

SCHEDULE

Article 2

TRANSITIONAL PROVISIONS AND SAVINGS

1. Section 16(2)(c) (right of tenant to acquire dwelling) of the Act does not apply in a case where the dwelling has been acquired after the commencement of this Order by a registered social landlord pursuant to an option which was created or a contract which was entered into before 1st April 1997.

2.—(1) Section 106 (low rent test: extension of rights) of the Act (“section 106”) shall not have effect in the following cases.

(2) In so far as it relates to the amendments made to the Leasehold Reform Act 1967(1) by paragraphs 1 and 2 of Schedule 9 to the Act, section 106 shall not have effect in a case where the house and premises are held under a tenancy which—

- (a) is a shared ownership lease within the meaning of section 622 of the Housing Act 1985(2), and
- (b) was granted by a housing association,

whether or not the interest of the landlord still belongs to such an association.

(3) Section 106 shall not have effect in a case where, before 1st April 1997,—

- (a) a notice has been given under section 8 of the Leasehold Reform Act 1967 (notice of claim), or
- (b) an application has been made under section 27 of that Act (enfranchisement where landlord cannot be found), or
- (c) a notice has been given under section 13 or 42 of the Leasehold Reform, Housing and Urban Development Act 1993 (notice of claim), or
- (d) an application has been made under section 26 or 50 of that Act (applications where landlord cannot be found).

3. Section 118 (estate management schemes in connection with enfranchisement by virtue of section 106) of the Act shall not have effect in a case where, before 1st April 1997, an application has been made to the leasehold valuation tribunal under any of sections 70 to 73 of the Leasehold Reform, Housing and Urban Development Act 1993 (applications for approval of proposed estate management scheme).

4. The provisions repealed by Part VI of Schedule 19 (repeals) to the Act shall continue in force, notwithstanding their repeal by this Order, for the purposes of any benefit subsidy in relation to any benefit paid or claimed in respect of any period before 1st April 1997.

5. In relation to paragraph 4 of Schedule 12 (administration of housing benefit etc) to the Act, any power in relation to subsidy therein may be exercised in relation to any benefit subsidy paid or claimed in respect of any benefit paid before 1st April 1997.

6. The repeal of section 121 (rent officers: additional functions relating to housing benefit etc) of the Housing Act 1988(3) contained in Part VI of Schedule 19 to the Act shall not have effect in so far as that section has effect for the purposes of section 31 (determination of amount of grant in case of landlord’s application) of the Housing Grants, Construction and Regeneration Act 1996(4).

(1) 1967 c. 88.

(2) 1985 c. 68.

(3) 1988 c. 50. Subsection (1) of section 121 was amended by the Local Government and Housing Act 1989 (c. 42), section 110(3) and further amended by the Housing Grants, Construction and Regeneration Act 1996 (c. 53), Schedule 1, paragraph 13. Subsections (4) to (6) were repealed, and subsection (7) was substituted, by the Social Security (Consequential Provisions) Act 1992 (c. 4), Schedule 1 and Schedule 2, paragraph 4 respectively.

(4) 1996 c. 53.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*