decision to every member of the scheme.

Commencement Information

I53 Sch. 2 para. 3 wholly in force at 1.8.1996 see s. 232(1)-(3) and S.I. 1996/2048, **art. 2** (subject to the limitation in (2) of that art.)

Notice to be given of becoming a member of an approved scheme

4 (1) A social landlord who—

(a) becomes a member of an approved scheme, or

(b) is a member of a scheme which becomes an approved scheme,

shall, within the period of 21 days beginning with the date of becoming a member or, as the case may be, of being informed of the Secretary of State's approval of the scheme, give notice of that fact to the **[**F766Regulator of Social Housing**]** .

(2) The **[**F766Regulator of Social Housing**]**, on receiving the notice, shall record his membership of an approved scheme.

(3) A person who fails to comply with sub-paragraph (1) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Proceedings for such an offence may be brought only by or with the consent of the **[**F766Regulator of Social Housing**]** or the Director of Public Prosecutions.

Textual Amendments

F766 Words in Sch. 2 substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(1)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Commencement Information

I54 Sch. 2 para. 4 wholly in force at 1.8.1996 see s. 232(1)-(3) and S.I. 1996/2048, **art. 2** (subject to the limitation in (2) of that art.)

Withdrawal from approved scheme

5 (1) A social landlord wishing to withdraw from membership of an approved scheme shall send notice of his proposed withdrawal to the **[**F766Regulator of Social Housing**]** .

(2) The notice shall specify—

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(a) the housing activities in relation to which he is subject to investigation under the scheme,

(b) the approved scheme or schemes of which he is also a member or will, on his withdrawal, become a member, and

(c) under which scheme or schemes the housing activities mentioned in paragraph (a) will be subject to investigation after his withdrawal.

(3) If the **[**F766Regulator of Social Housing**]** is satisfied that withdrawal by the landlord from the scheme will not result in a failure to comply with his duty under paragraph 1, it shall confirm the landlord's withdrawal from the scheme.

(4) If the **[**F766Regulator of Social Housing**]** is not so satisfied, it shall withhold confirmation of the landlord's withdrawal from the scheme; and the landlord shall continue to be a member of the scheme and bound and entitled under the scheme accordingly.

Textual Amendments

F766 Words in Sch. 2 substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(1)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

Commencement Information

I55 Sch. 2 para. 5 wholly in force at 1.8.1996 see s. 232(1)-(3) and S.I. 1996/2048, **art. 2** (subject to the limitation in (2) of that art.)

Register of approved schemes

6 (1) The **[**F766Regulator of Social Housing**]** shall maintain a register of schemes approved by the Secretary of State for the purposes of this Schedule and of the social landlords who are members of those schemes.

(2) The Secretary of State shall give notice to the **[**F767Housing Corporation**]**—

(a) when he grants or withdraws his approval of a scheme, and

(b) when he approves an amendment of a scheme,

and he shall supply the **[**F767Housing Corporation**]** with copies of any approved scheme or any amendment to a scheme.

(3) A member of the public shall be entitled, upon payment of such fees as the **[**F766Regulator of Social Housing**]** may determine, to receive a copy of an approved scheme and a list of the social landlords who are members of it.

Textual Amendments

F766 Words in Sch. 2 substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(1)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

F767 Words in Sch. 2 para. 6(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 97(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

Modifications etc. (not altering text)

C131 Sch. 2 para. 6(2) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

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Commencement Information

I56 Sch. 2 para. 6 wholly in force at 1.8.1996 see s. 232(1)-(3) and S.I. 1996/2048, **art. 2** (subject to the limitation in (2) of that art.)

Determinations by housing ombudsman

7 (1) A housing ombudsman under an approved scheme shall investigate any complaint duly made to him and not withdrawn, and may investigate any complaint duly made but withdrawn, and where he investigates a complaint he shall determine it by reference to what is, in his opinion, fair in all the circumstances of the case.

(2) He may in his determination—

(a) order the member of a scheme against whom the complaint was made to pay compensation to the complainant, and

(b) order that the member or the complainant shall not exercise or require the performance of any of the contractual or other obligations or rights existing between them.

(3) If the member against whom the complaint was made fails to comply with the determination within a reasonable time, the housing ombudsman may order him to publish in such manner as the ombudsman sees fit that he has failed to comply with the determination.

(4) Where the member is not a social landlord, the housing ombudsman may also order that the member—

(a) be expelled from the scheme, and

(b) publish in such manner as the housing ombudsman sees fit that he has been expelled and the reasons for his expulsion.

(5) If a person fails to comply with an order under sub-paragraph (3) or (4)(b), the housing ombudsman may take such steps as he thinks appropriate to publish what the member ought to have published and recover from the member the costs of doing so.

(6) A member who is ordered by the housing ombudsman to pay compensation or take any other steps has power to do so, except that a member which is also a charity shall not do anything contrary to its trusts.

Commencement Information

I57 Sch. 2 para. 7 wholly in force at 1.4.1997 see s. 232(1)-(3) and S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

[F768Complaints must be referred by designated person unless paragraph 7B applies

Textual Amendments

F768 Sch. 2 paras. 7A-7D and cross-headings inserted (1.4.2013 for E. for the insertion of Sch. 2 paras. 7A-7C) by Localism Act 2011 (c. 20), **ss. 180(1)**, 240(2) (with s. 180(3)(4)); S.I. 2013/722, art. 2(a) (with art. 3)

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7A (1) A complaint against a social landlord is not "duly made" to a housing ombudsman under an approved scheme unless it is made in writing to the ombudsman by a designated person by way of referral of a complaint made to the designated person.

(2) Sub-paragraph (1) is subject to paragraph 7B (complaints that need not be made by way of referral).

(3) For the purposes of this paragraph "designated person" means—

(a) a member of the House of Commons,

(b) a member of the local housing authority for the district in which the property concerned is located, or

(c) a designated tenant panel (see paragraph 7C(1)) for the social landlord.

(4) Before making a referral under sub-paragraph (1), a designated person must obtain written consent from the complainant or the complainant's representative.

(5) Sub-paragraphs (6) and (7) apply if under sub-paragraph (1) a designated person refers a complaint to a housing ombudsman.

(6) If the ombudsman decides—

(a) not to investigate the complaint, or

(b) to discontinue investigation of the complaint,

the ombudsman must prepare a statement of reasons for that decision and send a copy of the statement to the designated person.

(7) If the ombudsman completes investigation of the complaint, the ombudsman must inform the designated person of—

(a) the results of the investigation, and

(b) any determination made.

(8) In sub-paragraph (3)(b) "district" in relation to a local housing authority has the same meaning as in the Housing Act 1985.

Complaints that need not be made by way of referral by designated person

7B (1) Paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing ombudsman under an approved scheme if the ombudsman is satisfied that—

(a) the social landlord has procedures for considering complaints against the social landlord,

(b) the matter that forms the subject of the complaint has been submitted to those procedures,

(c) those procedures have been exhausted, and

(d) the complaint has been made to the ombudsman after the end of the eight weeks beginning with the day on which those procedures were exhausted.

(2) Paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing ombudsman under an approved scheme if—

(a) the ombudsman is satisfied that a designated person—

(i) has refused to refer the complaint to a housing ombudsman under an approved scheme, or

(ii) has agreed to the complaint being made otherwise than by way of a referral by a designated person, and

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(b) the refusal, or agreement, is in writing or the ombudsman is satisfied that it has been confirmed in writing.

(3) Paragraph 7A(3) (meaning of "designated person") applies also for the purposes of sub-paragraph (2).

Designated tenant panels

7C (1) In paragraph 7A(3)(c) "designated tenant panel" means a group of tenants which is recognised by a social landlord for the purpose of referring complaints against the social landlord.

(2) There may be more than one designated tenant panel for a social landlord.

(3) Where a social landlord becomes a member of an approved scheme, the social landlord must give to the person administering the scheme contact details for any designated tenant panel for the social landlord.

(4) Where a group becomes a designated tenant panel for a social landlord, the social landlord must, as respects each approved scheme of which the social landlord is a member, give to the person administering the scheme contact details for the panel.

(5) Where a group ceases to be a designated tenant panel for a social landlord, the social landlord must inform the person administering each approved scheme of which the social landlord is a member.

(6) A complaint referred to a housing ombudsman under an approved scheme by a designated tenant panel for a social landlord is not affected by the group concerned ceasing to be a designated tenant panel for the social landlord.

Enforcement of a housing ombudsman's determinations

7D (1) The Secretary of State may by order make provision for, or in connection with, authorising a housing ombudsman under an approved scheme to apply to a court or tribunal for an order that a determination made by the ombudsman may be enforced as if it were an order of a court.

(2) Before the Secretary of State makes an order under sub-paragraph (1), the Secretary of State must consult—

(a) one or more bodies appearing to the Secretary of State to represent the interests of social landlords,

(b) one or more bodies appearing to the Secretary of State to represent the interests of other members of approved schemes,

(c) one or more bodies appearing to the Secretary of State to represent the interests of tenants, and

(d) such other persons as the Secretary of State considers appropriate.

(3) The Secretary of State's power to make an order under sub-paragraph (1) is exercisable by statutory instrument.

(4) A statutory instrument containing an order made by the Secretary of State under sub-paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

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Publication of determinations, &c.

8 (1) A housing ombudsman under an approved scheme may publish—

(a) his determination on any complaint, and

(b) such reports as he thinks fit on the discharge of his functions.

(2) He may include in any such determination or report statements, communications, reports, papers or other documentary evidence obtained in the exercise of his functions.

(3) In publishing any determination or report, a housing ombudsman shall have regard to the need for excluding so far as practicable—

(a) any matter which relates to the private affairs of an individual, where publication would seriously and prejudicially affect the interests of that individual, and

(b) any matter which relates specifically to the affairs of a member of an approved scheme, where publication would seriously and prejudicially affect its interests, unless the inclusion of that matter is necessary for the purposes of the determination or report.

Commencement Information

I58 Sch. 2 para. 8 wholly in force at 1.4.1997 see s. 232(1)-(3) and S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

Absolute privilege for communications, &c.

9 For the purposes of the law of defamation absolute privilege attaches to—

(a) any communication between a housing ombudsman under an approved scheme and any person by or against whom a complaint is made to him,

(b) any determination by such an ombudsman, and

(c) the publication of such a determination or any report under paragraph 8.

Commencement Information

I59 Sch. 2 para. 9 wholly in force at 1.4.1997 see s. 232(1)-(3) and S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

Appointment and status of housing ombudsman

10 (1) Where an approved scheme provides that it shall be administered by a body corporate, that body shall appoint on such terms as it thinks fit the housing ombudsman for the purposes of the scheme and the appointment and its terms shall be subject to the approval of the Secretary of State.

(2) Where an approved scheme does not so provide—

(a) the housing ombudsman for the purposes of the scheme shall be appointed by the Secretary of State on such terms as the Secretary of State thinks fit,

(b) the Secretary of State may by order provide that the housing ombudsman for the purposes of the scheme shall be a corporation sole, and

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(c) the staff to administer the scheme and otherwise assist the ombudsman in the discharge of his functions shall be appointed and employed by him.

(3) The Secretary of State may at any time remove from office a housing ombudsman (whether appointed by him or otherwise).

(4) A housing ombudsman appointed by the Secretary of State or otherwise shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and any property held by him shall not be regarded as property of, or held on behalf of, the Crown.

Commencement Information

I60 Sch. 2 para. 10 wholly in force at 1.8.1996 see s. 232(1)-(3) and S.I. 1996/2048, **art. 2** (subject to the limitation in (2) of that art.)

[F769 Collaborative working with Local Commissioners

Textual Amendments

F769 Sch. 2 para. 10A and cross-heading inserted (1.4.2013 for E.) by Localism Act 2011 (c. 20), **ss. 182(8)**, 240(2); S.I. 2013/722, art. 2(d)

10A (1) If at any stage in the course of conducting an investigation under this Act a housing ombudsman forms the opinion that the complaint relates partly to a matter within the jurisdiction of a Local Commissioner, the ombudsman may, subject to sub-paragraph (2), conduct an investigation under this Act jointly with that Commissioner.

(2) A housing ombudsman must obtain the consent of the complainant or the complainant's representative before agreeing to a joint investigation referred to in sub-paragraph (1).

(3) If a housing ombudsman forms the opinion that a complaint which is being investigated by a Local Commissioner relates partly to a matter within the jurisdiction of the ombudsman, the ombudsman may conduct an investigation jointly with that Commissioner.

(4) If a housing ombudsman conducts an investigation jointly with a Local Commissioner, the requirements of paragraph 7 may be satisfied by a report made jointly with that person.

(5) A joint report made under this paragraph must distinguish determinations of a housing ombudsman from other findings or recommendations.**]**

Subscriptions payable in respect of approved schemes

11 (1) Members of an approved scheme shall pay a subscription, calculated as set out in the scheme, to the person administering the scheme.

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[F770(1A) If a change in the method of calculation under sub-paragraph (1) would result in a member's subscription being more than it would otherwise be, the change may be made only if the Secretary of State approves it.

(1B) An approved scheme's total defrayable expenses for a period may be more than the scheme's total defrayable expenses for the immediately-preceding corresponding period only if the Secretary of State approves the increase.

(1C) In sub-paragraph (1B) "defrayable expenses", in relation to a scheme, means expenses of the scheme that are to be defrayed by subscriptions from members of the scheme.**]**

(2) If a social landlord fails to comply with his duty under paragraph 1, the Secretary of State may determine—

(a) which approved scheme or schemes he should have joined, and

(b) what sums by way of subscription he should have paid,

and may require him to pay those amounts to the person administering the scheme or schemes.

(3) The person administering an approved scheme may recover sums payable under sub-paragraph (1) or (2) as if they were debts due to him.

(4) The Secretary of State F771... may pay grant and provide other financial assistance to—

(a) a body corporate administering an approved scheme, or

(b) in a case where paragraph 10(2) applies, to the housing ombudsman under an approved scheme,

for such purposes and upon such terms as the Secretary of State F772... thinks fit.

Textual Amendments

F770 Sch. 2 para. 11(1A)-(1C) inserted (1.4.2013 for E.) by Localism Act 2011 (c. 20), **ss. 181(4)(c)**, 240(2) (with s. 181(11)); S.I. 2013/722, art. 2(c)

F771 Words in Sch. 2 para. 11(4) repealed (20.5.2009 for specified purposes, 7.9.2009 for E. for specified purposes, 1.4.2010 in so far as not already in force) by Housing and Regeneration Act 2008 (c. 17), ss. 124(4)(a), 325(1), **Sch. 16**; S.I. 2009/1261, art. 4; S.I. 2009/2096, art. 2(2)(c) (with art. 3(1)(2)); S.I. 2010/862, arts. 2, 3 (with Sch.)

F772 Words in Sch. 2 para. 11(4) repealed (20.5.2009 for specified purposes, 7.9.2009 for E. for specified purposes, 1.4.2010 in so far as not already in force) by Housing and Regeneration Act 2008 (c. 17), ss. 124(4)(b), 325(1), **Sch. 16**; S.I. 2009/1261, art. 4; S.I. 2009/2096, art. 2(2)(c) (with art. 3(1)(2)); S.I. 2010/862, arts. 2, 3 (with Sch.)

Modifications etc. (not altering text)

C132 Sch. 2 para. 11(4) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Commencement Information

I61 Sch. 2 para. 11 wholly in force 1.4.1997; Sch. 2 para. 11 not in force at Royal Assent see s. 232(1)-(3); Sch. 2 para. 11(1)(3)(4) in force at 1.8.1996 by S.I. 1996/2048, **art. 2** (subject to the limitation in (2)

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

of that art.); Sch. 2 para. 11 in force at 1.4.1997 so far as not already in force by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

[F773 General provision about orders

Textual Amendments

F773 Sch. 2 para. 12 and cross-heading added (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 124(5)**, 325(1); S.I. 2010/862, art. 2 (with Sch.)

12 Section 52 shall apply to an order of the Secretary of State under this Schedule (with any necessary modifications).**]**

F774 SCHEDULE 2A

Section 51A(7)

. . . . . .

Textual Amendments

F774 Sch. 2A repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), s. 40, Sch. 6 para. 58, **Sch. 7**; S.I. 2005/2800, art. 5(1)(3)

SCHEDULE 3

Section 55.

SOCIAL RENTED SECTOR: MINOR AMENDMENTS

Finance Act 1981 (c.35)

1 (1) Section 107 of the Finance Act 1981 (stamp duty payable upon sale of houses at a discount) is amended as follows.

(2) After subsection (3)(e) insert—

"(ea) a registered social landlord within the meaning of Part I of the Housing Act 1996;".

(3) In subsection (3)(f) for the words from "registered" to the end substitute "registered —

(i) in Scotland, under the Housing Associations Act 1985, or

(ii) in Northern Ireland, under Part II of the Housing (Northern Ireland) Order 1992;".

(4) In subsection (3A) (exclusion of certain sub-sales), for "subsection (3)(f)" substitute " subsection (3)(ea) or (f) ".

(5) After subsection (3B) insert—

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"(3C) A grant under section 20 or 21 of the Housing Act 1996 (purchase grants in respect of disposals at a discount by registered social landlords) shall not be treated as part of the consideration for a conveyance or transfer to which this section applies made by a body falling within subsection (3)(ea) above.".

Commencement Information

I62 Sch. 3 para. 1 wholly in force 1.4.1997: Sch. 3 para. 1 not in force at Royal Assent, see s. 232(1)-(3); Sch. 3 para. 1(1)-(4) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (subject to the transitional provisions and savings in Sch. para. 1 of that S.I.) and Sch. 3 para. 1 in force at 1.4.1997 so far as not already in force by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

Local Government Finance Act 1982 (c.32)

F775 2 . . . . . .

Textual Amendments

F775 Sch. 3 para. 2 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch.5**.

Housing Associations Act 1985 (c.69)

3 Section 33 of the Housing Associations Act 1985 (recognition of central association) shall cease to have effect.

Extent Information

E4 Sch. 3 para. 3:the extent of amendments/repeals of Housing Associations Act 1985 is as mentioned in s. 231(1)(4)(a)

Modifications etc. (not altering text)

C133 Sch. 3 para. 3 extended (16.9.1996) by S.I. 1996/2402, art. 3, **Sch. para. 1**

4 In section 69(1) of the Housing Associations Act 1985 (power to vary or terminate certain agreements with housing associations: agreements to which the section applies), omit paragraphs (e) and (g).

Extent Information

E5 Sch. 3 para. 4: the extent of amendments/repeals of Housing Associations Act 1985 is as mentioned in s. 231(1)(4)(a)

Modifications etc. (not altering text)

C134 Sch. 3 para. 4 extended (16.9.1996) by S.I. 1996/2402, **art. 3**,Sch. para. 1

5 In section 75(1) of the Housing Associations Act 1985 (general functions of the Corporation) for paragraphs (a) to (c) substitute—

"(a) to facilitate the proper performance of the functions of registered social landlords;

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(b) to maintain a register of social landlords and to exercise supervision and control over such persons;

(c) to promote and assist the development of self-build societies (other than registered social landlords) and to facilitate the proper performance of the functions, and to publicise the aims and principles, of such societies;".

Extent Information

E6 Sch. 3 para. 5: the extent of amendments/repeals of Housing Associations Act 1985 is as mentioned in s. 231(1)(4)(a)

Modifications etc. (not altering text)

C135 Sch. 3 para. 5 extended (16.9.1996) by S.I. 1996/2402, **art. 3**,Sch. para. 1

F776 6 . . . . . .

Textual Amendments

F776 Sch. 3 para. 6 repealed (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 2**

7 In section 87 of the Housing Associations Act 1985 (financial assistance for formation, management, &c. of housing associations), for subsection (1) substitute—

"(1) The Corporation may give financial assistance to any person to facilitate the proper performance of the functions of registered social landlords or co-operative housing associations.".

Extent Information

E7 Sch. 3 para. 7: the extent of amendments/repeals of Housing Associations Act 1985 is as mentioned in s. 231(1)(4)(a)

Commencement Information

I63 Sch. 3 para. 7 wholly in force 1.10.1996; Sch. 3 para. 7 not in force at Royal Assent see s. 232(1)-(3); Sch. 3 para. 7 in force for certain purposes at 1.8.1996 by S.I. 1996/2048, **art. 4** and in force at 1.10.1996 to the extent not already in force by S.I. 1996/2402, art. 3, **Sch. para. 1**

Income and Corporation Taxes Act 1988 (c.1)

F777 8 . . . . . .

Textual Amendments

F777 Sch. 3 para. 8 repealed (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 3 Pt. 1** (with Sch. 2)

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Housing (Scotland) Act 1988 (c.43)

F778 9 . . . . . .

Textual Amendments

F778 Sch. 3 para. 9 repealed (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 24**; S.S.I. 2001/397, art. 2(2), **Sch.** Table (subject to transitional provisions in arts. 3-6)

Housing Act 1988 (c.50)

10 Section 58 of the Housing Act 1988 (application of Housing Acts to certain transactions) shall cease to have effect.

Extent Information

E8 For extent of Sch. 3 para. 10, see s. 231(4)(b)

Modifications etc. (not altering text)

C136 Sch. 3 para. 10 extended (16.9.1996) by S.I. 1996/2402, **art. 3**,Sch. para. 1

11 In section 79(2) of the Housing Act 1988 (permitted disposals of land by housing action trusts) for paragraph (a) and the word "or" at the end of the paragraph substitute—

"(a) to a registered social landlord (within the meaning of Part I of the Housing Act 1996), or".

Modifications etc. (not altering text)

C137 Sch. 3 para. 11 extended (16.9.1996) by S.I. 1996/2402, **art. 3**,Sch. para. 1

SCHEDULE 4

Section 84.

RIGHTS EXERCISABLE BY SURVEYOR APPOINTED BY TENANTS' ASSOCIATION

Modifications etc. (not altering text)

C138 Sch. 4 (except para. 7) modified (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 7 para. 15(1)**; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a) (with Sch. 2)

C139 Sch. 4 extended to Crown Land (30.9.2003 for E. for specified purposes, 30.3.2004 for W. for specified purposes, 28.2.2005 for E. for specified purposes, 31.5.2005 for W. for specified purposes) by Commonhold and Leasehold Reform Act 2002 (c. 15), **ss. 172**, 181(1); S.I. 2003/1986, art. 2(c)(ii) (with Sch. 2); S.I. 2004/669, art. 2(c)(ii) (with Sch. 2); S.I. 2004/3056, art. 3(h) (with art. 4); S.I. 2005/1353, art. 2(h)

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Introductory

1 (1) A surveyor appointed for the purposes of section 84 has the rights conferred by this Schedule.

(2) In this Schedule—

(a) "the tenants' association" means the association by whom the surveyor was appointed, and

(b) the surveyor's "functions" are his functions in connection with the matters in respect of which he was appointed.

Appointment of assistants

2 (1) The surveyor may appoint such persons as he thinks fit to assist him in carrying out his functions.

(2) References in this Schedule to the surveyor in the context of—

(a) being afforded any such facilities as are mentioned in paragraph 3, or

(b) carrying out an inspection under paragraph 4,

include a person so appointed.

Right to inspect documents, &c.

3 (1) The surveyor has a right to require the landlord or any other relevant person—

(a) to afford him reasonable facilities for inspecting any documents sight of which is reasonably required by him for the purposes of his functions, and

(b) to afford him reasonable facilities for taking copies of or extracts from any such documents.

(2) In sub-paragraph (1) "other relevant person" means a person other than the landlord who is or, in relation to a future service charge, will be—

(a) responsible for applying the proceeds of the service charge, or

(b) under an obligation to a tenant who pays the service charge in respect of any matter to which the charge relates.

(3) The rights conferred on the surveyor by this paragraph are exercisable by him by notice in writing given by him to the landlord or other person concerned.

Where a notice is given to a person other than the landlord, the surveyor shall give a copy of the notice to the landlord.

(4) The landlord or other person to whom notice is given shall, within the period of one week beginning with the date of the giving of the notice or as soon as reasonably practicable thereafter, either—

(a) afford the surveyor the facilities required by him for inspecting and taking copies or extracts of the documents to which the notice relates, or

(b) give the surveyor a notice stating that he objects to doing so for reasons specified in the notice.

(5) Facilities for the inspection of any documents required under sub-paragraph (1)(a) shall be made available free of charge.

This does not mean that the landlord cannot treat as part of his costs of management any costs incurred by him in connection with making the facilities available.

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(6) A reasonable charge may be made for facilities for the taking of copies or extracts required under sub-paragraph (1)(b).

(7) A notice is duly given under this paragraph to the landlord of a tenant if it is given to a person who receives on behalf of the landlord the rent payable by that tenant.

A person to whom such a notice is so given shall forward it as soon as may be to the landlord.

Right to inspect premises

4 (1) The surveyor also has the right to inspect any common parts comprised in relevant premises or any appurtenant property.

(2) In sub-paragraph (1)—

"common parts", in relation to a building or part of a building, includes the structure and exterior of the building or part and any common facilities within it;

"relevant premises" means so much of—

(i) the building or buildings containing the dwellings let to members of the tenants' association, and

(ii) any other building or buildings,

as constitute premises in relation to which management functions are discharged in respect of the costs of which service charges are payable by members of the association; and

"appurtenant property" means so much of any property not contained in relevant premises as constitutes property in relation to which any such management functions are discharged.

For the purposes of the above definitions "management functions" includes functions with respect to the provision of services, or the repair, maintenance **[**[F779], improvement**]** or insurance of property.

(3) On being requested to do so, the landlord shall afford the surveyor reasonable access for the purposes of carrying out an inspection under this paragraph.

(4) Such reasonable access shall be afforded to the surveyor free of charge.

This does not mean that the landlord cannot treat as part of his costs of management any costs incurred by him in connection with affording reasonable access to the surveyor.

(5) A request is duly made under this paragraph to the landlord of a tenant if it is made to a person appointed by the landlord to deal with such requests or, if no such person has been appointed, to a person who receives on behalf of the landlord the rent payable by that tenant.

A person to whom such a request is made shall notify the landlord of the request as soon as may be.

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Textual Amendments

F779 Word in Sch. 4 para. 4(2) inserted (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 9 para. 12**; S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); S.I. 2004/669, **art. 2(c)(i)** (with Sch. 2)

Modifications etc. (not altering text)

C140 Sch. 4 para. 4(2): power to amend conferred (*prosp.*) by 2002 c. 15, ss. 102(1), 181(1), **Sch. 7 para. 13**

C141 Sch. 4 para. 4(5) applied (with modifications) (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 7 para. 15(2)**; S.I. 2003/1986, art. 2(a); S.I. 2004/669, art. 2(a)

Enforcement of rights by the court

5 (1) If the landlord or other person to whom notice was given under paragraph 3 has not, by the end of the period of one month beginning with the date on which notice was given, complied with the notice, the court may, on the application of the surveyor, make an order requiring him to do so within such period as is specified in the order.

(2) If the landlord does not, within a reasonable period after the making of a request under paragraph 4, afford the surveyor reasonable access for the purposes of carrying out an inspection under that paragraph, the court may, on the application of the surveyor, make an order requiring the landlord to do so on such date as is specified in the order.

(3) An application for an order under this paragraph must be made before the end of the period of four months beginning with the date on which notice was given under paragraph 3 or the request was made under paragraph 4.

(4) An order under this paragraph may be made in general terms or may require the landlord or other person to do specific things, as the court thinks fit.

Documents held by superior landlord

6 (1) Where a landlord is required by a notice under paragraph 3 to afford the surveyor facilities for inspection or taking copies or extracts in respect of any document which is in the custody or under the control of a superior landlord—

(a) the landlord shall on receiving the notice inform the surveyor as soon as may be of that fact and of the name and address of the superior landlord, and

(b) the surveyor may then give the superior landlord notice in writing requiring him to afford the facilities in question in respect of the document.

(2) Paragraphs 3 and 5(1) and (3) have effect, with any necessary modifications, in relation to a notice given to a superior landlord under this paragraph.

Effect of disposal by landlord

7 (1) Where a notice under paragraph 3 has been given or a request under paragraph 4 has been made to a landlord, and at a time when any obligations arising out of the notice or request remain to be discharged by him—

(a) he disposes of the whole or part of his interest as landlord of any member of the tenants' association, and

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(b) the person acquiring that interest ("the transferee") is in a position to discharge any of those obligations to any extent,

that person shall be responsible for discharging those obligations to that extent, as if he had been given the notice under paragraph 3 or had received the request under paragraph 4.

(2) If the landlord is, despite the disposal, still in a position to discharge those obligations, he remains responsible for doing so.

Otherwise, the transferee is responsible for discharging them to the exclusion of the landlord.

(3) In connection with the discharge of such obligations by the transferee, paragraphs 3 to 6 apply with the substitution for any reference to the date on which notice was given under paragraph 3 or the request was made under paragraph 4 of a reference to the date of the disposal.

(4) In this paragraph "disposal" means a disposal whether by the creation or transfer of an estate or interest, and includes the surrender of a tenancy; and references to the transferee shall be construed accordingly.

Effect of person ceasing to be a relevant person

8 Where a notice under paragraph 3 has been given to a person other than the landlord and, at a time when any obligations arising out of the notice remain to be discharged by him, he ceases to be such a person as is mentioned in paragraph 3(2), then, if he is still in a position to discharge those obligations to any extent he remains responsible for discharging those obligations, and the provisions of this Schedule continue to apply to him, to that extent.

PROSPECTIVE

SCHEDULE 5

Section 87.

TEXT OF PART II OF THE LANDLORD AND TENANT ACT 1987, AS AMENDED

"PART II

APPOINTMENT OF MANAGERS BY LEASEHOLD VALUATION TRIBUNAL

Tenant's right to apply to tribunal for appointment of manager.

21 (1) The tenant of a flat contained in any premises to which this Part applies may, subject to the following provisions of this Part, apply to a leasehold valuation tribunal for an order under section 24 appointing a manager to act in relation to those premises.

(2) Subject to subsection (3), this Part applies to premises consisting of the whole or part of a building if the building or part contains two or more flats.

(3) This Part does not apply to any such premises at a time when—

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(a) the interest of the landlord in the premises is held by an exempt landlord or a resident landlord, or

(b) the premises are included within the functional land of any charity.

(4) An application for an order under section 24 may be made—

(a) jointly by tenants of two or more flats if they are each entitled to make such an application by virtue of this section, and

(b) in respect of two or more premises to which this Part applies;

and, in relation to any such joint application as is mentioned in paragraph (a), references in this Part to a single tenant shall be construed accordingly.

(5) Where the tenancy of a flat contained in any such premises is held by joint tenants, an application for an order under section 24 in respect of those premises may be made by any one or more of those tenants.

(6) An application to the court for it to exercise in relation to any premises any jurisdiction to appoint a receiver or manager shall not be made by a tenant (in his capacity as such) in any circumstances in which an application could be made by him for an order under section 24 appointing a manager to act in relation to those premises.

(7) References in this Part to a tenant do not include references to a tenant under a tenancy to which Part II of the [M114]Landlord and Tenant Act 1954 applies.

Preliminary notice by tenant.

22 (1) Before an application for an order under section 24 is made in respect of any premises to which this Part applies by a tenant of a flat contained in those premises, a notice under this section must (subject to subsection (3)) be served on the landlord by the tenant.

(2) A notice under this section must—

(a) specify the tenant's name, the address of his flat and an address in England and Wales (which may be the address of his flat) at which the landlord may serve notices, including notices in proceedings, on him in connection with this Part;

(b) state that the tenant intends to make an application for an order under section 24 to be made by a leasehold valuation tribunal in respect of such premises to which this Part applies as are specified in the notice, but (if paragraph (d) is applicable) that he will not do so if the landlord complies with the requirement specified in pursuance of that paragraph;

(c) specify the grounds on which the tribunal would be asked to make such an order and the matters that would be relied on by the tenant for the purpose of establishing those grounds;

(d) where those matters are capable of being remedied by the landlord, require the landlord, within such reasonable period as is specified in the notice, to take such steps for the purpose of remedying them as are so specified; and

(e) contain such information (if any) as the Secretary of State may by regulations prescribe.

(3) A leasehold valuation tribunal may (whether on the hearing of an application for an order under section 24 or not) by order dispense with the requirement to serve a notice under this section in a case where it is satisfied that it would not be reasonably practicable to serve such a notice on the landlord, but the tribunal may, when doing so, direct that such other notices are served, or such other steps are taken, as it thinks fit.

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(4) In a case where—

(a) a notice under this section has been served on the landlord, and

(b) his interest in the premises specified in pursuance of subsection (2)(b) is subject to a mortgage,

the landlord shall, as soon as is reasonably practicable after receiving the notice, serve on the mortgagee a copy of the notice.

Application to tribunal for appointment of manager.

23 (1) No application for an order under section 24 shall be made to a leasehold valuation tribunal unless—

(a) in a case where a notice has been served under section 22, either—

(i) the period specified in pursuance of paragraph (d) of subsection (2) of that section has expired without the landlord having taken the steps that he was required to take in pursuance of that provision, or

(ii) that paragraph was not applicable in the circumstances of the case; or

(b) in a case where the requirement to serve such a notice has been dispensed with by an order under subsection (3) of that section, either—

(i) any notices required to be served, and any other steps required to be taken, by virtue of the order have been served or (as the case may be) taken, or

(ii) no direction was given by the tribunal when making the order.

(2) Procedure regulations shall make provision—

(a) for requiring notice of an application for an order under section 24 in respect of any premises to be served on such descriptions of persons as may be specified in the regulations; and

(b) for enabling persons served with any such notice to be joined as parties to the proceedings.

Appointment of manager by the tribunal.

24 (1) A leasehold valuation tribunal may, on an application for an order under this section, by order (whether interlocutory or final) appoint a manager to carry out in relation to any premises to which this Part applies—

(a) such functions in connection with the management of the premises, or

(b) such functions of a receiver,

or both, as the tribunal thinks fit.

(2) A leasehold valuation tribunal may only make an order under this section in the following circumstances, namely—

(a) where the tribunal is satisfied—

(i) that the landlord either is in breach of any obligation owed by him to the tenant under his tenancy and relating to the management of the premises in question or any part of them or (in the case of an obligation dependent on notice) would be in breach of any such obligation but for the fact that it has not been reasonably practicable for the tenant to give him the appropriate notice, and

(ii) that it is just and convenient to make the order in all the circumstances of the case;

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(ab) where the tribunal is satisfied—

(i) that unreasonable service charges have been made, or are proposed or likely to be made, and

(iii) that it is just and convenient to make the order in all the circumstances of the case;

(ac) where the tribunal is satisfied—

(i) that the landlord has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the [M115]Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and

(ii) that it is just and convenient to make the order in all the circumstances of the case; or

(b) where the tribunal is satisfied that other circumstances exist which make it just and convenient for the order to be made.

(2A) For the purposes of subsection (2)(ab) a service charge shall be taken to be unreasonable—

(a) if the amount is unreasonable having regard to the items for which it is payable,

(b) if the items for which it is payable are of an unnecessarily high standard, or

(c) if the items for which it is payable are of an insufficient standard with the result that additional service charges are or may be incurred.

In that provision and this subsection "service charge" means a service charge within the meaning of section 18(1) of the [M116]Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).

(3) The premises in respect of which an order is made under this section may, if the tribunal thinks fit, be either more or less extensive than the premises specified in the application on which the order is made.

(4) An order under this section may make provision with respect to—

(a) such matters relating to the exercise by the manager of his functions under the order, and

(b) such incidental or ancillary matters,

as the tribunal thinks fit; and, on any subsequent application made for the purpose by the manager, the tribunal may give him directions with respect to any such matters.

(5) Without prejudice to the generality of subsection (4), an order under this section may provide—

(a) for rights and liabilities arising under contracts to which the manager is not a party to become rights and liabilities of the manager;

(b) for the manager to be entitled to prosecute claims in respect of causes of action (whether contractual or tortious) accruing before or after the date of his appointment;

(c) for remuneration to be paid to the manager by the landlord, or by the tenants of the premises in respect of which the order is made or by all or any of those persons;

(d) for the manager's functions to be exercisable by him (subject to subsection (9)) either during a specified period or without limit of time.

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(6) Any such order may be granted subject to such conditions as the tribunal thinks fit, and in particular its operation may be suspended on terms fixed by the tribunal.

(7) In a case where an application for an order under this section was preceded by the service of a notice under section 22, the tribunal may, if it thinks fit, make such an order notwithstanding—

(a) that any period specified in the notice in pursuance of subsection (2)(d) of that section was not a reasonable period, or

(b) that the notice failed in any other respect to comply with any requirement contained in subsection (2) of that section or in any regulations applying to the notice under section 54(3).

(8) The [M117]Land Charges Act 1972 and the [M118]Land Registration Act 1925 shall apply in relation to an order made under this section as they apply in relation to an order appointing a receiver or sequestrator of land.

(9) A leasehold valuation tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the Land Charges Act 1972 or the Land Registration Act 1925, the tribunal may by order direct that the entry shall be cancelled.

(9A) The court shall not vary or discharge an order under subsection (9) on a landlord's application unless it is satisfied—

(a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and

(b) that it is just and convenient in all the circumstances of the case to vary or discharge the order.

(10) An order made under this section shall not be discharged by a leasehold valuation tribunal by reason only that, by virtue of section 21(3), the premises in respect of which the order was made have ceased to be premises to which this Part applies.

(11) References in this section to the management of any premises include references to the repair, maintenance or insurance of those premises.

Jurisdiction of leasehold valuation tribunal.

24A (1) The jurisdiction conferred by this Part on a leasehold valuation tribunal is exercisable by a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977 which when so constituted for the [M119]purposes of exercising any such jurisdiction shall be known as a leasehold valuation tribunal.

(2) The power to make regulations under section 74(1)(b) of the Rent Act 1977 (procedure of rent assessment committees) extends to prescribing the procedure to be followed in connection with any proceedings before a leasehold valuation tribunal under this Part.

Such regulations are referred to in this Part as "procedure regulations".

(3) Any order made by a leasehold valuation tribunal under this Part may, with the leave of the court, be enforced in the same way as an order of the county court.

(4) No costs incurred by a party in connection with proceedings under this Part before a leasehold valuation tribunal shall be recoverable by order of any court.

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(5) Paragraphs 2, 3 and 7 of Schedule 22 to the [M120]Housing Act 1980 (supplementary provisions relating to leasehold valuation tribunals: appeals and provision of information) apply to a leasehold valuation tribunal constituted for the purposes of this section.

(6) No appeal shall lie to the **[**[F780]Upper Tribunal**]** from a decision of a leasehold valuation tribunal under this Part without the leave of the leasehold valuation tribunal concerned or the **[**[F780]Upper Tribunal**]** .

(7) On an appeal to the **[**[F780]Upper Tribunal**]** from a decision of a leasehold valuation tribunal under this Part—

(a) the **[**[F780]Upper Tribunal**]** may exercise any power available to the leasehold valuation tribunal in relation to the original matter, and

(b) an order of the **[**[F780]Upper Tribunal**]** may be enforced in the same way as an order of the leasehold valuation tribunal.

Leasehold valuation tribunal: applications and fees.

24B (1) The Secretary of State may make provision by order as to the form of, or the particulars to be contained in, an application made to a leasehold valuation tribunal under this Part.

(2) The Secretary of State may make provision by order—

(a) requiring the payment of fees in respect of any such application, or in respect of any proceedings before, a leasehold valuation tribunal under this Part; and

(b) empowering a leasehold valuation tribunal to require a party to proceedings before it to reimburse any other party the amount of any fees paid by him.

(3) The fees payable shall be such as may be specified in or determined in accordance with the order subject to this limit, that the fees payable in respect of any one application or reference by the court together with any proceedings before the tribunal arising out of that application or reference shall not exceed £500 or such other amount as may be specified by order of the Secretary of State.

(4) An order under this section may make different provision for different cases or classes of case or for different areas.

(5) An order may, in particular, provide for the reduction or waiver of fees by reference to the financial resources of the party by whom they are to be paid or met.

Any such order may apply, subject to such modifications as may be specified in the order, any other statutory means-testing regime as it has effect from time to time.

(6) An order under this section shall be made by statutory instrument.

(7) No order altering the limit under subsection (3) shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

(8) Any other order under this section, unless it contains only such provision as is mentioned in subsection (1), shall be subject to annulment in pursuance of a resolution of either House of Parliament."

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Textual Amendments

F780 Words in Sch. 5 substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 261** (with Sch. 5)

Marginal Citations

M114 1954 c. 56.
M115 1993 c. 28.
M116 1985 c. 70.
M117 1972 c. 61
M118 1925 c. 21.
M119 1977 c 42.
M120 1980 c. 51.

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SCHEDULE 6

Section 92(1).

AMENDMENTS OF PART I OF THE LANDLORD AND TENANT ACT 1987

PART I

RIGHTS OF FIRST REFUSAL

The following sections are substituted for sections 5 to 10 of the [M121]Landlord and Tenant Act 1987—

" Rights of first refusal

5 Landlord required to serve offer notice on tenants.

(1) Where the landlord proposes to make a relevant disposal affecting premises to which this Part applies, he shall serve a notice under this section (an "offer notice") on the qualifying tenants of the flats contained in the premises (the "constituent flats").

(2) An offer notice must comply with the requirements of whichever is applicable of the following sections—

section 5A (requirements in case of contract to be completed by conveyance, &c.),
section 5B (requirements in case of sale at auction),
section 5C (requirements in case of grant of option or right of pre-emption),
section 5D (requirements in case of conveyance not preceded by contract, &c.);

and in the case of a disposal to which section 5E applies (disposal for non-monetary consideration) shall also comply with the requirements of that section.

(3) Where a landlord proposes to effect a transaction involving the disposal of an estate or interest in more than one building (whether or not involving the same estate or interest),

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he shall, for the purpose of complying with this section, sever the transaction so as to deal with each building separately.

(4) If, as a result of the offer notice being served on different tenants on different dates, the period specified in the notice as the period for accepting the offer would end on different dates, the notice shall have effect in relation to all the qualifying tenants on whom it is served as if it provided for that period to end with the latest of those dates.

(5) A landlord who has not served an offer notice on all of the qualifying tenants on whom it was required to be served shall nevertheless be treated as having complied with this section—

(a) if he has served an offer notice on not less than 90% of the qualifying tenants on whom such a notice was required to be served, or

(b) where the qualifying tenants on whom it was required to be served number less than ten, if he has served such a notice on all but one of them.

5A Offer notice: requirements in case of contract to be completed by conveyance, &c.

(1) The following requirements must be met in relation to an offer notice where the disposal consists of entering into a contract to create or transfer an estate or interest in land.

(2) The notice must contain particulars of the principal terms of the disposal proposed by the landlord, including in particular—

(a) the property, and the estate or interest in that property, to which the contract relates,

(b) the principal terms of the contract (including the deposit and consideration required).

(3) The notice must state that the notice constitutes an offer by the landlord to enter into a contract on those terms which may be accepted by the requisite majority of qualifying tenants of the constituent flats.

(4) The notice must specify a period within which that offer may be so accepted, being a period of not less than two months which is to begin with the date of service of the notice.

(5) The notice must specify a further period of not less than two months within which a person or persons may be nominated by the tenants under section 6.

(6) This section does not apply to the grant of an option or right of pre-emption (see section 5C).

5B Offer notice: requirements in case of sale by auction.

(1) The following requirements must be met in relation to an offer notice where the landlord proposes to make the disposal by means of a sale at a public auction held in England and Wales.

(2) The notice must contain particulars of the principal terms of the disposal proposed by the landlord, including in particular the property to which it relates and the estate or interest in that property proposed to be disposed of.

(3) The notice must state that the disposal is proposed to be made by means of a sale at a public auction.

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(4) The notice must state that the notice constitutes an offer by the landlord, which may be accepted by the requisite majority of qualifying tenants of the constituent flats, for the contract (if any) entered into by the landlord at the auction to have effect as if a person or persons nominated by them, and not the purchaser, had entered into it.

(5) The notice must specify a period within which that offer may be so accepted, being a period of not less than two months beginning with the date of service of the notice.

(6) The notice must specify a further period of not less than 28 days within which a person or persons may be nominated by the tenants under section 6.

(7) The notice must be served not less than four months or more than six months before the date of the auction; and—

(a) the period specified in the notice as the period within which the offer may be accepted must end not less than two months before the date of the auction, and

(b) the period specified in the notice as the period within which a person may be nominated under section 6 must end not less than 28 days before the date of the auction.

(8) Unless the time and place of the auction and the name of the auctioneers are stated in the notice, the landlord shall, not less than 28 days before the date of the auction, serve on the requisite majority of qualifying tenants of the constituent flats a further notice stating those particulars.

5C Offer notice: requirements in case of grant or option or right of pre-emption.

(1) The following requirements must be met in relation to an offer notice where the disposal consists of the grant of an option or right of pre-emption.

(2) The notice must contain particulars of the principal terms of the disposal proposed by the landlord, including in particular—

(a) the property, and the estate or interest in that property, to which the option or right of pre-emption relates,

(b) the consideration required by the landlord for granting the option or right of pre-emption, and

(c) the principal terms on which the option or right of pre-emption would be exercisable, including the consideration payable on its exercise.

(3) The notice must state that the notice constitutes an offer by the landlord to grant an option or right of pre-emption on those terms which may be accepted by the requisite majority of qualifying tenants of the constituent flats.

(4) The notice must specify a period within which that offer may be so accepted, being a period of not less than two months which is to begin with the date of service of the notice.

(5) The notice must specify a further period of not less than two months within which a person or persons may be nominated by the tenants under section 6.

5D Offer notice: requirements in case of conveyance not preceded by contract, &c.

(1) The following requirements must be met in relation to an offer notice where the disposal is not made in pursuance of a contract, option or right of pre-emption binding on the landlord.

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(2) The notice must contain particulars of the principal terms of the disposal proposed by the landlord, including in particular—

(a) the property to which it relates and the estate or interest in that property proposed to be disposed of, and

(b) the consideration required by the landlord for making the disposal.

(3) The notice must state that the notice constitutes an offer by the landlord to dispose of the property on those terms which may be accepted by the requisite majority of qualifying tenants of the constituent flats.

(4) The notice must specify a period within which that offer may be so accepted, being a period of not less than two months which is to begin with the date of service of the notice.

(5) The notice must specify a further period of not less than two months within which a person or persons may be nominated by the tenants under section 6.

5E Offer notice: disposal for non-monetary consideration.

(1) This section applies where, in any case to which section 5 applies, the consideration required by the landlord for making the disposal does not consist, or does not wholly consist, of money.

(2) The offer notice, in addition to complying with whichever is applicable of sections 5A to 5D, must state—

(a) that an election may made under section 8C (explaining its effect), and

(b) that, accordingly, the notice also constitutes an offer by the landlord, which may be accepted by the requisite majority of qualifying tenants of the constituent flats, for a person or persons nominated by them to acquire the property in pursuance of sections 11 to 17.

(3) The notice must specify a period within which that offer may be so accepted, being a period of not less than two months which is to begin with the date of service of the notice.

6 Acceptance of landlord's offer: general provisions.

(1) Where a landlord has served an offer notice, he shall not during—

(a) the period specified in the notice as the period during which the offer may be accepted, or

(b) such longer period as may be agreed between him and the requisite majority of the qualifying tenants of the constituent flats,

dispose of the protected interest except to a person or persons nominated by the tenants under this section.

(2) Where an acceptance notice is duly served on him, he shall not during the protected period (see subsection (4) below) dispose of the protected interest except to a person duly nominated for the purposes of this section by the requisite majority of qualifying tenants of the constituent flats (a "nominated person").

(3) An "acceptance notice" means a notice served on the landlord by the requisite majority of qualifying tenants of the constituent flats informing him that the persons by whom it is served accept the offer contained in his notice.

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An acceptance notice is "duly served" if it is served within—

(a) the period specified in the offer notice as the period within which the offer may be accepted, or

(b) such longer period as may be agreed between the landlord and the requisite majority of qualifying tenants of the constituent flats.

(4) The "protected period" is the period beginning with the date of service of the acceptance notice and ending with—

(a) the end of the period specified in the offer notice as the period for nominating a person under this section, or

(b) such later date as may be agreed between the landlord and the requisite majority of qualifying tenants of constituent flats.

(5) A person is "duly nominated" for the purposes of this section if he is nominated at the same time as the acceptance notice is served or at any time after that notice is served and before the end of—

(a) the period specified in the offer notice as the period for nomination, or

(b) such longer period as may be agreed between the landlord and the requisite majority of qualifying tenants of the constituent flats.

(6) A person nominated for the purposes of this section by the requisite majority of qualifying tenants of the constituent flats may be replaced by another person so nominated if, and only if, he has (for any reason) ceased to be able to act as a nominated person.

(7) Where two or more persons have been nominated and any of them ceases to act without being replaced, the remaining person or persons so nominated may continue to act.

7 Failure to accept landlord's offer or to make nomination.

(1) Where a landlord has served an offer notice on the qualifying tenants of the constituent flats and—

(a) no acceptance notice is duly served on the landlord, or

(b) no person is nominated for the purposes of section 6 during the protected period,

the landlord may, during the period of 12 months beginning with the end of that period, dispose of the protected interest to such person as he thinks fit, but subject to the following restrictions.

(2) Where the offer notice was one to which section 5B applied (sale by auction), the restrictions are—

(a) that the disposal is made by means of a sale at a public auction, and

(b) that the other terms correspond to those specified in the offer notice.

(3) In any other case the restrictions are—

(a) that the deposit and consideration required are not less than those specified in the offer notice, and

(b) that the other terms correspond to those specified in the offer notice.

(4) The entitlement of a landlord, by virtue of this section or any other corresponding provision of this Part, to dispose of the protected interest during a specified period of 12 months extends only to a disposal of that interest, and accordingly the requirements of section 1(1) must be satisfied with respect to any other disposal by him during that

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period of 12 months (unless the disposal is not a relevant disposal affecting any premises to which at the time of the disposal this Part applies).

8 Landlord's obligations in case of acceptance and nomination.

(1) This section applies where a landlord serves an offer notice on the qualifying tenants of the constituent flat and—

(a) an acceptance notice is duly served on him, and

(b) a person is duly nominated for the purposes of section 6,

by the requisite majority of qualifying tenants of the constituent flats.

(2) Subject to the following provisions of this Part, the landlord shall not dispose of the protected interest except to the nominated person.

(3) The landlord shall, within the period of one month beginning with the date of service of notice of nomination, either—

(a) serve notice on the nominated person indicating an intention no longer to proceed with the disposal of the protected interest, or

(b) be obliged to proceed in accordance with the following provisions of this Part.

(4) A notice under subsection (3)(a) is a notice of withdrawal for the purposes of section 9B(2) to (4) (consequences of notice of withdrawal by landlord).

(5) Nothing in this section shall be taken as prejudicing the application of the provisions of this Part to any further offer notice served by the landlord on the qualifying tenants of the constituent flats.

8A Landlord's obligation: general provisions.

(1) This section applies where the landlord is obliged to proceed and the offer notice was not one to which section 5B applied (sale by auction).

(2) The landlord shall, within the period of one month beginning with the date of service of the notice of nomination, send to the nominated person a form of contract for the acquisition of the protected interest on the terms specified in the landlord's offer notice.

(3) If he fails to do so, the following provisions of this Part apply as if he had given notice under section 9B (notice of withdrawal by landlord) at the end of that period.

(4) If the landlord complies with subsection (2), the nominated person shall, within the period of two months beginning with the date on which it is sent or such longer period beginning with that date as may be agreed between the landlord and that person, either—

(a) serve notice on the landlord indicating an intention no longer to proceed with the acquisition of the protected interest, or

(b) offer an exchange of contracts, that is to say, sign the contract and send it to the landlord, together with the requisite deposit.

In this subsection "the requisite deposit" means a deposit of an amount determined by or under the contract or an amount equal to 10 per cent of the consideration, whichever is the less.

(5) If the nominated person—

(a) serves notice in pursuance of paragraph (a) of subsection (4), or

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(b) fails to offer an exchange of contracts within the period specified in that subsection,

the following provisions of this Part apply as if he had given notice under section 9A (withdrawal by nominated person) at the same time as that notice or, as the case may be, at the end of that period.

(6) If the nominated person offers an exchange of contracts within the period specified in subsection (4), but the landlord fails to complete the exchange within the period of seven days beginning with the day on which he received that person's contract, the following provisions of this Part apply as if the landlord had given notice under section 9B (withdrawal by landlord) at the end of that period.

8B Landlord's obligation: election in case of sale at auction.

(1) This section applies where the landlord is obliged to proceed and the offer notice was one to which section 5B applied (sale by auction).

(2) The nominated person may, by notice served on the landlord not less than 28 days before the date of the auction, elect that the provisions of this section shall apply.

(3) If a contract for the disposal is entered into at the auction, the landlord shall, within the period of seven days beginning with the date of the auction, send a copy of the contract to the nominated person.

(4) If, within the period of 28 days beginning with the date on which such a copy is so sent, the nominated person—

(a) serves notice on the landlord accepting the terms of the contract, and

(b) fulfils any conditions falling to be fulfilled by the purchaser on entering into the contract,

the contract shall have effect as if the nominated person, and not the purchaser, had entered into the contract.

(5) Unless otherwise agreed, any time limit in the contract as it has effect by virtue of subsection (4) shall start to run again on the service of notice under that subsection; and nothing in the contract as it has effect by virtue of a notice under this section shall require the nominated person to complete the purchase before the end of the period of 28 days beginning with the day on which he is deemed to have entered into the contract.

(6) If the nominated person—

(a) does not serve notice on the landlord under subsection (2) by the time mentioned in that subsection, or

(b) does not satisfy the requirements of subsection (4) within the period mentioned in that subsection,

the following provisions of this Part apply as if he had given notice under section 9A (withdrawal by nominated person) at the end of that period.

8C Election in case of disposal for non-monetary consideration.

(1) This section applies where an acceptance notice is duly served on the landlord indicating an intention to accept the offer referred to in section 5E (offer notice: disposal for non-monetary consideration).

(2) The requisite majority of qualifying tenants of the constituent flats may, by notice served on the landlord within—

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(a) the period specified in the offer notice for nominating a person or persons for the purposes of section 6, or

(b) such longer period as may be agreed between the landlord and the requisite majority of qualifying tenants of the constituent flats,

elect that the following provisions shall apply.

(3) Where such an election is made and the landlord disposes of the protected interest on terms corresponding to those specified in his offer notice in accordance with section 5A, 5B, 5C or 5D, sections 11 to 17 shall have effect as if—

(a) no notice under section 5 had been served;

(b) in section 11A(3) (period for serving notice requiring information, &c.), the reference to four months were a reference to 28 days; and

(c) in section 12A(2) and 12B(3) (period for exercise of tenants' rights against purchaser) each reference to six months were a reference to two months.

(4) For the purposes of sections 11 to 17 as they have effect by virtue of subsection (3) so much of the consideration for the original disposal as did not consist of money shall be treated as such amount in money as was equivalent to its value in the hands of the landlord.

The landlord or the nominated person may apply to have that amount determined by a leasehold valuation tribunal.

8D Disposal in pursuance of option or right of pre-emption.

(1) Where—

(a) the original disposal was the grant of an option or right of pre-emption, and

(b) in pursuance of the option or right, the landlord makes another disposal affecting the premises ("the later disposal") before the end of the period specified in subsection (2),

sections 11 to 17 shall have effect as if the later disposal, and not the original disposal, were the relevant disposal.

(2) The period referred to in subsection (1)(b) is the period of four months beginning with the date by which—

(a) notices under section 3A of the [M122]Landlord and Tenant Act 1985 (duty of new landlord to inform tenants of rights) relating to the original disposal, or

(b) where that section does not apply, documents of any other description—

(i) indicating that the original disposal has taken place, and

(ii) alerting the tenants to the existence of their rights under this Part and the time within which any such rights must be exercised,

have been served on the requisite majority of qualifying tenants of the constituent flats.

8E Covenant, &c affecting landlord's power to dispose.

(1) Where the landlord is obliged to proceed but is precluded by a covenant, condition or other obligation from disposing of the protected interest to the nominated person unless the consent of some other person is obtained—

(a) he shall use his best endeavours to secure that the consent of that person to that disposal is given, and

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(b) if it appears to him that that person is obliged not to withhold his consent unreasonably but has nevertheless so withheld it, he shall institute proceedings for a declaration to that effect.

(2) Subsection (1) ceases to apply if a notice of withdrawal is served under section 9A or 9B (withdrawal of either party from transaction) or if notice is served under section 10 (lapse of landlord's offer: premises ceasing to be premises to which this Part applies).

(3) Where the landlord has discharged any duty imposed on him by subsection (1) but any such consent as is there mentioned has been withheld, and no such declaration as is there mentioned has been made, the landlord may serve a notice on the nominated person stating that to be the case.

When such a notice has been served, the landlord may, during the period of 12 months beginning with the date of service of the notice, dispose of the protected interest to such person as he thinks fit, but subject to the following restrictions.

(4) Where the offer notice was one to which section 5B applied (sale by auction), the restrictions are—

(a) that the disposal is made by means of a sale at a public auction, and

(b) that the other terms correspond to those specified in the offer notice.

(5) In any other case the restrictions are—

(a) that the deposit and consideration required are not less than those specified in the offer notice or, if higher, those agreed between the landlord and the nominated person (subject to contract), and

(b) that the other terms correspond to those specified in the offer notice.

(6) Where notice is given under subsection (3), the landlord may recover from the nominated party and the qualifying tenants who served the acceptance notice any costs reasonably incurred by him in connection with the disposal between the end of the first four weeks of the nomination period and the time when that notice is served by him.

Any such liability of the nominated person and those tenants is a joint and several liability.

9A Notice of withdrawal by nominated person.

(1) Where the landlord is obliged to proceed, the nominated person may serve notice on the landlord (a "notice of withdrawal") indicating his intention no longer to proceed with the acquisition of the protected interest.

(2) If at any time the nominated person becomes aware that the number of the qualifying tenants of the constituent flats desiring to proceed with the acquisition of the protected interest is less than the requisite majority of qualifying tenants of those flats, he shall forthwith serve a notice of withdrawal.

(3) Where notice of withdrawal is given by the nominated person under this section, the landlord may, during the period of 12 months beginning with the date of service of the notice, dispose of the protected interest to such person as he thinks fit, but subject to the following restrictions.

(4) Where the offer notice was one to which section 5B applied (sale by auction), the restrictions are—

(a) that the disposal is made by means of a sale at a public auction, and

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(b) that the other terms correspond to those specified in the offer notice.

(5) In any other case the restrictions are—

(a) that the deposit and consideration required are not less than those specified in the offer notice or, if higher, those agreed between the landlord and the nominated person (subject to contract), and

(b) that the other terms correspond to those specified in the offer notice.

(6) If notice of withdrawal is served under this section before the end of the first four weeks of the nomination period specified in the offer notice, the nominated person and the qualifying tenants who served the acceptance notice are not liable for any costs incurred by the landlord in connection with the disposal.

(7) If notice of withdrawal is served under this section after the end of those four weeks, the landlord may recover from the nominated person and the qualifying tenants who served the acceptance notice any costs reasonably incurred by him in connection with the disposal between the end of those four weeks and the time when the notice of withdrawal was served on him.

Any such liability of the nominated person and those tenants is a joint and several liability.

(8) This section does not apply after a binding contract for the disposal of the protected interest—

(a) has been entered into by the landlord and the nominated person, or

(b) has otherwise come into existence between the landlord and the nominated person by virtue of any provision of this Part.

9B Notice of withdrawal by landlord.

(1) Where the landlord is obliged to proceed, he may serve notice on the nominated person (a "notice of withdrawal") indicating his intention no longer to proceed with the disposal of the protected interest.

(2) Where a notice of withdrawal is given by the landlord, he is not entitled to dispose of the protected interest during the period of 12 months beginning with the date of service of the notice.

(3) If a notice of withdrawal is served before the end of the first four weeks of the nomination period specified in the offer notice, the landlord is not liable for any costs incurred in connection with the disposal by the nominated person and the qualifying tenants who served the acceptance notice.

(4) If a notice of withdrawal is served after the end of those four weeks, the nominated person and the qualifying tenants who served the acceptance notice may recover from the landlord any costs reasonably incurred by them in connection with the disposal between the end of those four weeks and the time when the notice of withdrawal was served.

(5) This section does not apply after a binding contract for the disposal of the protected interest—

(a) has been entered into by the landlord and the nominated person, or

(b) has otherwise come into existence between the landlord and the nominated person by virtue of any provision of this Part.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

10 Lapse of landlord's offer.

(1) If after a landlord has served an offer notice the premises concerned cease to be premises to which this Part applies, the landlord may serve a notice on the qualifying tenants of the constituent flats stating—

(a) that the premises have ceased to be premises to which this Part applies, and

(b) that the offer notice, and anything done in pursuance of it, is to be treated as not having been served or done;

and on the service of such a notice the provisions of this Part cease to have effect in relation to that disposal.

(2) A landlord who has not served such a notice on all of the qualifying tenants of the constituent flats shall nevertheless be treated as having duly served a notice under subsection (1)—

(a) if he has served such a notice on not less than 90% of those tenants, or

(b) where those qualifying tenants number less than ten, if he has served such a notice on all but one of them.

(3) Where the landlord is entitled to serve a notice under subsection (1) but does not do so, this Part shall continue to have effect in relation to the disposal in question as if the premises in question were still premises to which this Part applies.

(4) The above provisions of this section do not apply after a binding contract for the disposal of the protected interest—

(a) has been entered into by the landlord and the nominated person, or

(b) has otherwise come into existence between the landlord and the nominated person by virtue of any provision of this Part.

(5) Where a binding contract for the disposal of the protected interest has been entered into between the landlord and the nominated person but it has been lawfully rescinded by the landlord, the landlord may, during the period of 12 months beginning with the date of the rescission of the contract, dispose of that interest to such person (and on such terms) as he thinks fit.".

Marginal Citations

M121 1987 c. 31.

M122 1985 c 70.

PART II

ENFORCEMENT BY TENANTS OF RIGHTS AGAINST PURCHASER

The following sections are substituted for sections 11 to 15 of the [M123]Landlord and Tenant Act 1987—

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

" Enforcement by tenants of rights against purchaser

11 Circumstances in which tenants' rights enforceable against purchaser

(1) The following provisions of this Part apply where a landlord has made a relevant disposal affecting premises to which at the time of the disposal this Part applied ("the original disposal"), and either—

(a) no notice was served by the landlord under section 5 with respect to that disposal, or

(b) the disposal was made in contravention of any provision of sections 6 to 10,

and the premises are still premises to which this Part applies.

(2) In those circumstances the requisite majority of the qualifying tenants of the flats contained in the premises affected by the relevant disposal (the "constituent flats") have the rights conferred by the following provisions—

section 11A (right to information as to terms of disposal, &c.),

section 12A (right of qualifying tenants to take benefit of contract),

section 12B (right of qualifying tenants to compel sale, &c. by purchaser), and

section 12C (right of qualifying tenants to compel grant of new tenancy by superior landlord).

(3) In those sections the transferee under the original disposal (or, in the case of the surrender of a tenancy, the superior landlord) is referred to as "the purchaser".

This shall not be read as restricting the operation of those provisions to disposals for consideration.

11A Right to information as to terms of disposal, &c.

(1) The requisite majority of qualifying tenants of the constituent flats may serve a notice on the purchaser requiring him—

(a) to give particulars of the terms on which the original disposal was made (including the deposit and consideration required) and the date on which it was made, and

(b) where the disposal consisted of entering into a contract, to provide a copy of the contract.

(2) The notice must specify the name and address of the person to whom (on behalf of the tenants) the particulars are to be given, or the copy of the contract provided.

(3) Any notice under this section must be served before the end of the period of four months beginning with the date by which—

(a) notices under section 3A of the [M124]Landlord and Tenant Act 1985 (duty of new landlord to inform tenants of rights) relating to the original disposal, or

(b) where that section does not apply, documents of any other description—

(i) indicating that the original disposal has taken place, and

(ii) alerting the tenants to the existence of their rights under this Part and the time within which any such rights must be exercised,

have been served on the requisite majority of qualifying tenants of the constituent flats.

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(4) A person served with a notice under this section shall comply with it within the period of one month beginning with the date on which it is served on him.

12A Right of qualifying tenants to take benefit of contract.

(1) Where the original disposal consisted of entering into a contract, the requisite majority of qualifying tenants of the constituent flats may by notice to the landlord elect that the contract shall have effect as if entered into not with the purchaser but with a person or persons nominated for the purposes of this section by the requisite majority of qualifying tenants of the constituent flats.

(2) Any such notice must be served before the end of the period of six months beginning—

(a) if a notice was served on the purchaser under section 11A (right to information as to terms of disposal, &c.), with the date on which the purchaser complied with that notice;

(b) in any other case, with the date by which documents of any description—

(i) indicating that the original disposal has taken place, and

(ii) alerting the tenants to the existence of their rights under this Part and the time within which any such rights must be exercised,

have been served on the requisite majority of qualifying tenants of the constituent flats.

(3) The notice shall not have effect as mentioned in subsection (1) unless the nominated person—

(a) fulfils any requirements as to the deposit required on entering into the contract, and

(b) fulfils any other conditions required to be fulfilled by the purchaser on entering into the contract.

(4) Unless otherwise agreed, any time limit in the contract as it has effect by virtue of a notice under this section shall start to run again on the service of that notice; and nothing in the contract as it has effect by virtue of a notice under this section shall require the nominated person to complete the purchase before the end of the period of 28 days beginning with the day on which he is deemed to have entered into the contract.

(5) Where the original disposal related to other property in addition to premises to which this Part applied at the time of the disposal—

(a) a notice under this section has effect only in relation to the premises to which this Part applied at the time of the original disposal, and

(b) the terms of the contract shall have effect with any necessary modifications.

In such a case the notice under this section may specify the subject-matter of the disposal, and the terms on which the disposal is to be made (whether doing so expressly or by reference to the original disposal), or may provide for that estate or interest, or any such terms, to be determined by a leasehold valuation tribunal.

12B Right of qualifying tenants to compel sale, &c. by purchaser.

(1) This section applies where—

(a) the original disposal consisted of entering into a contract and no notice has been served under section 12A (right of qualifying tenants to take benefit of contract), or

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(b) the original disposal did not consist of entering into a contract.

(2) The requisite majority of qualifying tenants of the constituent flats may serve a notice (a "purchase notice") on the purchaser requiring him to dispose of the estate or interest that was the subject-matter of the original disposal, on the terms on which it was made (including those relating to the consideration payable), to a person or persons nominated for the purposes of this section by any such majority of qualifying tenants of those flats.

(3) Any such notice must be served before the end of the period of six months beginning—

(a) if a notice was served on the purchaser under section 11A (right to information as to terms of disposal, &c.), with the date on which the purchaser complied with that notice;

(b) in any other case, with the date by which—

(i) notices under section 3A of the [M125]Landlord and Tenant Act 1985 (duty of new landlord to inform tenants of rights) relating to the original disposal, or

(ii) where that section does not apply, documents of any other description indicating that the original disposal has taken place, and alerting the tenants to the existence of their rights under this Part and the time within which any such rights must be exercised,

have been served on the requisite majority of qualifying tenants of the constituent flats.

(4) A purchase notice shall where the original disposal related to other property in addition to premises to which this Part applied at the time of the disposal—

(a) require the purchaser only to make a disposal relating to those premises, and

(b) require him to do so on the terms referred to in subsection (2) with any necessary modifications.

In such a case the purchase notice may specify the subject-matter of the disposal, and the terms on which the disposal is to be made (whether doing so expressly or by reference to the original disposal), or may provide for those matters to be determined by a leasehold valuation tribunal.

(5) Where the property which the purchaser is required to dispose of in pursuance of the purchase notice has since the original disposal become subject to any charge or other incumbrance, then, unless the court by order directs otherwise—

(a) in the case of a charge to secure the payment of money or the performance of any other obligation by the purchaser or any other person, the instrument by virtue of which the property is disposed of by the purchaser to the person or persons nominated for the purposes of this section shall (subject to the provisions of Part I of Schedule 1) operate to discharge the property from that charge; and

(b) in the case of any other incumbrance, the property shall be so disposed of subject to the incumbrance but with a reduction in the consideration payable to the purchaser corresponding to the amount by which the existence of the incumbrance reduces the value of the property.

(6) Subsection (5)(a) and Part I of Schedule 1 apply, with any necessary modifications, to mortgages and liens as they apply to charges; but nothing in those provisions applies to a rentcharge.

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(7) Where the property which the purchaser is required to dispose of in pursuance of the purchase notice has since the original disposal increased in monetary value owing to any change in circumstances (other than a change in the value of money), the amount of the consideration payable to the purchaser for the disposal by him of the property in pursuance of the purchase notice shall be the amount that might reasonably have been obtained on a corresponding disposal made on the open market at the time of the original disposal if the change in circumstances had already taken place.

12C Right of qualifying tenants to compel grant of new tenancy by superior landlord

(1) This section applies where the original disposal consisted of the surrender by the landlord of a tenancy held by him ("the relevant tenancy").

(2) The requisite majority of qualifying tenants of the constituent flats may serve a notice on the purchaser requiring him to grant a new tenancy of the premises which were subject to the relevant tenancy, on the same terms as those of the relevant tenancy and so as to expire on the same date as that tenancy would have expired, to a person or persons nominated for the purposes of this section by any such majority of qualifying tenants of those flats.

(3) Any such notice must be served before the end of the period of six months beginning—

(a) if a notice was served on the purchaser under section 11A (right to information as to terms of disposal, &c.), with the date on which the purchaser complied with that notice;

(b) in any other case, with the date by which documents of any description—

(i) indicating that the original disposal has taken place, and

(ii) alerting the tenants to the existence of their rights under this Part and the time within which any such rights must be exercised,

have been served on the requisite majority of qualifying tenants of the constituent flats.

(4) If the purchaser paid any amount to the landlord as consideration for the surrender by him of that tenancy, the nominated person shall pay that amount to the purchaser.

(5) Where the premises subject to the relevant tenancy included premises other than premises to which this Part applied at the time of the disposal, a notice under this section shall—

(a) require the purchaser only to grant a new tenancy relating to the premises to which this Part then applied, and

(b) require him to do so on the terms referred to in subsection (2) subject to any necessary modifications.

(6) The purchase notice may specify the subject-matter of the disposal, and the terms on which the disposal is to be made (whether doing so expressly or by reference to the original disposal), or may provide for those matters to be determined by a leasehold valuation tribunal.

12D Nominated persons: supplementary provisions.

(1) The person or persons initially nominated for the purposes of section 12A, 12B or 12C shall be nominated in the notice under that section.

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(2) A person nominated for those purposes by the requisite majority of qualifying tenants of the constituent flats may be replaced by another person so nominated if, and only if, he has (for any reason) ceased to be able to act as a nominated person.

(3) Where two or more persons have been nominated and any of them ceases to act without being replaced, the remaining person or persons so nominated may continue to act.

(4) Where, in the exercise of its power to award costs, the court or the Lands Tribunal makes, in connection with any proceedings arising under or by virtue of this Part, an award of costs against the person or persons so nominated, the liability for those costs is a joint and several liability of that person or those persons together with the qualifying tenants by whom the relevant notice was served.

13 Determination of questions by leasehold valuation tribunal.

(1) A leasehold valuation tribunal has jurisdiction to hear and determine—

(a) any question arising in relation to any matters specified in a notice under section 12A, 12B or 12C, and

(b) any question arising for determination as mentioned in section 8C(4), 12A(5) or 12B(4) (matters left for determination by tribunal).

(2) On an application under this section the interests of the persons by whom the notice was served under section 12A, 12B or 12C shall be represented by the nominated person; and accordingly the parties to any such application shall not include those persons.

14 Withdrawal of nominated person from transaction under s.12B or 12C.

(1) Where notice has been duly served on the landlord under—

section 12B (right of qualifying tenants to compel sale, &c by purchaser), or

section 12C (right of qualifying tenants to compel grant of new tenancy by superior landlord),

the nominated person may at any time before a binding contract is entered into in pursuance of the notice, serve notice under this section on the purchaser (a " notice of withdrawal") indicating an intention no longer to proceed with the disposal.

(2) If at any such time the nominated person becomes aware that the number of qualifying tenants of the constituent flats desiring to proceed with the disposal is less than the requisite majority of those tenants, he shall forthwith serve a notice of withdrawal.

(3) If a notice of withdrawal is served under this section the purchaser may recover from the nominated person any costs reasonably incurred by him in connection with the disposal down to the time when the notice is served on him.

(4) If a notice of withdrawal is served at a time when proceedings arising under or by virtue of this Part are pending before the court or the Lands Tribunal, the liability of the nominated person for any costs incurred by the purchaser as mentioned in subsection (3) shall be such as may be determined by the court or (as the case may be) by the Tribunal.

(5) The costs that may be recovered by the purchaser under this section do not include any costs incurred by him in connection with an application to a leasehold valuation tribunal.".

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Marginal Citations

M123 1987 c 31.
M124 1985 c 70.
M125 1985 c 70.

PART III

ENFORCEMENT OF RIGHTS AGAINST SUBSEQUENT PURCHASERS AND TERMINATION OF RIGHTS

The following sections replace sections 16 and 17 of the [M126]Landlord and Tenant Act 1987—

" Enforcement by tenants of rights against subsequent purchasers

16 Rights of qualifying tenants against subsequent purchaser.

(1) This section applies where, at the time when a notice is served on the purchaser under section 11A, 12A, 12B or 12C, he no longer holds the estate or interest that was the subject-matter of the original disposal.

(2) In the case of a notice under section 11A (right to information as to terms of disposal, &c.) the purchaser shall, within the period for complying with that notice—

(a) serve notice on the person specified in the notice as the person to whom particulars are to be provided of the name and address of the person to whom he has disposed of that estate or interest ("the subsequent purchaser"), and

(b) serve on the subsequent purchaser a copy of the notice under section 11A and of the particulars given by him in response to it.

(3) In the case of a notice under section 12A, 12B or 12C the purchaser shall forthwith—

(a) forward the notice to the subsequent purchaser, and

(b) serve on the nominated person notice of the name and address of the subsequent purchaser.

(4) Once the purchaser serves a notice in accordance with subsection (2)(a) or (3)(b), sections 12A to 14 shall, instead of applying to the purchaser, apply to the subsequent purchaser as if he were the transferee under the original disposal.

(5) Subsections (1) to (4) have effect, with any necessary modifications, in a case where, instead of disposing of the whole of the estate or interest referred to in subsection (1) to another person, the purchaser has disposed of it in part or in parts to one or more other persons.

In such a case, sections 12A to 14—

(a) apply to the purchaser in relation to any part of that estate or interest retained by him, and

(b) in relation to any part of that estate or interest disposed of to any other person, apply to that other person instead as if he were (as respects that part) the transferee under the original disposal.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Termination of rights against purchasers or subsequent purchasers

17 Termination of rights against purchaser or subsequent purchaser.

(1) If, at any time after a notice has been served under section 11A, 12A, 12B or 12C, the premises affected by the original disposal cease to be premises to which this Part applies, the purchaser may serve a notice on the qualifying tenants of the constituent flats stating—

(a) that the premises have ceased to be premises to which this Part applies, and

(b) that any such notice served on him, and anything done in pursuance of it, is to be treated as not having been served or done.

(2) A landlord who has not served such a notice on all of the qualifying tenants of the constituent flats shall nevertheless be treated as having duly served a notice under subsection (1)—

(a) if he has served such a notice on not less than 90% of those tenants, or

(b) where those qualifying tenants number less than ten, if he has served such a notice on all but one of them.

(3) Where a period of three months beginning with the date of service of a notice under section 12A, 12B or 12C on the purchaser has expired—

(a) without any binding contract having been entered into between the purchaser and the nominated person, and

(b) without there having been made any application in connection with the notice to the court or to a leasehold valuation tribunal,

the purchaser may serve on the nominated person a notice stating that the notice, and anything done in pursuance of it, is to be treated as not having been served or done.

(4) Where any such application as is mentioned in subsection (3)(b) was made within the period of three months referred to in that subsection, but—

(a) a period of two months beginning with the date of the determination of that application has expired,

(b) no binding contract has been entered into between the purchaser and the nominated person, and

(c) no other such application as is mentioned in subsection (3)(b) is pending,

the purchaser may serve on the nominated person a notice stating that any notice served on him under section 12A, 12B or 12C, and anything done in pursuance of any such notice, is to be treated as not having been served or done.

(5) Where the purchaser serves a notice in accordance with subsection (1), (3) or (4), this Part shall cease to have effect in relation to him in connection with the original disposal.

(6) Where a purchaser is entitled to serve a notice under subsection (1) but does not do so, this Part shall continue to have effect in relation to him in connection with the original disposal as if the premises in question were still premises to which this Part applies.

(7) References in this section to the purchaser include a subsequent purchaser to whom sections 12A to 14 apply by virtue of section 16(4) or (5).”.

Marginal Citations

M126 1987 c. 31.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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PART IV

CONSEQUENTIAL AMENDMENTS

1 In section 4(2) of the [M127]Landlord and Tenant Act 1987 (relevant disposals: excluded disposals), in paragraph (aa) (disposals by way of security for a loan) omit the words "consisting of the creation of an estate or interest".

Marginal Citations
M127 1987 c. 31.

2 Before section 19 of the Landlord and Tenant Act 1987, under the heading "*Supplementary provisions*", insert—

The requisite majority of qualifying tenants.

"18A(1) In this Part "the requisite majority of qualifying tenants of the constituent flats" means qualifying tenants of constituent flats with more than 50 per cent. of the available votes.

(2) The total number of available votes shall be determined as follows—

(a) where an offer notice has been served under section 5, that number is equal to the total number of constituent flats let to qualifying tenants on the date when the period specified in that notice as the period for accepting the offer expires;

(b) where a notice is served under section 11A without a notice having been previously served under section 5, that number is equal to the total number of constituent flats let to qualifying tenants on the date of service of the notice under section 11A;

(c) where a notice is served under section 12A, 12B or 12C without a notice having been previously served under section 5 or section 11A, that number is equal to the total number of constituent flats let to qualifying tenants on the date of service of the notice under section 12A, 12B or 12C, as the case may be.

(3) There is one available vote in respect of each of the flats so let on the date referred to in the relevant paragraph of subsection (2), which shall be attributed to the qualifying tenant to whom it is let.

(4) The persons constituting the requisite majority of qualifying tenants for one purpose may be different from the persons constituting such a majority for another purpose.".

3 (1) Section 20(1) of the [M128]Landlord and Tenant Act 1987 (interpretation of Part I) is amended as follows.

(2) For the definition of "acceptance notice" substitute—

""acceptance notice" has the meaning given by section 6(3);".

(3) For the definition of "constituent flat" substitute—

""constituent flat" shall be construed in accordance with section 5(1) or 11(2), as the case may require;".

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(4) Omit the definition of "the new landlord".

(5) After that definition insert—

> ""the nominated person" means the person or persons for the time being nominated by the requisite majority of the qualifying tenants of the constituent flats for the purposes of section 6, 12A, 12B or 12C, as the case may require;".

(6) For the definition of "the protected interest" substitute—

> ""the protected interest" means the estate, interest or other subject-matter of an offer notice;".

(7) After that definition insert—

> ""the protected period" has the meaning given by section 6(4);".

(8) For the definition of "purchase notice" substitute—

> ""purchase notice" has the meaning given by section 12B(2);".

(9) After that definition insert—

> ""purchaser" has the meaning given by section 11(3);".

(10) In the definition of "the requisite majority" for "section 5(6) and (7)" substitute " section 18A ".

Marginal Citations

M128 1987 c. 31.

4 In section 20(2) of the Landlord and Tenant Act 1987, omit the words "or counter-offer" in each place where they occur.

5 In Part III of the Landlord and Tenant Act 1987 (compulsory acquisition by tenants of their landlord's interest), in section 31 (determination of terms by rent assessment committees)—

(a) for "rent assessment committee", wherever occurring, substitute " leasehold valuation tribunal ";

(b) for "such a committee" or "the committee", wherever occurring, substitute " the tribunal "; and

(c) omit subsection (5).

6 In section 52(1) of the Landlord and Tenant Act 1987 (jurisdiction of county courts) for "rent assessment committee" substitute " leasehold valuation tribunal ".

F781 7 . . . . . .

Textual Amendments

F781 Sch. 6 para. 7 repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

F782 8 . . . . . .

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Textual Amendments

F782 Sch. 6 para. 8 repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 1 (with Sch. 2)

9 In section 54(4) of the Landlord and Tenant Act 1987 (saving for power under section 20(4)) for "either of the periods specified in section 5(2)" substitute " any of the periods specified in section 5A(4) or (5), 5B(5) or (6), 5C(4) or (5), 5D(4) or (5) or 5E(3) ".

10 In section 60(1) of the Landlord and Tenant Act 1987 (general interpretation), omit the definition of "rent assessment committee".

11 (1) In Schedule 1 to the Landlord and Tenant Act 1987 (discharge of mortgages, &c), in paragraph 1 (construction of provisions relating to discharge in pursuance of purchase notice)—

(a) for the words "the new landlord" wherever they appear substitute " the purchaser ";

(b) in the definition of "consideration payable"—

(i) for the words "section 12(4)" substitute " section 12B(7) ", and

(ii) for the words "section 16(2) or (3)" substitute " section 16(4) or (5) ";

(c) in the definition of "nominated person", for the words "section 12(1)" substitute " section 12B(2) ".

(2) In paragraphs 2, 4 and 5 of that Schedule (duty of nominated person to redeem mortgages, payments into court and savings)—

(a) for the words "section 12(4)(a)" wherever they appear substitute " section 12B(5)(a) ";

(b) for the words "the new landlord" or "the new landlord's" wherever they appear substitute " the purchaser " or " the purchaser's ".

SCHEDULE 7

Section 96.

ASSURED TENANCIES: SCHEDULE INSERTED AFTER SCHEDULE 2 TO THE HOUSING ACT 1988

Commencement Information

I64 Sch. 7 wholly in force 28.2.1997; Sch. 7 not in force at Royal Assent see s. 232(1)-(3); Sch. 7 in force for certain purposes at 23.8.1996 by S.I. 1996/2212, **art. 2(1)** and in force at 28.2.1997 to the extent it is not already in force by S.I. 1997/225, **art. 2**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"SCHEDULE 2A

ASSURED TENANCIES: NON-SHORTHOLDS

Tenancies excluded by notice

1 (1) An assured tenancy in respect of which a notice is served as mentioned in sub-paragraph (2) below.

(2) The notice referred to in sub-paragraph (1) above is one which—

(a) is served before the assured tenancy is entered into,

(b) is served by the person who is to be the landlord under the assured tenancy on the person who is to be the tenant under that tenancy, and

(c) states that the assured tenancy to which it relates is not to be an assured shorthold tenancy.

2 (1) An assured tenancy in respect of which a notice is served as mentioned in sub-paragraph (2) below.

(2) The notice referred to in sub-paragraph (1) above is one which—

(a) is served after the assured tenancy has been entered into,

(b) is served by the landlord under the assured tenancy on the tenant under that tenancy, and

(c) states that the assured tenancy to which it relates is no longer an assured shorthold tenancy.

Tenancies containing exclusionary provision

3 An assured tenancy which contains a provision to the effect that the tenancy is not an assured shorthold tenancy.

Tenancies under section 39

4 An assured tenancy arising by virtue of section 39 above, other than one to which subsection (7) of that section applies.

Former secure tenancies

5 An assured tenancy which became an assured tenancy on ceasing to be a secure tenancy.

Tenancies under Schedule 10 to the Local Government and Housing Act 1989

6 An assured tenancy arising by virtue of Schedule 10 to the [M129]Local Government and Housing Act 1989 (security of tenure on ending of long residential tenancies).

Tenancies replacing non-shortholds

7 (1) An assured tenancy which—

(a) is granted to a person (alone or jointly with others) who, immediately before the tenancy was granted, was the tenant (or, in the case of joint tenants, one of the tenants) under an assured tenancy other than a shorthold tenancy ("the old tenancy"),

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(b) is granted (alone or jointly with others) by a person who was at that time the landlord (or one of the joint landlords) under the old tenancy, and

(c) is not one in respect of which a notice is served as mentioned in sub-paragraph (2) below.

(2) The notice referred to in sub-paragraph (1)(c) above is one which—

(a) is in such form as may be prescribed,

(b) is served before the assured tenancy is entered into,

(c) is served by the person who is to be the tenant under the assured tenancy on the person who is to be the landlord under that tenancy (or, in the case of joint landlords, on at least one of the persons who are to be joint landlords), and

(d) states that the assured tenancy to which it relates is to be a shorthold tenancy.

8 An assured tenancy which comes into being by virtue of section 5 above on the coming to an end of an assured tenancy which is not a shorthold tenancy.

Assured agricultural occupancies

9 (1) An assured tenancy—

(a) in the case of which the agricultural worker condition is, by virtue of any provision of Schedule 3 to this Act, for the time being fulfilled with respect to the dwelling-house subject to the tenancy, and

(b) which does not fall within sub-paragraph (2) or (4) below.

(2) An assured tenancy falls within this sub-paragraph if—

(a) before it is entered into, a notice—

(i) in such form as may be prescribed, and

(ii) stating that the tenancy is to be a shorthold tenancy,

is served by the person who is to be the landlord under the tenancy on the person who is to be the tenant under it, and

(b) it is not an excepted tenancy.

(3) For the purposes of sub-paragraph (2)(b) above, an assured tenancy is an excepted tenancy if—

(a) the person to whom it is granted or, as the case may be, at least one of the persons to whom it is granted was, immediately before it is granted, a tenant or licensee under an assured agricultural occupancy, and

(b) the person by whom it is granted or, as the case may be, at least one of the persons by whom it is granted was, immediately before it is granted, a landlord or licensor under the assured agricultural occupancy referred to in paragraph (a) above.

(4) An assured tenancy falls within this sub-paragraph if it comes into being by virtue of section 5 above on the coming to an end of a tenancy falling within sub-paragraph (2) above.”

Marginal Citations

M129 1989 c. 42.

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Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 8

Section 104.

ASSURED TENANCIES: CONSEQUENTIAL AMENDMENTS

Housing Act 1985 (c.68)

1 In section 553(2) of the Housing Act 1985, for paragraph (c) there shall be substituted—

"(c) the tenancy is not by virtue of any provision of Part I of the Housing Act 1988 an assured shorthold tenancy;".

Housing Act 1988 (c.50)

2 (1) The Housing Act 1988 shall be amended as follows.

(2) In section 14, there shall be inserted at the end—

"(9) This section shall apply in relation to an assured shorthold tenancy as if in subsection (1) the reference to an assured tenancy were a reference to an assured shorthold tenancy.".

(3) In section 20, for the side-note and subsection (1) there shall be substituted—

"**20 Assured shorthold tenancies: pre-Housing Act 1996 tenancies.**

(1) Subject to subsection (3) below, an assured tenancy which is not one to which section 19A above applies is an assured shorthold tenancy if—

(a) it is a fixed term tenancy granted for a term certain of not less than six months,

(b) there is no power for the landlord to determine the tenancy at any time earlier than six months from the beginning of the tenancy, and

(c) a notice in respect of it is served as mentioned in subsection (2) below.".

(4) In that section, after subsection (5) there shall be inserted—

"(5A) Subsections (3) and (4) above do not apply where the new tenancy is one to which section 19A above applies.".

(5) In section 22, in subsection (1), the words from "in respect of" to "above" shall be omitted.

(6) In that section, after subsection (5) there shall be inserted—

"(5A) Where—

(a) an assured tenancy ceases to be an assured shorthold tenancy by virtue of falling within paragraph 2 of Schedule 2A to this Act, and

(b) at the time when it so ceases to be an assured shorthold tenancy there is pending before a rent assessment committee an application in relation to it under this section,

the fact that it so ceases to be an assured shorthold tenancy shall, in relation to that application, be disregarded for the purposes of this section.".

(7) In section 34(3), after "whether or not" there shall be inserted " , in the case of a tenancy to which the provision applies, ".

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) In section 39(7), after "whether or not" there shall be inserted " , in the case of a tenancy to which the provision applies, ".

SCHEDULE 9

Section 106.

LOW RENT TEST: EXTENSION OF RIGHTS

Right to enfranchisement

1 In the [M130]Leasehold Reform Act 1967, after section 1A there shall be inserted—

"**1AA Additional right to enfranchisement only in case of houses whose rent exceeds applicable limit under section 4.**

(1) Where—

(a) section 1(1) above would apply in the case of the tenant of a house but for the fact that the tenancy is not a tenancy at a low rent, and

(b) the tenancy falls within subsection (2) below and is not an excluded tenancy,

this Part of this Act shall have effect to confer on the tenant the same right to acquire the freehold of the house and premises as would be conferred by section 1(1) above if it were a tenancy at a low rent.

(2) A tenancy falls within this subsection if—

(a) it is granted for a term of years certain exceeding thirty-five years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise,

(b) it is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, unless it is a tenancy by sub-demise from one which is not a tenancy which falls within this subsection,

(c) it is a tenancy taking effect under section 149(6) of the [M131]Law of Property Act 1925 (leases terminable after a death or marriage), or

(d) it is a tenancy which—

(i) is or has been granted for a term of years certain not exceeding thirty-five years, but with a covenant or obligation for renewal without payment of a premium (but not for perpetual renewal), and

(ii) is or has been once or more renewed so as to bring to more than thirty-five years the total of the terms granted (including any interval between the end of a tenancy and the grant of a renewal).

(3) A tenancy is an excluded tenancy for the purposes of subsection (1) above if—

(a) the house which the tenant occupies under the tenancy is in an area designated for the purposes of this provision as a rural area by order made by the Secretary of State,

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(b) the freehold of that house is owned together with adjoining land which is not occupied for residential purposes and has been owned together with such land since the coming into force of section 106 of the Housing Act 1996, and

(c) the tenancy was granted on or before the day on which that section came into force.

(4) Where this Part of this Act applies as if there were a single tenancy of property comprised in two or more separate tenancies, then, if each of the separate tenancies falls within subsection (2) above, this section shall apply as if the single tenancy did so.

(5) The power to make an order under subsection (3) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.".

Commencement Information

I65 Sch. 9 para. 1 wholly in force 1.4.1997; Sch. 9 para. 1 not in force at Royal Assent see s. 232(1)-(3); Sch. 9 para. 1 in force for certain purposes at 23.8.1996 by S.I. 1996/2212, **art. 2(1)** and in force at 1.4.1997 to the extent not already in force by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.)

Marginal Citations

M130 1967 c. 88.

M131 1925 c. 20.

2 (1) In consequence of paragraph 1 above, the [M132]Leasehold Reform Act 1967 shall be amended as follows.

(2) In section 1(3A)(b) (extension of rights not to apply to existing lettings by charitable housing trusts), after "1A" there shall be inserted " , 1AA ".

[F783](3) . . . . . .

(4) In section 9(1C) (price payable by tenant on enfranchisement by virtue of section 1A or 1B), after "1A" there shall be inserted " , 1AA ".

(5) In section 9A(1) (compensation payable where right to enfranchisement arises by virtue of section 1A or 1B), after "1A" there shall be inserted " , 1AA ".

(6) In section 32A(1)(b) (extensions to right to enfranchisement not to apply in relation to existing tenancies of property transferred for public benefit), at the end there shall be inserted " or if section 1AA above were not in force ".

[F784](7) . . . . . .

(8) In Part II of Schedule 3 (procedural provisions), in paragraph 6 (which makes provision about the contents of a tenant's notice under Part I), after sub-paragraph (1) there shall be inserted—

"(1A) Where the tenant gives the notice by virtue of section 1AA of this Act, sub-paragraph (1) above shall have effect with the substitution for paragraph (b) of—

(") such particulars of the tenancy as serve to identify the instrument creating the tenancy and show that the tenancy is one in relation

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to which section 1AA(1) of this Act has effect to confer a right to acquire the freehold of the house and premises;".".

(9) In that Part of that Schedule, in paragraph 7(4) (admission in landlord's notice of tenant's right to have freehold to be binding on landlord, so far as relating to matters mentioned in section 1(1)(a) and (b)), for "mentioned in section 1(1)(a) and (b) of this Act" there shall be substituted " relevant to the existence of that right ".

Textual Amendments

F783 Sch. 9 para. 2(3) repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2)

F784 Sch. 9 para. 2(7) repealed (30.9.2003 for E., 30.3.2004 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2003/1986, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2); S.I. 2004/669, art. 2(c)(iv), Sch. 1 Pt. 2 (with Sch. 2)

Marginal Citations

M132 1967 c. 88.

Right to collective enfranchisement

F785 3 . . . . . .

Textual Amendments

F785 Sch. 9 para. 3 repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. 1** (subject to the transitional provisions and savings in Sch. 2); S.I. 2002/3012, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. I** (subject to the transitional provisions and savings in Sch. 2)

Right to new lease

F786 4 . . . . . .

Textual Amendments

F786 Sch. 9 para. 4 repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. 2** (subject to transitional provisions and savings in Sch. 2); S.I. 2002/3012, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. 2** (subject to transitional provisions and savings in Sch. 2)

5 (1) In Chapter VII of that Part (general), section 94 (Crown land) shall be amended as follows.

F787 (2) . . . . . .

F787 (3) . . . . . .

(4) For subsection (12) there shall be substituted—

"(12) For the purposes of this section "long lease which is at a low rent or for a particularly long term" shall be construed in accordance with sections 7, 8 and 8A.".

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F787 Sch. 9 para. 5(2)(3) repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. 1** (with transitional provisions and savings in Sch. 2); S.I. 2002/3012, arts. 1(2), 2(b)(ii), **Sch. 1 Pt. 1** (with transitional provisions and savings in Sch. 2)

SCHEDULE 10

Section 107.

SECTION 107: CONSEQUENTIAL AMENDMENTS

1 Chapter I of Part I of the [M133]Leasehold Reform, Housing and Urban Development Act 1993 shall be amended as follows.

Marginal Citations

M133 1993 c. 28.

2 In section 1(4) (right to acquire additional property satisfied by grant of rights over that property or other property)—

(a) in paragraph (a), for "freeholder" there shall be substituted " person who owns the freehold of that property ", and

(b) in paragraph (b), for "freeholder" there shall be substituted " person who owns the freehold of that property ".

3 (1) Section 9 (the reversioner and other relevant landlords) shall be amended as follows.

(2) In subsection (1), after "any premises" there shall be inserted " the freehold of the whole of which is owned by the same person ".

(3) In subsection (2)—

(a) after "such claim" there shall be inserted " as is mentioned in subsection (1) ", and

(b) in paragraph (b), after "premises," there shall be inserted " every person who owns any freehold interest which it is proposed to acquire by virtue of section 1(2)(a), ".

(4) After that subsection there shall be inserted—

"(2A) In the case of any claim to exercise the right to collective enfranchisement in relation to any premises the freehold of the whole of which is not owned by the same person—

(a) the reversioner in respect of the premises shall for the purposes of this Chapter be the person identified as such by Part IA of Schedule 1 to this Act, and

(b) every person who owns a freehold interest in the premises, every person who owns any freehold interest which it is proposed to acquire by virtue of section 1(2)(a), and every person who owns any leasehold interest which it is proposed to acquire under or by virtue of section 2(1)(a) or (b), shall be a relevant landlord for those purposes.".

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(5) In subsection (3), after "subsection (2)" there shall be inserted " or (2A) ".

F788 4 . . . . . .

Textual Amendments

F788 Sch. 10 para. 4 repealed (26.7.2002 for E. and 1.1.2003 for W.) by 2002 c. 15, s. 180, **Sch. 14**; S.I. 2002/1912, **art. 2(b)(ii)** (subject to the transitional provisions and savings in Sch. 2), Sch. 1 Pt. 2; S.I. 2002/3012, art. 2(b)(ii), **Sch. 1 Pt. 2** (subject to the transitional provisions and savings in Sch. 2)

5 (1) Section 11 (right of qualifying tenant to obtain information about superior interests etc.) shall be amended as follows.

(2) In subsection (1)—

(a) for "his immediate landlord", in both places, there shall be substituted " any immediate landlord of his ", and

(b) for "the person who owns the freehold of" there shall be substituted " every person who owns a freehold interest in ".

(3) In subsection (2)(b), for "the tenant's immediate landlord" there shall be substituted " any immediate landlord of the tenant ".

(4) In subsection (3), for "the person who owns the freehold of" there shall be substituted " any person who owns a freehold interest in ".

(5) In subsection (4), for paragraph (a) there shall be substituted—

"(a) to any person who owns a freehold interest in the relevant premises,

(aa) to any person who owns a freehold interest in any such property as is mentioned in subsection (3)(c),".

(6) In subsection (8)(b)(i), after "premises" there shall be inserted " or in any such property as is mentioned in subsection (3)(c) ".

(7) In subsection (9), in the definition of "the relevant premises"—

(a) in paragraph (a), after "owns", where it second occurs, there shall be inserted " , or the persons who own the freehold interests in the flat own, ", and

(b) in paragraph (b), after "owns" there shall be inserted " , or those persons own, ".

6 (1) Section 13 (notice by qualifying tenants of claim to exercise right to collective enfranchisement) shall be amended as follows.

(2) In subsection (2), in paragraph (a)—

(a) after "must" there shall be inserted—

"(i) in a case to which section 9(2) applies,",

and

(b) after "premises;" there shall be inserted "and

(ii) in a case to which section 9(2A) applies, be given to the person specified in the notice as the recipient;".

(3) After that subsection there shall be inserted—

"(2A) In a case to which section 9(2A) applies, the initial notice must specify—

(a) a person who owns a freehold interest in the premises, or

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(b) if every person falling within paragraph (a) is a person who cannot be found or whose identity cannot be ascertained, a relevant landlord,

as the recipient of the notice.".

(4) In subsection (3)(d)(i), there shall be inserted at the end " or, if the freehold of the whole of the specified premises is not owned by the same person, each of the freehold interests in those premises ".

7 (1) Section 19 (effect of notice under section 13 on subsequent transactions by freeholder etc) shall be amended as follows.

(2) In subsection (1)(a)—

(a) for "the person who owns the freehold of the specified premises" there shall be substituted " any person who owns the freehold of the whole or any part of the specified premises or the freehold of any property specified in the notice under section 13(3)(a)(ii) ", and

(b) in sub-paragraph (i), for the words from "any property" to the end there shall be substituted " that property ".

(3) In subsection (2), for paragraph (a) there shall be substituted—

"(a) any person who owns the freehold of the whole or any part of the specified premises or the freehold of any property specified in the notice under section 13(3)(a)(ii) disposes of his interest in those premises or that property,".

(4) In subsection (4), for paragraph (a) there shall be substituted—

"(a) by any person who owns the freehold of the whole or any part of the specified premises or the freehold of any property specified in the notice under section 13(3)(a)(ii),".

8 (1) Section 21 (reversioner's counter-notice) shall be amended as follows.

(2) In subsection (3)(d), for "the person who owns the freehold of the specified premises, or any other" there shall be substituted " any ".

(3) In subsection (4), for "the person who owns the freehold of the specified premises or of any other" there shall be substituted " any ".

9 (1) Section 26 (application to court where relevant landlords cannot be found) shall be amended as follows.

(2) In subsection (1)(b), after "section 9(2)" there shall be inserted " or (2A) ".

(3) In subsection (3), after "If" there shall be inserted " , in a case to which section 9(2) applies, ".

(4) After that subsection there shall be inserted—

"(3A) Where in a case to which section 9(2A) applies—

(a) not less than two-thirds of the qualifying tenants of flats contained in any premises to which this Chapter applies desire to make a claim to exercise the right to collective enfranchisement in relation to those premises, and

(b) paragraph (b) of subsection (1) does not apply, but

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(c) a copy of a notice of that claim cannot be given in accordance with Part II of Schedule 3 to any person to whom it would otherwise be required to be so given because he cannot be found or his identity cannot be ascertained,

the court may, on the application of the qualifying tenants in question, make an order dispensing with the need to give a copy of such a notice to that person.".

(5) In subsection (4), for "or (2)" there shall be substituted " , (2) or (3A) ".

(6) In subsection (7), after "(2)" there shall be inserted " or (3A) ".

10 In section 30 (effect on acquisition of institution of compulsory acquisition procedures), at the end of subsection (2)(a) there shall be inserted " or, where the freehold of the whole of the premises is not owned by the same person, any person who owns the freehold of part of them ".

11 (1) Section 34 (conveyance to nominee purchaser) shall be amended as follows.

(2) In subsection (1)—

(a) after "specified premises" there shall be inserted " , of a part of those premises ", and

(b) after "those premises" there shall be inserted " , that part of those premises ".

(3) In subsection (2), after "premises" there shall be inserted " , the part of the specified premises ".

12 (1) Section 36 (nominee purchaser required to grant leases back to former freeholder) shall be amended as follows.

(2) In subsection (1)—

(a) for "the freehold of" there shall be substituted " a freehold interest in ", and

(b) for "freehold", where it second occurs, there shall be substituted " interest ".

(3) In subsection (2), for "of the specified premises" there shall be substituted " interest concerned ".

13 In section 38 (interpretation of Chapter I), in subsection (3), after "section 9(2)(b)" there shall be inserted " or (2A)(b) ".

14 In Schedule 1 (conduct of proceedings by reversioner on behalf of other landlords), in Part I (identification of reversioner in case of premises with relevant landlords), in paragraph 1, after "2 to 4," there shall be inserted " in a case to which section 9(2) applies, ".

15 In that Schedule, after Part I there shall be inserted—

"PART IA

THE REVERSIONER: PREMISES WITH MULTIPLE FREEHOLDERS

Initial reversioner

5A Subject to paragraphs 5B to 5D, in a case to which section 9(2A) applies, the reversioner in respect of any premises is the person specified in the initial notice in accordance with section 13(2A) as the recipient.

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Change of reversioner

5B The court may, on the application of all the relevant landlords of any premises, appoint to be the reversioner in respect of those premises (in place of the person designated by paragraph 5A) such person as may have been determined by agreement between them.

5C If it appears to the court, on the application of a relevant landlord of any premises—

(a) that the respective interests of the relevant landlords of those premises, the absence or incapacity of the person referred to in paragraph 5A or other special circumstances require that some person other than the person there referred to should act as the reversioner in respect of the premises, or

(b) that the person referred to in that paragraph is unwilling to act as the reversioner,

the court may appoint to be the reversioner in respect of those premises (in place of the person designated by paragraph 5A) such person as it thinks fit.

5D The court may also, on the application of any of the relevant landlords or of the nominee purchaser, remove the reversioner in respect of any premises and appoint another person in his place, if it appears to the court proper to do so by reason of any delay or default, actual or apprehended, on the part of the reversioner.

5E A person appointed by the court under any of paragraphs 5B to 5D—

(a) must be a relevant landlord; but

(b) may be so appointed on such terms and conditions as the court thinks fit.".

16 In Schedule 2 (special categories of landlords), in paragraph 1(1), in the definition of "Chapter I landlord", for "the reversioner or any other" there shall be substituted " a ".

17 (1) Part II of Schedule 3 (which makes provision for the giving of copies of the notice under section 13 to relevant landlords) shall be amended as follows.

(2) In paragraph 11, after "section 9(2)" there shall be inserted " or (2A) ".

(3) In paragraph 12, in sub-paragraph (1), there shall be inserted at the beginning " In a case to which section 9(2) applies, ".

(4) After that paragraph there shall be inserted—

"12A(1) In a case to which section 9(2A) applies, the qualifying tenants by whom the initial notice is given shall, in addition to giving the initial notice to the person specified in it as the recipient, give a copy of the notice to every other person known or believed by them to be a relevant landlord of the specified premises.

(2) The initial notice shall state whether copies are being given in accordance with sub-paragraph (1) to anyone other than the person specified in it as the recipient and, if so, to whom.".

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Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In paragraph 13(3)(a), after "12(2)" there shall be inserted " or, as the case may be, 12A(2) ".

(6) In paragraph 14(2)(b)—

(a) after "12" there shall be inserted " , 12A ", and

(b) for "either" there shall be substituted " any ".

18 (1) Schedule 6 (purchase price payable by nominee purchaser) shall be amended as follows.

(2) In paragraph 1(1) (interpretation)—

(a) the definition of "the freeholder" shall be omitted, and

F789(b) . . . . . .

(3) In paragraph 2 (price payable for the freehold of the specified premises), in sub-paragraph (1)—

(a) after "this paragraph," there shall be inserted " where the freehold of the whole of the specified premises is owned by the same person ", and

(b) for "the specified" there shall be substituted " those ".

(4) In paragraph 3(1A), after paragraph (b) there shall be inserted—

"(ba) an owner of an interest which the nominee purchaser is to acquire in pursuance of section 1(2)(a), or".

(5) After paragraph 5 there shall be inserted—

" Price payable for freehold of part of specified premises

5A (1) Where different persons own the freehold of different parts of the specified premises—

(a) a separate price shall be payable by the nominee purchaser for the freehold of each of those parts, and

(b) sub-paragraph (2) shall apply to determine the price so payable.

(2) Subject to sub-paragraph (3), the price payable by the nominee purchaser for the freehold of part of the specified premises shall be the aggregate of—

(a) the value of the freeholder's interest in the part as determined in accordance with paragraph 3, modified as mentioned in paragraph 5B, and

(b) the freeholder's share of the marriage value as determined in accordance with paragraph 4, modified as mentioned in paragraph 5C, and

(c) any amount of compensation payable to the freeholder under paragraph 5.

(3) Where the amount arrived at in accordance with sub-paragraph (2) is a negative amount, the price payable by the nominee purchaser for the freehold of the part shall be nil.

5B (1) In its application in accordance with paragraph 5A(2)(a), paragraph 3 shall have effect with the following modifications.

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(2) In sub-paragraph (1)(a)(ii), there shall be inserted at the end "so far as relating to the part of the premises in which the freeholder's interest subsists".

(3) In sub-paragraph (1A), after paragraph (a) there shall be inserted—

(") an owner of a freehold interest in the specified premises, or".

(4) In sub-paragraph (4)—

(a) the words "the whole of" shall be omitted, and

(b) for "2(1)(a)" there shall be substituted "5A(2)(a)".

5C (1) In its application in accordance with paragraph 5A(2)(b), paragraph 4 shall have effect with the following modifications.

(2) In sub-paragraph (2)—

(a) after "the specified premises" there shall be inserted "so far as relating to the part of the premises in which the freeholder's interest subsists",

(b) after "participating tenants", where it first occurs, there shall be inserted "in whose flats the freeholder's interest subsists", and

(c) in paragraph (a), for "the", where it second occurs, there shall be substituted "those".

(3) In sub-paragraph (3)—

(a) after "the specified premises" there shall be inserted "so far as relating to the part of the premises in which the freeholder's interest subsists", and

(b) in paragraph (a), for "2(1)(a)" there shall be substituted "5A(2)(a)".

(4) In sub-paragraph (4)(a), after "3(1)", where it first occurs, there shall be inserted "as applied by paragraph 5A(2)(a)".".

(6) For paragraph 8 there shall be substituted—

"8 (1) Where the owner of the intermediate leasehold interest will suffer any loss or damage to which this paragraph applies, there shall be payable to him such amount as is reasonable to compensate him for that loss or damage.

(2) This paragraph applies to—

(a) any diminution in value of any interest of the owner of the intermediate leasehold interest in other property resulting from the acquisition of his interest in the specified premises; and

(b) any other loss or damage which results therefrom to the extent that it is referable to his ownership of any interest in other property.

(3) Without prejudice to the generality of paragraph (b) of sub-paragraph (2), the kinds of loss falling within that paragraph include loss of development value in relation to the specified premises to the extent that it is referable as mentioned in that paragraph.

(4) In sub-paragraph (3) "development value", in relation to the specified premises, means any increase in the value of the interest in the premises of the owner of the intermediate leasehold interest which is attributable to the

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possibility of demolishing, reconstructing or carrying out substantial works of construction on, the whole or a substantial part of the premises.".

(7) In paragraph 9 (owners of intermediate interests entitled to part of marriage value), in sub-paragraph (1), after "where" there shall be inserted " paragraph 2 applies and ".

(8) After that paragraph there shall be inserted—

"9A (1) This paragraph applies where paragraph 5A applies and—

(a) the price payable for the freehold of a part of the specified premises includes an amount in respect of the freeholder's share of the marriage value, and

(b) the nominee purchaser is to acquire any intermediate leasehold interests which subsist in that part.

(2) The amount payable to the freeholder of the part in respect of his share of the marriage value shall be divided between the freeholder and the owners of the intermediate leasehold interests which subsist in that part in proportion to the value of their respective interests in the part (as determined for the purposes of paragraph 5A(2)(a) or paragraph 6(1)(b)(i), as the case may be).

(3) Where an intermediate leasehold interest subsists not only in the part of the specified premises in which the freeholder's interest subsists ("the relevant part") but also in another part of those premises—

(a) the value of the intermediate leasehold interest as determined for the purposes of paragraph 6(1)(b)(i) shall be apportioned between the relevant part and the other part of the specified premises in which it subsists, and

(b) sub-paragraph (2) shall have effect as if the reference to the value of the intermediate leasehold interest in the relevant part as determined for the purposes of paragraph 6(1)(b)(i) were to the value of that interest as determined on an apportionment in accordance with paragraph (a).

(4) Where the owner of an intermediate leasehold interest is entitled in accordance with sub-paragraph (2) to any part of the amount payable to the freeholder in respect of the freeholder's share of the marriage value, the amount to which he is so entitled shall be payable to him by the freeholder.".

(9) For paragraph 13 there shall be substituted—

"13 (1) Where the owner of any such freehold or leasehold interest as is mentioned in paragraph 10(1) or (2) ("relevant interest") will suffer any loss or damage to which this paragraph applies, there shall be payable to him such amount as is reasonable to compensate him for that loss or damage.

(2) This paragraph applies to—

(a) any diminution in value of any interest in other property belonging to the owner of a relevant interest, being diminution resulting from the acquisition of the property in which the relevant interest subsists; and

(b) any other loss or damage which results therefrom to the extent that it is referable to his ownership of any interest in other property.

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(3) Without prejudice to the generality of paragraph (b) of sub-paragraph (2), the kinds of loss falling within that paragraph include loss of development value in relation to the property in which the relevant interest subsists to the extent that it is referable to his ownership of any interest in other property.

(4) In sub-paragraph (3) "development value", in relation to the property in which the relevant interest subsists, means any increase in the value of the relevant interest which is attributable to the possibility of demolishing, reconstructing or carrying out substantial works of construction on, the whole or a substantial part of the property.".

(10) In paragraph 14 (valuation of freehold and intermediate leasehold interests), in sub-paragraph (1)—

(a) in paragraph (a), for "the", where it second occurs, there shall be substituted " a " and for "in accordance with paragraph 3" there shall be substituted " for the relevant purposes ",

(b) in paragraph (b), for "in accordance with paragraph 7" there shall be substituted " for the relevant purposes ", and

(c) for "the relevant" there shall be substituted " those ".

(11) In that paragraph, after sub-paragraph (3) there shall be inserted—

"(3A) Where sub-paragraph (2) applies—

(a) for the purposes of paragraph 5A(2)(a), and

(b) in relation to an intermediate leasehold interest in relation to which there is more than one immediately superior interest,

any reduction in value made under that sub-paragraph shall be apportioned between the immediately superior interests.".

(12) In that paragraph, in sub-paragraph (5)(a)—

(a) for "the", where it first occurs, there shall be substituted " a ", and

(b) after "2(1)(a)" there shall be inserted " or, as the case may be, 5A(2)(a) ".

(13) In paragraph 15 (calculation of marriage value), there shall be inserted at the end—

"(4) References in this paragraph to paragraph 4(2), (3) or (4) extend to that provision as it applies in accordance with paragraph 5A(2)(b).".

(14) In paragraph 16 (apportionment of marriage value), in sub-paragraph (2), for "the", where it first occurs, there shall be substituted " a ".

(15) In paragraph 17 (adjustment of compensation), in sub-paragraph (4)(a), after "2(1)(c)" there shall be inserted " , 5A(2)(c) ".

(16) In that paragraph, there shall be inserted at the end—

"(6) Where any reduction in value under sub-paragraph (2) of paragraph 14 is apportioned in accordance with sub-paragraph (3A) of that paragraph, any amount of compensation payable by virtue of this paragraph shall be similarly apportioned.".

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Textual Amendments

F789 Sch. 10 para. 18(2)(b) and preceding word repealed (28.2.2005 for E., 31.5.2005 for W.) by Commonhold and Leasehold Reform Act 2002 (c. 15), s. 181(1), **Sch. 14**; S.I. 2004/3056, art. 3(j); S.I. 2005/1353, art. 2(j)

19 In Schedule 7 (conveyance to nominee purchaser on enfranchisement), in paragraph 1—

(a) for sub-paragraphs (a) and (b) there shall be substituted—

"(a) "the relevant premises" means, in relation to the conveyance of any interest, the premises in which the interest subsists;

(b) "the freeholder" means, in relation to the conveyance of a freehold interest, the person whose interest is to be conveyed;",

and

(b) for sub-paragraph (d) there shall be substituted—

"(d) "the appropriate time" means, in relation to the conveyance of a freehold interest, the time when the interest is to be conveyed to the nominee purchaser.".

20 (1) Schedule 9 (grant of leases back to former freeholder) shall be amended as follows.

(2) In paragraph 1—

(a) for the definition of "the appropriate time" there shall be substituted—

""the appropriate time", in relation to a flat or other unit contained in the specified premises, means the time when the freehold of the flat or other unit is acquired by the nominee purchaser;", and

(b) for the definition of "the freeholder" there shall be substituted—

""the freeholder", in relation to a flat or other unit contained in the specified premises, means the person who owns the freehold of the flat or other unit immediately before the appropriate time;".

(3) In paragraph 2, in sub-paragraph (1), for "contained in the specified premises" there shall be substituted " falling within sub-paragraph (1A) ", and after that sub-paragraph there shall be inserted—

"(1A) A flat falls within this sub-paragraph if—

(a) the freehold of the whole of it is owned by the same person, and

(b) it is contained in the specified premises.".

(4) In paragraph 3, in sub-paragraph (1), for "contained in the specified premises" there shall be substituted " falling within sub-paragraph (1A) ", and after that sub-paragraph there shall be inserted—

"(1A) A flat falls within this sub-paragraph if—

(a) the freehold of the whole of it is owned by the same person, and

(b) it is contained in the specified premises.".

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(5) In paragraph 5, in sub-paragraph (1), for "contained in the specified premises" there shall be substituted " falling within sub-paragraph (1A) ", and after that sub-paragraph there shall be inserted—

"(1A) A unit falls within this sub-paragraph if—

(a) the freehold of the whole of it is owned by the same person, and

(b) it is contained in the specified premises.".

(6) In paragraph 6, for sub-paragraphs (1) and (2) there shall be substituted—

"(1) Sub-paragraph (2) applies where, immediately before the freehold of a flat or other unit contained in the specified premises is acquired by the nominee purchaser—

(a) those premises are premises with a resident landlord by virtue of the occupation of the flat or other unit by the freeholder of it, and

(b) the freeholder of the flat or other unit is a qualifying tenant of it.

(2) If the freeholder of the flat or other unit ("the relevant unit") by notice requires the nominee purchaser to do so, the nominee purchaser shall grant to the freeholder a lease of the relevant unit in accordance with section 36 and paragraph 7 below; and, on the grant of such a lease to the freeholder, he shall be deemed to have surrendered any lease of the relevant unit held by him immediately before the appropriate time.".

(7) In that paragraph, in sub-paragraph (3), for "(1)(c)" there shall be substituted " (1)(b) ".

SCHEDULE 11

Section 116.

COMPENSATION FOR POSTPONEMENT OF TERMINATION IN CONNECTION WITH INEFFECTIVE CLAIMS

Claims under Part I of the Leasehold Reform Act 1967

1 (1) After section 27 of the [M134]Leasehold Reform Act 1967 there shall be inserted—

"**27A Compensation for postponement of termination in connection with ineffective claims.**

(1) This section applies where, on or after 15th January 1999—

(a) a tenant of any property makes a claim to acquire the freehold or an extended lease of it, and

(b) the claim is not made at least two years before the term date of the tenancy in respect of which the claim is made ("the existing tenancy").

(2) The tenant shall be liable to pay compensation if the claim is not effective and—

(a) the making of the claim caused a notice served under paragraph 4(1) of Schedule 10 to the [M135]Local Government and Housing Act 1989 to cease to have effect and the date on which the claim ceases to have

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effect is later than four months before the termination date specified in the notice,

(b) the making of the claim prevented the service of an effective notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 (but did not cause a notice served under that provision to cease to have effect) and the date on which the claim ceases to have effect is a date later than six months before the term date of the tenancy, or

(c) the existing tenancy is continued under paragraph 3(1) of Schedule 3 to this Act by virtue of the claim.

(3) Compensation under subsection (2) above shall become payable at the end of the appropriate period and be the right of the person who is the tenant's immediate landlord at that time.

(4) The amount which the tenant is liable to pay under subsection (2) above shall be equal to the difference between—

(a) the rent for the appropriate period under the existing tenancy, and

(b) the rent which might reasonably be expected to be payable for that period were the property to which the existing tenancy relates let for a term equivalent to that period on the open market by a willing landlord on the following assumptions—

(i) that no premium is payable in connection with the letting,

(ii) that the letting confers no security of tenure, and

(iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing tenancy.

(5) For the purposes of subsection (2) above, a claim to acquire the freehold or an extended lease is not effective if it ceases to have effect for any reason other than—

(a) the acquisition in pursuance of the claim of the interest to which it relates, or

(b) the lapsing of the claim under any provision of this Act excluding the tenant's liability for costs.

(6) For the purposes of subsections (3) and (4) above, the appropriate period is—

(a) in a case falling within paragraph (a) of subsection (2) above, the period—

(i) beginning with the termination date specified in the notice mentioned in that paragraph, and

(ii) ending with the earliest date of termination which could have been specified in a notice under paragraph 4(1) of Schedule 10 to the [M136]Local Government and Housing Act 1989 served immediately after the date on which the claim ceases to have effect, or, if the existing tenancy is terminated before then, with the date of its termination;

(b) in a case falling within paragraph (b) of subsection (2) above, the period—

(i) beginning with the later of six months from the date on which the claim is made and the term date of the existing tenancy, and

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(ii) ending six months after the date on which the claim ceases to have effect, or, if the existing tenancy is terminated before then, with the date of its termination; and

(c) in a case falling within paragraph (c) of subsection (2) above, the period for which the existing tenancy is continued under paragraph 3(1) of Schedule 3 to this Act.

(7) For the purposes of this section—

(a) references to a claim to acquire the freehold or an extended lease shall be taken as references to a notice of a person's desire to acquire it under Part I of this Act and as including a claim made by a tenant not entitled to acquire it, and

(b) references to the date on which a claim ceases to have effect shall, in relation to a notice which is not a valid notice, be taken as references to the date on which the notice is set aside by the court or withdrawn or would, if valid, cease to have effect, that date being taken, where the notice is set aside, or would (if valid) cease to have effect, in consequence of a court order, to be the date when the order becomes final.

27B Modification of section 27A where change in immediate reversion.

(1) Where a tenant's liability to pay compensation under section 27A above relates to a period during which there has been a change in the interest immediately expectant on the determination of his tenancy, that section shall have effect with the following modifications.

(2) For subsections (3) and (4) there shall be substituted—

(") Compensation under subsection (2) above shall become payable at the end of the appropriate period and there shall be a separate right to compensation in respect of each of the interests which, during that period, have been immediately expectant on the determination of the existing tenancy.

(4) Compensation under subsection (2) above shall—

(a) in the case of the interest which is immediately expectant on the determination of the existing tenancy at the end of the appropriate period, be the right of the person in whom that interest is vested at that time, and

(b) in the case of an interest which ceases during the appropriate period to be immediately expectant on the determination of the existing tenancy, be the right of the person in whom the interest was vested immediately before it ceased to be so expectant.

(4A) The amount which the tenant is liable to pay under subsection (2) above in respect of any interest shall be equal to the difference between—

(a) the rent under the existing tenancy for the part of the appropriate period during which the interest was immediately expectant on the determination of that tenancy, and

(b) the rent which might reasonably be expected to be payable for that part of that period were the property to which the existing tenancy relates let for a term equivalent to that part of that period on the open market by a willing landlord on the following assumptions—

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(i) that no premium is payable in connection with the letting,

(ii) that the letting confers no security of tenure, and

(iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing tenancy."

(3) In subsection (6), for "(3) and (4)" there shall be substituted "(3) to (4A)"."

(2) In section 21(1) of that Act (matters to be determined by leasehold valuation tribunal), after paragraph (c) there shall be inserted—

"(ca) the amount of any compensation payable under section 27A;".

Marginal Citations

M134 1967 c. 88.
M135 1989 c. 42.
M136 1989 c. 42.

Claims under Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993

2 (1) After section 37 of the [M137]Leasehold Reform, Housing and Urban Development Act 1993 there shall be inserted—

" Landlord's right to compensation in relation to ineffective claims

37A Compensation for postponement of termination in connection with ineffective claims.

(1) This section applies where a claim to exercise the right to collective enfranchisement in respect of any premises is made on or after 15th January 1999 by tenants of flats contained in the premises and the claim is not effective.

(2) A person who is a participating tenant immediately before the claim ceases to have effect shall be liable to pay compensation if—

(a) the claim was not made at least two years before the term date of the lease by virtue of which he is a qualifying tenant ("the existing lease"), and

(b) any of the conditions mentioned in subsection (3) is met.

(3) The conditions referred to above are—

(a) that the making of the claim caused a notice served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 in respect of the existing lease to cease to have effect and the date on which the claim ceases to have effect is later than four months before the termination date specified in the notice,

(b) that the making of the claim prevented the service of an effective notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 in respect of the existing lease (but did not cause a notice served under that provision in respect of that lease to cease to have effect) and the date on which the claim ceases to

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have effect is a date later than six months before the term date of the existing lease, and

(c) that the existing lease has been continued under paragraph 6(1) of Schedule 3 by virtue of the claim.

(4) Compensation under subsection (2) shall become payable at the end of the appropriate period and be the right of the person who is the tenant's immediate landlord at that time.

(5) The amount which a tenant is liable to pay under subsection (2) shall be equal to the difference between—

(a) the rent for the appropriate period under the existing lease, and

(b) the rent which might reasonably be expected to be payable for that period were the property to which the existing lease relates let for a term equivalent to that period on the open market by a willing landlord on the following assumptions—

(i) that no premium is payable in connection with the letting,

(ii) that the letting confers no security of tenure, and

(iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease.

(6) For the purposes of subsections (4) and (5), the appropriate period is—

(a) in a case falling within paragraph (a) of subsection (3), the period—

(i) beginning with the termination date specified in the notice mentioned in that paragraph, and

(ii) ending with the earliest date of termination which could have been specified in a notice under paragraph 4(1) of Schedule 10 to the [M138]Local Government and Housing Act 1989 in respect of the existing lease served immediately after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date of its termination;

(b) in a case falling within paragraph (b) of subsection (3), the period—

(i) beginning with the later of six months from the date on which the claim is made and the term date of the existing lease, and

(ii) ending six months after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date of its termination; and

(c) in a case falling within paragraph (c) of subsection (3), the period for which the existing lease is continued under paragraph 6(1) of Schedule 3.

(7) In the case of a person who becomes a participating tenant by virtue of an election under section 14(3), the references in subsections (3)(a) and (b) and (6)(b)(i) to the making of the claim shall be construed as references to the making of the election.

(8) For the purposes of this section—

(a) references to a claim to exercise the right to collective enfranchisement shall be taken as references to a notice given, or

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purporting to be given (whether by persons who are qualifying tenants or not), under section 13,

(b) references to the date on which a claim ceases to have effect shall, in the case of a claim made by a notice which is not a valid notice under section 13, be taken as references to the date on which the notice is set aside by the court or is withdrawn or would, if valid, cease to have effect or be deemed to have been withdrawn, that date being taken, where the notice is set aside, or would, if valid, cease to have effect, in consequence of a court order, to be the date when the order becomes final, and

(c) a claim to exercise the right to collective enfranchisement is not effective if it ceases to have effect for any reason other than—

(i) the application of section 23(4), 30(4) or 31(4),

(ii) the entry into a binding contract for the acquisition of the freehold and other interests falling to be acquired in pursuance of the claim, or

(iii) the making of an order under section 24(4)(a) or (b) or 25(6)(a) or (b) which provides for the vesting of those interests.

37B Modification of section 37A where change in immediate reversion.

(1) Where a tenant's liability to pay compensation under section 37A relates to a period during which there has been a change in the interest immediately expectant on the determination of his lease, that section shall have effect with the following modifications.

(2) For subsections (4) and (5) there shall be substituted—

(“) Compensation under subsection (2) shall become payable at the end of the appropriate period and there shall be a separate right to compensation in respect of each of the interests which, during that period, have been immediately expectant on the determination of the existing lease.

(5) Compensation under subsection (2) above shall—

(a) in the case of the interest which is immediately expectant on the determination of the existing lease at the end of the appropriate period, be the right of the person in whom that interest is vested at that time, and

(b) in the case of an interest which ceases during the appropriate period to be immediately expectant on the determination of the existing lease, be the right of the person in whom the interest was vested immediately before it ceased to be so expectant.

(5A) The amount which the tenant is liable to pay under subsection (2) above in respect of any interest shall be equal to the difference between—

(a) the rent under the existing lease for the part of the appropriate period during which the interest was immediately expectant on the determination of that lease, and

(b) the rent which might reasonably be expected to be payable for that part of that period were the property to which the existing lease relates let for a term equivalent to that part of that period on the open market by a willing landlord on the following assumptions—

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(i) that no premium is payable in connection with the letting,

(ii) that the letting confers no security of tenure, and

(iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease."

(3) In subsection (6), for "(4) and (5)" there shall be substituted "(4) to (5A)"."

(2) In section 91(2) of that Act (matters to be determined by leasehold valuation tribunal), after paragraph (c) there shall be inserted—

"(ca) the amount of any compensation payable under section 37A;".

Marginal Citations

M137 1993 c. 28.

M138 1989 c. 42.

Claims under Chapter II of Part I of the Leasehold Reform, Housing and Urban Development Act 1993

3 (1) After section 61 of the [M139]Leasehold Reform, Housing and Urban Development Act 1993 there shall be inserted—

" Landlord's right to compensation in relation to ineffective claims

61A Compensation for postponement of termination in connection with ineffective claims.

(1) This section applies where, on or after 15th January 1999—

(a) a tenant of a flat makes a claim to acquire a new lease of the flat, and

(b) the claim is not made at least two years before the term date of the lease in respect of which the claim is made ("the existing lease").

(2) The tenant shall be liable to pay compensation if the claim is not effective and—

(a) the making of the claim caused a notice served under paragraph 4(1) of Schedule 10 to the [M140]Local Government and Housing Act 1989 to cease to have effect and the date on which the claim ceases to have effect is later than four months before the termination date specified in the notice,

(b) the making of the claim prevented the service of an effective notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 (but did not cause a notice served under that provision to cease to have effect) and the date on which the claim ceases to have effect is a date later than six months before the term date of the existing lease, or

(c) the existing lease is continued under paragraph 5(1) of Schedule 12 by virtue of the claim.

(3) Compensation under subsection (2) shall become payable at the end of the appropriate period and be the right of the person who is the tenant's immediate landlord at that time.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The amount which the tenant is liable to pay under subsection (2) shall be equal to the difference between—

(a) the rent for the appropriate period under the existing lease, and

(b) the rent which might reasonably be expected to be payable for that period were the property to which the existing lease relates let for a term equivalent to that period on the open market by a willing landlord on the following assumptions—

(i) that no premium is payable in connection with the letting,

(ii) that the letting confers no security of tenure, and

(iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease.

(5) For the purposes of subsections (3) and (4), the appropriate period is—

(a) in a case falling within paragraph (a) of subsection (2), the period—

(i) beginning with the termination date specified in the notice mentioned in that paragraph, and

(ii) ending with the earliest date of termination which could have been specified in a notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 served immediately after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date on which it is terminated;

(b) in a case falling within paragraph (b) of subsection (2), the period—

(i) beginning with the later of six months from the date on which the claim is made and the term date of the existing lease, and

(ii) ending six months after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date of its termination; and

(c) in a case falling within paragraph (c) of subsection (2), the period for which the existing lease is continued under paragraph 5(1) of Schedule 12.

(6) For the purposes of subsection (2), a claim to a new lease is not effective if it ceases to have effect for any reason other than—

(a) the application of section 47(1) or 55(2), or

(b) the acquisition of the new lease in pursuance of the claim.

(7) For the purposes of this section—

(a) references to a claim to acquire a new lease shall be taken as references to a notice given, or purporting to be given (whether by a qualifying tenant or not), under section 42, and

(b) references to the date on which a claim ceases to have effect shall, in the case of a claim made by a notice which is not a valid notice under section 42, be taken as references to the date on which the notice is set aside by the court or is withdrawn or would, if valid, cease to have effect or be deemed to have been withdrawn, that date being taken, where the notice is set aside, or would, if valid, cease to have effect, in consequence of a court order, to be the date when the order becomes final.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

61B Modification of section 61A where change in immediate reversion.

(1) Where a tenant's liability to pay compensation under section 61A relates to a period during which there has been a change in the interest immediately expectant on the determination of his lease, that section shall have effect with the following modifications.

(2) For subsections (3) and (4) there shall be substituted—

(“) Compensation under subsection (2) shall become payable at the end of the appropriate period and there shall be a separate right to compensation in respect of each of the interests which, during that period, have been immediately expectant on the determination of the existing lease.

(4) Compensation under subsection (2) above shall—

(a) in the case of the interest which is immediately expectant on the determination of the existing lease at the end of the appropriate period, be the right of the person in whom that interest is vested at that time, and

(b) in the case of an interest which ceases during the appropriate period to be immediately expectant on the determination of the existing lease, be the right of the person in whom the interest was vested immediately before it ceased to be so expectant.

(4A) The amount which the tenant is liable to pay under subsection (2) above in respect of any interest shall be equal to the difference between—

(a) the rent under the existing lease for the part of the appropriate period during which the interest was immediately expectant on the determination of that lease, and

(b) the rent which might reasonably be expected to be payable for that part of that period were the property to which the existing lease relates let for a term equivalent to that part of that period on the open market by a willing landlord on the following assumptions—

(i) that no premium is payable in connection with the letting,

(ii) that the letting confers no security of tenure, and

(iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease.“

(3) In subsection (5), for “(3) and (4)” there shall be substituted “(3) to (4A)”.”

(2) In section 91(2) of that Act (matters to be determined by leasehold valuation tribunal), after paragraph (c) there shall be inserted—

“(cb) the amount of any compensation payable under section 61A;”.

Marginal Citations

M139 1993 c. 28.

M140 1989 c. 42.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 12

Section 121.

ADMINISTRATION OF HOUSING BENEFIT, &C

Administration of housing benefit

1 (1) Section 134 of the [M141]Social Security Administration Act 1992 (arrangements for housing benefit) is amended as follows.

(2) For subsection (1) (administering authority and form of benefit) substitute—

"(1) Housing benefit provided by virtue of a scheme under section 123 of the [M142]Social Security Contributions and Benefits Act 1992 (in this Part referred to as "the housing benefit scheme") shall be funded and administered by the appropriate housing authority or local authority.

(1A) Housing benefit in respect of payments which the occupier of a dwelling is liable to make to a housing authority shall take the form of a rent rebate or, in prescribed cases, a rent allowance funded and administered by that authority.

The cases that may be so prescribed do not include any where the payment is in respect of property within the authority's Housing Revenue Account.

(1B) In any other case housing benefit shall take the form of a rent allowance funded and administered by the local authority for the area in which the dwelling is situated or by such other local authority as is specified by an order made by the Secretary of State.".

(3) In subsection (2)(b) omit the words "or rates".

(4) Omit subsections (3), (4), (6) and (7).

(5) For subsection (5) (agreements with other authorities for carrying out of functions) substitute—

"(5) Authorities may—

(a) agree that one shall discharge functions relating to housing benefit on another's behalf; or

(b) discharge any such functions jointly or arrange for their discharge by a joint committee.

(5A) Nothing in this section shall be read as excluding the general provisions of the [M143]Local Government Act 1972 or the [M144]Local Government (Scotland) Act 1973 from applying in relation to the housing benefit functions of a local authority.".

(6) In subsection (9) for the words from "the rebates or allowances" to the end substitute " the housing benefit which will be paid by the authority in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State. ".

(7) In subsection (11) for the words from "the rebates or allowances" to the end substitute " the housing benefit paid by them during the year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State. ".

(8) For subsection (12) substitute—

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"(12) The Secretary of State—

(a) shall by order specify the permitted total of housing benefit payable by any authority in any year; and

(b) may by order specify one or more subsidiary limits on the amount of housing benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.".

Marginal Citations

M141 1992 c. 5.
M142 1992 c. 4.
M143 1972 c. 70.
M144 1973 c. 65.

Administration of council tax benefit

2 In section 138 of the [M145]Social Security Administration Act 1992 (council tax benefit: nature of benefit), at the end of subsection (1) insert—

"References in any enactment or instrument (whenever passed or made) to payment, in relation to council tax benefit, include any of those ways of giving the benefit.

."

Marginal Citations

M145 1992 c. 5.

3 (1) Section 139 of the Social Security Administration Act 1992 (arrangements for council tax benefit) is amended as follows.

(2) For subsections (4) and (5) (agreements with other authorities for carrying out of functions) substitute—

"(4) Nothing in this section shall be read as excluding the general provisions of the Local Government Act 1972 or the Local Government (Scotland) Act 1973 from applying in relation to the council tax benefit functions of a local authority.".

(3) In subsection (7) for the words from "the benefits which will be allowed" to the end substitute " the amount of benefit which will be paid by them in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State. ".

(4) In subsection (9) for the words from "the benefits allowed by it" to the end substitute " the amount of benefit paid by them in any year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State. ".

(5) For subsection (10) substitute—

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"(10) The Secretary of State—

(a) shall by order specify the permitted total of council tax benefit payable by any authority in any year; and

(b) may by order specify one or more subsidiary limits on the amount of council tax benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.".

Subsidy

4 After section 140 of the [M146]Social Security Administration Act 1992 insert—

" Subsidy

140A Subsidy.

(1) For each year the Secretary of State shall pay a subsidy to each authority administering housing benefit or council tax benefit.

(2) He shall pay—

(a) rent rebate subsidy to each housing authority;

(b) rent allowance subsidy to each local authority; and

(c) council tax benefit subsidy to each billing authority or levying authority.

(3) In the following provisions of this Part "subsidy", without more, refers to subsidy of any of those descriptions.

140B Calculation of amount of subsidy.

(1) The amount of subsidy to be paid to an authority shall be calculated in the manner specified by order made by the Secretary of State.

(2) Subject as follows, the amount of subsidy shall be calculated by reference to the amount of relevant benefit paid by the authority during the year, with any additions specified in the order but subject to any deductions so specified.

In the case of a housing authority in England and Wales, any Housing Revenue Account rebates paid by them shall be excluded from the total.

(3) The order may provide that the amount of subsidy in respect of any matter shall be a fixed sum or shall be nil.

(4) The Secretary of State may deduct from the amount which would otherwise be payable by way of subsidy such amount as he considers it unreasonable to pay by way of subsidy.

(5) The Secretary of State may pay to an authority as part of the subsidy an additional amount in respect of the costs of administering the relevant benefit.

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Any such additional amount shall be a fixed sum specified by, or shall be calculated in the manner specified by, an order made by the Secretary of State.

(6) In this section "relevant benefit" means housing benefit or council tax benefit, as the case may be.

(7) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (2) or (4) above may not be determined by reference to—

(a) the amount of relevant benefit paid by the authority during a previous year; or

(b) the amount of subsidy paid to the authority in respect of a previous year, under this section.

(8) The amount of subsidy payable to an authority shall be calculated to the nearest pound, disregarding an odd amount of 50 pence or less and treating an odd amount exceeding 50 pence as a whole pound.

140C Payment of subsidy.

(1) Subsidy shall be paid by the Secretary of State in such instalments, at such times, in such manner and subject to such conditions as to claims, records, certificates, audit or otherwise as may be provided by order of the Secretary of State.

(2) The order may provide that if an authority has not, within such period as may be specified in the order, complied with the conditions so specified as to claims, records, certificate, audit or otherwise, the Secretary of State may estimate the amount of subsidy payable to the authority and employ for that purpose such criteria as he considers relevant.

(3) Where subsidy has been paid to an authority and it appears to the Secretary of State—

(a) that subsidy has been overpaid; or

(b) that there has been a breach of any condition specified in an order under this section,

he may recover from the authority the whole or such part of the payment as he may determine.

Without prejudice to other methods of recovery, a sum recoverable under this subsection may be recovered by withholding or reducing subsidy.

(4) An order made by the Secretary of State under this section may be made before, during or after the end of the year or years to which it relates.

140D Rent rebate subsidy: accounting provisions.

(1) Rent rebate subsidy is payable—

(a) in the case of a local authority in England and Wales, for the credit of a revenue account of theirs other than their Housing Revenue Account or Housing Repairs Account;

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(b) in the case of a local authority in Scotland, for the credit of their rent rebate account;

(c) in the case of a development corporation in England and Wales or the Development Board for Rural Wales, for the credit of their housing account; and

(d) in the case of a new town corporation in Scotland or Scottish Homes, for the credit of the account to which rent rebates granted by them, or it, are debited.

(2) Every local housing authority in England and Wales shall for each year carry to the credit of their Housing Revenue Account from some other revenue account of theirs which is not a Housing Repairs Account an amount equal to the aggregate of—

(a) so much of each Housing Revenue Account rebate paid by them during the year as was paid—

(i) in the exercise of a discretion conferred by the housing benefit scheme; or

(ii) in pursuance of any modification of that scheme under section 134(8)(b) above; and

(b) unless the authority otherwise determine, so much of each such rebate as was paid in pursuance of such modifications of that scheme as are mentioned in section 134(8)(a) above.

Supplementary provisions

140E Financing of joint arrangements.

(1) Where two or more authorities make arrangements for the discharge of any of their functions relating to housing benefit or council tax benefit—

(a) by one authority on behalf of itself and one or more other authorities; or

(b) by a joint committee,

the Secretary of State may make such payments as he thinks fit to the authority or committee in respect of their expenses in carrying out those functions.

(2) The provisions of sections 140B and 140C (subsidy: calculation and supplementary provisions) apply in relation to a payment under this section as in relation to a payment of subsidy.

(3) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of expenses which would otherwise have been met in whole or in part by the participating authorities.

140F No requirement for annual orders.

(1) Any power under this Part to make provision by order for or in relation to a year does not require the making of a new order each year.

(2) Any order made under the power may be revoked or varied at any time, whether before, during or after the year to which it relates.

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140G Interpretation: Part VIII.

In this Part, unless the context otherwise requires—

"Housing Repairs Account" means an account kept under section 77 of the [M147]Local Government and Housing Act 1989;

"Housing Revenue Account" means the account kept under section 74 of the Local Government and Housing Act 1989, and—

(a) references to property within that account have the same meaning as in Part VI of that Act, and

(b) "Housing Revenue Account rebate" means a rebate debited to that account in accordance with that Part;

"rent rebate subsidy" and "rent allowance subsidy" shall be construed in accordance with section 134 above;

"year" means a financial year within the meaning of the [M148]Local Government Finance Act 1992.".

Modifications etc. (not altering text)
C142 Sch. 12 para. 4 extended (5.3.1997) by S.I. 1997/618, art. 2, **Sch. para. 5**

Marginal Citations
M146 1992 c. 5.
M147 1989 c. 42.
M148 1992 c. 14.

Transitional provision

5 (1) The Secretary of State may by order make such transitional provision, and such consequential provision and savings, as appear to him appropriate in connection with the coming into force of the provisions of this Schedule.

(2) Without prejudice to the generality of that power, the order may provide for the recovery by the withholding or reduction of subsidy payable under the provisions inserted by paragraph 4 above of any amount which would have been recoverable under the provisions of Part VIII of the [M149]Social Security Administration Act 1992 repealed by this Act.

(3) Section 189(3) to (7) of the Social Security Administration Act 1992 (general provisions as to regulations and orders) apply in relation to the power conferred by sub-paragraph (1) as they apply in relation to a power conferred by that Act to make an order.

(4) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations
M149 1992 c. 5.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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SCHEDULE 13

Section 123.

HOUSING BENEFIT AND RELATED MATTERS: CONSEQUENTIAL AMENDMENTS

Rent Act 1977 (c.42)

1 In section 63(7) of the Rent Act 1977 (expenditure on rent officers to be met by Secretary of State), in paragraph (a), for "or an order under section 121 of the Housing Act 1988" substitute " or an order under section 122 of the Housing Act 1996 ".

Housing Act 1985 (c.68)

2 In section 425(2)(b) of the Housing Act 1985 (housing subsidy: local contribution differential), for "section 135" substitute " section 140A ".

Social Security Administration Act 1992 (c.5)

3 (1) The Social Security Administration Act 1992 is amended as follows.

F790(2) . . . . . .

(3) In section 116(4) (legal proceedings for offences: definition of "appropriate authority")—

(a) omit paragraph (a);

(b) in paragraph (b), for "that subsection" substitute " section 134 below "; and

(c) in paragraph (c), for "that subsection" substitute " that section ".

(4) In section 176 (consultation with representative organisations), in subsection (1)(b) for "section 134(12), 135, 139 or 140 above" substitute " any provision of Part VIII above ".

(5) In section 189(8) (requirement for consent of the Treasury), for "135, 140" substitute " 140B, 140C ".

(6) In section 191 (interpretation: general)—

(a) at the appropriate place insert—

""council tax benefit scheme" shall be construed in accordance with section 139(1) above;";

(b) in the definition of "rate rebate", "rent rebate" and "rent allowance", omit the reference to rate rebate;

(c) omit the definitions of "rates" and "rating authority".

Textual Amendments

F790 Sch. 13 para. 3(2) repealed (7.4.2008) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 8**; S.I. 2007/2872, art. 2(1)(c) (with arts. 3-5)

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F791 …

Textual Amendments

F791 Sch. 13 para. 4 and crossheading repealed (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 16**; S.I. 2008/3068, art. 5, Sch. (with arts. 6-13)

F791 4 . . . . . .

SCHEDULE 14

Section 141(1).

INTRODUCTORY TENANCIES: CONSEQUENTIAL AMENDMENTS

Housing Act 1985 (c.68)

1 In section 88(1) of the Housing Act 1985 (cases where the secure tenant is a successor) after paragraph (e) insert "or

(f) the tenancy was previously an introductory tenancy and he was a successor to the introductory tenancy.".

2 In section 104(2) of the Housing Act 1985 (provision of information about secure tenancies) for the words "on the grant of the tenancy" substitute " when the secure tenancy arises ".

3 After section 115 of the Housing Act 1985 insert—

"**115A Meaning of "introductory tenancy".**

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

4 In section 117 of the Housing Act 1985 (index of defined expressions: Part IV) insert at the appropriate place—

"introductory tenancy	section 115A".

5 In Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies) after paragraph 1 insert—

" Introductory tenancies

1A A tenancy is not a secure tenancy if it is an introductory tenancy or a tenancy which has ceased to be an introductory tenancy—

(a) by virtue of section 133(3) of the Housing Act 1996 (disposal on death to non-qualifying person), or

(b) by virtue of the tenant, or in the case of a joint tenancy every tenant, ceasing to occupy the dwelling-house as his only or principal home.".

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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PROSPECTIVE

F792SCHEDULE 15

Section 155(6).

ARREST FOR ANTI-SOCIAL BEHAVIOUR: POWERS OF HIGH COURT AND COUNTY COURT TO REMAND

Textual Amendments

F792 Sch. 15 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 22** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

F792 Introductory

F792 1 . . . . . .

F792 Remand in custody or on bail

F792 2 . . . . . .

F792 3 . . . . . .

F792 4 . . . . . .

F792 Further remand

F792 5 . . . . . .

F792 Postponement of taking of recognizance

F792 6 . . . . . .

SCHEDULE 16

Section 173.

ALLOCATION OF HOUSING ACCOMMODATION: CONSEQUENTIAL AMENDMENTS

Housing Act 1985 (c.68)

1 In section 106 of the Housing Act 1985 (information about allocation of secure tenancies) at the end insert—

"(6) The provisions of this section do not apply to a landlord authority which is a local housing authority so far as they impose requirements corresponding to those to which such an authority is subject under sections 166 and 168 of the Housing Act 1996 (provision of information about housing registers and allocation schemes).".

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Housing Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

2 (1) Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies) is amended as follows.

(2) In paragraph 2 (premises occupied in connection with employment) at the beginning of sub-paragraph (1), (2) and (3) insert in each case " Subject to sub-paragraph (4B) ".

(3) In sub-paragraph (4) of that paragraph—

(a) at the beginning insert " Subject to sub-paragraph (4A) and (4B) ", and

(b) omit the words from "until" to the end.

(4) After sub-paragraph (4) of that paragraph insert—

"(4A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (4) shall become a secure tenancy when the periods during which the conditions mentioned in sub-paragraph (1), (2) or (3) are not satisfied with respect to the tenancy amount in aggregate to more than three years.

(4B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1), (2), (3) or (4) shall become a secure tenancy if the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.".

(5) In paragraph 5 (temporary accommodation for persons taking up employment) in sub-paragraph (1)—

(a) for the words from the beginning to first "grant" substitute " Subject to sub-paragraphs (1A) and (1B), a tenancy is not a secure tenancy ", and

(b) omit from "unless" to the end.

(6) After sub-paragraph (1) of that paragraph insert

"(1A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy on the expiry of one year from the grant or on earlier notification by the landlord to the tenant that the tenancy is to be regarded as a secure tenancy.

(1B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy if at any time the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.".

(7) In paragraph 10 (student lettings) in sub-paragraph (1)—

(a) for the words from the beginning to "sub-paragraph (3)" substitute " Subject to sub-paragraphs (2A) and (2B), a tenancy of a dwelling-house is not a secure tenancy ", and

(b) omit from "unless" to the end.

(8) After sub-paragraph (2) of that paragraph insert—

"(2A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy on the expiry of the period specified in sub-paragraph (3) or on earlier notification by the landlord to the tenant that the tenancy is to be regarded as a secure tenancy.

(2B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy if at any time the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.".

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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(9) In sub-paragraph (3) of that paragraph for the words "sub-paragraph (1)" substitute " sub-paragraph (2A) ".

Modifications etc. (not altering text)
C143 Sch. 16 para. 2 restricted (25.11.1996) by S.I. 1996/2959, art. 3, **Sch. para.2**

Asylum and Immigration Act 1996 (c. 49)

F793 3 . . . . . .

Textual Amendments
F793 Sch. 16 para. 3 repealed (1.3.2000) by 1999 c. 33, s. 169(3), **Sch. 16**; S.I. 2000/464, **art. 2 Sch.**

SCHEDULE 17

Section 216(3).

HOMELESSNESS: CONSEQUENTIAL AMENDMENTS

Local Authority Social Services Act 1970 (c.42)

1 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to Social Services Committee) for the entry relating to the Housing Act 1985 substitute—

"Housing Act 1996 Section 213(1)(b)	Co-operation in relation to homeless persons and persons threatened with homelessness.".

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

2 In section 39 of the Greater London Council (General Powers) Act 1984 (occupants removed from buildings to have priority housing need) for "Part III of the Housing Act 1985 (housing the homeless)" substitute " Part VII of the Housing Act 1996 (homelessness) ".

Housing Act 1985 (c.68)

3 In Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), for paragraph 4 (accommodation for homeless persons) substitute—

" Accommodation for homeless persons

4 A tenancy granted in pursuance of any function under Part VII of the Housing Act 1996 (homelessness) is not a secure tenancy unless the local housing authority concerned have notified the tenant that the tenancy is to be regarded as a secure tenancy.".

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Housing (Scotland) Act 1987 (c.26)

4 In section 42 of the Housing (Scotland) Act 1987 (application of Part II to cases arising in England and Wales: request for co-operation)—

(a) in subsection (1) for "section 67(1) of the Housing Act 1985" substitute " section 198(1) of the Housing Act 1996 "; and

(b) in subsections (2) and (3) for "section 72 of the Housing Act 1985" substitute " section 213 of the Housing Act 1996 ".

SCHEDULE 18

Section 222.

MISCELLANEOUS PROVISIONS

PART I

HOUSING MANAGEMENT

Repeal of Part IV of the Housing Act 1988

1 Part IV of the [M150]Housing Act 1988 (change of landlord: secure tenants) is hereby repealed.

Extent Information
E9 For the extent of Sch. 18 para. 1, see s. 231(4)(a)

Marginal Citations
M150 1988 c. 50.

Payments to encourage local housing authority tenants to move to other accommodation

2 (1) A local housing authority may make payments to or for the benefit of a tenant or licensee of a dwelling-house within its Housing Revenue Account with a view to assisting or encouraging that person to move to qualifying accommodation.

(2) In sub-paragraph (1) "qualifying accommodation" means a dwelling-house made available to the person concerned as tenant or licensee by any of the following—

(a) the local housing authority making the grant or any other local housing authority;

[[F794](aa) a private registered provider of social housing;**]**

or

(b) a registered social landlord.

(3) The reference in sub-paragraph (1) to a dwelling-house being within the Housing Revenue Account of a local housing authority is to a dwelling-house to which section 74(1) of the [M151]Local Government and Housing Act 1989 for the time being applies.

(4) In this paragraph—

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"dwelling-house" has the meaning given by section 112 of the [M152]Housing Act 1985; and

"tenant" does not include a tenant under a long tenancy as defined in section 115 of that Act.

Textual Amendments

F794 Sch. 18 para. 2(2)(aa) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 107** (with art. 6, Sch. 3)

Marginal Citations

M151 1989 c. 42.
M152 1985 c. 68.

Consultation with respect to housing management

3 (1) Part II of the Housing Act 1985 (provision of housing accommodation) is amended as follows.

(2) After section 27B insert—

" Consultation with respect to housing management

27BA Consultation with respect to management.

(1) The Secretary of State may make regulations for imposing requirements on a local housing authority to consult tenants, or to consider representations made to them by tenants, with respect to the exercise of their management functions (including proposals as to the exercise of those functions), in relation to any of the authority's houses or other land held for a related purpose.

(2) The regulations may include provision requiring a local housing authority to consult tenants, or consider representations made by tenants, with respect to—

(a) the terms of a written specification to be prepared by the authority of functions proposed to be exercised by the authority or another person;

(b) a proposal of the authority to exercise management functions themselves;

(c) any person whom the authority propose to invite to submit a bid to exercise any of their management functions;

(d) the standards of service for the time being achieved by the authority or (as the case may be) the person with whom they have entered into a management agreement;

(e) a proposal to enforce the standards of service required by a management agreement.

(3) The requirements imposed on a local housing authority by the regulations may include provision with respect to—

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(a) the tenants to be consulted or whose representations are to be considered;

(b) the means by which consultation is to be effected (including the arrangements to be made for tenants to consider the matters on which they have been consulted);

(c) the arrangements to be made for tenants to make representations to the authority;

(d) the action to be taken by the authority where representations are made.

(4) The regulations may include provision requiring a local housing authority to consult representatives of tenants, or to consider representations made to them by such representatives, as well as (or instead of) the tenants themselves; and accordingly, references in subsections (1) to (3) above to tenants include references to such representatives.

(5) The regulations may include provision for particular questions arising under them to be determined by a local housing authority on whom they impose requirements.

(6) Nothing in subsections (2) to (5) above shall be taken as prejudicing the generality of subsection (1).

(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,

(b) may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient, and

(c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Except as otherwise provided by the regulations, in the case of secure tenants, the provisions of the regulations shall apply in place of the provisions of section 105 (consultation on matters of housing management).

(9) Except as otherwise provided by the regulations, in the case of introductory tenants, the provisions of the regulations shall apply in place of the provisions of section 137 of the Housing Act 1996 (consultation on matters of housing management).

(10) References in this section to the management functions of a local housing authority in relation to houses or land shall be construed in the same way as references to any such functions in section 27.".

(3) In section 20(1) (application of housing management provisions) for "section 27B" substitute " section 27BA ".

(4) In section 27 (management agreements), after subsection (5) insert—

"(5A) Nothing in section 6 of the [M153]Local Government Act 1988 (restrictions on authority carrying out functional work) shall apply in relation to any management functions which, in pursuance of a management agreement, are carried out by the manager as agent of the local housing authority.".

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(5) In section 27AB (management agreements with tenant management organisations), in subsection (7)(b)(i), for the words from "section 27A" to the end substitute " regulations under section 27BA (consultation with respect to management) ".

Marginal Citations
M153 1988 c. 9.

PART II

HOUSING FINANCE

Housing Revenue Account: directions as to certain matters

4 (1) In Part VI of the [M154]Local Government and Housing Act 1989 (housing finance), after section 78 (directions as to proper accounting practices) insert—

"**78A Directions as to treatment of service charges, &c.**

(1) The Secretary of State may give directions as to what items or amounts are to be regarded as referable to property within a local housing authority's Housing Revenue Account where one or more parts of a building have been disposed of but the common parts remain property within that account.

(2) Any such direction also has effect for the purposes of any Housing Repairs Account kept by the authority.

(3) Directions under this section may give the authority a discretion as to whether items or amounts are accounted for in the Housing Revenue Account or any Housing Repairs Account or in another revenue account.

(4) In this section "common parts" includes the structure and exterior of the building and common facilities provided, whether in the building or elsewhere, for persons who include the occupiers of one or more parts of the building.

78B Directions as to accounting for work subject to competitive tendering.

(1) This section applies where work is carried out by a local housing authority which has successfully bid for the work on a competitive basis.

(2) The Secretary of State may give directions—

(a) to secure that the amount debited to the Housing Revenue Account or any Housing Repairs Account of the authority in respect of the work reflects the amount of the authority's successful bid for the work rather than expenditure actually incurred;

(b) allowing an authority to credit to its Housing Revenue Account any surpluses reasonably attributable to work undertaken on or in connection with property within that account.

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(3) Directions under subsection (2)(a) may make provision for determining the amount to be treated as the amount of the authority's successful bid.

References in this Part to expenditure shall be construed as references to the amount falling to be debited in accordance with the directions.

(4) Directions under subsection (2)(b) may make provision as to the ascertainment of the surpluses referred to and the circumstances in which a surplus is or is not to be taken to be attributable to property within an authority's Housing Revenue Account.".

(2) The above amendment has effect for the financial year beginning on 1st April 1997 and subsequent financial years.

Marginal Citations
M154 1989 c. 42.

Housing Revenue Account subsidy: final decision on amount

5 (1) In Part VI of the [M155]Local Government and Housing Act 1989 (housing finance), after section 80 (calculation of Housing Revenue Account subsidy) insert—

"**80A Final decision on amount of Housing Revenue Account subsidy.**

(1) The Secretary of State shall, as soon as he thinks fit after the end of the year, make a final decision as to the amount (if any) of Housing Revenue Account subsidy payable to a local housing authority for that year and notify the authority in writing of his decision.

(2) Once notified to the authority the decision is conclusive as to the amount (if any) payable by way of subsidy and shall not be questioned in any legal proceedings.

(3) Where the amount of Housing Revenue Account subsidy paid to an authority is less than the amount finally decided, the authority is entitled to be paid the balance.

(4) Where Housing Revenue Account subsidy has been paid to an authority in excess of the amount finally decided, the Secretary of State may recover the excess, with interest from such time and at such rates as he thinks fit.

Without prejudice to other methods of recovery, a sum recoverable under this subsection may be recovered by withholding or reducing subsidy.

(5) Nothing in this section affects any power of the Secretary of State to vary a determination as to the amount of subsidy before the final decision is made.".

(2) The above amendment applies in relation to the amount of subsidy payable—

(a) to authorities in England for the financial year beginning on 1st April 1996 and subsequent years; and

(b) to authorities in Wales for such financial years as the Secretary of State may specify by order made by statutory instrument.

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Marginal Citations
M155 1989 c. 42.

Abolition of exchequer contributions for agricultural housing

6 (1) No contribution shall be made by the Secretary of State by virtue of Part II of Schedule 15 to the [M156]Housing Act 1985 (exchequer contributions for agricultural housing) in respect of any year after the year ending on 31st March 1996.

(2) Part II of Schedule 15 to that Act is amended as follows.

(3) For the heading substitute—
"Annual Grants for Agricultural Housing".

(4) For paragraph 1 substitute—

" Annual grants by local housing authorities

1 (1) Annual grants shall, notwithstanding the abolition of exchequer contributions by paragraph 6(1) of Schedule 18 to the [M157]Housing Act 1996, continue to be payable by local housing authorities in respect of agricultural housing provided in pursuance of arrangements made under section 46 of the Housing (Financial Provisions) Act 1958.

(2) Subject to the provisions of this Part of this Schedule, such annual grants are payable, in respect of any house as to which the Secretary of State originally undertook to make annual contributions under section 46 of the [M158]Housing (Financial Provisions) Act 1958, for the remainder of the 40 year period for which that undertaking was given.

(3) The amount paid by way of annual grant to the owner of a house shall not be less than the amount of the last annual contribution paid by the Secretary of State in respect of the house.".

(5) For paragraph 2(1) substitute—

" Conditions of payment of annual grant

2 (1) It is a condition of the payment of a grant in respect of a house in any year that throughout the year the house—

(a) is reserved for members of the agricultural population, and

(b) if let, is let at a rent not exceeding the limit applicable in accordance with the following provisions of this paragraph,

and that in the opinion of the local housing authority all reasonable steps have been taken to secure the maintenance of the house in a proper state of repair during the year.".

(6) In paragraph 3(1), for "contribution" substitute " grant ".

(7) For paragraph 4 substitute—

"4 A grant shall not be made or shall be reduced, as the local housing authority think fit, if (before the grant is paid) the local housing authority are of the

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opinion that during the whole or the greater part of the period to which the payment of the grant is referable the house has not been available as a dwelling fit for habitation, unless the authority is satisfied that that could not with reasonable diligence have been achieved.".

(8) In paragraph 5 omit the words "the Secretary of State or".

(9) After paragraph 5 insert—

" Commutation of future annual grant

6 (1) A local authority may make an offer in writing to the person who is for the time being the owner of a house as respects which annual grant is payable under this Part of this Schedule to pay a lump sum in lieu of—

(a) the annual grant payable for the year in which the offer is accepted; and

(b) any further payments of annual grant that would (apart from this paragraph) be payable for the remainder of the period for which the original arrangements under section 46 of the Housing (Financial Provisions) Act 1958 were made.

(2) An owner may accept an offer made under this paragraph by notice in writing to the local housing authority.

(3) Subject to sub-paragraph (4) below, where such an offer is accepted the local housing authority shall pay to the owner a lump sum calculated in such manner as the authority may determine.

(4) A lump sum shall not be paid as respects a house unless the local housing authority are satisfied that the conditions in this Part of this Schedule have been observed throughout the year preceding the date on which the lump sum would otherwise be paid.

(5) On payment of a lump sum under this paragraph to the owner of a house—

(a) no further annual grants under this Part of this Schedule shall be payable in respect of the house; and

(b) the conditions described in this Part of this Schedule shall cease to apply to the house.".

(10) Nothing in this paragraph affects the operation of Part II of Schedule 15 to the [M159]Housing Act 1985 in respect of any year ending before 1st April 1996.

Marginal Citations

M156 1985 c. 68.
M157 1958 c. 42.
M158 1958 c. 42.
M159 1985 c. 68.

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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PART III

ORDERS IN RELATION TO PROPERTY IN FAMILY AND MATRIMONIAL PROCEEDINGS, &C.

Housing Act 1980 (c.51)

7 In section 54(2) of the Housing Act 1980 (prohibition on assignment of protected shorthold tenancy or protected tenancy of dwelling-house), for "except in pursuance of an order under section 24 of the Matrimonial Causes Act 1973" substitute—

"except in pursuance of an order under—

(a) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(b) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

(c) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).".

Housing Act 1985 (c.68)

8 (1) Section 39 of the Housing Act 1985 (exempted disposals) is amended as follows.

(2) In subsection (1), for paragraph (c) substitute—

"(c) it is a disposal of the whole of the house in pursuance of any such order as is mentioned in subsection (3);".

(3) After subsection (2) add—

"(3) The orders referred to in subsection (1)(c) are orders under—

(a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),

(b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),

(c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or

(d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).".

9 In section 88(2) of the Housing Act 1985 (cases where secure tenant is a successor) after "proceedings)" insert " or section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.) ".

10 In section 89 of the Housing Act 1985 (succession to periodic tenancy), for subsection (3) substitute—

"(3) Where there is no person qualified to succeed the tenant, the tenancy ceases to be a secure tenancy—

(a) when it is vested or otherwise disposed of in the course of the administration of the tenant's estate, unless the vesting or other disposal is in pursuance of an order made under—

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(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders made in connection with matrimonial proceedings),

(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents); or

(b) when it is known that when the tenancy is so vested or disposed of it will not be in pursuance of such an order.".

11 In section 90(3) of the Housing Act 1985 (devolution of secure tenancy), for paragraph (a) and the word "or" at the end of the paragraph substitute—

"(a) the vesting or other disposal is in pursuance of an order made under—

(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents), or".

12 In section 91(3) of the Housing Act 1985 (cases where assignment of secure tenancy permitted), for paragraph (b) substitute—

"(b) an assignment in pursuance of an order made under—

(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);".

13 In section 99B(2) of the Housing Act 1985 (persons qualifying for compensation for improvements) for paragraph (e) substitute—

"(e) a person to whom the tenancy was assigned by the improving tenant in pursuance of an order made under—

(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);".

14 In section 101(3) of the Housing Act 1985 (rent not increased on account of tenant's improvements: qualifying persons) for paragraph (c) substitute—

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"(c) a person to whom the tenancy was assigned by the tenant in pursuance of an order made under—

(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);".

15 (1) Section 160 of the Housing Act 1985 (exempted disposals in relation to right to buy) is amended as follows.

(2) In subsection (1), for paragraph (c) substitute—

"(c) it is a disposal of the whole of the dwelling-house in pursuance of any such order as is mentioned in subsection (3);".

(3) After subsection (2) add—

"(3) The orders referred to in subsection (1)(c) are orders under—

(a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),

(b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),

(c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or

(d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).".

16 In section 171B(4)(b) of the Housing Act 1985 (extent of preserved right to buy: qualifying successors of tenant), after sub-paragraph (ii) insert—

"or

(iii) a property adjustment order under section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or

(iv) an order under paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents),".

17 In paragraph 1(2) of Schedule 6A to the Housing Act 1985 (obligation to redeem landlord's share: excluded disposals), for paragraph (c) substitute—

"(c) it is a disposal in pursuance of an order under—

(i) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),

(ii) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),

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(iii) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or

(iv) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents),".

Landlord and Tenant Act 1987 (c.31)

18 In section 4(2) of the Landlord and Tenant Act 1987 (right of first refusal: excluded disposals), for paragraph (c) substitute—

"(c) a disposal in pursuance of an order made under—

(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 24A of the Matrimonial Causes Act 1973 (orders for the sale of property in connection with matrimonial proceedings) where the order includes provision requiring the property concerned to be offered for sale to a person or class of persons specified in the order,

(iii) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),

(iv) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.),

(v) section 17(2) of the Matrimonial and Family Proceedings Act 1984 (orders for the sale of property after overseas divorce, &c.) where the order includes provision requiring the property concerned to be offered for sale to a person or class of persons specified in the order, or

(vi) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents);".

Housing Act 1988 (c.50)

19 (1) Paragraph 4 of Schedule 11 to the Housing Act 1988 (repayment of discount on disposal: exempted disposals) is amended as follows.

(2) In sub-paragraph (1), for paragraph (c) substitute—

"(c) it is a disposal of the whole of the house in pursuance of any such order as is mentioned in sub-paragraph (4) below;".

(3) After sub-paragraph (3) add—

"(4) The orders referred to in sub-paragraph (1)(c) above are orders under—

(a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings),

(b) section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (orders as to financial provision to be made from estate),

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(c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, &c.), or

(d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).".

PART IV

OTHER HOUSING PROVISIONS

Abolition of consent requirements for exercise of certain housing powers

20 Section 16 of the [M160]Housing Act 1985 (consent requirements for exercise of certain housing powers) shall cease to have effect.

Marginal Citations
M160 1985 c. 68.

Amendments of section 133 of the Housing Act 1988

21 (1) Section 133 of the [M161]Housing Act 1988 (consent required for certain subsequent disposals) is amended as follows.

(2) After subsection (1) insert—

"(1A) This section does not apply if the original disposal was made before the date on which this section comes into force.".

The amendment made by this sub-paragraph shall be deemed always to have had effect.

(3) After subsection (2) insert—

"(2A) Consent required for the purposes of this section may be given either generally to all persons who may require such consent or to any particular person or description of person who may require such consent.".

(4) After subsection (5) insert—

"(5A) A person seeking any consent required by virtue of this section is not required to consult a tenant of the land or house proposed to be disposed of if—

(a) consent is sought for the disposal of the land or house to that tenant or to persons including that tenant; or

(b) consent is sought subject to the condition that the land or house is vacant at the time of the disposal;

and, accordingly, subsection (5) does not apply in either case.".

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Marginal Citations

M161 1988 c. 50.

Abolition of requirements for Treasury consent

22 (1) Any requirement in the following enactments for the consent or approval of the Treasury shall cease to have effect—

(a) in the [M162]Rent Act 1977—

section 63(2) (schemes for appointment of rent officers), and

Schedule 10 (rent assessment committees);

(b) Schedule 26 to the [M163]Local Government, Planning and Land Act 1980 (urban development corporations);

(c) in the [M164]Housing Act 1985—

section 156(4) (liability to repay discount: approved lending institutions), and

section 429A (financial assistance for persons concerned with housing management);

(d) in the [M165]Housing Associations Act 1985—

section 85(2) (meaning of "recognised body"), and

paragraphs 5 and 6 of Schedule 6 (remuneration, allowances and pensions);

(e) Schedule 7 to the Housing Act 1988 (constitution of housing action trusts);

[F795](f) . . . . . .

(2) In Schedule 10 to the Rent Act 1977 (rent assessment committees), in paragraph 9(c), for "the Minister for the Civil Service" substitute " the Secretary of State ".

(3) The amendments in this paragraph do not extend to Scotland.

Extent Information

E10 For extent of Sch. 18 para. 22 see (3) of the para. (and s. 231)

Textual Amendments

F795 Sch. 18 para. 22(1)(f) repealed (1.4.2009) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 16**; S.I. 2009/803, art. 10

Marginal Citations

M162 1977 c. 42.
M163 1980 c. 65.
M164 1985 c. 68.
M165 1985 c. 69.

Disposal of dwelling-houses subject to secure tenancies: consultation requirements

23 In section 106A of the [M166]Housing Act 1985 (consultation before disposal to private sector landlord) at the end insert—

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"(3) That Schedule, and this section, do not apply in relation to any disposal of an interest in land by a local authority if—

(a) the interest has been acquired by the authority (whether compulsorily or otherwise) following the making of an order for compulsory purchase under any enactment, other than section 290 (acquisition of land for clearance),

(b) the order provides that the interest is being acquired for the purpose of disposal to a registered social landlord, and

(c) such a disposal is made within one year of the acquisition.

(4) In this section "registered social landlord" has the same meaning as in Part I of the Housing Act 1996.".

Marginal Citations
M166 1985 c. 68.

Powers of local housing authorities to acquire land for housing purposes

24 (1) In section 17(2) of the Housing Act 1985 (acquisition of land for housing purposes) at end insert " or facilities which serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided ".

(2) In section 74(3)(b) of the [M167]Local Government and Housing Act 1989 (land excluded from Housing Revenue Account) at end insert " or facilities which serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided ".

Marginal Citations
M167 1989 c. 42.

Housing action trusts

25 (1) In section 63 of the [M168]Housing Act 1988 (objects etc of housing action trusts)—

(a) in subsection (1)(d) after "conditions" insert " of those living "; and

(b) after subsection (2) insert—

"(2A) For the avoidance of doubt it is hereby declared that it is immaterial for the purposes of this section whether action taken by a housing action trust for achieving its objects or exercising the powers conferred on it by subsection (2) above also—

(a) benefits persons who do not live in the designated area; or

(b) improves the social conditions or general environment of an area outside the designated area.".

(2) In section 64 of that Act (proposals for area of housing action trust) in subsections (1) and (5) after "in" insert " relation to ".

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Marginal Citations
M168 1988 c. 50.

Preserved right to buy

26 (1) In section 171B of the Housing Act 1985 (qualifying persons in relation to preserved right to buy)—

(a) in subsection (4)(a), at the end insert " or in whom that assured tenancy vested under section 17 of the Housing Act 1988 (statutory succession to assured tenancy) "; and

(b) in subsection (5)(b), for "subsection (4)(a) or (b)" substitute " subsection (4) ".

(2) The amendment made by sub-paragraph (1)(a) does not apply in relation to qualifying disposals (within the meaning of Part V of the [M169]Housing Act 1985) made before, or made under a contract entered into before, the day on which this paragraph comes into force.

Marginal Citations
M169 1985 c. 68.

Local authority assistance in connection with mortgages

27 (1) Section 442 of the Housing Act 1985 (agreements by local authority to indemnify mortgagees) is amended as follows.

(2) In subsection (1)—

(a) for the words from the beginning to "house" (in the second place it appears) substitute " A local authority may enter into an agreement with a person or body making an advance on the security of a house (or a building to be converted into a house) ";

(b) for "society or body" (in both places) substitute " mortgagee ".

(3) After subsection (1) insert—

"(1A) The local authority may only enter into the agreement if the advance is for one or more of the purposes specified in subsection (1) of section 435; and subsections (2) to (4) of that section apply in relation to power to enter into such an agreement as they apply to the power to make an advance under that section.".

(4) In subsection (2) for "building society or recognised body" substitute " mortgagee ";

(5) Subsections (4) and (5) shall cease to have effect.

28 In section 443 of the Housing Act 1985 (local authority contributions to mortgage costs)—

(a) in subsection (1), for "a building society or recognised body" substitute " any person or body "; and

(b) subsections (2) and (3) shall cease to have effect.

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29 (1) For section 444 of the Housing Act 1985 (meaning of "recognised body" and "relevant advance") substitute—

"**444 Relevant advances for the purposes of section 443.**

The expression "relevant advance" in section 443 (contributions to mortgage costs) means an advance made to a person whose interest in the house (or building to be converted into a house) on the security of which the advance is made is, or was, acquired by virtue of a conveyance of the freehold, or a grant or assignment of a long lease, by a housing authority.".

(2) Any reference in an agreement made under section 442 of the Housing Act 1985 before the date on which this paragraph comes into force which defines the expression "recognised body" by reference to section 444 of that Act shall (notwithstanding the amendment made by sub-paragraph (1) of this paragraph) continue to have the same meaning as it had immediately before that date.

30 In paragraph 21(d) of Schedule 13 to the [M170]Local Government (Wales) Act 1994 (Residuary Body a local authority for purposes of section 442 of Housing Act 1985) —

(a) omit the words from "(so" to "subsection (1)(b))", and
(b) after "local authority" insert " agreement to indemnify mortgagee and ".

Marginal Citations
M170 1994 c. 19.

SCHEDULE 19

Section 227.

REPEALS

Extent Information
E11 Act extends to E.W. only with the exceptions mentioned in s. 231(2)(3); and any amendment or repeal of an enactment has the same extent as the enactment amended or repealed with the exceptions mentioned in s. 231(4)(a)-(d)

Modifications etc. (not altering text)
C144 Sch. 19 Pt. III restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 2
Sch. 19 Pt. V restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**,Sch. para. 4(b)
Sch. 19 Pt. VIII restricted (25.11.1996) by S.I. 1996/2959, art. 3, **Sch. para. 1**
Sch. 19 Pt. VI restricted (5.3.1997) by S.I. 1997/618, art. 2, **Sch. para. 6**

Commencement Information
I66 Sch. 19 partly in force; Sch. 19 in force at 24.9.1996 so far as it relates to Sch. 18 paras. 24, 26, 27-29, see s. 232(2); Sch. 19 Pts. III and V partly in force at 1.10.1996 by S.I. 1996/2212, **art. 2(2)**; Sch. 19 Pts. I, X-XIII in force and Pt. IX partly in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); Sch. 19 Pt. XIV partly in force at 24.9.1996 by S.I. 1996/2402, **art. 2**; Sch. 19 Pt. VIII in force at 20.1.1997 and Pt. VII in force at 1.4.1997 by S.I. 1996/2959, **arts. 2**, 3; Sch. 19 Pt. IV in force at 28.2.1997 by S.I. 1997/225, **art. 2**; Sch. 19 Pt. V partly in force and Pt. VI

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wholly in force at 1.4.1997 by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.); Sch. 19 Pt. II in force at 3.3.1997 by S.I. 1997/596, **art. 2**; Sch. 19 Pt. III partly in force at 1.9.1997 by S.I. 1997/1851, **art. 2** (subject to the saving in Sch. para. 1 of that S.I.)

PART I

SOCIAL RENTED SECTOR

Chapter	Short title	Extent of repeal
1985 c. 69.	Housing Associations Act 1985.	Sections 3 to 8.
		Section 9(1) and (4).
		Section 11.
		Sections 13 to 33.
		Section 36A.
		Section 67.
		Section 69(1)(e) and (g).
		Schedules 2 and 3.
1988 c. 9.	Local Government Act 1988.	Section 24(5)(a) and (c).
1988 c. 50.	Housing Act 1988.	Sections 48 and 49.
		Section 55(1)(a).
		Section 58.
		Section 79(6) to (10).
		In section 92(2), the words from “but” to the end.
		In Schedule 6, paragraphs 3 to 6 and 9 to 23.
1989 c. 42.	Local Government and Housing Act 1989.	Section 182.
1993 c. 10.	Charities Act 1993.	In Schedule 6, paragraph 21(3).
1993 c. 28.	Leasehold Reform, Housing and Urban Development Act 1993.	Section 134.

PART II

HOUSES IN MULTIPLE OCCUPATION

Chapter	Short title	Extent of repeal

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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1985 c. 68.	Housing Act 1985.	In section 365(5), the words "and (e)". In section 368(3), the words from "and if" to the end. Section 619(1).
1989 c. 42.	Local Government and Housing Act 1989.	In Schedule 9— (a) paragraphs 45 to 47 and 53(2), (b) in paragraph 53(3) the words from " "after" to "(2A)" and" and the words "of that subsection", (c) paragraphs 55(2), 63, 66 and 68(2). In Schedule 11, paragraphs 75 and 76.

PART III

TENANTS' RIGHTS

Modifications etc. (not altering text)
C145 Sch. 19 Pt. III restricted (22.8.1996) by S.I. 1996/2212, art. 2(2), **Sch. para.2**

Chapter	Short title	Extent of repeal
1985 c. 70.	Landlord and Tenant Act 1985.	In section 19(3), the words "within the meaning of Part I of the Arbitration Act 1996". Section 19(4).
1987 c. 31.	Landlord and Tenant Act 1987.	In section 4(2)(aa), the words "consisting of the creation of an estate or interest". In section 20(1), the definition of "the new landlord". In section 20(2), the words "or counter-offer" in each place where they occur. Section 24(2)(a)(ii). Section 31(5). In section 60(1), the definition of "rent assessment committee".

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1996 c. 23.	Arbitration Act 1996.	In Schedule 3, paragraph 43.

PART IV

ASSURED TENANCIES

Chapter	Short title	Extent of repeal
1985 c. 68.	Housing Act 1985.	In section 553(2)(b), the words "or under section 20(1)(c) of that Act (notice served in respect of assured shorthold tenancies)".
1988 c. 50.	Housing Act 1988.	Section 20(7). In section 22, in subsection (1), the words from "in respect of" to "above" and, in subsection (2), the word "or" after paragraph (a). In Schedule 17, paragraph 60(c).

PART V

LEASEHOLD REFORM

Modifications etc. (not altering text)
C146 Sch. 19 Pt. V restricted (22.8.1996) by S.I. 1996/2212, art. 2(2), **Sch. para.4(b)**

Chapter	Short title	Extent of repeal
1993 c. 28.	Leasehold Reform, Housing and Urban Development Act 1993.	In section 1, in subsection (3), the words "the freehold of it is owned by the person who owns the freehold of the relevant premises and" and, in subsection (7), the definition of "the freeholder". In section 3(1)(a), the words "and the freehold of the whole of the building or of that part of the building is owned by the same person".

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		In section 10(6), the definition of "the freeholder".
		In section 11(4)(i), the words "as is mentioned in subsection (3)(c)".
		In section 13, in subsection (3)(a)(iii), the words "of the person who owns the freehold of the specified premises" and "by him" and subsections (4), (6) and (7).
		In section 39, in subsection (3), the word "and" at the end of paragraph (b), and subsection (6).
		In Schedule 6, in paragraph 1(1), the definition of "the freeholder".

PART VI

HOUSING BENEFIT AND RELATED MATTERS

Modifications etc. (not altering text)
C147 Sch. 19 Pt. VI restricted (5.3.1997) by S.I. 1997/618, art.2, **Sch. para. 6**

Chapter	Short title	Extent of repeal
1988 c. 50.	Housing Act 1988.	Section 121.
1988 c. 43.	Housing (Scotland) Act 1988.	Section 70.
1992 c. 4.	Social Security Contributions and Benefits Act 1992.	Section 130(5).
1992 c. 5.	Social Security Administration Act 1992.	Section 116(4)(a).
		In section 134— (a) in subsection (2)(b), the words "or rates"; (b) subsections (3), (4), (6) and (7).
		Sections 135 to 137.
		Section 140.
		In section 191—

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		(a) in the definition of "rate rebate", "rent rebate" and "rent allowance", the reference to rate rebate; (b) the definitions of "rates" and "rating authority".
1992 c. 6.	Social Security (Consequential Provisions) Act 1992.	In Schedule 2, paragraph 104.
1992 c. 14.	Local Government Finance Act 1992.	In Schedule 9, paragraph 21.
1994 c. 39.	Local Government etc. (Scotland) Act 1994.	In Schedule 13, in paragraph 175, in sub-paragraph (3) the words "138(1), 139(2), (5) and (6) and 140(1), (2), (4) and (7)" and sub-paragraph (4).

PART VII

ALLOCATION OF HOUSING ACCOMODATION

Chapter	Short title	Extent of repeal
1985 c. 68.	Housing Act 1985.	Section 22.
		In Schedule 1, in paragraph 2(4) the words from "until" to the end and in paragraphs 5(1) and 10(1) the words from "unless" to the end.
1996 c. 49.	Asylum and Immigration Act 1996.	In section 9(4), the definitions of "the accommodation Part", "housing authority" and "licence to occupy" and, in the definition of "tenancy" the words ", in relation to England and Wales,".

PART VIII

HOMELESSNESS

Modifications etc. (not altering text)
C148 Sch. 19 Pt. VIII restricted (25.11.1996) by S.I. 1996/2959, art. 3, **Sch. para.1**

Status: *Point in time view as at 28/12/2020. This version of this Act contains provisions that are prospective.*
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Chapter	Short title	Extent of repeal
1985 c. 68.	Housing Act 1985.	Part III.
1985 c. 71.	Housing (Consequential Provisions) Act 1985.	In Schedule 2, paragraphs 19 and 60(3).
1986 c. 63.	Housing and Planning Act 1986.	Section 14.
1987 c. 26.	Housing (Scotland) Act 1987.	In Schedule 23, paragraph 30(1).
1988 c. 50.	Housing Act 1988.	Section 1(6) and (7).
		Section 70.
1993 c. 23.	Asylum and Immigration Appeals Act 1993.	Sections 4 and 5.
		Schedule 1.
1994 c. 39.	Local Government etc. (Scotland) Act 1994.	In Schedule 13, paragraph 142(2).
1996 c. 49.	Asylum and Immigration Act 1996.	In section 9, subsection (2), in subsection (3)(a) the words “or assistance” and in subsection (4) the definition of “the homelessness Part”.

PART IX

CHANGE OF LANDLORD: SECURE TENANTS

Chapter	Short title	Extent of repeal
1985 c. 68.	Housing Act 1985.	In section 32(1) and 43(1), the words from “and Part IV” to “tenants)”.
1985 c. 69.	Housing Associations Act 1985.	In section 9(1), the word “, 105(6)”.
1988 c. 50.	Housing Act 1988.	In section 79(2)(a), the words “either” and “or under section 94 below”.
		Sections 93 to 114.
		In Schedule 2, in Ground 6, the paragraph beginning “For the purposes of this ground, every acquisition under Part IV”.
		Schedule 12.

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		In Schedule 17, paragraphs 38 and 39.
1989 c. 42.	Local Government and Housing Act 1989.	Section 174.
		In Schedule 11, paragraphs 107 and 109.
S.I. 1990/778.	Local Authorities (Capital Finance) (Consequential Amendments) Order 1990.	In the Schedule, paragraph 2.
1993 c. 28.	Leasehold Reform, Housing and Urban Development Act 1993.	Section 124(4) to (6).
		In Schedule 10, paragraph 1(2)(d).
1995 c. 8.	Agricultural Tenancies Act 1995.	In the Schedule, paragraph 33.
1995 c. 38.	Civil Evidence Act 1995.	In Schedule 1, paragraph 14.

PART X

CONSULTATION WITH RESPECT TO HOUSING MANAGEMENT

Chapter	Short title	Extent of repeal
1985 c. 68.	Housing Act 1985.	Sections 27A and 27AA.
1993 c. 28.	Leasehold Reform, Housing and Urban Development Act 1993.	Sections 130 and 131.

PART XI

ABOLITION OF EXCHEQUER CONTRIBUTIONS FOR AGRICULTURAL HOUSING

Chapter	Short title	Extent of repeal
1985 c. 68.	Housing Act 1985.	In section 432, the entry for Part II of Schedule 15.
		In Schedule 15, Part II.

PART XII

ABOLITION OF CERTAIN CONSENT REQUIREMENTS

Chapter	Short title	Extent of repeal

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1985 c. 68.	Housing Act 1985.	Section 16.

PART XIII

REMOVAL OF TREASURY CONSENT REQUIREMENTS

Chapter	Short title	Extent of repeal
1977 c. 42.	Rent Act 1977.	In section 63(2)(a), the words "with the consent of the Treasury". In Schedule 10, in paragraphs 7, 7A and 8, the words "with the consent of the Minister for the Civil Service".
1980 c. 65.	Local Government, Planning and Land Act 1980.	In Schedule 26, in paragraphs 8, 9 and 10, the words "with the consent of the Minister for the Civil Service" and, in paragraph 12(5), the words "given with the consent of the Minister for the Civil Service".
1985 c. 68.	Housing Act 1985.	In section 156(4), the words "with the consent of the Treasury". In section 429A, in subsections (1) and (3), the words "with the consent of the Treasury" and "with the like consent" and, in subsection (5), the words "with the consent of the Treasury".
1985 c. 69.	Housing Associations Act 1985.	In section 85(2), the words "with the consent of the Treasury". In Schedule 6, in paragraphs 5(1) and 6(1), the words "with the consent of the Treasury".
1988 c. 50.	Housing Act 1988.	In Schedule 7, in paragraph 8, the words "with the approval of the Treasury", in paragraph 9, the words "with the approval of the Treasury" and "with that approval", in paragraphs 10 and 12(2), the

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		words "with the approval of the Treasury" and, in paragraph 12(5), the words "given with the consent of the Treasury".
1993 c. 28.	Leasehold Reform Housing and Urban Development Act 1993.	In Schedule 17, paragraphs 2(4) and 3(8) and, in paragraph 5(5), the words "with the approval of the Treasury".

PART XIV

LOCAL AUTHORITY ASSISTANCE IN CONNECTION WITH MORTGAGES

Chapter	Short title	Extent of repeal
1974 c. 39.	Consumer Credit Act 1974.	In section 16(1)(ff), "444(1)".
1985 c. 68.	Housing Act 1985.	Section 442(4) and (5).
		Section 443(2) and (3).
		In section 459, the entry for "recognised body".
1986 c. 53.	Building Societies Act 1986.	In Schedule 18, paragraph 18(2).
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 13, in paragraph 21(d) the words from "(so" to "subsection (1)(b))".

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