

Status: Point in time view as at 01/04/2009.

Changes to legislation: Local Government and Housing Act 1989, Cross Heading: The Housing Act 1988 is up to date with all changes known to be in force on or before 26 July 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 11 **E+W+S**

MINOR AND CONSEQUENTIAL AMENDMENTS

The Housing Act 1988

- 101 In section 7 of the ^{M1}Housing Act 1988 (orders for possession), in subsection (3) for the words “subsection (6)” there shall be substituted “ subsections (5A) and (6) ”.
- (2) In subsection (4) of that section for the words “subsection (6)” there shall be substituted “ subsections (5A) and (6) ”.
- (3) After subsection (5) of that section there shall be inserted the following subsection—
- “(5A) The court shall not make an order for possession of a dwelling-house let on an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989 on any of the following grounds, that is to say,—
- (a) Grounds 1, 2 and 5 in Part I of Schedule 2 to this Act;
 - (b) Ground 16 in Part II of that Schedule; and
 - (c) if the assured periodic tenancy arose on the termination of a former 1954 Act tenancy, within the meaning of the said Schedule 10, Ground 6 in Part I of Schedule 2 to this Act.”

Marginal Citations

M1 1988 c. 50.

- 102 In section 15 of that Act (limited prohibition on assignment etc. without consent), in subsection (3) after the words “which is not a statutory periodic tenancy” there shall be inserted “ or an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989 ”.
- 103 In section 21 of that Act (recovery of possession on expiry or termination of assured shorthold tenancy), in subsection (1)(a) for the words “a statutory periodic tenancy” there shall be substituted “ an assured shorthold periodic tenancy (whether statutory or not) ”.
- 104 In section 34 of that Act (new protected tenancies etc. restricted to special cases), in subsection (1) for paragraph (d) there shall be substituted the following paragraph—
- “(e) it is a tenancy under which the interest of the landlord was at the time the tenancy was granted held by a new town corporation, within the meaning of section 80 of the Housing Act 1985, and, before the date which has effect by virtue of paragraph (a) or paragraph (b) of subsection (4) of section 38 below, ceased to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981”.

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- 105 (1) In section 35 of that Act (removal of special regimes for tenancies of housing associations etc.) in subsection (2) for paragraph (d) there shall be substituted the following paragraph—
 - “(e) it is a tenancy under which the interest of the landlord was at the time the tenancy was granted held by a new town corporation, within the meaning of section 80 of the Housing Act 1985, and, before the date which has effect by virtue of paragraph (a) or paragraph (b) of subsection (4) of section 38 below, ceased to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981”
- (2) At the beginning of subsection (4) of that section there shall be inserted the words “ Subject to section 38 (4A) below ”.
- 106 (1) In section 38 of that Act (transfer of existing tenancies from public to private sector) at the beginning of subsection (3) there shall be inserted “ Subject to subsections (4) and (4A) below ”.
- (2) In subsection (4) of that section (special provisions for tenancies held of a new town corporation) after the words “Housing Act 1985” there shall be inserted “ and which subsequently ceases to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981 ”.
- (3) After subsection (4) of that section there shall be inserted the following subsection—
 - “(4A) Where, by virtue of a disposal falling within subsection (4) above and made before the date which has effect by virtue of paragraph (a) or paragraph (b) of that subsection, the interest of the landlord under a tenancy passes to a registered housing association, then, notwithstanding anything in subsection (3) above, so long as the tenancy continues to be held by a body which would have been specified in subsection (1) of section 80 of the Housing Act 1985 if the repeal of provisions of that section effected by this Act had not been made, the tenancy shall continue to be a secure tenancy and to be capable of being a housing association tenancy.”

^{F1}107

Textual Amendments

F1 Sch. 11 para. 107 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. IX**; S.I. 1996/2402, **art. 3** (subject to **Sch.**)

- 108 In Schedule 2 to that Act (grounds for possession of dwelling-houses let on assured tenancies), in Part I (grounds on which court must order possession), in Ground 6 in the paragraph following paragraph (c)—
 - (a) after the words “joint tenants”, in the second place where they occur, there shall be inserted “ of the dwelling-house concerned ”;
 - (b) for the words “of the dwelling-house concerned” there shall be substituted “ or, as the case may be, under a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applied ”; and
 - (c) after the words “earlier assured tenancy”, in the second place where they occur, there shall be inserted “ or, as the case may be, to the grant of the tenancy to which the said Schedule 10 applied ”.

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F²109

Textual Amendments

F2 Sch. 11 para. 109 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. IX**; S.I. 1996/2402, **art. 3** (subject to **Sch.**)

- 110 In Schedule 5 to that Act (Housing for Wales), in paragraph 5 (remuneration and allowances), in sub-paragraph (1)—
- (a) for the words “Secretary of State” there shall be substituted “ Corporation ”; and
 - (b) for the word “he” there shall be substituted “ Secretary of State ”.
- 111 In Schedule 6 to that Act, in paragraph 9 (amendments of section 15 of ^{M2}Housing Associations Act 1985), in sub-paragraph (2) for “(3)” there shall be substituted “ (2A) ”.

Marginal Citations

M2 1985 c. 69.

- 112 In Schedule 18 to that Act (enactments repealed) at the end of paragraph 4 at the end of that Schedule (scope of repeals of section 80 of the ^{M3}Housing Act 1985) there shall be added “and
- (c) do not have effect in relation to a tenancy while it is a housing association tenancy.”

Marginal Citations

M3 1985c. 68.

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