

*Status: Point in time view as at 11/09/1998.*

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## SCHEDULES

### SCHEDULE 1

Section 15.

#### POLITICAL BALANCE ON LOCAL AUTHORITY COMMITTEES ETC.

##### Modifications etc. (not altering text)

- C1** Sch. 1 applied (with modifications) (8.5.2000) by 1999 c. 29, s. 57 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2

##### Commencement Information

- II** Sch. 1 partly in force; Sch. 1 not in force at Royal Assent see s. 195(2); Sch. 1 in force for certain purposes at 16.1.1990 by S.I. 1989/2445, art. 4; Sch. 1 in force at 1.8.1990 as it applies in relation to England and Wales and in so far as it is not already in force by S.I. 1990/1552, art. 3.

#### *Bodies to which section 15 applies*

- 1 Subject to such exceptions as may be prescribed by regulations made by the Secretary of State, section 15 of this Act applies, in relation to any relevant authority or committee of a relevant authority—
- (a) to any ordinary committee or ordinary sub-committee of the authority;
  - (b) to any advisory committee of the authority and to any sub-committee appointed by such an advisory committee; and
  - (c) to any such body falling within paragraph 2 below as is a body at least three seats on which fall from time to time to be filled by appointments made by the authority or committee.
- 2 (1) For the purposes of paragraph 1 above, in its application in relation to relevant authorities in England and Wales or the committees of such authorities, a body falls within this paragraph if it is a body of any of the following descriptions, that is to say—
- (a) a relevant authority which is a local authority of any of the descriptions specified in [<sup>F1</sup>paragraphs (f) or (h) to (j)]of section 21(1) of this Act;
  - (b) a local authority of any of the descriptions specified in [<sup>F2</sup>paragraphs (k), <sup>F3</sup> . . . and (n)]of section 21(1) of this Act;
  - [<sup>F4</sup>(ba) a National Park authority;]
  - (c) . . . . .
  - (d) a local fisheries committee for any sea fisheries district;
  - (e) a committee established in accordance with any regulations made by virtue of section 7 of the <sup>M1</sup>Superannuation Act 1972 (regulations making provision for the superannuation of persons employed in local government service etc.);

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- <sup>F5</sup>(f) .....
- (g) a board or committee appointed by one or more relevant authorities in exercise of a power conferred by a local enactment, being a board or committee seats on which are required to be filled by the appointment of members of that authority or of those authorities;
- (h) a joint committee not falling within sub-paragraphs (a) to (g) above appointed by two or more relevant authorities under section 102(1)(b) of the <sup>M2</sup>Local Government Act 1972.

(2) For the purposes of paragraph 1 above, in its application in relation to relevant authorities in Scotland or to the committees of such authorities, a body falls within this paragraph if it is—

- (a) a joint board within the meaning of section 235(1) of the <sup>M3</sup>Local Government (Scotland) Act 1973;
- (b) a board or committee appointed by one or more relevant authorities in exercise of a power conferred by a local enactment, being a board or committee seats on which are required to be filled by the appointment of members of that authority or of those authorities;
- (c) a joint committee appointed by two or more relevant authorities under section 57(1)(b) of the Local Government (Scotland) Act 1973.

#### Textual Amendments

- F1** Words in **Sch. 1 para. 2(1)(a)** substituted (1.10.1994 for certain purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 44(a)**; S.I. 1994/2025, **art. 6(1)(2)(g)**; S.I. 1994/3262, art. 4, **Sch.** (subject to transitional provision in art. 5)
- F2** Words in **Sch. 1 para. 2(1)(b)** substituted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 31(5)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2**
- F3** Word “(m)” in **Sch. 1 para. 2(1)(b)** repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, **art. 2, Sch.**
- F4** **Sch. 1 para. 2(1)(ba)** inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 2(8)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- F5** **Sch. 1 para. 2(1)(f)** repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, **art. 2, Sch.**

#### Marginal Citations

- M1** 1972 c. 11.  
**M2** 1972 c. 70.  
**M3** 1973 c.65.

#### *Construction of sections 15 to 17*

- 3 (1) The Secretary of State may, for the purposes of sections 15 and 16 of this Act, by regulations make provision—
- (a) as to the circumstances in which the members of a relevant authority are to be treated as divided into different political groups;
- (b) as to the persons who are to be treated as members of such a group and as to when a person is to be treated as having ceased to be a member of such a group;

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- (c) requiring the question whether a person is or is not a member of a political group to be determined in such manner as may be provided for by or under the regulations;
  - (d) specifying the manner in which, and times at which, the wishes of such a group are to be expressed and the consequences of a failure by such a group to express its wishes.
- (2) Regulations under this paragraph may make provision modifying the provisions of sections 15 and 16 of this Act in relation to any case in which some of the members of a relevant authority fall to be treated as members of one or more political groups and the others do not.
- 4 (1) In sections 15 to 17 of this Act and this Schedule—
- “advisory committee”, in relation to a relevant authority, means a committee appointed by the authority under section 102(4) of the <sup>M4</sup>Local Government Act 1972 or section 57(4) of the <sup>M5</sup>Local Government (Scotland) Act 1973 (advisory committees);
- <sup>F6</sup> . . .
- “membership”, in relation to a relevant authority, means the number of persons who are for the time being members of the authority, disregarding any person who is treated as continuing to be a member of the authority by virtue of section 3(3) of the Local Government Act 1972 (chairman to continue as a member until replaced);
- “ordinary committee”—
- (a) in relation to any relevant authority in England and Wales, means the authority’s <sup>F7</sup> . . . social services committee or any other committee of the authority appointed under section 102(1)(a) of the Local Government Act 1972, not being a body to which section 15 of this Act applies by virtue of paragraph 2 above; and
  - (b) in relation to any relevant authority in Scotland, means <sup>F8</sup> . . . any committee of the authority appointed under section 57(1)(a) of the Local Government (Scotland) Act 1973;
- “relevant authority”—
- (a) in relation to England and Wales, means a local authority of any of the descriptions specified in [<sup>F9</sup>paragraphs (a) to (c), (f) or (h) to (j)] of section 21(1) of this Act; and
  - (b) in relation to Scotland, means a local authority;
- and
- “seat”, in relation to a body to which section 15 of this Act applies, means such a position as a member of that body as—
- (a) entitles the person holding the position to vote at meetings of the body on any question which falls to be decided at such a meeting; and
  - (b) in the case of a position as member of an advisory committee or of a sub-committee appointed by an advisory committee, is not a position which the authority or committee have determined must be filled by the appointment of a person who is not a member of the authority.
- (2) In this Schedule—
- “ordinary sub-committee”—

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(a) in relation to any relevant authority in England and Wales, means any sub-committee of the authority's <sup>F10</sup> . . . social services committee or any other sub-committee of that authority appointed under section 102(1)(c) of the <sup>M6</sup>Local Government Act 1972 by an ordinary committee of that authority; and

(b) in relation to any relevant authority in Scotland, means any sub-committee of an ordinary committee;

“social services committee”, in relation to any relevant authority in England and Wales, means any committee established by the authority under section 2 of the <sup>M7</sup>Local Authority Social Services Act 1970; <sup>F11</sup> . . .

<sup>F11</sup>  
. . . .

(3) References in this paragraph to voting include references to making use of a casting vote.

#### Textual Amendments

- F6** Sch. 1 para. 4(1): definition of “education committee” repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 157(a)(ii), **Sch. 21 Pt. 2**; S.I. 1994/507, **art. 4 Sch. 2**
- F7** Sch. 1 para. 4(1): Words in definition of “ordinary committee” repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 157(a)(i), **Sch. 21 Pt. II**; S.I. 1994/507, **art. 4 Sch. 2**
- F8** Sch. 1 para. 4(1): words in definition of “ordinary committee” repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), **Sch. 2**
- F9** Sch. 1 para. 4(1): words in definition of “relevant authority” substituted (1.10.1994 for certain purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. 1 para. 44(b)**; S.I. 1994/2025, **art. 6(1)(2)(g)**; S.I. 1994/3262, art. 4, **Sch.** (subject to transitional provision in art. 5)
- F10** Sch. 1 para. 4(2): words in definition of “ordinary sub-committee” repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 157(b), **Sch. 21 Pt. 2**; S.I. 1994/507, **art. 4 Sch. 2**
- F11** Sch. 1 para. 4(2): definition of “social work committee” and the word “and” immediately preceding it repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), **Sch. 2**

#### Marginal Citations

- M4** 1972 c. 70.  
**M5** 1973 c. 65.  
**M6** 1972 c. 70.  
**M7** 1970 c. 42.

#### *Supplemental regulation making power*

5 Regulations under section 15 or 17 of this Act or under this Schedule may contain such incidental provision and such supplemental, consequential and transitional provision in connection with their other provisions as the Secretary of State considers appropriate.

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PROSPECTIVE

## SCHEDULE 2

Section 36.

### LOCAL GOVERNMENT ACT 1972, SECTION 137, AS AMENDED

#### **Power of local authorities to incur expenditure for certain purposes not otherwise authorised.**

“137(1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure—

- (a) for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment; nor
- (b) unless the direct benefit accruing to their area or any part of it or to all or some of the inhabitants of their area will be commensurate with the expenditure to be incurred.

(1A) In any case where—

- (a) by virtue of paragraph (a) of subsection (1) above, a local authority are prohibited from incurring expenditure for a particular purpose, and
- (b) the power or duty of the authority to incur expenditure for that purpose is in any respect limited or conditional (whether by being restricted to a particular group of persons or in any other way),

the prohibition in that paragraph shall extend to all expenditure to which that power or duty would apply if it were not subject to any limitation or condition.

(2) It is hereby declared that the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority's functions.

(2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 142 below on information as to the services provided by them under this section, or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

(2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and

“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.

(3) A local authority may, subject to the following provisions of this section, incur expenditure on contributions to any of the following funds, that is to say—

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- (a) the funds of any charitable body in furtherance of its work in the United Kingdom; or
  - (b) the funds of any body which provides any public service (whether to the public as a whole or to any section of it) in the United Kingdom otherwise than for the purposes of gain; or
  - (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by the Lord Mayor of London or the chairman of a principal council or by a committee of which the Lord Mayor of London or the chairman of a principal council is a member or by such a person or body as is referred to in section 83(3)(c) of the Local Government (Scotland) Act 1973.
- (4) The expenditure of a local authority under this section in any financial year shall not exceed the amount produced by multiplying—
- (a) such sum as is for the time being appropriate to the authority under subsection (4AA) below, by
  - (b) the relevant population of the authority's area.
- (4AA) For the purposes of subsection (4)(a) above, except in so far as the Secretary of State by order specifies a different sum in relation to an authority of a particular description,—
- (a) the sum appropriate to a county council or the council of a non-metropolitan district is £2.50;
  - (b) the sum appropriate to a metropolitan district council, a London borough council or the Common Council is £5.00; and
  - (c) the sum appropriate to a parish or community council is £3.50.
- (4AB) For the purposes of subsection (4)(b) above the relevant population of a local authority's area shall be determined in accordance with regulations made by the Secretary of State; and a statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.
- (4B) The amounts mentioned in subsection (4A) above are—
- (a) the amount of any expenditure which forms part of the authority's gross expenditure for that year under this section and in respect of which any grant has been or is to be paid under any enactment by a Minister of the Crown, within the meaning of the Ministers of the Crown Act 1975 (whether or not the grant covers the whole of the expenditure);
  - (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year;
  - (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure;
  - (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the [F<sup>12</sup>EU], in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure in that year under this section;

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- (e) the amount of any repayment in that year of a loan under this section made by the authority in any year; and
  - (f) the amount of any expenditure—
    - (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State; or
    - (ii) which is incurred by the authority in that year and is of a description so specified; or
    - (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.
- (5) A statutory instrument containing an order under this section may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.
- (6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The accounts of a local authority by whom expenditure is incurred under this section shall include a separate account of that expenditure, and section 24 of the Local Government Finance Act 1982 (rights of inspection) shall apply in relation to any such separate account of a local authority as it applies in relation to any statement of accounts prepared by them pursuant to regulations under section 23 of that Act.
- (9) In this section “local authority” includes the Common Council.”

#### Textual Amendments

- F12** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))

## SCHEDULE 3

Sections 56, 58, 62 and 63.

### PROVISIONS SUPPLEMENTING PART IV

#### Modifications etc. (not altering text)

- C2** [Sch. 3](#) applied (*temp.*) (with modifications) (4.5.1995) by [S.I. 1995/1041](#), art. 2, [Sch. para. 5](#)  
[Sch. 3](#) applied (with modifications) (23.11.1995) by [S.I. 1995/2803](#), art. 19(2), [Sch. 7 Pt. II para. 5](#)

## PART I

### EFFECT OF OVERSPEND IN 1989-90 ON CREDIT APPROVALS

- 1 (1) If Part VIII of the <sup>M8</sup>Local Government, Planning and Land Act 1980 (in this Part of this Schedule referred to as “the 1980 Act”) applied to the prescribed expenditure of a local authority for the financial year 1989-90, it shall be determined whether—

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- (a) the total of the payment, made (or treated as made) in respect of that prescribed expenditure exceeded
  - (b) the aggregate of the amounts which, in relation to that authority, fell within paragraphs (a) to (e) of subsection (3) of section 72 of the 1980 Act for that financial year.
- (2) If for any local authority there is such an excess as is referred to in sub-paragraph (1) above, it is in the following provisions of this Part of this Schedule referred to as the “1989-90 overspend” of the authority.

**Marginal Citations**

**M8** 1980 c. 65.

- 2 (1) Where a local authority have a 1989-90 overspend, their basic credit approval for the financial year 1990-91 shall be taken to be reduced or, as the case may be, extinguished by deducting from the approval an amount equal to the overspend.
- (2) Any reduction or extinguishment of an authority’s basic credit approval under this paragraph shall be regarded as taking place immediately after the approval is received by the authority.
- 3 (1) If a local authority’s 1989-90 overspend exceeds their basic credit approval for the financial year 1990-91 (so that that approval is extinguished) the excess shall be applied in reduction (or extinguishment) of other basic credit approvals issued to the authority in the order in which they are received by the authority until the whole of the excess is so applied.
- (2) Any reduction or extinguishment of an authority’s basic credit approval under this paragraph shall be regarded as taking place immediately after the approval is received by the authority.
- 4 Not later than 30th September 1990, each local authority to the prescribed expenditure of which Part VIII of the 1980 Act applied for the financial year 1989-90 shall determine the amount of their 1989-90 overspend (if any).
- 5 In this Part of this Schedule—
- (a) “prescribed expenditure” has the same meaning as in Part VIII of the 1980 Act; and
  - (b) “the financial year 1989-90” means the financial year beginning on 1st April 1989 and “the financial year 1990-91” means that beginning on 1st April 1990.

**PART II**

NON-MONETARY CONSIDERATION RECEIVED BEFORE APRIL 1990

- 6 This Part of this Schedule applies in any case where—
- (a) within the period beginning on 2nd February 1989 and ending on 31st March 1990 a local authority receive any consideration in respect of a disposal or the right to a repayment or payment; and
  - (b) the disposal occurs or the right to a repayment or payment arises on or after 2nd February 1989; and



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- (c) if the consideration were received on 1st April 1990, section 61 of this Act would apply in relation to it.
- 7 (1) On the assumption that the consideration falling within paragraph 6 above was received by the local authority on 1st April 1990, there shall be determined, in accordance with section 61 of this Act, the amount of the notional capital receipt referable to the consideration and, from that, there shall be deducted so much (if any) of the consideration as is in money and is paid within the period referred to in paragraph 6(a) above.
- (2) If the amount determined under sub-paragraph (1) above (“the non-monetary consideration”) exceeds the payments (if any) in respect of prescribed expenditure which, in the case in question, the local authority are taken to make for the purposes of Part VIII of the <sup>M9</sup>Local Government, Planning and Land Act 1980, the local authority shall set aside, as provision to meet credit liabilities, the amount specified in sub-paragraph (3) below and that amount shall be so set aside on 1st April 1990 or, if it is later, at the time of the disposal or the assignment or waiver of the repayment or payment in question.
- (3) Except in so far as regulations made or directions given by the Secretary of State otherwise provide, the amount referred to in sub-paragraph (2) above is that which, under section 59 of this Act, would be the reserved part of a capital receipt which—
- (a) is of an amount equal to the excess referred to in that sub-paragraph; and
  - (b) is received in respect of a disposal or a right to a repayment or payment of the description in question.

**Modifications etc. (not altering text)**

C3 Sch. 3 para. 7(3) modified by S.I. 1990/432, reg. 20(7)

**Marginal Citations**

M9 1980 c. 65.

### PART III

#### CREDIT CEILING

**Modifications etc. (not altering text)**

C4 Sch. 3 Pt. III (paras. 8–14) modified by S.I. 1990/432, reg. 24  
Sch. 3 Pt. III (paras. 8-14) applied (with modifications) (3.7.2000) by S.I. 2000/1474, art. 2

- 8 (1) Subject to any prescribed modifications, the credit ceiling of a local authority at 1st April 1990 (in this Schedule referred to as the authority’s “initial credit ceiling”) is the amount by which the aggregate of—
- (a) so much of any advances made before that date from a loans fund established by the authority under paragraph 15 of Schedule 13 to the <sup>M10</sup>Local Government Act 1972 as has not been repaid before that date, and
  - (b) the total cost of the authority’s transitional credit arrangements, as defined in section 52 of this Act, less such (if any) as may be excluded from this paragraph by regulations made by the Secretary of State,

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exceeds the total of the receipts which the authority are required to bring into account under paragraph 9 below; and, if there is no such excess, the authority's initial credit ceiling shall be nil or, as the case may be, a negative amount.

- (2) In sub-paragraph (1) above "prescribed" means prescribed by regulations made by the Secretary of State.

**Modifications etc. (not altering text)**

**C5** Sch. 3 para. 8 applied (with modifications) (3.7.2000) by S.I. 2000/1474, art. 2

**Marginal Citations**

**M10** 1972 c. 70.

- 9 (1) Subject to sub-paragraph (2) below, the receipts which a local authority are required to bring into account to determine their initial credit ceiling are the following 1980 Act receipts, namely,—
- (a) those which on 1st April 1990 are required to be set aside as provision to meet credit liabilities; and
  - (b) those which, on or before 30th September 1990, the authority determine, in accordance with section 60(2) of this Act, to set aside as provision to meet credit liabilities.
- (2) A local authority are not under sub-paragraph (1) above required to bring into account so much of any capital receipt as, in accordance with section 50(3) of this Act, is applied by the authority as provision to meet credit liabilities unless it is so applied in relation to a credit arrangement excluded by regulations under paragraph 11 below.
- 10 (1) At any time on or after 1st April 1990, a local authority's credit ceiling shall be determined, subject to any prescribed modifications, in accordance with the following provisions of this Part of this Schedule.
- (2) In sub-paragraph (1) above "prescribed" means prescribed by regulations made by the Secretary of State.
- 11 (1) If, at any time on or after 1st April 1990, a credit approval is used by a local authority to any extent as mentioned in section 56(3) of this Act, then, subject to sub-paragraph (2) below, the authority's credit ceiling shall at that time be increased by an amount equal to the extent to which the credit approval is so used.
- (2) If, in reliance on a credit approval, a local authority enter into or agree to the variation of a credit arrangement of a description excluded by regulations made by the Secretary of State under this paragraph, no account shall be taken under sub-paragraph (1) above of that use of the credit approval.

**Modifications etc. (not altering text)**

**C6** Sch. 3 para. 11 modified by S.I. 1990/432, reg. 21(2)

**C7** Sch. 3 para. 11(2) modified by S.I. 1990/432, reg.22(1)–(3)

- 12 (1) If, at any time on or after 1st April 1990, a local authority set aside an amount as provision to meet credit liabilities (whether or not pursuant to a requirement to do so) then, subject to sub-paragraph (2) below, the authority's credit ceiling shall at that

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time be reduced by an amount equal to the amount so set aside (and, by virtue of this paragraph, that ceiling may, accordingly, be a negative amount).

- (2) This paragraph does not apply with respect to—
- (a) an amount which, in relation to a credit arrangement, other than one excluded by regulations under paragraph 11 above, is applied or charged (as an amount of credit cover) as mentioned in paragraph (b) or paragraph (c) of subsection (3) of section 50 of this Act; or
  - (b) a 1980 Act receipt which, in accordance with paragraph 9 above, is brought into account to determine the authority's initial credit ceiling; or
  - (c) so much of an amount set aside under section 63 of this Act as provision to meet credit liabilities as (in accordance with Part IV of this Schedule) is referable to notional interest on credit arrangements.
- (3) For the purposes of this paragraph, an amount set aside under subsection (1) of section 63 of this Act in respect of any financial year shall be treated as set aside on the last day of that year.

**Modifications etc. (not altering text)**

**C8** Sch. 3 paras. 12–14 modified by S.I. 1990/432, [reg.21\(2\)](#)

- 13 If, at any time on or after 1st April 1990 a local authority apply or transfer under subsection (2) of section 64 of this Act an amount set aside as mentioned in subsection (1) of that section, the authority's credit ceiling shall at that time be increased by an amount equal to the amount so applied or transferred.

**Modifications etc. (not altering text)**

**C9** Sch. 3 paras. 12–14 modified by S.I. 1990/432, [reg.21\(2\)](#)

- 14 (1) If, at any time on or after 1st April 1990, any debt of a local authority is reduced or extinguished by virtue of such a payment as is referred to in section 157(1)(b) of this Act, the authority's credit ceiling shall at that time be reduced by an amount equal to the reduction in the debt or, as the case may be, to the amount of the extinguished debt (and, by virtue of this paragraph, the credit ceiling may, accordingly, be a negative amount).
- (2) If, at any time on or after 1st April 1990, a local authority are required under section 157(7)(b) of this Act to repay or pay any sum to the Secretary of State, the authority's credit ceiling shall at the time that sum is repaid or paid be increased by an amount equal to that sum.

**Modifications etc. (not altering text)**

**C10** Sch. 3 paras. 12–14 modified by S.I. 1990/432, [reg.21\(2\)](#)

*Status: Point in time view as at 11/09/1998.*

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## PART IV

### MINIMUM REVENUE PROVISION

- 15 (1) Subject to sub-paragraphs (2) and (3) below, for any financial year other than that beginning on 1st April 1990, a local authority's minimum revenue provision shall be the aggregate of—
- (a) an amount in respect of principal which, except in so far as regulations made by the Secretary of State otherwise provide, shall be the prescribed percentage of the authority's adjusted credit ceiling on the last day of the immediately preceding year; and
  - (b) an amount in respect of notional interest on each credit arrangement entered into by the authority which came into being before the beginning of that year, other than an arrangement excluded by regulations under paragraph 11 above.
- (2) If a local authority's credit ceiling on the last day of a financial year is nil or a negative amount, the authority's minimum revenue provision for the immediately following financial year shall be nil.
- (3) In the case of a credit arrangement falling within section 49(3) of this Act, the Secretary of State may by regulations provide that the amount referred to in sub-paragraph (1)(b) above is nil.
- 16 (1) Subject to sub-paragraphs (2) and (3) below, for the financial year beginning on 1st April 1990, a local authority's minimum revenue provision shall be the aggregate of—
- (a) an amount in respect of principal which, except in so far as regulations made by the Secretary of State otherwise provide, shall be the prescribed percentage of the authority's adjusted initial credit ceiling; and
  - (b) an amount in respect of notional interest on each transitional credit arrangement entered into by the authority, other than an arrangement excluded by regulations under paragraph 11 above.
- (2) If a local authority's initial credit ceiling is nil or a negative amount, the authority's minimum revenue provision for the financial year referred to in sub-paragraph (1) above shall be nil.
- (3) In the case of a transitional credit arrangement falling within section 49(3) of this Act, the Secretary of State may by regulations provide that the amount referred to in sub-paragraph (1)(b) above is nil.
- 17 In paragraphs 15(1)(a) and 16(1)(a) above "the prescribed percentage" means such percentage, which maybe any percentage from nil to 100, as may be prescribed by regulations made by the Secretary of State; and different percentages may be so prescribed in relation to different amounts taken into account in determining an authority's adjusted credit ceiling or initial credit ceiling.
- 18 (1) Any reference in this Part of this Schedule to an authority's adjusted credit ceiling at any time or their adjusted initial credit ceiling is a reference to their credit ceiling or, as the case may be, initial credit ceiling, determined in accordance with Part III of this Schedule as modified, in such manner as the Secretary of State considers appropriate, by regulations made by him for the purposes of this Part of this Schedule.
- (2) Without prejudice to the generality of sub-paragraph (1) above, for the purpose of determining an authority's adjusted credit ceiling or adjusted initial credit ceiling

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at any time, regulations under this paragraph may require amounts which are taken into account in determining the authority's credit ceiling or initial credit ceiling to be treated as having been repaid, in whole or in part, by reference to amounts set aside as provision for credit liabilities and also, in such cases as may be specified in the regulations, may require a local authority to determine which of the amounts so taken into account are to be treated as so repaid.

- 19 (1) Subject to paragraphs 15(3) and 16(3) above, for any financial year, the amount referred to in paragraph 15(1)(b) or paragraph 16(1)(b) above in respect of notional interest on a credit arrangement is that determined by the formula—

$$\frac{a \times b}{100}$$

where, subject to sub-paragraphs (2) and (3) below,—

“a” is the cost of the arrangement on 1st April in that financial year; and

“b” is the percentage rate of discount prescribed under section 49(2) of this Act for the financial year in which the arrangement came into being or, in the case of a transitional credit arrangement, for the financial year beginning on 1st April 1990.

- (2) In the case of a credit arrangement which has been varied as mentioned in section 51(1) of this Act, “b” in the formula in sub-paragraph (1) above is the percentage rate of discount prescribed under section 49(2) of this Act for the financial year in which the arrangement was so varied or, as the case may be, last varied.
- (3) In the case of a credit arrangement falling within section 49(3) of this Act, the Secretary of State may by regulations provide that “b” in the formula in sub-paragraph (1) above shall be such figure as may be specified in, or determined under, the regulations.
- 20 Regulations under this Part of this Schedule—
- (a) may make provision by reference to amounts determined by local authorities in respect of particular financial years; and
- (b) may require such determinations to be made within such time limits as may be specified in the regulations.

## SCHEDULE 4

Section 75.

### THE KEEPING OF THE HOUSING REVENUE ACCOUNT

#### PART I

##### CREDITS TO THE ACCOUNT

For each year a local housing authority who are required to keep a Housing Revenue Account (“the account”) shall carry to the credit of the account amounts equal to the items listed in this Part of this Schedule.

*Status: Point in time view as at 11/09/1998.*

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*Item 1: rents*

The income of the authority for the year from rents and charges in respect of houses and other property within the account.

This item includes rent remitted by way of rebate.

*Item 2: charges for services and facilities*

The income of the authority for the year in respect of services or facilities provided by them in connection with the provision by them of houses and other property within the account—

(a) including income in respect of services or facilities provided under sections 10 and 11 of the <sup>M11</sup>Housing Act 1985 (power to provide furniture, board and laundry facilities); but

(b) not including payments for the purchase of furniture or hire-purchase instalments for furniture.

**Marginal Citations**

**M11** 1985 c. 68.

If the Secretary of State so directs, this item shall include, or not include, such income as may be determined by or under the direction [<sup>F13</sup>or income in respect of services provided under section 11A of that Act (power to provide welfare services)].

**Textual Amendments**

**F13** Sch. 4 Pt. 1 shall have effect, and be deemed always to have had effect as if words in item 2 para. (b) were inserted, by 1993 c. 28, ss.127(a), 128

*Item 3: Housing Revenue Account subsidy*

Housing Revenue Account subsidy payable to the authority for the year.

*Item 4: contributions towards expenditure*

Contributions of any description payable to the authority for the year towards expenditure falling to be debited to the account (for that or any other year).

If the Secretary of State so directs, this item shall not include so much of any such contributions as may be determined by or under the direction.

*Item 5: housing benefit transfers*

Sums transferred for the year from some other revenue account of the authority in accordance with section 30(6) of the <sup>M12</sup>Social Security Act 1986 (housing benefit transfers).

**Marginal Citations**

**M12** 1986 c. 50.

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*Status: Point in time view as at 11/09/1998.*

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*Item 6: transfers from the Housing Repairs Account*

Sums transferred for the year from the authority's Housing Repairs Account in accordance with section 77(5) of this Act (credit balance for year).

*Item 7: reduced provision for bad or doubtful debts*

The following, namely—

(a) any sums debited to the account for a previous year under paragraph (a) of item 7 of Part II of this Schedule which have been recovered by the authority during the year; and

(b) any amount by which, in the opinion of the authority, any provision debited to the account for a previous year under paragraph (b) of that item should be reduced.

If the Secretary of State so directs, no sums shall be credited under paragraph (a) above, and no amount shall be credited under paragraph (b) above, except (in either case) in such circumstances and to such extent as maybe specified in the direction.

*Item 8: sums calculated as determined by Secretary of State*

Sums calculated for the year in accordance with such formulae as the Secretary of State may from time to time determine.

In determining any formula for the purposes of this item, the Secretary of State may include variables framed (in whatever way he considers appropriate) by reference to such matters relating to the authority, or to (or to tenants of) houses and other property which are or have been within the account, as he thinks fit.

*Item 9: sums directed by Secretary of State*

Any sums which for the year the Secretary of State directs the authority to carry to the credit of the account from some other revenue account of theirs.

*Item 10: credit balance from previous year*

Any credit balance shown in the account for the previous year.

This item does not include so much of any such balance so shown as is carried to the credit of some other revenue account of the authority in accordance with paragraph 1 or 2 of Part III of this Schedule.

## PART II

### DEBITS TO THE ACCOUNT

For each year a local housing authority who are required to keep a Housing Revenue Account (“the account”) shall carry to the debit of the account amounts equal to the items listed in this Part of this Schedule.

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*Item 1: expenditure on repairs, maintenance and management*

The expenditure of the authority for the year in respect of the repair, maintenance, supervision and management of houses and other property within the account, but not including expenditure properly debited to the authority's Housing Repairs Account.

If the Secretary of State so directs, this item shall include, or not include, such expenditure as may be determined by or under the direction.

*Item 2: expenditure for capital purposes*

Any expenditure of the authority in respect of houses and other property within the account which—

(a) is capital expenditure (other than excluded expenditure) for the year; or

(b) is excluded expenditure for the year, or any previous or subsequent year, which the authority decide should be charged to a revenue account for the year.

In this item “capital expenditure” means expenditure for capital purposes within the meaning of Part IV of this Act and “excluded expenditure” means expenditure excluded from the obligation in section 41(1) of this Act.

*Item 3: rents, rates, taxes and other charges*

The rents, rates, taxes and other charges which the authority are liable to pay for the year in respect of houses and other property within the account.

*Item 4: rent rebates*

The rent rebates granted for the year to tenants of houses and other property within the account.

*Item 5: sums transferred under section 80(2)*

Sums transferred for the year to some other revenue account of the authority in accordance with section 80(2) of this Act (Housing Revenue Account subsidy of a negative amount).

*Item 6: contributions to Housing Repairs Account*

Sums transferred for the year to the authority's Housing Repairs Account.

*Item 7: provision for bad or doubtful debts*

The following, namely—

(a) any sums credited to the account for the year or any previous year under item 1 or 2 of Part I of this Schedule which, in the opinion of the authority, are bad debts which should be written off; and

(b) any provision for doubtful debts which, in their opinion, should be made in respect of sums so credited.



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If the Secretary of State so directs, no sums shall be debited under paragraph (a) above, and no provision shall be debited under paragraph (b) above, except (in either case) in such circumstances and to such extent as may be specified in the direction.

*Item 8: sums calculated as determined by Secretary of State*

Sums calculated for the year in accordance with such formulae as the Secretary of State may from time to time determine.

In determining any formula for the purposes of this item, the Secretary of State may include variables framed (in whatever way he considers appropriate) by reference to such matters relating to the authority, or to (or to tenants of) houses or other property which are or have been within the account, as he thinks fit.

*Item 9: debit balance from previous year*

Any debit balance shown in the account for the previous year.

This item does not include any such balance so shown which is carried to the debit of some other revenue account of the authority in accordance with paragraph 1 of Part III of this Schedule.

### PART III

#### SPECIAL CASES

*Balance for year 1989-90*

- 1 (1) The following, namely—
  - (a) any debit balance shown in a local housing authority's Housing Revenue Account for the year beginning 1st April 1989;
  - (b) so much of any credit balance so shown as exceeds the limit mentioned in sub-paragraph (2) below,shall be carried forward and debited or credited, as the case may require, not to their Housing Revenue Account for the year beginning 1st April 1990 but to some other revenue account of theirs for that year.
- (2) The limit referred to in sub-paragraph (1) above is £150 multiplied by the number of dwellings in the authority's Housing Revenue Account on 31st March 1990 or £5 million, whichever is the lesser amount.

*Credit balance where no HRA subsidy payable*

- 2 A local housing authority to whom no Housing Revenue Account subsidy is payable for any year may carry the whole or part of any credit balance shown in their Housing Revenue Account for that year to the credit of some other revenue account of theirs.

*Amenities shared by the whole community*

- 3 (1) Where benefits or amenities—
  - (a) arising from the exercise of a local housing authority's functions under Part II of the <sup>M13</sup>Housing Act 1985 (provision of housing); and

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- (b) provided for persons housed by the authority,  
 are shared by the community as a whole, the authority shall make such contributions to their Housing Revenue Account from some other revenue account of theirs as, having regard to the amounts of the contributions and the period over which they are made, will properly reflect the community's share of the benefits or amenities.
- (2) The Secretary of State may give such directions as he considers appropriate as to the performance by local housing authorities of their duty under sub-paragraph (1) above.
- (3) Where it appears to the Secretary of State that an authority have failed to comply with sub-paragraph (1) above or any directions under sub-paragraph (2) above, he may give them such directions as appear to him appropriate to ensure compliance.
- (4) A direction under sub-paragraph (3) above may contain particulars as to the amounts of the contributions and the years for which they are to be made.

#### Marginal Citations

M13 1985 c. 68.

*[<sup>F14</sup> Provision of welfare services]*

#### Textual Amendments

F14 Sch. 4 Pt. 3 shall have effect, and be deemed always to have had effect as if paragraph 3A and crossheading were inserted after paragraph 3, by 1993 c. 28, ss. 127(b), 128

- <sup>F15</sup>3A (1) This paragraph applies where in any year a local housing authority provide welfare services (within the meaning of section 11A of the <sup>M14</sup>Housing Act 1985) for persons housed by them in houses or other property within their Housing Revenue Account.
- (2) The authority may carry to the credit of the account—
- (a) an amount equal to the whole or any part of the income of the authority for the year from charges in respect of the provision of those services;
  - (b) any sum from some other revenue account of theirs which represents the whole or any part of that income.
- (3) The authority may carry to the debit of the account—
- (a) an amount equal to the whole or any part of the expenditure of the authority for the year in respect of the provision of those services;
  - (b) any sum from some other revenue account of theirs which represents the whole or any part of that expenditure.

#### Textual Amendments

F15 Sch. 4 Pt. 3 shall have effect, and be deemed always to have had effect as if paragraph 3A and crossheading were inserted at the end of paragraph 3, by 1993 c. 28, ss. 127(b), 128

#### Marginal Citations

M14 1985 c. 68.

*Status: Point in time view as at 11/09/1998.*

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*Land disposed of at less than market value*

- 4 The Secretary of State in giving his consent under any enactment for the disposal at less than market value of land within their Housing Revenue Account may impose a condition requiring the authority to make a contribution to the account from some other revenue account of theirs for such years and of such amount, or of any amount calculated in such manner, as he may determine.

*Adjustment of accounts on appropriation of land*

- 5 (1) Where land is appropriated by a local housing authority for the purposes of Part II of the <sup>M15</sup>Housing Act 1985 (provision of housing), or on the discontinuance of use for those purposes, such adjustment shall be made in the Housing Revenue Account, the Housing Repairs Account and other revenue accounts of the authority as the Secretary of State may direct.
- (2) Except where sub-paragraph (1) above applies, any direction given under section 24 of the <sup>M16</sup>Town and Country Planning Act 1959 (adjustment of accounts on appropriation of land) concerning the Housing Revenue Account of a local housing authority shall apply in relation to the account to be kept under section 74 of this Act as it would have applied to the account to be kept under section 50 of the <sup>M17</sup>Housing (Financial Provisions) Act 1958.

**Marginal Citations**

**M15** 1985 c. 68.

**M16** 1959 c. 53.

**M17** 1958 c. 42.

*Transfers of housing stock between authorities in London*

- 6 (1) Where houses and other property within the Housing Revenue Account have been transferred from one authority to another under section 23(3) of the <sup>M18</sup>London Government Act 1963 (orders transferring land held by London borough council or Common Council of City of London), the Secretary of State may by order direct, for any of the purposes of this Part of this Act—
- (a) within whose Housing Revenue Account the transferred houses and property are to be treated as falling; and
- (b) how relevant items are to be treated in the Housing Revenue Accounts of the authorities to whom the order applies.
- (2) The order may be made to apply to a description of local housing authorities specified in the order or to a specified local housing authority, and may make different provision in respect of different years or for different purposes in relation to the same year.
- (3) An order under this paragraph may amend an order made under section 23(3) of the London Government Act 1963 and may provide that one authority shall pay to another in respect of houses and property to which it relates such amounts calculated by such methods and in respect of such items and such years as appear to the Secretary of State to be appropriate.
- (4) An order under this paragraph—

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- (a) shall be made by the Secretary of State with the concurrence of the Treasury, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Before making an order under this paragraph, the Secretary of State shall consult such representatives of local government as appear to him to be appropriate; and, before making an order applying to a particular local housing authority, he shall consult that authority.

#### **Marginal Citations**

**M18** [1963 c. 33.](#)

#### *Contributions in respect of land in certain areas*

- 7       Where a contribution under—
- (a) section 259 of the Housing Act 1985 (contributions by Secretary of State towards expenditure on general improvement area); or
  - (b) section 96 of this Act (contributions by Secretary of State towards expenditure on renewal area),
- has been paid towards expenditure incurred by a local housing authority in relation to land held by them for the purposes of Part II of that Act (provision of housing), neither the expenditure nor the contribution shall be carried to the Housing Revenue Account except with the consent of the Secretary of State.

## **PART IV**

### SUPPLEMENTARY PROVISIONS

#### *Duty to supply information*

- 1       (1) A local housing authority, and any officer or employee of a local housing authority concerned with their housing functions, shall supply the Secretary of State with such information as he may specify, either generally or in any particular case, for the purpose of enabling the Secretary of State to ascertain the state or likely state of the authority's Housing Revenue Account for any year.
- (2) A local housing authority shall supply the Secretary of State with such certificates supporting the information required by him as he may specify.

#### *Directions excluding or modifying statutory provisions*

- 2       (1) The Secretary of State may, as respects any houses or other property within the Housing Revenue Account, direct that all or any of the provisions of this Part of this Act relating to the account shall not apply, or shall apply subject to such modifications as may be specified in the direction.
- (2) The Secretary of State may direct that the provisions of this Part of this Act relating to the Housing Revenue Account shall apply to a local housing authority subject to such modifications as are specified in the direction.

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- (3) A direction may be given for such period and subject to such conditions as may be specified in the direction.

*Orders amending statutory provisions*

- 3 (1) The Secretary of State may by order provide that all or any of the preceding provisions of this Schedule shall have effect subject to such amendments as are specified in the order.
- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 5

Section 139.

LOCAL GOVERNMENT FINANCE ACT 1988: AMENDMENTS

*Introduction*

- 1 The <sup>M19</sup>Local Government Finance Act 1988 shall be amended as mentioned in the following provisions of this Schedule.

**Marginal Citations**  
M19 1988 c. 41.

*Community charges*

- F16<sup>2</sup> .....

**Textual Amendments**  
F16 Sch. 5 paras. 2-18 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art.3

- F17<sup>3</sup> .....

**Textual Amendments**  
F17 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art.3

- F18<sup>4</sup> .....

**Textual Amendments**  
F18 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

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F19<sup>5</sup> .....

**Textual Amendments**  
F19 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F20<sup>6</sup> .....

**Textual Amendments**  
F20 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F21<sup>7</sup> .....

**Textual Amendments**  
F21 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art.3

F22<sup>8</sup> .....

**Textual Amendments**  
F22 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F23<sup>9</sup> .....

**Textual Amendments**  
F23 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art.3

F24<sup>10</sup> .....

**Textual Amendments**  
F24 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F25<sup>11</sup> .....

**Textual Amendments**  
F25 Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

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F26 12 .....

**Textual Amendments**

**F26** Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F27 13 .....

**Textual Amendments**

**F27** Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art.3

*Charges and multipliers*

F28 14 .....

**Textual Amendments**

**F28** Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F29 15 .....

**Textual Amendments**

**F29** Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F30 16 .....

**Textual Amendments**

**F30** Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art.3

F31 17 .....

**Textual Amendments**

**F31** Sch. 5 paras. 2-18 repealed (1.4.1993) by 1992 c. 14 s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F32 18 .....

*Status: Point in time view as at 11/09/1998.*

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### Textual Amendments

**F32** [Sch. 5 paras. 2-18](#) repealed (1.4.1993) by [1992 c. 14 s. 117\(2\)](#), [Sch. 14 \(with s. 118\(1\)\(2\)\(4\)\)](#); [S.I. 1992/2454](#), [art. 3](#)

### *Non-domestic rating*

- 19 In section 41 (local rating lists) the following subsections shall be inserted after subsection (6)—
- “(6A) As soon as is reasonably practicable after compiling a list the valuation officer shall send a copy of it to the authority.
- (6B) As soon as is reasonably practicable after receiving the copy the authority shall deposit it at its principal office.”
- 20 In section 42 (contents of local lists) in subsection (4) for paragraphs (a) and (b) there shall be substituted “ the rateable value of the hereditament ”.
- 21 (1) Section 44 (occupied hereditaments: supplementary) shall be amended as follows.
- (2) In subsection (2) the words from “or” to the end shall be omitted.
- (3) Subsection (3) shall be omitted.
- 22 The following section shall be inserted after section 44—

#### “44A Partly occupied hereditaments.

- (1) Where a hereditament is shown in a charging authority’s local non-domestic rating list and it appears to the authority that part of the hereditament is unoccupied but will remain so for a short time only the authority may require the valuation officer for the authority to apportion the rateable value of the hereditament between the occupied and unoccupied parts of the hereditament and to certify the apportionment to the authority.
- (2) The reference in subsection (1) above to the rateable value of the hereditament is a reference to the rateable value shown under section 42(4) above as regards the hereditament for the day on which the authority makes its requirement.
- (3) For the purposes of this section an apportionment under subsection (1) above shall be treated as applicable for any day which—
  - (a) falls within the operative period in relation to the apportionment, and
  - (b) is a day for which the rateable value shown under section 42(4) above as regards the hereditament to which the apportionment relates is the same as that so shown for the day on which the authority requires the apportionment.
- (4) References in this section to the operative period in relation to an apportionment are references to the period beginning—
  - (a) where requiring the apportionment does not have the effect of bringing to an end the operative period in relation to a previous apportionment under subsection (1) above, with the day on which



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- the hereditament to which the apportionment relates became partly unoccupied, and
- (b) where requiring the apportionment does have the effect of bringing to an end the operative period in relation to a previous apportionment under subsection (1) above, with the day immediately following the end of that period,
- and ending with the first day on which one or more of the events listed below occurs.
- (5) The events are—
- (a) the occupation of any of the unoccupied part of the hereditament to which the apportionment relates;
- (b) the ending of the rate period in which the authority requires the apportionment;
- (c) the requiring of a further apportionment under subsection (1) above in relation to the hereditament to which the apportionment relates;
- (d) the hereditament to which the apportionment relates becoming completely unoccupied.
- (6) Subsection (7) below applies where—
- (a) a charging authority requires an apportionment under subsection (1) above, and
- (b) the hereditament to which the apportionment relates does not fall within a class prescribed under section 45(1)(d) below.
- (7) In relation to any day for which the apportionment is applicable, section 43 above shall have effect as regards the hereditament as if the following subsections were substituted for section 44(2)—
- (2) A is such part of the rateable value shown for the day under section 42(4) above as regards the hereditament as is assigned by the relevant apportionment to the occupied part of the hereditament.
- (2A) In subsection (2) above “the relevant apportionment” means the apportionment under section 44A(1) below which relates to the hereditament and is treated for the purposes of section 44A below as applicable for the day.
- (8) Subsection (9) below applies where—
- (a) a charging authority requires an apportionment under subsection (1) above, and
- (b) the hereditament to which the apportionment relates falls within a class prescribed under section 45(1)(d) below.
- (9) In relation to any day for which the apportionment is applicable, section 43 above shall have effect as regards the hereditament as if the following subsections were substituted for section 44(2)—
- (2) A is the sum of—
- (a) such part of the rateable value shown for the day under section 42(4) above as regards the hereditament as is assigned by the relevant apportionment to the occupied part of the hereditament, and
- (b) one half of such part of that rateable value as is assigned by the relevant apportionment to the unoccupied part of the hereditament.

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- (2A) In subsection (2) above “the relevant apportionment” means the apportionment under section 44A(1) below which relates to the hereditament and is treated for the purposes of section 44A below as applicable for the day.
- (10) References in subsections (1) to (5) above to the hereditament, in relation to a hereditament which is partly domestic property or partly exempt from local non-domestic rating, shall, except where the reference is to the rateable value of the hereditament, be construed as references to such part of the hereditament as is neither domestic property nor exempt from local non-domestic rating.”
- 23 (1) Section 45 (unoccupied hereditaments: liability) shall be amended as follows.
- (2) In subsection (1)(d) for “description” there shall be substituted “ class ”.
- (3) The following subsections shall be inserted after subsection (8)—
- “(9) For the purposes of subsection (1)(d) above a class may be prescribed by reference to such factors as the Secretary of State sees fit.
- (10) Without prejudice to the generality of subsection (9) above, a class may be prescribed by reference to one or more of the following factors—
- (a) the physical characteristics of hereditaments;
- (b) the fact that hereditaments have been unoccupied at any time preceding the day mentioned in subsection (1) above;
- (c) the fact that the owners of hereditaments fall within prescribed descriptions.”
- 24 In section 46 (unoccupied hereditaments: supplementary) in subsection (2) the words from “or” to the end shall be omitted.
- 25 The following section shall be inserted after section 46—

**“46A Unoccupied hereditaments: new buildings.**

- (1) Schedule 4A below (which makes provision with respect to the determination of a day as the completion day in relation to a new building) shall have effect.
- (2) Where—
- (a) a completion notice is served under Schedule 4A below, and
- (b) the building to which the notice relates is not completed on or before the relevant day,
- then for the purposes of section 42 above and Schedule 6 below the building shall be deemed to be completed on that day.
- (3) For the purposes of subsection (2) above the relevant day in relation to a completion notice is—
- (a) where an appeal against the notice is brought under paragraph 4 of Schedule 4A below, the day stated in the notice, and
- (b) where no appeal against the notice is brought under that paragraph, the day determined under that Schedule as the completion day in relation to the building to which the notice relates.
- (4) Where—

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- (a) a day is determined under Schedule 4A below as the completion day in relation to a new building, and
  - (b) the building is not occupied on that day,it shall be deemed for the purposes of section 45 above to become unoccupied on that day.
- (5) Where—
  - (a) a day is determined under Schedule 4A below as the completion day in relation to a new building, and
  - (b) the building is one produced by the structural alteration of an existing building,the hereditament which comprised the existing building shall be deemed for the purposes of section 45 above to have ceased to exist, and to have been omitted from the list, on that day.
- (6) In this section—
  - (a) “building” includes part of a building, and
  - (b) references to a new building include references to a building produced by the structural alteration of an existing building where the existing building is comprised in a hereditament which, by virtue of the alteration, becomes, or becomes part of, a different hereditament or different hereditaments.”
- 26 (1) Section 47 (discretionary relief) shall be amended as follows.
  - (2) In subsection (1)(b) for “regulations under section 57 below or regulations under section 58 below” there shall be substituted “ regulations under section 58 below or any provision of or made under Schedule 7A below ”.
  - (3) In subsection (5) for “57 or 58 below” there shall be substituted “ 58 below and of any provision of or made under Schedule 7A below ”.
- 27 In section 49 (reduction or remission of liability) in subsection (3) for the words from “and the effect” to the end of the subsection there shall be substituted “ , the effect of any regulations under section 58 below, and the effect of any provision of or made under Schedule 7A below. ”
- 28 In section 52 (central rating lists) the following subsections shall be inserted after subsection (6)—
  - “(6A) As soon as is reasonably practicable after compiling a list the central valuation officer shall send a copy of it to the Secretary of State.
  - (6B) As soon as is reasonably practicable after receiving the copy the Secretary of State shall deposit it at his principal office.”
- 29 (1) Section 53 (contents of central lists) shall be amended as follows.
  - (2) In subsection (1) for “a description” there shall be substituted “ one or more descriptions ”.
  - (3) In subsection (2)(b) for “the” there shall be substituted “ any ”.
  - (4) For subsection (4) there shall be substituted the following subsections—
    - “(4) Where regulations are for the time being in force under this section prescribing a description of non-domestic hereditament in relation to a

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person designated in the regulations (“the previously designated person”), amending regulations altering the designated person in relation to whom that description of hereditament is prescribed may have effect from a date earlier than that on which the amending regulations are made.

(4A) Where, by virtue of subsection (4) above, the designated person in relation to any description of non-domestic hereditament is changed from a date earlier than the making of the regulations,—

- (a) any necessary alteration shall be made with effect from that date to a central non-domestic rating list on which any hereditament concerned is shown; and
- (b) an order making the provision referred to in paragraph 3(2) of Schedule 6 below and specifying a description of hereditament by reference to the previously designated person shall be treated, with effect from that date, as referring to the person designated by the amending regulations.”

30 (1) Section 55 (alteration of lists) shall be amended as follows.

(2) In subsection (4) (content of regulations)—

- (a) in paragraph (b) after “as to the” there shall be inserted “ manner and ” and at the end there shall be added “ and the information to be included in a proposal ”;
- (b) in paragraph (d) for “making” there shall be substituted “ and subsequent to the making of ”; and
- (c) after paragraph (d) there shall be inserted—  
 “(dd) as to the circumstances within which and the conditions upon which a proposal may be withdrawn”.

(3) In subsection (5) (regulations about appeals), for the words from “about” to “its alteration” there shall be substituted “between a valuation officer and another person making a proposal for the alteration of a list—

- (a) about the validity of the proposal; or
- (b) about the accuracy of the list”.

<sup>F33</sup>(4) .....

(5) The following subsection shall be inserted after subsection (7)—

“(7A) The regulations may include provision that—

- (a) where a valuation officer for a charging authority has informed the authority of an alteration of a list a copy of which has been deposited by the authority under section 41(6B) above, the authority must alter the copy accordingly;
- (b) where the central valuation officer has informed the Secretary of State of an alteration of a list a copy of which has been deposited under section 52(6B) above, the Secretary of State must alter the copy accordingly.”

**Textual Amendments**

**F33** Sch. 5 para. 30(4) repealed (1.8.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), [Sch. 14](#); S.I. 1992/1755, [art. 2\(1\)](#)

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31 The following section shall be substituted for section 57 (special provision for 1990-95)—

**“57 Special provision for 1990-95.**

Schedule 7A below (which contains special provision for 1990–95) shall have effect.”

32 The following section shall be substituted for section 59—

**“59 Contributions in aid.**

Where a contribution in aid of non-domestic rating is made in respect of a Crown hereditament, the contribution shall be paid to the Secretary of State.”

33 In section 64 (hereditaments) the following subsections shall be inserted after subsection (7)—

“(7A) The Secretary of State may by order provide that subsection (6) above shall also apply in relation to any hereditament of a prescribed class.

(7B) For the purposes of subsection (7A) above a class may be prescribed by reference to such factors as the Secretary of State sees fit.

(7C) Without prejudice to the generality of subsection (7B) above, a class may be prescribed by reference to one or more of the following factors—

- (a) the physical characteristics of hereditaments;
- (b) the fact that hereditaments are unoccupied or are occupied for prescribed purposes or by persons of prescribed descriptions.

(7D) A hereditament is a Crown hereditament if—

- (a) it is occupied by or on behalf of the Crown for public purposes,
- (b) though unoccupied, it appears that it will be occupied by or on behalf of the Crown for public purposes when next in occupation, or
- (c) it is provided and maintained by an authority mentioned in subsection (7) above for purposes connected with the administration of justice, police purposes or other Crown purposes.”

34 In section 65 (owners and occupiers) the following subsection shall be inserted after subsection (8)—

“(8A) In a case where—

- (a) land consisting of a hereditament is used (permanently or temporarily) for the exhibition of advertisements or for the erection of a structure used for the exhibition of advertisements,
- (b) section 64(2) above does not apply, and
- (c) apart from this subsection, the hereditament is not occupied,

the hereditament shall be treated as occupied by the person permitting it to be so used or, if that person cannot be ascertained, its owner.”

35 (1) Section 67 (interpretation etc.) shall be amended as follows.

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- (2) In subsection (5) after “property on a particular day,” there shall be inserted “ or is a Crown hereditament on a particular day, ”.
- (3) The following subsection shall be inserted after subsection (9) (power to show class of hereditament in central non-domestic rating list)—
- “(9A) In subsection (9) above “class” means a class expressed by reference to whether hereditaments—
- (a) are occupied or owned by a person designated under section 53(1) above, and
- (b) fall within any description prescribed in relation to him under section 53(1).”
- 36 The following Schedule shall be inserted after Schedule 4—

“SCHEDULE  
4A

NON-DOMESTIC RATING: NEW BUILDINGS (COMPLETION DAYS)

*Completion notices*

- 1 (1) If it comes to the notice of a charging authority that the work remaining to be done on a new building in its area is such that the building can reasonably be expected to be completed within 3 months, the authority shall serve a notice under this paragraph on the owner of the building as soon as is reasonably practicable unless the valuation officer otherwise directs in writing.
- (2) If it comes to the notice of a charging authority that a new building in its area has been completed, the authority may serve a notice under this paragraph on the owner of the building unless the valuation officer otherwise directs in writing.
- (3) A charging authority may withdraw a notice under this paragraph by serving on the owner of the building to which the notice relates a subsequent notice under this paragraph.
- (4) Where an appeal under paragraph 4 below has been brought against a notice under this paragraph, the power conferred by sub-paragraph (3) above shall only be exercisable with the consent in writing of the owner of the building to which the notice relates.
- (5) The power conferred by sub-paragraph (3) above shall cease to be exercisable in relation to a notice under this paragraph once a day has been determined under this Schedule as the completion day in relation to the building to which the notice relates.
- (6) In this Schedule “completion notice” means a notice under this paragraph.
- 2 (1) A completion notice shall specify the building to which it relates and state the day which the authority proposes as the completion day in relation to the building.
- (2) Where at the time a completion notice is served it appears to the authority that the building to which the notice relates is not completed, the authority shall

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propose as the completion day such day, not later than 3 months from and including the day on which the notice is served, as the authority considers is a day by which the building can reasonably be expected to be completed.

- (3) Where at the time a completion notice is served it appears to the authority that the building to which the notice relates is completed, the authority shall propose as the completion day the day on which the notice is served.

#### *Determination of completion day*

- 3 (1) If the person on whom a completion notice is served agrees in writing with the authority by whom the notice is served that a day specified by the agreement shall be the completion day in relation to the building, that day shall be the completion day in relation to it.
- (2) Where such an agreement as is mentioned in sub-paragraph (1) above is made, the completion notice relating to the building shall be deemed to have been withdrawn.
- 4 (1) A person on whom a completion notice is served may appeal to a valuation and community charge tribunal against the notice on the ground that the building to which the notice relates has not been or, as the case may be, cannot reasonably be expected to be completed by the day stated in the notice.
- (2) Where a person appeals against a completion notice and the appeal is not withdrawn or dismissed, the completion day shall be such day as the tribunal shall determine.
- 5 Where a completion notice is not withdrawn and no appeal under paragraph 4 above is brought against the notice or any appeal under that paragraph is dismissed or withdrawn, the day stated in the notice shall be the completion day in relation to the building.

#### *Position pending appeal*

- 6 (1) Where an appeal under paragraph 4 above is brought against a completion notice, then in relation to any day on which the appeal is pending section 45 above shall apply by virtue of section 46A(4) above as if the day stated in the notice had been determined under this Schedule as the completion day in relation to the building to which the notice relates.
- (2) The Secretary of State may make regulations providing for the making of financial adjustments where sub-paragraph (1) applies but the day stated in the completion notice is not actually determined as the completion day in relation to the building to which the notice relates.
- (3) Regulations under sub-paragraph (2) above may include—
- (a) provision requiring payments to be made,
  - (b) provision requiring payments to be made together with payments of interest, and
  - (c) provision as to the recovery (by deduction or otherwise) of sums due.

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- (4) For the purpose of deciding, for the purposes of this paragraph, whether an appeal is pending on a particular day, the state of affairs existing immediately before the day ends shall be treated as having existed throughout the day.

*Duty to inform valuation officer*

- 7 (1) A charging authority shall supply to the valuation officer a copy of any completion notice served by it.
- (2) If a charging authority withdraws a completion notice, it shall inform the valuation officer of that fact.
- (3) A charging authority shall supply the valuation officer with details of any agreement to which it is a party and by virtue of which a completion day is determined under this Schedule in relation to a building.

*Supplementary*

- 8 Without prejudice to any other mode of service, a completion notice maybe served on a person—
- (a) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode or, in a case where an address for service has been given by that person, at that address;
- (b) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter or by the recorded delivery service addressed to the secretary or clerk of the company or body at that office; or
- (c) where the name or address of that person cannot be ascertained after reasonable inquiry, by addressing it to him by the description of “owner” of the building (describing it) to which the notice relates and by affixing it to some conspicuous part of the building.
- 9 (1) This paragraph applies in the case of a building to which work remains to be done which is customarily done to a building of the type in question after the building has been substantially completed.
- (2) It shall be assumed for the purposes of this Schedule that the building has been or can reasonably be expected to be completed at the end of such period beginning with the date of its completion apart from the work as is reasonably required for carrying out the work.
- 10 (1) Section 46A(6) applies for the purposes of this Schedule.
- (2) In this Schedule—
- “completion notice” has the meaning given by paragraph 1(6) above;
- “owner”, in relation to a building, means the person entitled to possession of the building;
- references to the valuation officer, in relation to a charging authority, are references to the valuation officer for the authority.”

- 37 (1) Schedule 5 (exemptions) shall be amended as follows.



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- (2) In paragraph 7 (agricultural buildings) in each of sub-paragraphs (1)(b) and (3), for “(together with the body)” there shall be substituted “ or are together with the body ”.
- (3) In paragraph 9 (exemption for fish farms) the following shall be inserted after sub-paragraph (4)—
  - “(4A) But an activity does not constitute fish farming if the fish or shell fish are or include fish or shellfish which—
    - (a) are purely ornamental, or
    - (b) are bred, reared or cultivated for exhibition.”
- (4) After paragraph 18 there shall be inserted—

*“ Road crossings over watercourses etc.*

- 18A(1) A hereditament which is occupied (as mentioned in section 65 of this Act) is exempt to the extent that it consists of, or of any of the appurtenances of, a fixed road crossing over an estuary, river or other watercourse.
- (2) For the purposes of this paragraph, a fixed road crossing means a bridge, viaduct, tunnel or other construction providing a means for road vehicles or pedestrians or both to cross the estuary, river or other watercourse concerned.
- (3) For the purposes of sub-paragraph (2) above—
  - (a) a bridge may be a fixed road crossing notwithstanding that it is designed so that part of it can be swung, raised or otherwise moved in order to facilitate passage across, above or below it; but
  - (b) the expression “bridge” does not include a floating bridge, that is to say, a ferry operating between fixed chains.
- (4) The reference in sub-paragraph (1) above to the appurtenances of a fixed road crossing is a reference to—
  - (a) the carriageway and any footway thereof;
  - (b) any building, other than office buildings, used in connection with the crossing; and
  - (c) any machinery, apparatus or works used in connection with the crossing or with any of the items mentioned in paragraphs (a) and (b) above.”

- 38 (1) Schedule 6 shall be amended as follows.
- (2) In paragraph 1 the words “, and parts of them,” shall be omitted.
  - (3) In paragraph 2, in sub-paragraph (1) after “non-domestic hereditament” there shall be inserted “ none of which consists of domestic property and none of which is exempt from local non-domestic rating ”.
  - (4) In paragraph 2, the following sub-paragraphs shall be inserted after sub-paragraph (1)—
    - “(1A) The rateable value of a composite hereditament none of which is exempt from local non-domestic rating shall be taken to be an amount equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of sub-paragraph (1) above, would reasonably be attributable to the non-domestic use of property.

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- (1B) The rateable value of a non-domestic hereditament which is partially exempt from local non-domestic rating shall be taken to be an amount equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of sub-paragraph (1) above, would, as regards the part of the hereditament which is not exempt from local non-domestic rating, be reasonably attributable to the non-domestic use of property.”
- (5) In paragraph 2, in sub-paragraph (6) for the words from “day the alteration” to the end there shall be substituted “ material day. ”
- (6) In paragraph 2, the following sub-paragraph shall be inserted after sub-paragraph (6)
- 
- “(6A) For the purposes of sub-paragraph (6) above—
- (a) where the determination is occasioned by a proposal for an alteration disputing the accuracy of a previous alteration to the list, the material day is the day by reference to which the matters mentioned in sub-paragraph (7) below fell to be assessed when determining the rateable value with a view to making the disputed alteration;
- (b) where the determination is occasioned by any proposal for an alteration other than one disputing the accuracy of a previous alteration to the list, the material day is the day the proposal is made;
- (c) where the determination is occasioned otherwise than by a proposal for an alteration, the material day is the day the alteration is entered in the list.”
- (7) In paragraph 2, in sub-paragraph (7) after paragraph (c) there shall be inserted—
- “(cc) the quantity of refuse or waste material which is brought onto and permanently deposited on the hereditament,”.
- (8) In paragraph 2, in sub-paragraph (8) for “description” there shall be substituted “ class ”.
- (9) In paragraph 2, in sub-paragraph (9) after “(1)” there shall be inserted “ , (1A) or (1B) ”.
- (10) In paragraph 2, the following sub-paragraphs shall be inserted after sub-paragraph (10)—
- “(11) For the purposes of sub-paragraph (8) above a class may be prescribed by reference to such factors as the Secretary of State sees fit.
- (12) Without prejudice to the generality of sub-paragraph (11) above, a class may be prescribed by reference to one or more of the following factors—
- (a) the physical characteristics of hereditaments;
- (b) the fact that hereditaments are unoccupied or are occupied for prescribed purposes or by persons of prescribed descriptions.
- (13) In this paragraph references to the non-domestic use of property are references to use otherwise than in such a manner as to constitute the property domestic property.”
- (11) The following paragraphs shall be inserted after paragraph 2—

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- “2A (1) This paragraph applies to any hereditament the whole or any part of which consists in buildings which are—
- (a) used for the breeding and rearing of horses or ponies or for either of those purposes; and
  - (b) are occupied together with any agricultural land or agricultural building.
- (2) The rateable value of any hereditament to which this paragraph applies shall be taken to be the amount determined under paragraph 2 above less whichever is the smaller of the following amounts—
- (a) such amount as the Secretary of State may by order specify for the purposes of this paragraph; and
  - (b) the amount which but for this paragraph would be determined under paragraph 2 above in respect of so much of the hereditament as consists of buildings so used and occupied.
- (3) In this paragraph—
- “agricultural land” means any land of more than two hectares which is agricultural land within the meaning of paragraph 2 of Schedule 5 above and is not land used exclusively for the pasturing of horses or ponies; and
- “agricultural building” shall be construed in accordance with paragraphs 3 to 7 of that Schedule.
- 2B (1) This paragraph applies where—
- (a) the rateable value of a hereditament consisting of an area of a caravan site is determined with a view to making an alteration to a list which has been compiled (whether or not it is still in force),
  - (b) the area is treated as one hereditament by virtue of regulations under section 64(3)(b),
  - (c) immediately before the day the alteration is entered in the list or (if the alteration is made in pursuance of a proposal) the day the proposal is made, the list includes a hereditament consisting of an area of the caravan site treated as one hereditament by virtue of such regulations, and
  - (d) the area mentioned in paragraph (b) above and the area mentioned in paragraph (c) above are wholly or partly the same.
- (2) In relation to a caravan pitch which is included both in the area mentioned in sub-paragraph (1)(b) above and in the area mentioned in sub-paragraph (1)(c) above, sub-paragraph (3) below rather than paragraph 2(6) above shall apply as respects the matters mentioned in sub-paragraph (4) below.
- (3) The matters mentioned in sub-paragraph (4) below shall be taken to be as they were assumed to be for the purposes of determining the rateable value of the hereditament mentioned in sub-paragraph (1)(c) above when that rateable value was last determined.
- (4) The matters are—
- (a) the nature of the caravan on the pitch, and
  - (b) the physical state of that caravan.
- (5) For the purposes of this paragraph—

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“caravan” has the same meaning as it has for the purposes of Part I of the Caravan Sites and Control of Development Act 1960, and

“caravan site” means any land in respect of which a site licence is required under Part I of that Act, or would be so required if paragraph 4 and paragraph 11 of Schedule 1 to the Act (exemption of certain land occupied and supervised by organisations concerned with recreational activities and of land occupied by local authorities) were omitted.”

(12) In paragraph 3(1)—

- (a) for “description” there shall be substituted “ class ”, and
- (b) for “paragraph 2” there shall be substituted “ paragraphs 2 to 2B ”.

(13) In paragraph 3(2) for “paragraph 2” there shall be substituted “ paragraphs 2 to 2B ”.

(14) In paragraph 3, the following sub-paragraphs shall be inserted after sub-paragraph (2)

—

“(3) For the purposes of sub-paragraph (1) above a class may be prescribed by reference to such factors as the Secretary of State sees fit.

(4) Without prejudice to the generality of sub-paragraph (3) above, a class may be prescribed by reference to one or more of the following factors—

- (a) the physical characteristics of hereditaments;
- (b) the fact that hereditaments are unoccupied or are occupied for prescribed purposes or by persons of prescribed descriptions.”

(15) Paragraph 4 shall be omitted.

39 (1) Schedule 7 (multipliers) shall be amended as follows.

(2) In paragraph 7(1) for the words from “Regulations” to “that” there shall be substituted “ In relation to a relevant financial year the Secretary of State may make regulations providing that ”.

(3) In paragraph 8(3) for “section 57” there shall be substituted “ paragraph 7 ”.

(4) In paragraph 9(4) (certain orders ineffective unless in force before 1 January) for “January” there shall be substituted “ March ”.

(5) In paragraph 10(1) (special authority’s power to set multiplier in substitution) the words “because of a failure to fulfil paragraph 9(2) or (3) above” shall be omitted.

40 The following Schedule shall be inserted after Schedule 7—

“SCHEDULE  
7A

NON-DOMESTIC RATING: 1990-95

*Definitions*

- 1 (1) The transitional period is the period consisting of the financial years beginning in 1990, 1991, 1992, 1993 and 1994.
- (2) A transitional day is a day falling in the transitional period.

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- 2 (1) As regards a transitional day a hereditament is a defined hereditament if the first and second conditions are fulfilled; but this is subject to sub-paragraphs (4) and (5) below.
- (2) The first condition is that the hereditament is shown for 31 March 1990 in a valuation list maintained under Part V of the 1967 Act.
- (3) The second condition is that the hereditament is shown in a local non-domestic rating list, and a rateable value is shown in the list for the hereditament, for—
  - (a) 1 April 1990,
  - (b) the transitional day (if different from 1 April 1990), and
  - (c) each day (if any) falling after 1 April 1990 and before the transitional day.
- (4) If the hereditament is not a right falling within section 64(2) above, the hereditament is not a defined hereditament as regards the transitional day unless the rateable value shown for the hereditament in the local non-domestic rating list for 1 April 1990 is £500 or more.
- (5) If the hereditament is one falling within sub-paragraph (8) below, the hereditament is not a defined hereditament as regards the transitional day unless a person who is a qualifying person in relation to the hereditament as regards that day is also a person to whom sub-paragraph (6) or (7) below applies.
- (6) This sub-paragraph applies to a person if—
  - (a) he occupied all or part of the hereditament on 31 March 1990, and
  - (b) he has been a qualifying person in relation to the hereditament as regards each day (if any) falling after 31 March 1990 and before the transitional day.
- (7) This sub-paragraph applies to a person if—
  - (a) he was the owner of the whole of the hereditament on 31 March 1990,
  - (b) none of the hereditament was occupied on 31 March 1990,
  - (c) he occupied all or part of the hereditament on at least one day in the period beginning with 1 April 1988 and ending with 30 March 1990, and
  - (d) he has been a qualifying person in relation to the hereditament as regards each day which falls before the transitional day and falls after the last (or only) day in the period mentioned in paragraph (c) above on which he occupied all or part of the hereditament.
- (8) A hereditament falls within this sub-paragraph if, assuming it to be a defined hereditament as regards 1 April 1990, paragraph 9 below would apply to the hereditament for that day by virtue of paragraph 7 below.
- (9) For the purposes of this paragraph a person is a qualifying person in relation to a hereditament as regards a day if—
  - (a) he occupies all or part of the hereditament on that day, or
  - (b) where none of the hereditament is occupied on that day, he is the owner of the whole of the hereditament on that day.

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- 3 (1) The notional chargeable amount for a hereditament for each day in a relevant year shall be found by applying the formula—

$$\frac{A \times B}{C}$$

- (2) A is the rateable value shown for the hereditament for 1 April 1990 in the local non-domestic rating list.
- (3) Subject to sub-paragraph (4) below, B is the non-domestic rating multiplier for the relevant year concerned.
- (4) Where the hereditament is situated in the area of a special authority, B is the authority's non-domestic rating multiplier for the relevant year concerned.
- (5) C is the number of days in the relevant year concerned.
- (6) Relevant years are financial years falling in the transitional period.
- 4 (1) The base liability for a hereditament for each day in the financial year beginning in 1990 shall be found by applying the formula—

$$\frac{A \times B}{C}$$

- (2) A is the rateable value of the hereditament, as determined under paragraph 6 below.
- (3) B is the general rate poundage effective for 31 March 1990 for the rating area (within the meaning of the 1967 Act) in which the hereditament is situated.
- (4) C is the number of days in the financial year beginning in 1989.
- (5) The base liability for a hereditament for each day in a relevant year (the year concerned) other than the financial year beginning in 1990 shall be found by applying the formula—

$$BL \times AF$$

- (6) Relevant years are financial years falling in the transitional period.
- (7) BL is the base liability for the hereditament for each day in the financial year immediately preceding the year concerned.
- (8) AF is the appropriate fraction for the hereditament for each day in the financial year immediately preceding the year concerned.
- 5 (1) Sub-paragraph (2) below applies in a case where the notional chargeable amount for a hereditament for each day in a relevant year exceeds the base liability for the hereditament for each day in the year.

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- (2) The appropriate fraction for the hereditament for each day in the year shall be found by applying the formula—

$$\frac{X}{100} \times \frac{\text{RPI}(1)}{\text{RPI}(2)}$$

- (3) X is 120 if—
- (a) the hereditament is situated in Greater London and the rateable value shown for it in the local non-domestic rating list for 1 April 1990 is £15,000 or more, or
  - (b) it is situated outside Greater London and the rateable value shown for it in the local non-domestic rating list for 1 April 1990 is £10,000 or more.
- (4) X is 115 if—
- (a) the hereditament is situated in Greater London and the rateable value shown for it in the local non-domestic rating list for 1 April 1990 is less than £15,000, or
  - (b) it is situated outside Greater London and the rateable value shown for it in the local non-domestic rating list for 1 April 1990 is less than £10,000.
- (5) RPI(1) is the retail prices index for September of the financial year preceding the relevant year concerned.
- (6) RPI(2) is the retail prices index for September of the financial year which precedes that preceding the relevant year concerned.
- (7) Sub-paragraph (8) below applies in a case where the notional chargeable amount for a hereditament for each day in a relevant year does not exceed the base liability for the hereditament for each day in the year.
- (8) The appropriate fraction for the hereditament for each day in the year shall be such as is—
- (a) specified for the case by order made by the Secretary of State, or
  - (b) found in accordance with rules prescribed for the case by order so made.
- (9) In making an order under this paragraph the Secretary of State shall have regard to the object of securing (so far as practicable) that the aggregate amount payable to him and all charging authorities by way of non-domestic rates as regards a relevant year is the same as it would in his opinion be likely to be apart from this Schedule.
- (10) Relevant years are financial years falling in the transitional period.
- 6 (1) This paragraph has effect to determine A in relation to a hereditament for the purposes of paragraph 4 above.
- (2) In a case where a rateable value is shown for the hereditament for 15 February 1989 in the old valuation list, A is the value so shown; but this is subject to sub-paragraph (3) below.

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- (3) If—
- (a) a relevant proposal is (or relevant proposals are) made to alter the rateable value shown for the hereditament in that list, and
  - (b) as a result of any such proposal a rateable value is shown for the hereditament in that list for a relevant day,
- A is the rateable value shown in that list for the hereditament for the last (or only) relevant day for which a rateable value is shown as a result of any such proposal.
- (4) For the purposes of sub-paragraph (3) above a relevant proposal is a proposal—
- (a) made by a valuation officer at any time, or
  - (b) made by a person other than a valuation officer, and received by a valuation officer, before 15 February 1989.
- (5) In a case where a rateable value is not shown for the hereditament for 15 February 1989 in the old valuation list, A is the rateable value shown in that list for the hereditament for the first relevant day for which a rateable value is shown; but this is subject to sub-paragraph (6) below.
- (6) If—
- (a) a relevant proposal is (or relevant proposals are) made to alter the rateable value shown for the hereditament in that list, and
  - (b) as a result of any such proposal a rateable value is shown for the hereditament in that list for a relevant day,
- A is the rateable value shown in that list for the hereditament for the last (or only) relevant day for which a rateable value is shown as a result of any such proposal.
- (7) For the purposes of sub-paragraph (6) above a relevant proposal is a proposal made by a valuation officer at any time.
- (8) In the case of a hereditament—
- (a) occupied by or on behalf of the Crown for public purposes in the period beginning with 15 February 1989 and ending with 31 March 1990, and
  - (b) in respect of which a contribution is made by the Crown in aid of rates for that period,
- references in sub-paragraphs (2) to (6) above to rateable value are to value representing rateable value (which is required to be shown by section 37 of the 1967 Act).
- (9) For the purposes of this paragraph a relevant day is a day falling after 15 February 1989 and before 1 April 1990.
- (10) For the purposes of this paragraph the old valuation list is the valuation list, maintained under Part V of the 1967 Act, in which the hereditament is shown for 31 March 1990.



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### *Chargeable amounts*

- 7 (1) Paragraph 9 below applies to a hereditament for a transitional day (the day concerned) if—
- (a) as regards the hereditament the day concerned is a chargeable day for which a chargeable amount falls to be determined under section 43 above,
  - (b) as regards the day concerned the hereditament is a defined hereditament,
  - (c) NCA exceeds BL,
  - (d) NCA exceeds (BL x AF), and
  - (e) in a case where the day concerned is not 1 April 1990, paragraph 9 below applies to the hereditament for each transitional day preceding the day concerned, and it does so by virtue of this paragraph.
- (2) In a case where the hereditament is situated in the area of a special authority, the reference to (BL x AF) is a reference to it adjusted by finding the appropriate amount and—
- (a) if the appropriate amount is positive, adding it to (BL x AF), or
  - (b) if the appropriate amount is negative, subtracting the equivalent positive amount from (BL x AF).
- (3) For the purposes of sub-paragraph (2) above the appropriate amount is the amount found by applying the formula—

$$\frac{D \times (E - F)}{G}$$

- (4) For the purposes of this paragraph—
- (a) NCA is the notional chargeable amount for the hereditament for the day concerned,
  - (b) BL is the base liability for the hereditament for the day concerned,
  - (c) AF is the appropriate fraction for the hereditament for the day concerned,
  - (d) D is the rateable value shown for the hereditament in the local non-domestic rating list for 1 April 1990,
  - (e) E is the non-domestic rating multiplier of the special authority concerned for the financial year in which the day concerned falls,
  - (f) F is the non-domestic rating multiplier for the financial year in which the day concerned falls, and
  - (g) G is the number of days in the financial year in which the day concerned falls.
- 8 (1) Paragraph 9 below applies to a hereditament for a transitional day (the day concerned) if—
- (a) as regards the hereditament the day concerned is a chargeable day for which a chargeable amount falls to be determined under section 43 above,

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- (b) as regards the day concerned the hereditament is a defined hereditament,
  - (c) NCA is less than BL,
  - (d) NCA is less than (BL x AF), and
  - (e) in a case where the day concerned is not 1 April 1990, paragraph 9 below applies to the hereditament for each transitional day preceding the day concerned, and it does so by virtue of this paragraph.
- (2) In a case where the hereditament is situated in the area of a special authority, the reference to (BL x AF) is a reference to it adjusted by finding the appropriate amount and—
- (a) if the appropriate amount is positive, adding it to (BL x AF), or
  - (b) if the appropriate amount is negative, subtracting the equivalent positive amount from (BL x AF).
- (3) For the purposes of sub-paragraph (2) above the appropriate amount is the amount found by applying the formula—

$$\frac{D \times (E - F)}{G}$$

- (4) For the purposes of this paragraph—
- (a) NCA is the notional chargeable amount for the hereditament for the day concerned,
  - (b) BL is the base liability for the hereditament for the day concerned,
  - (c) AF is the appropriate fraction for the hereditament for the day concerned,
  - (d) D is the rateable value shown for the hereditament in the local non-domestic rating list for 1 April 1990,
  - (e) E is the non-domestic rating multiplier of the special authority concerned for the financial year in which the day concerned falls,
  - (f) F is the non-domestic rating multiplier for the financial year in which the day concerned falls, and
  - (g) G is the number of days in the financial year in which the day concerned falls.
- 9 (1) In a case where this paragraph applies, for the purpose of ascertaining the chargeable amount for the day concerned under section 43 above that section shall have effect subject to the following amendments.
- (2) The following subsections shall be substituted for subsections (4) and (5)—
- “(4) Subject to subsection (5) below, the chargeable amount for a chargeable day shall be calculated by finding the amount represented by (BL x AF).
- (5) Where subsection (6) below applies the chargeable amount for a chargeable day shall be calculated by—
- (a) finding the amount represented by (BL x AF), and
  - (b) dividing that amount by 5.”

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(3) The following subsections shall be inserted after subsection (6)—

“(6A) In a case where the hereditament is situated in the area of a special authority, a reference to (BL x AF) is a reference to it adjusted by finding the appropriate amount and—

- (a) if the appropriate amount is positive, adding it to (BL x AF), or
- (b) if the appropriate amount is negative, subtracting the equivalent positive amount from (BL x AF).

(6B) For the purposes of subsection (6A) above the appropriate amount is the amount found by applying the formula—

$$\frac{D \times (E - F)}{G}$$

”

(4) For the purposes of section 43 above as amended by this paragraph BL, AF, D, E, F and G shall be construed in accordance with paragraphs 7 and 8 above.

#### *Regulations*

- 10 (1) The Secretary of State may make regulations containing rules about the determination under section 45 or 54 above of a chargeable amount for a transitional day.
- (2) The rules may make provision which he considers to be equivalent to that made by or under paragraphs 1 to 9 above, subject to any modifications he thinks fit.
- 11 (1) The Secretary of State may make regulations containing rules supplementing or modifying or excluding, for any case he considers appropriate and to such extent as he considers appropriate, any relevant provision.
- (2) For the purpose of the determination under section 43, 45 or 54 above of a chargeable amount for a transitional day, the Secretary of State may make regulations applying any relevant provision (subject to any modifications he thinks fit) to any case—
- (a) where he considers it appropriate to do so, and
  - (b) where the relevant provision would not (whether by virtue of regulations under sub-paragraph (1) above or otherwise) apply apart from the regulations under this sub-paragraph.
- (3) A relevant provision is a provision made by or under paragraphs 1 to 9 above or by regulations under paragraph 10 above.
- 12 Without prejudice to the generality of section 143(1) and (2) above and paragraphs 10 and 11 above, regulations under those paragraphs may include provision—
- (a) imposing duties and conferring powers on valuation officers (whether as regards determinations, certificates or otherwise) in relation to the ascertainment of rateable values;

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- (b) as to appeals relating to things done or not done by such officers.”
- 41 In Schedule 8 (non-domestic rating: pooling) in Part I, in paragraph 2 (non-domestic rating accounts: credits and debits) in sub-paragraph (1)(b) for “regulations made under section 59(2)” there shall be substituted “ section 59 ”.
- 42 (1) In Schedule 8 (non-domestic rating: pooling) Part II (non-domestic rating contributions) shall be amended as follows.
- (2) In paragraph 5, at the end of sub-paragraph (1) there shall be added “ and has effect subject to any provision made by virtue of paragraph 6(2A) below ”.
- (3) In paragraph 6, after sub-paragraph (2) there shall be inserted the following sub-paragraphs—
- “(2A) Regulations under paragraph 4 above may incorporate in the rules provision for adjustments to be made in the calculation of the amount of an authority’s non-domestic rating contribution under paragraph 5(2) or 5(6) above, being adjustments to take account of relevant changes affecting the amount of the authority’s non-domestic rating contribution for an earlier year.
- (2B) For the purposes of sub-paragraph (2A) above, a change is a relevant change if it results from a decision, determination or other matter which (whether by reason of the time at which it was taken, made or occurred or otherwise) was not taken into account by the authority in the calculation under paragraph 5(6) above of the amount of its non-domestic rating contribution for the earlier year in question.”

F34 43 .....

#### Textual Amendments

**F34** Sch. 5 para. 43 repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s.117(2), [Sch.14](#) (with s. 118(1)(2)(4)), S.I. 1992/2454, [art. 3](#)

- 44 (1) In Schedule 9 (administration) paragraph 2 (collection and recovery) shall be amended as follows.
- (2) The following paragraphs shall be substituted for sub-paragraph (2)(g)—
- “(g) that a notice must be in a prescribed form,
- (ga) that a notice must contain prescribed matters,
- (gb) that a notice must not contain other prescribed matters,
- (gc) that where a notice is invalid because it does not comply with regulations under paragraph (g) or (ga) above, and the circumstances are such as may be prescribed, a requirement contained in the notice by virtue of regulations under paragraph (e) or (f) above shall nevertheless have effect as if the notice were valid,
- (gd) that where a notice is invalid because it does not comply with regulations under paragraph (g) above, and a requirement has effect by virtue of regulations under paragraph (gc) above, the payee must take prescribed steps to issue to the ratepayer a document in the form which the notice would have taken had it complied with regulations under paragraph (g) above,

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- (ge) that where a notice is invalid because it does not comply with regulations under paragraph (ga) above, and a requirement has effect by virtue of regulations under paragraph (gc) above, the payee must take prescribed steps to inform the ratepayer of such of the matters prescribed under paragraph (ga) above as were not contained in the notice.”.
- (3) In sub-paragraph (2)(h) the words from “and” to the end shall be omitted.
- (4) The following sub-paragraph shall be inserted after sub-paragraph (2)—
- “(2A) Regulations under this Schedule may include provision that where—
- (a) an amount paid by the ratepayer in excess of his liability falls to be repaid or credited, and
- (b) the circumstances are such as may be prescribed,
- an additional amount by way of interest shall be paid or credited.”
- 45 In Schedule 9 the following paragraph shall be inserted after paragraph 4—
- “4A (1) Regulations under this Schedule may include provision that a charging authority and a person liable to pay it an amount under section 43 or 45 above may enter into an agreement that—
- (a) any interest of his in the hereditament as regards which the liability arises shall be charged to secure payment of the amount, and
- (b) in consideration of the charge the authority will take no steps for a period specified in the agreement to recover any payment in respect of the amount.
- (2) The regulations may include—
- (a) provision that the agreement may also extend to any further amount the person may become liable to pay to the authority under section 43 or 45 above as regards the hereditament;
- (b) provision that the agreement may provide for the payment of interest on sums outstanding and for interest payable to be secured by the charge;
- (c) provision restricting the period which may be specified as mentioned in sub-paragraph (1)(b) above.”
- 46 (1) Paragraph 5 of Schedule 9 (power to require information to be supplied to a valuation officer) shall be amended as follows.
- (2) In sub-paragraph (1) for the words from “requiring” to the end there shall be substituted “requesting him to supply to the officer information—
- (a) which is specified in the notice, and
- (b) which the officer reasonably believes will assist him in carrying out functions conferred or imposed on him by or under this Part.”
- (3) After sub-paragraph (1) there shall be inserted—
- “(1A) A notice under this paragraph must state that the officer believes the information requested will assist him in carrying out functions conferred or imposed on him by or under this Part.”
- (4) In sub-paragraph (2)—

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- (a) for “required” (in the first place where the word occurs) there shall be substituted “ requested ”, and
  - (b) for “required” (in the second place where the word occurs) there shall be substituted “ specified ”.
- 47 (1) Paragraph 6 of Schedule 9 (authority’s duty to supply information to valuation officer) shall be amended as follows.
- (2) In sub-paragraph (1) for “relevant” there shall be substituted “ charging ”, and in consequence sub-paragraph (2) shall be omitted.
- (3) After sub-paragraph (1) there shall be inserted—
- “(1A) The Secretary of State may make regulations containing provision that, at such times and in such manner as may be prescribed, a charging authority shall supply to the valuation officer for the authority information of such description as may be prescribed.”
- 48 The following paragraphs shall be substituted for paragraph 8 of Schedule 9 (inspection)—
- “8 (1) A person may require a valuation officer to give him access to such information as will enable him to establish what is the state of a list, or has been its state at any time since it came into force, if—
- (a) the officer is maintaining the list, and
  - (b) the list is in force or has been in force at any time in the preceding 5 years.
- (2) A person may require a charging authority to give him access to such information as will enable him to establish what is the state of a copy of a list, or has been its state at any time since it was deposited, if—
- (a) the authority has deposited the copy under section 41(6B) above, and
  - (b) the list is in force or has been in force at any time in the preceding 5 years.
- (3) A person may require the Secretary of State to give him access to such information as will enable him to establish what is the state of a copy of a list, or has been its state at any time since it was deposited, if—
- (a) the Secretary of State has deposited the copy under section 52(6B) above, and
  - (b) the list is in force or has been in force at any time in the preceding 5 years.
- (4) A person may require a charging authority to give him access to such information as will enable him to establish what is the state of a copy of a proposed list if—
- (a) the authority has deposited the copy under section 41(6) above, and
  - (b) the list itself is not yet in force.
- (5) A person may require the Secretary of State to give him access to such information as will enable him to establish what is the state of a copy of a proposed list if—

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- (a) the Secretary of State has deposited the copy under section 52(6) above, and
    - (b) the list itself is not yet in force.
  - (6) A requirement under any of the preceding provisions of this paragraph must be complied with at a reasonable time and place and without payment being sought; but the information may be in documentary or other form, as the person or authority of whom the requirement is made thinks fit.
  - (7) Where access is given under this paragraph to information in documentary form the person to whom access is given may—
    - (a) make copies of (or of extracts from) the document;
    - (b) require a person having custody of the document to supply to him a photographic copy of (or of extracts from) the document.
  - (8) Where access is given under this paragraph to information in a form which is not documentary the person to whom access is given may—
    - (a) make transcripts of (or of extracts from) the information;
    - (b) require a person having control of access to the information to supply to him a copy in documentary form of (or of extracts from) the information.
  - (9) If a reasonable charge is required for a facility under sub-paragraph (7) or (8) above, the sub-paragraph concerned shall not apply unless the person seeking to avail himself of the facility pays the charge.
  - (10) If without reasonable excuse a person having custody of a document containing, or having control of access to, information access to which is sought under this paragraph—
    - (a) intentionally obstructs a person in exercising a right under sub-paragraph (1), (2), (3), (4), (5), (7)(a) or (8)(a) above, or
    - (b) refuses to comply with a requirement under sub-paragraph (7)(b) or (8)(b) above,he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- 9
  - (1) A person may, at a reasonable time and without making payment, inspect any proposal made or notice of appeal given under regulations made under section 55 above, if made or given as regards a list which is in force when inspection is sought or has been in force at any time in the preceding 5 years.
  - (2) A person may—
    - (a) make copies of (or of extracts from) a document mentioned in sub-paragraph (1) above, or
    - (b) require a person having custody of such a document to supply to him a photographic copy of (or of extracts from) the document.
  - (3) If a reasonable charge is required for a facility under sub-paragraph (2) above, the sub-paragraph shall not apply unless the person seeking to avail himself of the facility pays the charge.

*Status: Point in time view as at 11/09/1998.*

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- (4) If without reasonable excuse a person having custody of a document mentioned in sub-paragraph (1) above—
  - (a) intentionally obstructs a person in exercising a right under sub-paragraph (1) or (2)(a) above, or
  - (b) refuses to supply a copy to a person entitled to it under sub-paragraph (2)(b) above,
 he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.”

*Precepts and levies*

F35 49 .....

**Textual Amendments**  
**F35** Sch. 5 paras. 49-54 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)), S.I. 1992/2454, **art. 3**

F36 50 .....

**Textual Amendments**  
**F36** Sch. 5 paras. 49-54 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3**

F37 51 .....

**Textual Amendments**  
**F37** Sch. 5 paras. 49-54 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3**

F38 52 .....

**Textual Amendments**  
**F38** Sch. 5 paras. 49-54 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3**

F39 53 .....

**Textual Amendments**  
**F39** Sch. 5 paras. 49-54 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3**

F40 54 .....



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**Textual Amendments**

**F40** Sch. 5 paras. 49-54 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

- 55 (1) Section 75 (special levies) shall be amended as follows.
- (2) In subsection (2) for “Secretary of State” there shall be substituted “ appropriate Minister ”.
- <sup>F41</sup>(3) .....
- (4) At the end of that section there shall be added the following subsection—
- “(8) In this section “the appropriate Minister” has the same meaning as in section 118 below.”

**Textual Amendments**

**F41** Sch. 5 para. 55(3) repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

<sup>F42</sup>56 .....

**Textual Amendments**

**F42** Sch. 5 para. 56 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art.3

*Grants*

- 57 (1) Section 77 (information) shall be omitted.
- (2) This paragraph shall not affect the operation of section 77 as regards a case where a notice has been served under it before the coming into force of this paragraph.
- <sup>F43</sup>58 .....

**Textual Amendments**

**F43** Sch. 5 para. 58 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(8)); S.I. 1992/2454, art.3

<sup>F44</sup>59 .....

**Textual Amendments**

**F44** Sch. 5 para. 59 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3(1)

- 60 In section 88 (transport grants: supplementary), in subsections (4) and (6) for the words from “prescribed expenditure” onwards there shall, in each case, be

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substituted “ expenditure for capital purposes within the meaning of Part IV of the Local Government and Housing Act 1989 ”.

F45 61 .....

**Textual Amendments**  
F45 Sch. 5 para. 61 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3(1)

*Funds*

62 In section 89(4) (use of sums paid into charging authority’s collection fund) for “settlement” there shall be substituted “ the making ”, and consequently in section 89(5) for “settling” there shall be substituted “ making ”.

F46 63 .....

**Textual Amendments**  
F46 Sch. 5 para. 63 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3(1)

F47 64 .....

**Textual Amendments**  
F47 Sch. 5 para. 64 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

F48 65 .....

**Textual Amendments**  
F48 Sch. 5 para. 65 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

*Financial administration*

66 The following subsection shall be inserted after subsection (3) of section 114 (functions of chief finance officer)—

“(3A) It shall be the duty of the chief finance officer of a relevant authority, in preparing a report in pursuance of subsection (2) above, to consult so far as practicable—

- (a) with the person who is for the time being designated as the head of the authority’s paid service under section 4 of the Local Government and Housing Act 1989; and
- (b) with the person who is for the time being responsible for performing the duties of the authority’s monitoring officer under section 5 of that Act.”

*Status: Point in time view as at 11/09/1998.*

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#### *Existing rates*

- 67 (1) In section 118 (power to abolish or modify existing rates), at the end of subsection (1) there shall be added “ and, in the case of an internal drainage board, there shall be disregarded for the purposes of paragraph (b) above any agreement under section 81 of the Land Drainage Act 1976 under which the board have agreed that no drainage rate will be levied on occupiers or owners of certain rateable hereditaments ”.
- (2) In subsections (2) and (4) of that section for the words “Secretary of State” there shall be substituted “ appropriate Minister ”.
- (3) At the end of subsection (5) of that section there shall be added “and “the appropriate Minister” means—
- (a) as respects any internal drainage board whose district is wholly within England, the Minister of Agriculture, Fisheries and Food;
  - (b) as respects any internal drainage board whose district is partly in England and partly in Wales, that Minister and the Secretary of State acting jointly; and
  - (c) as respects any other body, the Secretary of State.”

#### *Information*

- 68 The following section shall be inserted after section 139—

##### **“139A Information.**

- (1) Subsection (2) below applies where—
- (a) the Secretary of State serves a notice on a relevant authority or relevant officer requiring it or him to supply to the Secretary of State information specified in the notice,
  - (b) the information is required by the Secretary of State for the purpose of deciding whether to exercise his powers, and how to perform his functions, under this Act, and
  - (c) the information is not personal information.
- (2) The authority or officer shall supply the information required, and shall do so in such form and manner and at such time as the Secretary of State specifies in the notice.
- (3) If an authority or officer fails to comply with subsection (2) above the Secretary of State may assume the information required to be such as he sees fit; and in such a case the Secretary of State may decide in accordance with the assumption whether to exercise his powers, and how to perform his functions, under this Act.
- (4) In deciding whether to exercise his powers, and how to perform his functions, under this Act the Secretary of State may also take into account any other information available to him, whatever its source and whether or not obtained under a provision contained in or made under this or any other Act.
- (5) Each of the following is a relevant authority—
- (a) a charging authority;
  - (b) a precepting authority.

*Status: Point in time view as at 11/09/1998.*

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- (6) The community charges registration officer for a charging authority is a relevant officer.
- (7) Personal information is information which relates to an individual (living or dead) who can be identified from that information or from that and other information supplied to any person by the authority or officer concerned; and personal information includes any expression of opinion about the individual and any indication of the intentions of any person in respect of the individual.
- (8) This section shall have effect before 1 April 1990 as if after paragraph (b) of subsection (5) above there were inserted—
  - (c) the Inner London Education Authority.”

*England and Wales: separate administration*

- 69 (1) Section 140 (separate administration in England and Wales) shall be amended as follows.
  - (2) In subsection (1) after “VII” there shall be inserted “ , and paragraphs 1 to 4 of Schedule 12A below, ”.
  - (3) In subsection (2) the word “and” at the end of paragraph (e) shall be omitted, and after paragraph (f) there shall be inserted “and
    - (a) separate reports under Schedule 12A below shall be made.”
  - (4) In subsection (3) after “VII” there shall be inserted “ , and paragraphs 1 to 4 of Schedule 12A below, ”.

*Payments*

F4970 . . .

**Textual Amendments**  
**F49** Sch. 5 para. 70 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2); Sch.14 (with s.118(1)(2)(4)), S.I. 1992/2454, art. 3(1)

F5071 . . . . .

**Textual Amendments**  
**F50** Sch. 5 para. 71 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3

*Orders and regulations*

- 72 (1) Section 143 (orders and regulations) shall be amended as follows.
  - (2) In subsection (2) after “Secretary of State” there shall be inserted “ the Minister of Agriculture, Fisheries and Food ”.
  - (3) In subsection (3) for “(9)” there shall be substituted “ (9B) ”.

*Status: Point in time view as at 11/09/1998.*

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- (4) In subsection (4) the words “57 or” shall be omitted.
- (5) In subsection (5) after “118 above” there shall be inserted “ otherthan regulations relating to an internal drainage board ”.
- (6) The following subsections shall be inserted after subsection (9)—
  - “(9A) The power to make an order under paragraph 5 of Schedule 7A below shall be exercisable by statutory instrument, and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
  - (9B) The power to make regulations under paragraph 5 or 6 of Schedule 12A below shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.”
- (7) In subsection (10) after “118 above” there shall be inserted “ otherthan regulations relating to an internal drainage board ”.

*Relevant population*

F51 73 . . . . .

**Textual Amendments**

**F51** Sch. 5 para. 73 repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4)); S.I. 1992/2454, [art. 3\(1\)](#)

F52 74 . . . . .

**Textual Amendments**

**F52** Sch. 5 para. 74 repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), [Sch.14](#) (with s. 118(1)(2)(4)); S.I. 1992/2454, [art. 3](#)

*Information*

- 75 In section 146 (interpretation) the following subsection shall be inserted after subsection (5)—
  - “(5A) Unless the context otherwise requires, “information” includes accounts, estimates and returns.”

*Tribunals*

- 76 (1) Schedule 11 (tribunals) shall be amended as follows.
- (2) In paragraph 2 (jurisdiction) the following paragraph shall be inserted at the end—
  - “(c) paragraph 4 of Schedule 4A above.”
- F53 (3) . . . . .

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**Textual Amendments**

**F53** Sch. 5 para. 76(3) repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3(1)**

*General*

**F54**77 .....

**Textual Amendments**

**F54** Sch. 5 para. 77 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3(1)**

**F55**78 .....

**Textual Amendments**

**F55** Sch. 5 para.78 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art.3**

- 79 (1) Paragraphs 7, 8, 52, 54, 56 and 66 above shall come into force at the expiry of the period of 2 months beginning on the day this Act is passed.
- (2) Paragraphs 49(3), 60 and 63 above shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and
  - (a) different days may be so appointed for different provisions or for different purposes;
  - (b) section 195(3) of this Act shall apply to an order under this sub-paragraph as it applies to an order under section 195(2).
- (3) The 1988 Act shall be treated as having been enacted with the amendments made by this Schedule, except in so far as the amendments are made by paragraph 12, 57, or 68 above or any of the paragraphs mentioned in sub-paragraph (1) or (2) above.

**Modifications etc. (not altering text)**

**C11** Power of appointment conferred by Sch. 5 para. 79(2) fully exercised: 16.1.1990 appointed by S.I. 1989/2445, **art. 3**

80 In this Schedule “the 1988 Act” means the <sup>M20</sup>Local Government Finance Act 1988.

**Marginal Citations**

**M20** 1988 c. 41.

*Status: Point in time view as at 11/09/1998.*

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## SCHEDULE 6

Section 145.

### AMENDMENT OF SCOTTISH ENACTMENTS

#### *Valuation appeals to Lands Tribunal for Scotland*

1 In section 1 of the <sup>M21</sup>Lands Tribunal Act 1949 (which provides as to, amongst other things, the jurisdiction of the Lands Tribunal for Scotland) after subsection (3B) there shall be inserted the following subsection—

“(3BA) The Lands Tribunal for Scotland may also determine any appeal against the decision of a valuation appeal committee not to refer to the Tribunal any appeal or complaint made to the committee and, where the Tribunal upholds such an appeal, the appeal or complaint made to the committee shall, for the purposes of this section, be regarded as having been referred by the committee to the Tribunal for determination under subsection (3A) above.”

#### **Marginal Citations**

**M21** 1949 c. 42.

2 In section 15 of the <sup>M22</sup>Local Government (Financial Provisions) (Scotland) Act 1963—

(a) after subsection (2) there shall be inserted the following subsection—

“(2AA) A valuation appeal committee, on the joint application of the assessor and an appellant or complainer made within such period as may be prescribed by regulations made by the Secretary of State, shall refer the appeal or complaint to the Lands Tribunal for Scotland for determination under section 1(3A) of the Lands Tribunal Act 1949.”; and

(b) in subsection (2A) (regulations about valuation appeals to the Lands Tribunal for Scotland)—

(i) for the word “governing” there shall be substituted the words “as to”;

(ii) the word “and” between paragraphs (a) and (b) shall be omitted; and

(iii) at the end there shall be added the following paragraphs—

“(c) the giving by a valuation appeal committee of reasons for its decision not to refer to the Tribunal any appeal or complaint made to the committee; and

(d) the circumstances and manner in which an appeal may be made to the Tribunal for determination under subsection (3BA) of section 1 of the Lands Tribunal Act 1949 (jurisdiction of the Tribunal to determine appeal against decision of valuation appeal committee not to refer an appeal or complaint to the Tribunal).”

#### **Marginal Citations**

**M22** 1963 c. 12.

*Status: Point in time view as at 11/09/1998.*

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*Rateable value of certain buildings used for breeding or rearing horses*

- 3 In subsection (1) of section 6 of the <sup>M23</sup>Valuation and Rating (Scotland) Act 1956 (as certainment of annual and rateable values) for the words “the next following section” there shall be substituted the words “ sections 7 to 7B ”.

**Marginal Citations**

**M23** 1956 c. 60.

- 4 In that Act the following section shall be inserted after section 7A—

**“7B Rateable value of certain buildings used for breeding or rearing horses.**

- (1) This section applies to any lands and heritages the whole or any part of which consists of buildings which are—
- (a) used for the breeding and rearing of horses or for either of those purposes; and
  - (b) occupied together with any agricultural land or agricultural building.
- (2) The rateable value of any lands and heritages to which this section applies shall be taken to be the amount determined under section 6 of this Act less whichever is the smaller of the following amounts—
- (a) such amount as the Secretary of State may by order specify for the purposes of this section;
  - (b) the amount which but for this section would be determined under that section in respect of so much of the lands and heritages as consists of buildings so used and occupied.
- (3) An order under subsection (2) of this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section—
- “agricultural land” means any land of more than two hectares which is agricultural lands and heritages within the meaning of subsection (2) of section 7 of this Act and is not land used exclusively for the pasturing of horses;
- “agricultural building” has the same meaning as in that subsection; and
- “horses” has the same meaning as in section 6(4) of the Riding Establishments Act 1964.”

*Application of regulations about determination of net annual value*

- 5 In section 6 of the <sup>M24</sup>Valuation and Rating (Scotland) Act 1956, after subsection (8B) (further provision as to regulations relating to determination of net annual value) there shall be inserted the following subsections—

“(8C) For the purposes of subsection (8B) above, cases may be defined, described or classified by reference to such factors as the Secretary of State thinks fit.



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(8D) Without prejudice to the generality of subsection (8C) above, a case may be defined, described or classified by reference to one or more of the following factors—

- (a) the physical characteristics of lands and heritages;
- (b) the fact that lands and heritages are unoccupied or are occupied for purposes prescribed by the regulations or by persons of descriptions so prescribed.”

**Marginal Citations**

M24 1956 c. 60.

*Rateable value for purposes of levying rates after 1st April 1990*

6 In section 7 of the <sup>M25</sup>Local Government (Scotland) Act 1975 (levying of rates) in subsection (1A) there shall be inserted at the end the words “ ; and references in this subsection to an apportioned value of part residential subjects are references to that part of that value which is shown in the apportionment note as relating to the non-residential use of the subjects, ”.

**Marginal Citations**

M25 1975 c. 30.

[<sup>F567</sup> In section 128 of the <sup>M26</sup>Local Government Finance Act 1988 (levying of rates after 1st April 1990)—

- (a) in subsection (1)—
  - (i) for the word “Every” there shall be inserted the words “ Then on-domestic ”; and
  - (ii) after the word “regards” there shall be inserted the words “ different areas and” ”;
- (b) after that subsection there shall be inserted the following subsections—

“(1A) The considerations referred to in paragraph (b) of subsection (1) above shall be such as the Secretary of State thinks fit and may, without prejudice to that generality, include considerations which otherwise would not relate to the determination of the rateable value of lands and heritages.

(1B) The classification of lands and heritages for the purposes of subsection (1) above shall be by reference to such factors as the Secretary of State thinks fit and may, without prejudice to that generality, include the circumstances of persons by whom rates are payable.

(1C) Regulations made under this section may, in relation to lands and heritages which are part residential subjects (within the meaning of the Abolition of Domestic Rates Etc. (Scotland) Act 1987), provide for the apportionment of the rateable value prescribed or determined under this section in respect of the subjects as between the residential and non-residential use of the subjects.

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government and Housing Act 1989 is up to date with all changes known to be in force on or before 13 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)*

- (1D) A rateable value prescribed or determined under this section in respect of any lands and heritages shall be the rateable value of the lands and heritages for the purpose of the levying of the non-domestic rate but not for any other purposes.”; and
- (c) subsection (3) shall cease to have effect.]

**Textual Amendments**  
**F56** Sch. 6 para. 7 repealed (S.) (1.4.1995) by 1994 c. 39, s. 180(2), Sch. 14 (with s. 128(8)); S.I. 1994/3150, art. 4(d), Sch. 2

**Marginal Citations**  
**M26** 1988 c. 41.

*Exemption of church premises from the non-domestic rate*

F578 .....

**Textual Amendments**  
**F57** Sch. 6 para. 8 repealed (1.4.1992) by Local Government Finance Act 1992 (c. 14), s. 117, Sch. 14 (with a. 118(1)(2)(4)); S.I. 1992/818, art. 2, Sch.

*Extension of charitable rate relief to universities*

- 9 In the <sup>M27</sup>Local Government (Financial Provisions etc.) (Scotland) Act 1962—
  - (a) in section 4, subsections (3) and (4), and
  - (b) the first Schedule,
 shall be omitted.

**Marginal Citations**  
**M27** 1962 c. 9.

*Duty to notify registration officer about liability for collective community charge*

- 10 In subsection (1) of section 18 of the <sup>M28</sup>Abolition of Domestic Rates Etc. (Scotland) Act 1987 (duty to notify registration officer of certain matters) for the words “the personal or standard community charge” there shall be substituted the words “ any of the community charges ”.

**Marginal Citations**  
**M28** 1987 c. 47.

*Status: Point in time view as at 11/09/1998.*

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*Interest not payable on back dated liability for community charges where there is reasonable excuse for non-registration*

- 11 (1) In subsection (3)(a) of section 18 of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (interest on backdated liability for community charges) after the words “together with” there shall be inserted the words “,unless he satisfies the levying authority that he has a reasonable excuse for not having been registered,”
- (2) The amendment made by sub-paragraph (1) above shall be deemed to have come into force at the same time as the said section 18.

*Exemption from personal community charge*

- 12 In paragraph 4 of Schedule 1A to the Abolition of Domestic Rates Etc.(Scotland) Act 1987 (exemption of the severely mentally impaired) there shall be added at the end the following sub-paragraphs—

“(6) Regulations under sub-paragraph (5) above may provide that, in the circumstances set out in the regulations, a certificate given for the purposes of sub-paragraph (1)(c) above shall continue to have effect for the purposes of this paragraph notwithstanding that the definition of severe mental impairment upon which the certificate proceeds has been substituted by the regulations.

(7) Regulations under sub-paragraph (5) above made in respect of the financial year 1989-90 may provide that a person—

(a) who was not within the old definition of severely mentally impaired but who, being within the new definition of that expression, is exempt; and

(b) in respect of whom such conditions as are prescribed are fulfilled may be treated as having been exempt as from such date prior to the coming into force of the regulations as may be provided for in the regulations.

(8) In sub-paragraph (7) above, the “old” definition is the definition in force immediately before the coming into force of regulations under sub-paragraph (5) above and the “new” definition is the definition being substituted for the old definition by regulations under that sub-paragraph.”

- 13 For paragraph 5 of Schedule 1A to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (exemption of person in respect of whom another is entitled to child benefit) there shall be substituted the following paragraph—

“5 A person is exempt if—

(a) another person is entitled to child benefit in respect of him; or

(b) a person would be entitled to child benefit in respect of him but for paragraph 1(b) or (c) of Schedule 1 to the Child Benefit Act 1975.”

- 14 After paragraph 6 of Schedule 1A to the <sup>M29</sup>Abolition of Domestic Rates Etc. (Scotland) Act 1987 there shall be inserted the following paragraph—

“6A (1) A person is exempt if—

(a) he is aged under 20;

(b) he is undertaking a qualifying course of education; and

*Status: Point in time view as at 11/09/1998.*

*Changes to legislation: Local Government and Housing Act 1989 is up to date with all changes known to be in force on or before 13 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)*

(c) the course is not undertaken in consequence of an office or employment held by the person.

(2) For the purposes of this paragraph, a person shall be treated as undertaking a qualifying course of education if (and only if) he fulfils such conditions as may be prescribed.”

#### Marginal Citations

**M29** 1987 c. 47.

15 In paragraph 12(c) of Schedule 1A to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (exemption for persons residing in premises subject to non-domestic rates) there shall be added at the end “ but are not part residential subjects ”.

#### *Liability for non-domestic water rate*

[<sup>F58</sup>16 (1) In section 40(3) of the <sup>M30</sup>Water (Scotland) Act 1980 (which provides as to who is liable for the non-domestic water rate) there shall be inserted at the end the words “or who would be liable to pay those non-domestic rates but for any enactment which exempts the lands and heritages from those rates or by or under which any relief or remission from liability for those rates is given”.

(2) The amendment made by sub-paragraph (1) above shall be deemed to have come into force at the same time as paragraph 29 of Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987.]

#### Textual Amendments

**F58** Sch. 6 para. 16 repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14 (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), Sch. 2

#### Marginal Citations

**M30** 1980 c. 45.

#### *Premises in respect of which non-domestic water rate is leviable*

[<sup>F59</sup>17 (1) In section 41 of the Water (Scotland) Act 1980 (levy of non-domestic waterrate on certain premises)—

- (a) in the proviso to subsection (1) (rate to be levied on one half of rateable value or lower fraction resolved by water authority)—
  - (i) after the word “aforesaid” there shall be inserted the words “ or to any class of such premises ”; and
  - (ii) after the words “those premises” there shall be inserted the words “ or, as the case may be, to premises in that class ”; and
- (b) in subsection (4) (premises subject to the rate) after the words “other premises ” there shall be inserted the words “ of whatsoever kind but ”.

(2) The amendments made by sub-paragraph (1) above shall be deemed always to have been in force.]

*Status: Point in time view as at 11/09/1998.*

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#### Textual Amendments

**F59** Sch. 6 para. 17 repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), **Sch. 2**

#### *Exemption of formula valued premises from non-domestic water rate*

[<sup>F60</sup>18 In section 6 of the <sup>M31</sup>Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages) after subsection (1) there shall be inserted the following subsection—

“(1A) The Secretary of State may by order provide that the non-domestic water rate shall not be leviable in respect of formula valued lands and heritages or of such formula valued lands and heritages or of such class or description of formula valued lands and heritages as may be prescribed for the purposes of this subsection.

In this subsection, “formula valued lands and heritages” are lands and heritages which have, or lands and heritages of a class or description which has, been prescribed for the purposes of subsection (1) above.”]

#### Textual Amendments

**F60** Sch. 6 para. 18 repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), **Sch. 2**

#### Marginal Citations

**M31** 1975 c. 30.

[<sup>F61</sup>19 In section 40 of the <sup>M32</sup>Water (Scotland) Act 1980 (non-domestic water rate)—  
(a) in subsection (1), after the word “Act” there shall be inserted the words “ and section 6(1A) of the Local Government (Scotland) Act 1975 (exemption of formula valued premises from non-domestic water rate) ”;  
(b) subsection (7) shall be omitted.]

#### Textual Amendments

**F61** Sch. 6 para. 19 repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), **Sch. 2**

#### Marginal Citations

**M32** 1980 c. 45.

#### *Liability for non-domestic sewerage rate*

<sup>F62</sup>20 .....

*Status: Point in time view as at 11/09/1998.*

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#### Textual Amendments

**F62** Sch. 6 para. 20 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1993/575, art. 2(d), Sch.

#### *Reduced liability for non-domestic sewerage rate in respect of certain church and charity premises*

**F63**<sup>21</sup> .....

#### Textual Amendments

**F63** Sch. 6 para. 21 repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), Sch. 14 (with s. 118(1)(2)(4)); S.I. 1993/575, art. 2(d), Sch.

#### *Public inspection of community charges register*

22 In section 20(2)(a)(ii) of the <sup>M33</sup>Abolition of Domestic Rates Etc. (Scotland) Act 1987 after “premises”, where secondly occurring, there shall be inserted “ or the sex of that person ”.

#### Marginal Citations

**M33** 1987 c. 47.

#### *Exclusion from voting disability of local authority members who are community charge payers*

- 23 (1) In section 41(4) of the <sup>M34</sup>Local Government (Scotland) Act 1973 (exclusion from voting disability) after the word “as”, where first occurring, there shall be inserted the words “ a person who is liable to pay any of the community charges or community water charges imposed under the Abolition of Domestic Rates Etc. (Scotland) Act 1987 or who would be liable but for any enactment or anything provided or done under any enactment or as ”.
- (2) The amendment made by sub-paragraph (1) above shall be deemed to have come into force at the same time as sections 8 to 11 of the Abolition of Domestic Rates Etc. (Scotland) Act 1987.

#### Marginal Citations

**M34** 1973 c. 65.

#### *Revocation of civil penalties imposed by registration officer*

- 24 (1) In section 17 of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (which provides for, amongst other things, the imposition of civil penalties) after subsection (11) there shall be inserted the following subsection—

*Status: Point in time view as at 11/09/1998.*

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“(11A) If, after the imposition of a civil penalty under subsection (10) or (11) above but before the making of any appeal under subsection (12) below against that imposition, the registration officer, in the light of information which he did not consider when imposing the penalty—

(a) is no longer satisfied as to the matter as to which he was satisfied under paragraph (a) or (b) of subsection (10) above or paragraph (c) of subsection (11) above before imposing the penalty; or

(b) is satisfied that the responsible person upon whom the penalty was imposed did have a reasonable excuse,

he may revoke the imposition of the penalty; and on such revocation any money paid to the regional or islands council by the responsible person by way of that penalty shall be repaid by them to him.”

(2) The amendment made by sub-paragraph (1) above shall be deemed to have come into force at the same time as the said section 17.

*Evidence in appeals under Abolition of Domestic Rates Etc. (Scotland) Act 1987*

25 In section 29 of the <sup>M35</sup>Abolition of Domestic Rates Etc. (Scotland) Act 1987 (appeals) after subsection (1) there shall be inserted the following subsection—

“(1A) The sheriff may, in considering an appeal under this Act, hear and receive evidence.

This subsection is without prejudice to—

(a) any other enactment, or

(b) any rule of law,

relating to the hearing or receiving of evidence in summary applications.”.

**Marginal Citations**

M35 1987 c. 47.

*No liability for community water charges where water previously supplied free*

26 (1) In paragraph 8 of Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (qualifying conditions for liability to pay community water charges) there shall be added at the end “and

(c) that the supply of water provided is not one which the water authority were, immediately before 16 May 1949, and continue to be under an obligation to provide free of charge.”

(2) The amendment made by sub-paragraph (1) above shall be deemed to have come into force at the same time as the said paragraph 8.

*Provision of information by registration officer*

27 The following section shall be inserted after section 20B of the Abolition of Domestic Rates Etc. (Scotland) Act 1987—

*Status: Point in time view as at 11/09/1998.*

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**“20C Registration officer: provision of information to Secretary of State.**

- (1) Subsection (2) below applies where—
  - (a) the Secretary of State serves a notice on the registration officer requiring him to supply to the Secretary of State information specified in the notice;
  - (b) the information is in the possession or control of the registration officer and was obtained by him for the purpose of carrying out his functions under this Act; and
  - (c) the information is not personal information.
- (2) The registration officer shall supply the information required, and shall do so in such form and manner and at such time as the Secretary of State specifies in the notice.
- (3) Regulations under this section may include provision that the registration officer may—
  - (a) supply relevant information to any person who requests it;
  - (b) charge a prescribed fee for supplying the information.
- (4) Information is relevant information if—
  - (a) it was obtained by the registration officer for the purpose of carrying out his functions under this Act; and
  - (b) it is not personal information.
- (5) Personal information is information which relates to an individual (living or dead) who can be identified from that information or from that and other information supplied to any person by the registration officer; and personal information includes any expression of opinion about the individual and any indication of the intentions of any person in respect of the individual.”

*Revenue support grants*

- 28 In section 23(2) of the <sup>M36</sup>Abolition of Domestic Rates Etc. (Scotland) Act 1987, for the words from “a” onward there shall be substituted the words “ grants (to be known as “revenue support grants”) to local authorities ”.

**Marginal Citations**

**M36** 1987 c. 47.

- 29 For paragraphs 1 to 3 of Schedule 4 to that Act (revenue support grants) there shall be substituted the following paragraphs—
- “1 (1) The local authorities to which revenue support grant is payable in respect of a financial year shall be such local authorities as are specified by order made by the Secretary of State.
  - (2) The amount of revenue support grant payable in respect of a financial year of a local authority so specified shall be such amount as is determined in relation to the local authority by order made by the Secretary of State.



*Status: Point in time view as at 11/09/1998.*

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- (3) The Secretary of State may at any time by order amend or revoke any order made under this paragraph and any amount of revenue support grant which has been paid and which, in consequence of anything done under this paragraph, falls to be repaid may be recovered by the Secretary of State whenever and however he thinks fit.
- 2
  - (1) An order under paragraph 1 above shall be made only with the consent of the Treasury.
  - (2) Before making an order under paragraph 1 above the Secretary of State shall consult such associations of local authorities as appear to him to be appropriate.
  - (3) An order under paragraph 1 above together with a report of the considerations which led to its provisions shall be laid before the Commons House of Parliament but shall have no effect until approved by a resolution of that House.”

## SCHEDULE 7

Section 149.

### COMPENSATION PROVISIONS OF LANDLORD AND TENANT ACT 1954, PART II

- 1 Any reference in this Schedule to a section which is not otherwise identified is a reference to that section of the <sup>M37</sup>Landlord and Tenant Act 1954, Part II of which relates to security of tenure for business, professional and other tenants.

#### Marginal Citations

M37 1954 c. 56.

- 2
  - (1) Subject to the following provisions of this Schedule, section 37 (compensation where order for new tenancy precluded on certain grounds) shall have effect with the amendments set out below.
  - (2) At the beginning of subsection (2) there shall be inserted the words “Subject to subsections (5A) to (5D) of this section”.
  - (3) After subsection (5) there shall be inserted the following subsections—
    - “(5A) If part of the holding is domestic property, as defined in section 66 of the Local Government Finance Act 1988,—
      - (a) the domestic property shall be disregarded in determining the rateable value of the holding under subsection (5) of this section; and
      - (b) if, on the date specified in subsection (5)(a) of this section, the tenant occupied the whole or any part of the domestic property, the amount of compensation to which he is entitled under subsection (1) of this section shall be increased by the addition of a sum equal to his reasonable expenses in removing from the domestic property.
    - (5B) Any question as to the amount of the sum referred to in paragraph (b) of subsection (5A) of this section shall be determined by agreement between the landlord and the tenant or, in default of agreement, by the court.

*Status: Point in time view as at 11/09/1998.*

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- (5C) If the whole of the holding is domestic property, as defined in section 66 of the Local Government Finance Act 1988, for the purposes of subsection (2) of this section the rateable value of the holding shall be taken to be an amount equal to the rent at which it is estimated the holding might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the holding in a state to command that rent.
- (5D) The following provisions shall have effect as regards a determination of an amount mentioned in subsection (5C) of this section—
- (a) the date by reference to which such a determination is to be made is the date on which the landlord's notice under section 25 or, as the case may be, subsection (6) of section 26 of this Act is given;
  - (b) any dispute arising, whether in proceedings before the court or otherwise, as to such a determination shall be referred to the Commissioners of Inland Revenue for decision by a valuation officer;
  - (c) an appeal shall lie to the Lands Tribunal from such a decision but, subject to that, such a decision shall be final."
- (4) At the end of subsection (8) (definition of "the appropriate multiplier") there shall be added the words "and different multipliers may be so prescribed in relation to different cases".
- 3 The amendments made by paragraph 2 above do not have effect unless the date which, apart from paragraph 4 below, is relevant for determining the rateable value of the holding under subsection (5) of section 37 is on or after 1st April 1990.
- 4 (1) Subject to paragraph 3 above and paragraph 5 below, in any case where—
- (a) the tenancy concerned was entered into before 1st April 1990 or was entered into on or after that date in pursuance of a contract made before that date, and
  - (b) the landlord's notice under section 25 or, as the case may be, section 26(6) is given before 1st April 2000, and
  - (c) within the period referred to in section 29(3) for the making of an application under section 24(1), the tenant gives notice to the landlord that he wants the special basis of compensation provided for by this paragraph,
- the amendments made by paragraph 2 above shall not have effect and section 37 shall, instead, have effect with the modification specified in sub-paragraph (2) below.
- (2) The modification referred to in sub-paragraph (1) above is that the date which is relevant for the purposes of determining the rateable value of the holding under subsection (5) of section 37 shall be 31st March 1990 instead of the date on which the landlord's notice is given.
- 5 In any case where—
- (a) paragraph 4(1)(a) above applies, and
  - (b) on 31st March 1990, the rateable value of the holding could be determined only in accordance with paragraph (c) of subsection (5) of section 37,
- no notice may be given under paragraph 4(1)(b) above.

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F64 SCHEDULE 8

Section 160.

Textual Amendments

F64 Sch. 8 omitted (7.1.1997) by virtue of S.I. 1996/3071, art. 2, Sch. para. 3(11)

SCHEDULE 9

Section 165.

AMENDMENTS OF PARTS VI, IX, XI, XVII AND XVIII OF THE HOUSING ACT 1985

PART I

AMENDMENTS OF PART VI

- 1 (1) In section 189 (repair notice in respect of unfit house), in subsection (1), after the words “dwelling-house”, in the first two places where they occur, there shall be inserted “ or house in multiple occupation ” and for the words from “unless they are satisfied” onwards there shall be substituted “ if they are satisfied, in accordance with section 604A, that serving a notice under this subsection is the most satisfactory course of action ”.
- (2) In subsection (1A) of that section—
  - (a) for the words “a dwelling-house which is a flat” there shall be substituted “ either a dwelling-house which is a flat or a flat in multiple occupation ”;
  - (b) for the words from “by reason” to “outside the flat” there shall be substituted “ by virtue of section 604(2) ”; and
  - (c) for the words from “that part of the building” onwards there shall be substituted “ the part of the building in question if they are satisfied, in accordance with section 604A, that serving a notice under this subsection is the most satisfactory course of action ”.
- (3) After subsection (1A) there shall be inserted the following subsection—

“(1B) In the case of a house in multiple occupation, a repair notice may be served on the person managing the house instead of on the person having control; and where a notice is so served, then, subject to section 191, the person managing the house shall be regarded as the person having control of it for the purposes of the provisions of this Part following that section.”
- (4) In subsection (2) of that section, in paragraph (a) after the words “works specified in the notice” there shall be inserted “ (which may be works of repair or improvement or both) ” and for the words “seventh day after the notice becomes operative” there shall be substituted “ twenty-eighth day after the notice is served ”, and in paragraph (b) after the words “dwelling-house” there shall be inserted “ or, as the case may be, house in multiple occupation ”.
- (5) In subsection (3) of that section—
  - (a) after the words “serving the notice” there shall be inserted “ (a) ”;

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- (b) after the words “building concerned” there shall be inserted “or
  - (b) on the person having control of or, as the case may be, on the person managing the house in multiple occupation which is concerned”; and
- (c) in the words following paragraph (b), as set out above, for the words “or part of the building” there shall be substituted “ part of the building or house ”.

(6) After subsection (5) there shall be added the following subsection—

“(6) This section has effect subject to the provisions of section 190A.”

2 (1) In section 190 (repair notice in respect of house in state of disrepair but not unfit)—

- (a) at the beginning of each of subsections (1) and (1A) there shall be inserted the words “ Subject to subsection (1B) ”;
- (b) in subsection (1), after the words “dwelling-house”, in each place where they occur, there shall be inserted “ or house in multiple occupation ” and at the end of paragraph (b) of that subsection there shall be added “ or, in the case of a house in multiple occupation, the persons occupying it (whether as tenants or licensees) ”; and
- (c) in subsection (1A) after the words “a flat” there shall be inserted “ including a flat in multiple occupation ” and at the end of paragraph (b) of that subsection there shall be added “ or, in the case of a flat in multiple occupation, the persons occupying it (whether as tenants or licensees) ”.

(2) After subsections (1A) there shall be inserted the following subsections—

“(1B) The authority may not serve a notice under subsection (1) or subsection (1A) unless—

- (a) there is an occupying tenant of the dwelling-house or flat concerned; or
- (b) the dwelling-house or building concerned falls within a renewal area within the meaning of Part VII of the Local Government and Housing Act 1989.

(1C) In the case of a house in multiple occupation, a notice under subsection (1) or subsection (1A) may be served on the person managing the house instead of on the person having control of it; and where a notice is so served, then, subject to section 191, the person managing the house shall be regarded as the person having control of it for the purposes of the provisions of this Part following that section.”

(3) In subsection (2)(a) of that section for the words “seventh day after the notice becomes operative” there shall be substituted “ twenty-eighth day after the notice is served ”.

(4) In subsection (3) of that section—

- (a) after the words “serving the notice” there shall be inserted “ (a) ”;
- (b) after the words “building concerned” there shall be inserted “or
  - (b) on the person having control of or, as the case may be, on the person managing the house in multiple occupation which is concerned”; and
- (c) in the words following paragraph (b), as set out above, for the words “or part of the building” there shall be substituted “ part of the building or house ”.

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3 After that section there shall be inserted the following section—

**“190A Effect on section 189 of proposal to include premises in group repair scheme.**

- (1) A local housing authority shall not be under a duty to serve a repair notice under subsection (1) or, as the case may be, subsection (1A) of section 189 if, at the same time as they satisfy themselves as mentioned in the subsection in question, they determine—
  - (a) that the premises concerned form part of a building which would be a qualifying building in relation to a group repair scheme; and
  - (b) that, within the period of twelve months beginning at that time, they expect to prepare a group repair scheme in respect of the qualifying building (in this section referred to as a “relevant scheme”);but where, having so determined, the authority do serve such a notice, they may do so with respect only to those works which, in their opinion, will not be carried out to the premises concerned in pursuance of the relevant scheme.
- (2) Subject to subsection (3), subsection (1) shall apply in relation to the premises concerned from the time referred to in subsection (1) until the date on which the works specified in a relevant scheme are completed to the authority’s satisfaction (as certified under section 130(1) of the Local Government and Housing Act 1989).
- (3) Subsection (1) shall cease to have effect in relation to the premises concerned on the day when the first of the following events occurs, that is to say,—
  - (a) the local housing authority determine not to submit a relevant scheme to the Secretary of State for approval; or
  - (b) the expiry of the period referred to in subsection (1)(b) without either the approval of a relevant scheme within that period or the submission of a relevant scheme to the Secretary of State within that period; or
  - (c) the Secretary of State notifies the authority that he does not approve a relevant scheme; or
  - (d) the authority ascertain that a relevant scheme, as submitted or approved, will not, for whatever reason, involve the carrying out of any works to the premises concerned.
- (4) In any case where, in accordance with subsection (1), the authority serve a repair notice under subsection (1) or, as the case may be, subsection (1A) of section 189 with respect only to certain of the works which would otherwise be specified in the notice, subsection (2)(b) of that section shall have effect with respect to the notice as if after the word “notice” there were inserted the words “ when taken together with works proposed to be carried out under a group repair scheme ”.
- (5) In this section and section 189 “group repair scheme” and “qualifying building” have the same meaning as in Part VIII of the Local Government and Housing Act 1989.”

4 (1) In section 191 (appeals against repair notices), in subsection (1A) after the words “dwelling-house” there shall be inserted “ house in multiple occupation ” and after that subsection there shall be inserted the following subsection—

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“(1B) Without prejudice to the generality of subsection (1), it shall be a ground of appeal, in the case of a repair notice under section 189, that making a closing order under section 264 or a demolition order under section 265 is the most satisfactory course of action; and, where the grounds on which an appeal is brought are or include that specified in this subsection, the court, on the hearing of the appeal, shall have regard to any guidance given to the local housing authority under section 604A.”

- (2) In subsection (3) of that section the words “(repair notice in respect of unfit dwelling-house)” shall be omitted and for the words from “the judge shall” onwards there shall be substituted— “ and the reason or one of the reasons for allowing the appeal is that making a closing order under section 264 or a demolition order under section 265 is the most satisfactory course of action, the judge shall, if requested to do so by the appellant or the local housing authority, include in his judgement a finding to that effect ”.
- (3) In subsection (3B) of that section after the words “dwelling-house”, in both places where they occur, there shall be inserted “ or house in multiple occupation ”.
- 5       After that section there shall be inserted the following section—

**“191A Execution of works by local housing authority by agreement**

- (1) The local housing authority may by agreement with the person having control of any premises execute at his expense any works which he is required to execute in respect of the premises in pursuance of a repair notice served under section 189 or section 190.
- (2) For that purpose the authority shall have all such rights as that person would have against any occupying tenant of, and any other person having an interest in, the premises (or any part of the premises).”
- 6       Section 192 (power to purchase house found on appeal to be unfit and beyond repair at reasonable expense) shall cease to have effect.
- 7       In section 193 (power of local housing authority to execute works), in subsection (4) after the words “dwelling-house” there shall be inserted “ house in multiple occupation ” and for the words “in default of the person on whom the repair notice was served” there shall be substituted “ in a case where the repair notice has not been complied with ”.
- 8       (1) In section 197 (powers of entry), in subsection (1)—
- (a) for the words “24 hours” there shall be substituted “ seven days’ ”;
- (b) at the end of paragraph (a) there shall be inserted “ or ”; and
- (c) paragraph (c) and the word “or” immediately preceding it shall be omitted.
- (2) At the end of subsection (2) of that section there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.
- 9       In section 198 (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.
- 10       Section 205 (application of provisions to temporary or movable structures) shall cease to have effect.

*Status: Point in time view as at 11/09/1998.*

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- 11 Section 206 (repair at reasonable expense) shall cease to have effect.
- 12 (1) In section 207 (minor definitions), in subsection (1) in the definition beginning “dwelling-house” after the word “flat”, in the first place where it occurs, there shall be inserted “ other than in the expression “flat in multiple occupation” ” and after that definition there shall be inserted—
- ““house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI”.
- (2) In that subsection for the definition beginning “occupying tenant” there shall be substituted—
- ““occupying tenant”, in relation to a dwelling-house, means a person (other than an owner-occupier) who—
- (a) occupies or is entitled to occupy the dwelling-house as a lessee; or
- (b) is a statutory tenant of the dwelling-house; or
- (c) occupies the dwelling-house as a residence under a restricted contract; or
- (d) is a protected occupier, within the meaning of the Rent (Agriculture) Act 1976; or
- (e) is a licensee under an assured agricultural occupancy;”
- (3) In that subsection after the definition of “owner” there shall be inserted—
- ““owner-occupier”, in relation to a dwelling-house, means the person who, as owner or lessee under a long tenancy, within the meaning of Part I of the Leasehold Reform Act 1967, occupies or is entitled to occupy the dwelling-house;
- “person managing” has the same meaning as in Part XI”.
- (4) In that subsection in the definition beginning “person having control” for the words “subject to section 191(3A)” there shall be substituted “ subject to sections 189(1B), 190(1C) and 191 ” and in paragraph (a) after the words “dwelling-house” there shall be inserted “ or house in multiple occupation ”.
- (5) In that subsection in the definition beginning “premises” after the words “dwelling-house” there shall be inserted “ house in multiple occupation ”.
- (6) In subsection (2) of that section after the words “dwelling-house”, in the first place where they occur, there shall be inserted “ or house in multiple occupation ”.
- 13 In section 208 (index of defined expressions for Part VI)—
- (a) the entries beginning “house” and “reasonable expense” shall be omitted;
- (b) in the entry beginning “occupying tenant” for the words in the second column there shall be substituted “ section 207 ”; and
- (c) at the appropriate places in alphabetical order there shall be inserted the following entries—

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“dwelling-house	sections 205 and 207
flat	section 207
house in multiple occupation (and flat in multiple occupation)	section 345

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owner-occupier	section 207
person managing	section 398
premises	section 207
restricted contract	section 622
statutory tenant	section 622”

## PART II

### AMENDMENTS OF PART IX

- 14 For sections 264 (power to accept undertaking as to reconstruction or use of unfit house) and 265 (demolition or closing order to be made where no undertaking accepted or undertaking broken) there shall be substituted the following sections—

**“264 Power to make closing order.**

- (1) Where the local housing authority are satisfied that a dwelling-house or house in multiple occupation is unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a closing order with respect to the dwelling-house or house in multiple occupation.
- (2) Where the local housing authority are satisfied that, in a building containing one or more flats, some or all of the flats are unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a closing order with respect to the whole or part of the building.
- (3) In deciding for the purposes of subsection (2)—
  - (a) whether to make a closing order with respect to the whole or part of the building; or
  - (b) in respect of which part of the building to make a closing order;
 the authority shall have regard to such guidance as may from time to time be given by the Secretary of State under section 604A.
- (4) This section has effect subject to section 300(1) (power to purchase for temporary housing use houses liable to be demolished or closed).

**265 Power to make demolition order.**

- (1) Where the local housing authority are satisfied that—
  - (a) a dwelling-house which is not a flat, or
  - (b) a house in multiple occupation which is not a flat in multiple occupation,
 is unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a demolition order with respect to the dwelling-house or house concerned.



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- (2) Where the local housing authority are satisfied that, in a building containing one or more flats, some or all of the flats are unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a demolition order with respect to the building.
- (3) This section has effect subject to sections 300(1) (power to purchase for temporary housing use houses liable to be demolished or closed) and 304(1) (listed buildings and buildings protected by notice pending listing).”
- 15 Section 266 (power to make closing order as to part of building) shall cease to have effect.
- 16 (1) In section 268 (service of notice of order), in subsection (1), paragraph (a) shall be omitted and in paragraph (b) the word “other” shall be omitted.
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) Where the premises in respect of which a demolition or closing order is made is a building or part of a building containing flats, any reference in paragraphs (b) and (c) of subsection (1) to “the premises” includes a reference to the flats in the building or part of the building concerned.”
- 17 (1) In section 269 (right of appeal against order), in subsection (2) after the word “premises” there shall be inserted “or part of the premises”.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) Without prejudice to the generality of subsection (1), it shall be a ground of appeal—
- (a) in the case of a closing order, that serving a repair notice under section 189 or making a demolition order under section 265 is the most satisfactory course of action; and
- (b) in the case of a demolition order, that serving a repair notice under section 189 or making a closing order under section 264 is the most satisfactory course of action;
- and, where the grounds on which an appeal is brought are or include that specified in paragraph (a) or paragraph (b), the court, on hearing the appeal, shall have regard to any guidance given to the local housing authority under section 604A.”
- (3) In subsection (3) of that section, paragraph (b) and the word “and” immediately preceding it shall be omitted.
- (4) After that subsection there shall be inserted the following subsection—
- “(3A) Where an appeal is allowed against a closing or demolition order and the reason or one of the reasons for allowing the appeal is that specified in paragraph (a) or, as the case may be, paragraph (b) of subsection (2A), the judge shall, if requested to do so by the appellant or the local housing authority, include in his judgement a finding to that effect.”
- (5) Subsections (4) and (5) of that section shall cease to have effect.
- 18 (1) In section 270 (demolition orders: recovery of possession of building to be demolished), in subsection (1)—

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- (a) after the word “operative” there shall be inserted “ with respect to any premises ”;
  - (b) for the words from “the occupier” to “relates” there shall be substituted “ any occupier of the premises or any part of the premises ”;and
  - (c) in paragraphs (b) and (c) for the word “building” there shall be substituted “ premises ”.
- (2) In subsections (2), (3), (4) and (5) of that section—
- (a) for the words “the building”, in each place where they occur, there shall be substituted “ the premises ”;
  - (b) for the word “it”, in each place where it occurs, there shall be substituted “ them ”; and
  - (c) for the words “a building”, in each place where they occur, there shall be substituted “ any premises ”.
- 19 In section 273 (demolition orders: cleansing before demolition), in subsection (4) for the word “house” there shall be substituted “ premises ”.
- 20 (1) In section 274 (demolition orders: power to permit reconstruction of condemned house), in subsection (1) for the word “house”, in each place where it occurs, there shall be substituted “ premises ”.
- (2) In subsection (2) of that section—
- (a) for the word “houses” there shall be substituted “ dwelling-houses or houses in multiple occupation ”;
  - (b) for the word “house” there shall be substituted “ premises ”; and
  - (c) for the word “it” there shall be substituted “ them ”.
- (3) In subsection (4) of that subsection—
- (a) for the words “a house” there shall be substituted “ any premises ”;
  - (b) for the word “it” there shall be substituted “ them ”; and
  - (c) for the words “the house” there shall be substituted “ the premises or part of the premises ”.
- 21 (1) In section 275 (demolition orders: substitution of closing order to permit use otherwise than for human habitation), in subsection (1)—
- (a) for the words “a house” there shall be substituted “ any premises ”; and
  - (b) for the words “the house”, in each place where they occur, there shall be substituted “ the premises ”.
- (2) In subsection (2) of that section, for the words following “on” there shall be substituted “ every person on whom they would be required by section 268 to serve a copy of a closing order made under section 264 ”.
- 22 In section 278 (closing orders: determination of order on premises being rendered fit), in subsection (1) for the words “premises”, in the first place where they occur, there shall be substituted “ dwelling-house, house in multiple occupation or, in the case of a building containing flats, the flats concerned ”.
- 23 (1) In section 279 (closing orders: substitution of demolition order), in subsection (1) for the words “subsection (2)” there shall be substituted “ subsections (2) and (2A) ”.
- (2) In subsection (2) of that section the words “section 266 (parts of buildings and underground rooms)” shall be omitted.

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- (3) After that subsection there shall be inserted the following subsection—
- “(2A) The power conferred by subsection (1) is not exercisable in relation to a closing order made under section 264(1) where the dwelling-house concerned is a flat or, as the case may be, where the house in multiple occupation is a flat in multiple occupation.”
- 24 Sections 280, 281 and 282 (which relate to the closing etc. of underground rooms) shall cease to have effect.
- 25 (1) In section 289 (declaration of clearance area), in subsection (2)—
- (a) at the beginning there shall be inserted the words “Subject to subsections (2B) to (2F), (4) and (5B)”;
  - (b) in paragraph (a) for the words “houses in the area” there shall be substituted “buildings in the area which are dwelling-houses or houses in multiple occupation or contain one or more flats (in this section referred to as “residential buildings”)”; and
  - (c) in the words following paragraph (b) after the word “and” there shall be inserted “in accordance with subsection 604A ” and for the words “method of dealing with the conditions in the area” there shall be substituted “course of action ”.
- (2) After that subsection there shall be inserted the following subsections—
- “(2A) A residential building containing one or more flats shall be treated for the purposes of this section as unfit for human habitation if some or all of the flats within it are unfit for human habitation.
- (2B) Before declaring an area to be a clearance area, the authority shall—
- (a) serve notice of their intention to include a building in the clearance area on every person who has an interest in the building (whether as freeholder, lessee or mortgagee) and also, in the case of a residential building, on every person who has such an interest in any flat in the building; and
  - (b) take reasonable steps to inform any occupiers of a residential building who do not have such an interest in the building or a flat in the building as is referred to in paragraph (a) of their intention to include the building in the clearance area; and
  - (c) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) notice of their intention to declare the area to be a clearance area.
- (2C) A notice served under paragraph (a) of subsection (2B) shall invite representations from the person on whom the notice was served within such reasonable period, being not less than twenty-eight days after the date on which the notice is served, as may be specified in the notice.
- (2D) The authority shall, by the steps taken in relation to occupiers of a residential building as mentioned in paragraph (b) of subsection (2B), invite representations from those occupiers within such reasonable period, expiring not less than twenty-eight days after the date on which the steps are taken, as may be specified by the authority.

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(2E) A notice published in accordance with paragraph (c) of subsection (2B) shall invite representations from any interested persons within such reasonable period, being not less than twenty-eight days after the date on which the notice is published, as may be specified in the notice.

(2F) The authority shall consider all representations made under subsections (2C), (2D) and (2E) and, in the light of the representations, shall take whichever of the following decisions they think appropriate, that is to say—

- (a) they may decide to declare the area to be a clearance area; or
- (b) they may decide to declare the area to be a clearance area but exclude such residential buildings which are unfit for human habitation as they think fit; or
- (c) they may decide not to declare the area to be a clearance area.”

(3) In subsection (3) of that section,—

- (a) for the words “If the authority are so satisfied” there shall be substituted the words “ Subject to subsection (5B), where the authority decide to declare an area to be a clearance area in accordance with paragraph(a) or paragraph (b) of subsection (2F) ”; and
- (b) in paragraph (a), for the words from “any building” onwards there shall be substituted—

- “(i) any residential building which is not unfit for human habitation or dangerous or injurious to health;
- (ii) any other building which is not dangerous or injurious to health; and
- (iii) any residential buildings which, by virtue of subsection (2F)(b), they have decided to exclude from the area; and”

(4) After subsection (5) there shall be inserted the following subsections—

“(5A) Where a residential building which is unfit for human habitation is not included within a clearance area, whether by virtue of paragraph (b) or paragraph (c) of subsection (2F), the authority shall forthwith, in accordance with section 604A (disregarding guidance under that section in respect of this section), take action in respect of the building (and any flat contained within it) under whichever of sections 189, 264 and 265 it considers to be the most satisfactory course of action.

(5B) Subject to section 578A, a clearance area may not include any parcel of land which is not contiguous with another parcel of land within the area; and, where the effect of subsection (3) would otherwise be that a clearance area would comprise two or more separate and distinct areas, paragraph (b) of that subsection shall have effect as if for the words “pass a resolution declaring the area so defined” there were substituted “ if the effect of paragraph (a) would otherwise be that the area would comprise two or more separate and distinct areas, pass a separate resolution in respect of each of those areas declaring each of them ”.”

In section 291 (method of dealing with land acquired for clearance), in subsection (3) the words “Schedule 11 (rehabilitation orders)” shall be omitted.

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- 27 (1) In section 294 (extinguishment of public rights of way over land acquired), at the end of subsection (1) there shall be added the words “ as from such date as the Secretary of State in approving the order may direct ”.
- (2) In subsection (2) of that section for the words from “they may make” onwards there shall be substituted “ an order made by the authority in advance of the purchase and approved by the Secretary of State (whether before or after the purchase) shall extinguish that right as from such date as the Secretary of State in approving the order may direct ”.
- (3) In subsection (3) of that section—
- (a) for the word “six” there shall be substituted “ four ”; and
  - (b) after the word “publication” there shall be inserted “ then, subject to subsection (4) ”.
- (4) After that subsection there shall be inserted the following subsection—
- “(4) The Secretary of State may dispense with such an inquiry as is referred to in subsection (3) if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.”
- 28 Section 299 and Schedule 11 (rehabilitation orders in respect of houses in clearance areas) shall cease to have effect.
- 29 (1) In section 300 (purchase of houses liable to be demolished or closed), in subsection (1)—
- (a) after the word “under” there shall be inserted “ section 264 or ”;
  - (b) for the word “house”, in the first place where it occurs, there shall be substituted “ dwelling-house (not being a flat), a house in multiple occupation (not being a flat in multiple occupation) or the whole of a building ”; and
  - (c) for the word “house”, in the second place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or, as the case may be, building ”.
- (2) In subsection (2) of that section—
- (a) for the words “a house” there shall be substituted “ any premises ”; and
  - (b) in paragraph (b) for “269” there shall be substituted “ 269(1), (2), (3) and (6) ”.
- (3) In subsection (3) of that section for the word “house” there shall be substituted “ dwelling-house, house in multiple occupation or building ”.
- 30 (1) In section 301 (retention of houses acquired for clearance), in subsection (1) for the word “houses”, in each place where it occurs, there shall be substituted “ residential buildings ”.
- (2) In subsection (2) of that section for the word “house”, in each place where it occurs, there shall be substituted “ residential building ”.
- (3) In subsection (3) of that section for the word “houses”, in each place where it occurs, there shall be substituted “ residential buildings ”.
- (4) After that subsection there shall be inserted the following subsection—

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- “(4) In this section and section 302 “residential building” has the same meaning as it has in section 289.”
- 31 In section 302 (management and repair of house acquired under s. 300 or retained under s. 301)—
- (a) for the word “house”, in each place where it occurs except in paragraph (c), there shall be substituted “ residential building ”; and
- (b) in paragraph (c) for the word “house” there shall be substituted “ residential building or any flat in the building ”.
- 32 (1) In section 304 (closing order to be in respect of listed building), in subsection (1)—
- (a) for the words from “(unfit” to “cost)” there shall be substituted “ (power to make demolition order) ”; and
- (b) for the words “that section” there shall be substituted “ section 264 ”.
- (2) In subsection (2) of that section—
- (a) for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building ”;and
- (b) for the words “section 265” there shall be substituted “ section 264 ”.
- (3) In subsection (3) of that section for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building ”.
- 33 (1) In section 305 (building becoming listed when subject to compulsory purchase for clearance), in subsection (5)—
- (a) for the word “building”, in the first place where it occurs, there shall be substituted “ residential building ”; and
- (b) for the words from “take whichever” onwards there shall be substituted the words “ in accordance with section 604A (disregarding guidance under that section in respect of sections 265 and 289), take action under whichever of sections 189 and 264 it considers to be the most satisfactory course of action. ”
- (2) In subsection (6) of that section for the word “house”, in each place where it occurs, there shall be substituted “ residential building ”.
- (3) After subsection (7) of that section there shall be inserted the following subsection—
- “(8) In this section “residential building” has the same meaning as in section 289; and subsection (2A) of that section shall apply in determining whether a residential building containing one or more flats is unfit for human habitation for the purposes of subsection (4) as it applies for the purposes of that section.”
- 34 In section 306 (building becoming listed when acquired by agreement for clearance), in subsection (2), in paragraph (b) for the word “house” there shall be substituted “ residential building (within the meaning of section 289) ”.
- 35 In section 309 (recovery of possession of premises for purposes of approved re-development), in subsection (2) for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house ”.
- 36 (1) In section 310 (certificate of fitness resulting from owner’s improvements or alterations), in subsection (1)—

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- (a) for the word “house”, in the first place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building containing one or more flats ”; and
  - (b) for the word “house”, in the second place where it occurs, there shall be substituted “ dwelling-house, the house or the flat or flats in the building ”.
- (2) In subsection (3) of that section for the words “house is” there shall be substituted “ dwelling-house or house is or, as the case may be, the flat or flats in the building is or are ”.
- (3) In subsection (4) of that section for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building ”.
- 37 In section 315 (power of court to order occupier or owner to permit things to be done), in subsection (1)—
  - (a) in paragraph (a) the words “or person having control” shall be omitted; and
  - (b) in paragraph (b) for the words “owner or person having control” there shall be substituted “ or owner ”.
- 38 In section 318 (power of court to authorise execution of works on unfit premises or for improvement), in subsection (1) for the word “houses” there shall be substituted “ dwelling-houses or houses in multiple occupation or both ”.
- 39 (1) In section 319 (powers of entry), in subsection (1) for the words “24 hours” there shall be substituted “ seven days ”.
- (2) At the end of subsection (2) of that section there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.
- 40 (1) In section 320 (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.
- (2) In subsection (2) of that section for the words “level 2” there shall be substituted “ level 3 ”.
- 41 Section 321 (repair at reasonable expense) shall cease to have effect.
- 42 In section 322 (minor definitions)—
  - (a) for the definition of “house” there shall be substituted—
    - ““dwelling-house” and “flat”, except in the expression “flat in multiple occupation”, shall be construed in accordance with subsection (2) and “the building”, in relation to a flat, means the building containing the flat;
    - “house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI”
  - (b) the definition of “person having control” shall be omitted; and
  - (c) at the end there shall be added—
    - ““premises”, in relation to a demolition or closing order, means the dwelling-house, house in multiple occupation, building or part of a building in respect of which the closing order or, as the case may be, demolition order is made.

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- (2) For the purposes of this Part, “dwelling-house” includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it and section 183 shall have effect to determine whether a dwelling-house is a flat.
- (3) Except where the context otherwise requires, any reference in this Part (other than this section) to a flat is a reference to a dwelling-house which is a flat or to a flat in multiple occupation.”

43 In section 323 (index of defined expressions: Part IX)—

- (a) the entries beginning “the full standard”, “general improvement area”, “house”, “land liable to be cleared”, “person having control”, “slum clearance functions”, “slum clearance subsidy” and “year” shall be omitted
- (b) in the entries beginning “fit (or unfit) for human habitation” and “unfit (or fit) for human habitation” for the words in the second column there shall be substituted “ section 604 ”; and
- (c) at the appropriate places in alphabetical order there shall be inserted the following entries—

“dwelling-house	sections 266 and 322
flat	section 322
house in multiple occupation	section 322
premises	section 322”

**PART III**

AMENDMENTS OF PART XI

44 At the end of section 345 (meaning of “multiple occupation”) there shall be added the following subsection—

- “(2) For the purposes of this section “house”, in the expression “house in multiple occupation”, includes any part of a building which—
- (a) apart from this subsection would not be regarded as a house; and
  - (b) was originally constructed or subsequently adapted for occupation by a single household;

and any reference in this Part to a flat in multiple occupation is a reference to a part of a building which, whether by virtue of this subsection or without regard to it, constitutes a house in multiple occupation.”

F65 45 .....

**Textual Amendments**  
**F65** Sch. 9 para. 45 repealed (3.3.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. II**; S.I. 1997/596, **art. 2**

F66 46 .....



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**Textual Amendments**

**F66** Sch. 9 para. 46 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

<sup>F67</sup>47 . . . . .

**Textual Amendments**

**F67** Sch. 9 para. 47 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

- 48 (1) In section 350 (power to require information for purposes of scheme), in subsection (1) the words “or building”, in each place where they occur, shall be omitted.
- (2) In subsection (2) of that section after the word “exceeding” there shall be inserted “(a)” and at the end there shall be added “in the case of such a failure; or  
(b) level 3 on the standard scale in the case of such a mis-statement”
- 49 (1) In section 352 (power to require execution of works to render premises fit for number of occupants), in subsection (1) at the beginning there shall be inserted “ Subject to section 365 ” and for the words from “the condition of a house” onwards there shall be substituted—

“in the opinion of the authority, a house in multiple occupation fails to meet one or more of the requirements in paragraphs (a) to (e) of subsection (1A) and, having regard to the number of individuals or households or both for the time being accommodated on the premises, by reason of that failure the premises are not reasonably suitable for occupation by those individuals or households.

(1A) The requirements in respect of a house in multiple occupation referred to in subsection (1) are the following, that is to say,—

- (a) there are satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water;
- (b) it has an adequate number of suitably located water-closets for the exclusive use of the occupants;
- (c) it has, for the exclusive use of the occupants, an adequate number of suitably located fixed baths or showers and wash-hand basins each of which is provided with a satisfactory supply of hot and cold water;
- (d) subject to section 365, there are adequate means of escape from fire; and
- (e) there are adequate other fire precautions.”

(2) In subsection (2) of that section, at the beginning there shall be inserted “ Subject to subsection (2A) ”, for the word “premises”, in both places where it occurs, there shall be substituted “ house ” and at the end of that subsection there shall be added — “ but the notice shall not specify any works to any premises outside the house ”

(3) After that subsection there shall be inserted the following subsection—

“(2A) Where the authority have exercised or propose to exercise their powers under section 368 to secure that part of the house is not used for human habitation, they may specify in the notice such work only as in their opinion is required

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to meet such of the requirements in subsection (1A) as may be applicable if that part is not so used.”

- (4) In subsection (3) of that section for paragraph (b) there shall be substituted—
- “(e) on the person managing the house;”; and in the words following that paragraph after the word “lessee” there shall be inserted “occupier”.
- (5) After subsection (5) of that section there shall be inserted the following subsections—
- “(5A) A notice served under this section is a local land charge.
- (5B) Each local housing authority shall—
- (a) maintain a register of notices served by the authority under subsection (1) after the coming into force of this subsection;
- (b) ensure the register is open to inspection by the public free of charge at all reasonable hours; and
- (c) on request, and on payment of any such reasonable fee as the authority may require, supply copies of entries in the register to any person.”
- (6) Subsection (6) of that section shall cease to have effect.
- 50 In each of the following provisions, that is to say—
- (a) section 352, in subsection (4) (effect of notice), and
- (b) section 372 (power to require execution of works to remedy neglect of management), in subsection (3) (effect of notice),
- for the words from “within such period” onwards there shall be substituted the words “as follows, namely,—
- (a) to begin those works not later than such reasonable date, being not earlier than the twenty-first day after the date of service of the notice, as is specified in the notice; and
- (b) to complete those works within such reasonable period as is so specified.”
- 51 In section 353 (appeal against notice under section 352), in subsection (2)—
- (a) in paragraph (a) for the words “considerations set out in subsection (1)” there shall be substituted “requirements set out in subsection (1A)”; and
- (b) after paragraph (d) there shall be inserted—
- “(dd) that the date specified for the beginning of the works is not reasonable”
- 52 In section 354 (power to limit number of occupants of house), in subsection (1), in paragraph (a) for the words “considerations set out in subsection (1)” there shall be substituted “requirements set out in subsection (1A)”.
- 53 (1) In section 365 (means of escape from fire: general provisions as to exercise of powers) for subsections (1) and (2) there shall be substituted the following subsections—
- “(1) In any case where—
- (a) the local housing authority have the power to serve a notice under subsection (1) of section 352 in respect of a house in multiple occupation, and

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- (b) the reason, or one of the reasons, by virtue of which that power arises is a failure to meet the requirement in paragraph (d) of subsection (1A) of that section,

the authority shall in addition have the power for that reason to accept an undertaking or make a closing order under section 368 in respect of the house.

- (2) Where by virtue of subsection (1) the local housing authority have powers in respect of a house in multiple occupation to serve a notice under section 352(1) for the reason mentioned in subsection (1)(b) and to accept an undertaking or make a closing order under section 368, they may exercise such of those powers as appear to them appropriate; and where the house is of such description or is occupied in such manner as the Secretary of State may specify by order for the purposes of this subsection, the authority shall be under a duty to so exercise those powers.

- (2A) The local housing authority shall not serve a notice under section 352(1) for the reason mentioned in subsection (1)(b) or accept an undertaking or make a closing order under section 368 if the house is of such description or is occupied in such manner as the Secretary of State may specify by order for the purposes of this subsection.”

<sup>F68</sup>(2) .....

- (3) In subsection (4) of that section <sup>F69</sup> . . . at the end <sup>F69</sup> . . . there shall be inserted the following subsection—

“(5) Nothing in this section affects the power of the local housing authority to serve a notice under subsection (1) of section 352 if the house also fails to meet one or more of the requirements in paragraphs (a) to (c) and (e) of subsection (1A) of that section.”

**Textual Amendments**

**F68** Sch. 9 para. 53(2) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

**F69** Words in Sch. 9 para. 53(3) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

54 Sections 366 and 367 (means of escape from fire: power by notice to require execution of works and appeals against notice) shall cease to have effect.

55 (1) In section 368 (means of escape from fire: power to secure that part of house not used for human habitation), in subsection (1) at the beginning there shall be inserted “ Subject to section 365 ”.

<sup>F70</sup>(2) .....

- (3) In subsection (5) of that section—

- (a) for the words from “section 265” to “unfit for human habitation” there shall be substituted “ section 264 ”;

- (b) for the words “the modification that” there shall be substituted “with the following modifications—

- (i) the reference in section 278(1) (premises rendered fit) to the house in multiple occupation shall be construed as a

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reference to the part of the house in respect of which the closing order under subsection (4) is made;

(b)”

; and

(c) at the end there shall be added “and

(i) section 279 (substitution of demolition orders) shall be omitted”

#### **Textual Amendments**

**F70** Sch. 9 para. 55(2) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

- 56 (1) In section 369 (the management code for houses in multiple occupation) at the beginning of subsection (2) there shall be inserted “ Subject to subsection (2A) ” and after the words “all means of water supply and drainage in the house” there shall be inserted— “ all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions; ”;and at the end of that subsection there shall be added the words “ and to ensure that all means of escape from fire are kept clear of obstructions ”.
- (2) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) The person managing the house shall only be liable by virtue of the regulations under subsection (2) to ensure the repair, maintenance, cleansing and good order of any premises outside the house if and to the extent that he has power or is otherwise liable to ensure those matters in respect of any such premises.”
- (3) In subsection (3) of that section, paragraphs (b) and (f) and in paragraph (c) the words from “and in particular” onwards shall be omitted.
- (4) In subsection (5) of that section the words “as applied under section 370 in relation to a house” shall be omitted.
- 57 Sections 370 and 371 (application of the management code to a house by order of the local housing authority and appeals relating to such orders) shall cease to have effect; and in section 381(4) of that Act “370” shall be omitted.
- 58 In section 372 (power of local housing authority to require execution of works to remedy neglect of management), in subsection (1)—
- (a) the words from “to which” to “management code)” in the first place where they occur, and
- (b) paragraph (b) and the word “or” immediately preceding it, shall be omitted.
- 59 In section 373 (appeal against notice under section 372), in subsection (2), after paragraph (c) there shall be inserted—
- “(cc) that the date specified for the beginning of the works is not reasonable”.
- 60 Section 374 (application of code etc. to buildings other than houses) shall cease to have effect.

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61 In section 375 (carrying out of works by local housing authority), for subsections (2) and (3) (compliance with notice and carrying out of works in default) there shall be substituted the following subsections—

“(2) Compliance with a notice means beginning and completing the works specified in the notice—

- (a) if no appeal is brought against the notice, not later than such date and within such period as is specified in the notice;
- (b) if an appeal is brought against the notice and is not withdrawn, not later than such date and within such period as may be fixed by the court determining the appeal; and
- (c) if an appeal brought against the notice is withdrawn, not later than the twenty-first day after the date of withdrawal of the appeal and within such period (beginning on that twenty-first day) as is specified in the notice.

(3) If, before the expiry of the period which under subsection (2) is appropriate for completion of the works specified in the notice, it appears to the local housing authority that reasonable progress is not being made towards compliance with the notice, the authority may themselves do the work required to be done by the notice.

(3A) Not less than seven days before a local housing authority enter any house for the purpose of doing any works by virtue of subsection (1) or subsection (3), they shall serve notice of their intention to do so on the person on whom the notice referred to in subsection (1) was served and, if they think fit, also on any other owner of the house.

(3B) If, after a local housing authority have served notice under subsection (3A), the works are in fact carried out (otherwise than by the authority), any administrative and other expenses incurred by the authority with a view to doing the work themselves in accordance with subsection (1) or subsection (3) shall be treated for the purposes of subsection (4) (and Schedule 10) as expenses incurred by them under this section in carrying out the works in a case where the notice referred to in subsection (1) has not been complied with.”

62 In section 376 (penalty for failure to execute works), in subsection (2) (further offence), for the words “that the period for compliance has expired” there shall be substituted “ the expiry of the period which under section 375(2) is appropriate for completion of the works in question ”.

F71 63 .....

**Textual Amendments**

**F71** Sch. 9 para. 63 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

64 In section 378 (provisions for protection of owners), in subsection (2) for paragraph (b) there shall be substituted—

“(e) to which regulations under section 369 (the management code) apply”.

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65 In section 379 (making of control order), in subsection (1) paragraph (c) except for the final “or” shall be omitted.

F72 66 .....

**Textual Amendments**  
F72 Sch. 9 para. 66 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

67 In section 395 (power of entry), at the end of subsection (3), there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.

68 (1) In section 396 (penalty for obstruction), in subsection (1) after the words “offence” there shall be inserted “ intentionally ”.

F73 (2) .....

**Textual Amendments**  
F73 Sch. 9 para. 68(2) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

69 In section 400 (index of defined expressions: Part XI), at the appropriate place in alphabetical order there shall be inserted the following entry—

“flat in multiple occupation section 345”.

70 (1) In Schedule 10 (recovery of expenses incurred by local housing authority), in paragraph 1 (introductory) for the words “in default of the person on whom the notice was served” there shall be substituted “ in a case where the notice has not been complied with ”.

- (2) In paragraph 2 of that Schedule (recovery of expenses), in sub-paragraph(1)—
  - (a) in paragraph (a) after the words “dwelling-house” there shall be inserted “ house in multiple occupation ”; and
  - (b) for paragraph (b) there shall be substituted—
    - “(b) where the works were required by a notice under section 352 or 372 (notices relating to houses in multiple occupation), from the person having control of the house or the person managing the house, as the authority think fit;”.

(3) Paragraph 5 of that Schedule (order for payment by instalments) shall cease to have effect and in paragraph 6 (appeals) after sub-paragraph (1A) there shall be inserted the following sub-paragraph—

“(1B) Where the demand for recovery of expenses relates to works carried out by virtue of subsection (3) of section 375, it shall be a ground of appeal that, at the time the local housing authority served notice under subsection (3A) of that section, reasonable progress was being made towards compliance with the notice in question.”

(4) After paragraph 6 of that Schedule there shall be inserted the following paragraph—

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*“ Expenses and interest recoverable from occupiers*

- 6A (1) Where a demand becomes operative by virtue of paragraph 3(3) or 6(3), the local housing authority may serve notice on any person—
- (a) who occupies the premises concerned, or part of those premises, as the tenant or licensee of the person on whom the demand was served under paragraph 3(1), and
  - (b) who, by virtue of his tenancy or licence, pays rent or any sum in the nature of rent to the person on whom the demand was served, stating the amount of expenses recoverable by the authority and requiring all future payments of rent or sums in the nature of rent, whether already accrued due or not, by such tenant or licensee to be made direct to the authority until the expenses recoverable by the authority, together with interest accrued due, have been duly paid.
- (2) In the case of a demand which was served on any person as agent or trustee for another person (in this sub-paragraph referred to as “the principal or beneficiary”) sub-paragraph (1) shall have effect as if the reference in each of paragraphs (a) and (b) to the person on whom the demand was served were a reference to that person or the principal or beneficiary.
- (3) Subject to sub-paragraph (4), where a notice is served under sub-paragraph (1) then, unless the authority by further notice served on the tenant or licensee otherwise direct, it shall operate to transfer to the authority the right to recover, receive and give a discharge for the rent or sums in the nature of rent.
- (4) The right of the authority to recover, receive and give a discharge for any rent or sums in the nature of rent by virtue of this paragraph shall be postponed to any right in respect of that rent or those sums which may at anytime be vested in a superior landlord by virtue of a notice under section 6 of the Law of Distress Amendment Act 1908.”
- 71 In Schedule 13 (further provision relating to control orders under Part XI of that Act) in sub-paragraph (4) of paragraph 21—
- (a) in paragraph (a) the word “366” shall be omitted;
  - (b) at the end of paragraph (a) there shall be inserted “ or ”;
  - (c) paragraph (c) and the word “or” immediately preceding it shall be omitted; and
  - (e) in the words following paragraph (c) the words “or order” shall be omitted.

**PART IV**

AMENDMENTS OF PART XVII

- 72 After section 578 (general enactments relating to compulsory purchase etc.apply subject to this Part) there shall be inserted the following section—

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**“578A Modification of compulsory purchase order in case of acquisition of land for clearance.**

- (1) Subsection (2) applies where the local housing authority make a compulsory purchase order, within the meaning of the Acquisition of Land Act 1981, in respect of land they have determined to purchase under section 290 (acquisition of land comprised, surrounded by or adjoining a clearance area).
- (2) Where this subsection applies, the Secretary of State may, in accordance with section 13 of the Acquisition of Land Act 1981 (confirmation of order), confirm the order with modifications notwithstanding that the effect of the modifications made by him in excluding any land or buildings from the clearance area concerned is to sever the area into two or more separate and distinct areas; and, in such a case, the severance shall not prevent those areas from continuing to be treated as one clearance area for the purposes of the provisions of Part IX.”

73 Sections 579 to 581 (special provision as regards acquisition of land for clearance, incorporation of enactments relating to mineral rights and acquisition of commons, open spaces etc.) shall cease to have effect.

74 In section 582 (restriction on recovery of possession after making compulsory purchase order), in subsection (1), in paragraph (a) the words from “section 192” to “beyond repair) or” shall be omitted.

75 After section 584 there shall be inserted the following sections—

**“584A Compensation payable in case of closing and demolition orders.**

- (1) Subject to subsection (3), where a closing order under section 264 or a demolition order under section 265 is made in respect of any premises, the local housing authority shall pay to every owner of the premises an amount determined in accordance with subsection (2).
- (2) The amount referred to in subsection (1) is the diminution in the compulsory purchase value of the owner’s interest in the premises as a result of the making of the closing order or, as the case may be, the demolition order; and that amount—
  - (a) shall be determined as at the date of the making of the order in question; and
  - (b) shall be determined (in default of agreement) as if it were compensation payable in respect of the compulsory purchase of the interest in question and shall be dealt with accordingly.
- (3) In any case where—
  - (a) a closing order has been made in respect of any premises, and
  - (b) by virtue of section 279 (closing orders: substitution of demolition order), the closing order is revoked and a demolition order is made in its place,
 the amount payable to the owner under subsection (1) in connection with the demolition order shall be reduced by the amount (if any) paid to the owner or a previous owner under that subsection in connection with the closing order.
- (4) For the purposes of this section—



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“compulsory purchase value”, in relation to an owner’s interest in premises, means the compensation which would be payable in respect of the compulsory purchase of that interest if it fell to be assessed in accordance with the Land Compensation Act 1961; and  
“premises” has the meaning assigned by section 322 (minor definitions for the purposes of Part IX).

#### **584B Repayment on revocation of demolition or closing order.**

(1) Where a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a demolition or closing order and—

- (a) the demolition order is revoked under section 274 (revocation of demolition order to permit reconstruction of premises), or
- (b) the closing order is determined under section 278 (determination of closing order on premises being rendered fit),

then, if at that time the person to whom the payment was made has the same interest in the premises as he had at the time the payment was made, he shall on demand repay to the authority the amount of the payment.

(2) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a closing order, and
- (b) by virtue of section 278, the order is determined as respects part of the premises, and
- (c) the person to whom the payment was made (in this section referred to as “the recipient”) had, at the time the payment was made, an owner’s interest in the part of the premises concerned (whether or not he had such an interest in the rest of the premises),

then, if at the time of the determination of the closing order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (3), (4) and (5).

(3) The amount referred to in subsection (2) is which ever is the less of—

- (a) the amount by which the value of the interest of the recipient in the premises increases as a result of the determination of the closing order; and
- (b) the amount paid to the recipient under section 584A(1) in respect of his interest in the premises;

and the amount referred to in paragraph (a) shall be determined as at the date of the determination of the closing order.

(4) For the purpose of assessing the amount referred to in subsection (3)(a), the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(5) Any dispute as to the amount referred to in subsection (3)(a) shall be referred to and determined by the Lands Tribunal; and section 2 and subsections (1)

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(a) and (4) to (6) of section 4 of the Land Compensation Act 1961 shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of that Act.

(6) In this section “premises” has the same meaning as in section 584A.”

76 Sections 585 to 595 (which concern site value compensation for unfit houses and related matters and certain other land compensation matters) shall cease to have effect.

77 Section 598 (disregard of things done to obtain increased compensation) shall cease to have effect.

78 In section 599 (application of compensation due to another local authority) the words from “section 192” to “beyond repair” shall be omitted.

79 (1) In section 600 (powers of entry), in subsection (1) for the words “24 hours” there shall be substituted “ seven days ”.

(2) At the end of subsection (2) of that section there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.

80 (1) In section 601 (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.

(2) In subsection (2) of that section for the words “level 2” there shall be substituted “ level 3 ”.

81 In section 602 (minor definitions)—

(a) the definition of “house” shall be omitted; and

(b) in paragraph (b) of the definition of “owner” after the word “premises” there shall be inserted “ or part of the premises ”.

82 For section 603 (index of defined expressions: Part XVII) there shall be substituted the following section—

**“603 Index of defined expressions: Part XVII.**

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or otherwise explaining an expression used in the same section or paragraph):—

**PART V**

AMENDMENTS OF PART XVIII

83 For section 604 there shall be substituted the following section—

**“604 Fitness for human habitation.**

(1) Subject to subsection (2) below, a dwelling-house is fit for human habitation for the purposes of this Act unless, in the opinion of the local housing authority, it fails to meet one or more of the requirements in paragraphs (a) to (i) below and, by reason of that failure, is not reasonably suitable for occupation,—

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- (a) it is structurally stable;
- (b) it is free from serious disrepair;
- (c) it is free from dampness prejudicial to the health of the occupants (if any);
- (d) it has adequate provision for lighting, heating and ventilation;
- (e) it has an adequate piped supply of wholesome water;
- (f) there are satisfactory facilities in the dwelling-house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
- (g) it has a suitably located water-closet for the exclusive use of the occupants (if any);
- (h) it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and
- (i) it has an effective system for the draining of foul, waste and surface water;

and any reference to a dwelling-house being unfit for human habitation shall be construed accordingly.

- (2) Whether or not a dwelling-house which is a flat satisfies the requirements in subsection (1), it is unfit for human habitation for the purposes of this Act if, in the opinion of the local housing authority, the building or a part of the building outside the flat fails to meet one or more of the requirements in paragraphs (a) to (e) below and, by reason of that failure, the flat is not reasonably suitable for occupation,—
  - (a) the building or part is structurally stable;
  - (b) it is free from serious disrepair;
  - (c) it is free from dampness;
  - (d) it has adequate provision for ventilation; and
  - (e) it has an effective system for the draining of foul, waste and surfacewater.
- (3) Subsection (1) applies in relation to a house in multiple occupation with the substitution of a reference to the house for any reference to a dwelling-house.
- (4) Subsection (2) applies in relation to a flat in multiple occupation with the substitution for any reference to a dwelling-house which is a flat of a reference to the flat in multiple occupation.
- (5) The Secretary of State may by order amend the provisions of subsection (1) or subsection (2) in such manner and to such extent as he considers appropriate; and any such order—
  - (a) may contain such transitional and supplementary provisions as the Secretary of State considers expedient; and
  - (b) 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 11/09/1998.*

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**“604A Authority to consider guidance given by Secretary of State in deciding whether to take action under section 189, section 264, section 265 or section 289.**

- (1) In deciding for the purposes of sections 189, 264, 265 and 289 whether the most satisfactory course of action, in respect of any dwelling-house, house in multiple occupation or building, is, if applicable,—
- (a) serving notice under subsection (1) of section 189; or
  - (b) serving notice under subsection (1A) of that section; or
  - (c) making a closing order under subsection (1) of section 264; or
  - (d) making a closing order under subsection (2) of that section with respect to the whole or a part of the building concerned; or
  - (e) making a demolition order under subsection (1) of section 265; or
  - (f) making a demolition order under subsection (2) of that section; or
  - (g) declaring the area in which the dwelling-house, house in multiple occupation or building is situated to be a clearance area in accordance with section 289;

the local housing authority 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 under subsection (1) to authorities generally or may give different guidance to different descriptions of authority or to authorities in different areas; and, without prejudice to the matters in respect of which the Secretary of State may give guidance, he may, in particular, give guidance in respect of financial and social considerations to be taken into account by authorities.
- (3) Where the Secretary of State proposes to give guidance under subsection (1), or to revise guidance already given, he shall lay a draft of the proposed guidance or alterations before each House of Parliament and—
- (a) he shall not give the guidance or revise the guidance until after the expiration of the period of forty days beginning with the day on which the draft is laid (or, if copies are laid before each House of Parliament on different days, with the later of those days); and
  - (b) if within that period either House resolves that the guidance or alterations be withdrawn he shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).
- (4) In computing for the purposes of subsection (3) the period of forty days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

85 For section 605 there shall be substituted the following section—

**“605 Consideration by local housing authority of housing conditions in their district.**

- (1) The local housing authority shall at least once in each year consider the housing conditions in their district with a view to determining what action to take in performance of their functions under—

*Status: Point in time view as at 11/09/1998.*

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- (a) Part VI (repair notices);
  - (b) Part IX (slum clearance);
  - (c) Part XI (houses in multiple occupation);
  - (d) Part VII of the Local Government and Housing Act 1989 (renewal areas); and
  - (e) Part VIII of that Act (grants towards cost of improvements and repairs etc.).
- (2) For the purposes of carrying out their duty under subsection (1), the authority and their officers shall comply with any directions the Secretary of State may give and shall keep such records and supply him with such information as he may specify.”
- 86 In section 606 (reports on particular houses or areas), for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house or house in multiple occupation ”.
- 87 In section 608 (acquisition of ancient monuments etc.), in paragraph (a) the words from “section 192” to “beyond repair) or” shall be omitted.
- 88 In section 610 (power of court to authorise conversion of houses into flats), in subsection (1)—
- (a) for the words “a house” there shall be substituted “ any premises ”;
  - (b) for the word “house”, in each subsequent place where it occurs, there shall be substituted “ premises ”; and
  - (c) in paragraph (a) for the words “is situated, it” there shall be substituted “ are situated, they ” and for the words “tenement” and “tenements” there shall be substituted “ dwelling-house ” and “ dwelling-houses ” respectively.
- 89 In section 612 (exclusion of Rent Act protection) for the word “house” there shall be substituted “ dwelling-house ”.
- 90 (1) In section 623 (minor definitions: Part XVIII), for the definition of “house” there shall be substituted—
- ““dwelling-house” and “flat”, except in the expression “flat in multiple occupation”, shall be construed in accordance with subsection (2);
  - “house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI;”.
- (2) At the end of that section there shall be inserted the following subsection—
- “(2) For the purposes of this Part, “dwelling-house” includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it and section 183 shall have effect to determine whether a dwelling-house is a flat.”
- 91 In section 624 (index of defined expressions: Part XVIII)—
- (a) the entry beginning “house” shall be omitted; and
  - (b) at the appropriate places in alphabetical order there shall be inserted the following entries—

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“dwelling-house	section 623”
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“flat	section 623”
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“flat in multiple occupation	section 623”
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“house in multiple occupation	section 623”
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## SCHEDULE 10

Section 186.

### SECURITY OF TENURE ON ENDING OF LONG RESIDENTIAL TENANCIES

**Modifications etc. (not altering text)**

**C12** Sch. 10 excluded (1.11.1993) by 1993 c. 28, s. 59(2)(b)(i) (with ss. 94(2), 95); S.I. 1993/2134, arts. 2, 5(a)

#### *Preliminary*

- 1 (1) This Schedule applies to a long tenancy of a dwelling-house at a low rent as respects which for the time being the following condition (in this Schedule referred to as “the qualifying condition”) is fulfilled, that is to say, that the circumstances (as respects the property let under the tenancy, the use of that property and all other relevant matters) are such that, if the tenancy were not at a low rent, it would at that time be an assured tenancy within the meaning of Part I of the <sup>M39</sup>Housing Act 1988.
- (2) For the purpose only of determining whether the qualifying condition is fulfilled with respect to a tenancy, Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies) shall have effect with the omission of paragraph 1 (which excludes tenancies entered into before, or pursuant to contracts made before, the coming into force of Part I of that Act).
- <sup>F74</sup>(2A) For the purpose only of determining whether the qualifying condition is fulfilled with respect to a tenancy which is entered into on or after 1st April 1990 (otherwise than, where the dwelling-house has a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), for paragraph 2(1)(b) and (2) of Schedule 1 to the Housing Act <sup>M40</sup>1988 there shall be substituted—
  - “(b) where (on the date the contract for the grant of the tenancy was made or, if there was no such contract, on the date the tenancy was entered into) R exceeded £25,000 under the formula—

$$R = \frac{P \times I}{1 - (1 + I)} - T$$

where—

P is the premium payable as a condition of the grant of the tenancy (and includes a payment of money’s worth) or, where no premium is so payable, zero,

I is 0.06,

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T is the term, expressed in years, granted by the tenancy (disregarding any right to terminate the tenancy before the end of the term or to extend the tenancy).”].

- (3) At any time within the period of twelve months ending on the day preceding the term date, application may be made to the court as respects any long tenancy of a dwelling-house at a low rent, not being at the time of the application a tenancy as respects which the qualifying condition is fulfilled, for an order declaring that the tenancy is not to be treated as a tenancy to which this Schedule applies.
- (4) Where an application is made under sub-paragraph (3) above—
  - (a) the court, if satisfied that the tenancy is not likely immediately before the term date to be a tenancy to which this Schedule applies but not otherwise, shall make the order; and
  - (b) if the court makes the order, then, notwithstanding anything in sub-paragraph (1) above the tenancy shall not thereafter be treated as a tenancy to which this Schedule applies.
- (5) A tenancy to which this Schedule applies is hereinafter referred to as a long residential tenancy.
- (6) Anything authorised or required to be done under the following provisions of this Schedule in relation to a long residential tenancy shall, if done before the term date in relation to a long tenancy of a dwelling-house at a low rent, not be treated as invalid by reason only that at the time at which it was done the qualifying condition was not fulfilled as respects the tenancy.
- (7) In determining for the purposes of any provision of this Schedule whether the property let under a tenancy was let as a separate dwelling, the nature of the property at the time of the creation of the tenancy shall be deemed to have been the same as its nature at the time in relation to which the question arises, and the purpose for which it was let under the tenancy shall be deemed to have been the same as the purpose for which it is or was used at the last-mentioned time.
- [<sup>F75</sup>(8) The Secretary of State may by order replace the number in the definition of “I” in sub-paragraph (2A) above and any amount referred to in that sub-paragraph and paragraph 2(4)(b) below by such number or amount as is specified in the order; and such an order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F74** Sch. 10 para. 1(2A) inserted by S.I. 1990/434, reg. 2, Sch. para. 31

**F75** Sch. 10 para. 1(8) inserted by S.I. 1990/434, reg. 2, Sch. para. 32

#### Marginal Citations

**M39** 1988 c. 50.

**M40** 1988 c.50 (75:1).

- 2 (1) This paragraph has effect for the interpretation of certain expressions used in this Schedule.

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- (2) Except where the context otherwise requires, expressions to which a meaning is assigned for the purposes of the 1988 Act or Part I of that Act have the same meaning in this Schedule.
- (3) “Long tenancy” means a tenancy granted for a term of years certain exceeding 21 years, whether or not subsequently extended by act of the parties or by any enactment, but excluding any tenancy which is, or may become, terminable before the end of the term by notice given to the tenant.
- [<sup>F76</sup>(4) A tenancy is “at a low rent” if under the tenancy—
- (a) no rent is payable,
  - (b) where the tenancy is entered into on or after 1st April 1990 (otherwise than, where the dwelling-house had a rateable value on 31st March 1990, in pursuance of a contract made before 1st April 1990), the maximum rent payable at any time is payable at a rate of—
    - (i) £1,000 or less a year if the dwelling-house is in Greater London and,
    - (ii) £250 or less a year if the dwelling-house is elsewhere, or,
  - (c) where the tenancy was entered into before 1st April 1990 or (where the dwelling-house had a rateable value on 31st March 1990) is entered into on or after 1st April 1990 in pursuance of a contract made before that date, and the maximum rent payable at any time under the tenancy is less than two-thirds of the rateable value of the dwelling-house on 31st March 1990.]
- (5) [<sup>F77</sup>Paragraph 2(2)] of Schedule 1 to the 1988 Act applies to determine whether the rent under a tenancy falls within sub-paragraph (4) above and Part II of that Schedule applies to determine the rateable value of a dwelling-house for the purposes of that sub-paragraph.
- (6) “Long residential tenancy” and “qualifying condition” have the meaning assigned by paragraph 1 above and the following expressions shall be construed as follows—
- “the 1954 Act” means the <sup>M41</sup>Landlord and Tenant Act 1954;
  - “the 1988 Act” means the <sup>M42</sup>Housing Act 1988;
  - “assured periodic tenancy” shall be construed in accordance with paragraph 9(4) below;
  - “the date of termination” has the meaning assigned by paragraph 4(4) below;
  - “disputed terms” shall be construed in accordance with paragraph 11(1) (a) below;
  - “election by the tenant to retain possession” shall be construed in accordance with paragraph 4(7) below;
  - “former 1954 Act tenancy” means a tenancy to which, by virtue of section 186(3) of this Act, this Schedule applies on and after 15th January 1999;
  - “the implied terms” shall be construed in accordance with paragraph 4(5) (a) below;
  - “landlord” shall be construed in accordance with paragraph 19(1) below;
  - “landlord’s notice” means a notice under sub-paragraph (1) of paragraph 4 below and such a notice is—



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- (a) a “landlord’s notice proposing an assured tenancy” if it contains such proposals as are mentioned in sub-paragraph (5)(a) of that paragraph; and
  - (b) a “landlord’s notice to resume possession” if it contains such proposals as are referred to in sub-paragraph (5)(b) of that paragraph;
- “specified date of termination”, in relation to a tenancy in respect of which a landlord’s notice is served, means the date specified in the notice as mentioned in paragraph 4(1)(a) below;
- “tenant’s notice” shall be construed in accordance with paragraph 10(1)(a) below;
- “term date”, in relation to a tenancy granted for a term of years certain, means the date of expiry of that term;
- “the terms of the tenancy specified in the landlord’s notice” shall be construed in accordance with paragraph 4(6) below; and
- “undisputed terms” shall be construed in accordance with paragraph 11(2) below.

#### Textual Amendments

**F76** Sch. 10 para. 2(4) substituted by S.I. 1990/434, reg. 2, Sch. para. 33

**F77** Words substituted by S.I. 1990/434, reg. 2, Sch. para. 34

#### Marginal Citations

**M41** 1954 c. 56.

**M42** 1988 c. 50.

#### *Continuation of long residential tenancies*

- 3 (1) A tenancy which, immediately before the term date, is a long residential tenancy shall not come to an end on that date except by being terminated under the provisions of this Schedule, and, if not then so terminated, shall subject to those provisions continue until so terminated and, while continuing by virtue of this paragraph, shall be deemed to be a long residential tenancy (notwithstanding any change in circumstances).
- (2) Sub-paragraph (1) above does not apply in the case of a former 1954 Act tenancy the term date of which falls before 15th January 1999 but if, in the case of such a tenancy,—
- (a) the tenancy is continuing immediately before that date by virtue of section 3 of the 1954 Act, and
  - (b) on that date the qualifying condition (as defined in paragraph 1(1) above) is fulfilled,
- then, subject to the provisions of this Schedule, the tenancy shall continue until terminated under those provisions and, while continuing by virtue of this paragraph, shall be deemed to be a long residential tenancy (notwithstanding any change in circumstances).
- (3) Where by virtue of this paragraph a tenancy continues after the term date, the tenancy shall continue at the same rent and in other respects on the same terms as before the term date.

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### *Termination of tenancy by the landlord*

- 4 (1) Subject to sub-paragraph (2) below and the provisions of this Schedule as to the annulment of notices in certain cases, the landlord may terminate along residential tenancy by a notice in the prescribed form served on the tenant—
- (a) specifying the date at which the tenancy is to come to an end, being either the term date or a later date; and
  - (b) so served not more than twelve nor less than six months before the date so specified.
- (2) In any case where—
- (a) a landlord’s notice has been served, and
  - (b) an application has been made to the court or a rent assessment committee under the following provisions of this Schedule other than paragraph 6, and
  - (c) apart from this paragraph, the effect of the notice would be to terminate the tenancy before the expiry of the period of three months beginning with the date on which the application is finally disposed of,
- the effect of the notice shall be to terminate the tenancy at the expiry of the said period of three months and not at any other time.
- (3) The reference in sub-paragraph (2)(c) above to the date on which the application is finally disposed of shall be construed as a reference to the earliest date by which the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired, except that if the application is withdrawn or any appeal is abandoned the reference shall be construed as a reference to the date of withdrawal or abandonment.
- (4) In this Schedule “the date of termination”, in relation to a tenancy in respect of which a landlord’s notice is served, means,—
- (a) where the tenancy is continued as mentioned in sub-paragraph (2) above, the last day of the period of three months referred to in that sub-paragraph; and
  - (b) in any other case, the specified date of termination.
- (5) A landlord’s notice shall not have effect unless—
- (a) it proposes an assured monthly periodic tenancy of the dwelling-house and a rent for that tenancy (such that it would not be a tenancy at a low rent) and, subject to sub-paragraph (6) below, states that the other terms of the tenancy shall be the same as those of the long residential tenancy immediately before it is terminated (in this Schedule referred to as “the implied terms”); or
  - (b) it gives notice that, if the tenant is not willing to give up possession at the date of termination of the property let under the tenancy, the landlord proposes to apply to the court, on one or more of the grounds specified in paragraph 5(1) below, for the possession of the property let under the tenancy and states the ground or grounds on which he proposes to apply.
- (6) In the landlord’s notice proposing an assured tenancy the landlord may propose terms of the tenancy referred to in sub-paragraph (5)(a) above different from the implied terms; and any reference in the following provisions of this Schedule to the terms of the tenancy specified in the landlord’s notice is a reference to the implied terms or, if the implied terms are varied by virtue of this sub-paragraph, to the implied terms as so varied.

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- (7) A landlord's notice shall invite the tenant, within the period of two months beginning on the date on which the notice was served, to notify the landlord in writing whether,
- (a) in the case of a landlord's notice proposing an assured tenancy, the tenant wishes to remain in possession; and
  - (b) in the case of a landlord's notice to resume possession, the tenant is willing to give up possession as mentioned in sub-paragraph (5)(b) above;
- and references in this Schedule to an election by the tenant to retain possession are references to his notifying the landlord under this sub-paragraph that he wishes to remain in possession or, as the case may be, that he is not willing to give up possession.
- 5 (1) Subject to the following provisions of this paragraph, the grounds mentioned in paragraph 4(5)(b) above are—
- (a) Ground 6 in, and those in Part II of, Schedule 2 to the 1988 Act, other than Ground 16;
  - (b) the ground that, for the purposes of redevelopment after the termination of the tenancy, the landlord proposes to demolish or reconstruct the whole or a substantial part of the premises; and
  - (c) the ground that the premises or part of them are reasonably required by the landlord for occupation as a residence for himself or any son or daughter of his over eighteen years of age or his or his spouse's father or mother and, if the landlord is not the immediate landlord, that he will be at the specified date of termination.
- (2) Ground 6 in Schedule 2 to the 1988 Act may not be specified in a landlord's notice to resume possession if the tenancy is a former 1954 Act tenancy; and in the application of that Ground in accordance with sub-paragraph (1) above in any other case, paragraph (c) shall be omitted.
- (3) In its application in accordance with sub-paragraph (1) above, Ground 10 in Schedule 2 to the 1988 Act shall have effect as if, in paragraph (b)—
- (a) the words “except where subsection (1)(b) of section 8 of this Act applies” were omitted; and
  - (b) for the words “notice under that section relating to those proceedings” there were substituted “ landlord's notice to resume possession (within the meaning of Schedule 10 to the Local Government and Housing Act 1989) ”.
- (4) The ground mentioned in sub-paragraph (1)(b) above may not be specified in a landlord's notice to resume possession unless the landlord is a body to which section 28 of the <sup>M43</sup>Leasehold Reform Act 1967 applies and the premises are required for relevant development within the meaning of that section; and on any application by such a body under paragraph 13 below for possession on that ground, a certificate given by a Minister of the Crown as provided by subsection (1) of that section shall be conclusive evidence that the premises are so required.
- (5) The ground mentioned in sub-paragraph (1)(c) above may not be specified in a landlord's notice to resume possession if the interest of the landlord, or an interest which is merged in that interest and but for the merger would be the interest of the landlord, was purchased or created after 18th February 1966.

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#### **Marginal Citations**

**M43** 1967 c. 88.

#### *Interim rent*

- 6 (1) On the date of service of a landlord's notice proposing an assured tenancy, or at any time between that date and the date of termination, the landlord may serve a notice on the tenant in the prescribed form proposing an interim monthly rent to take effect from a date specified in the notice, being not earlier than the specified date of termination, and to continue while the tenancy is continued by virtue of the preceding provisions of this Schedule.
- (2) Where a notice has been served under sub-paragraph (1) above,—
- (a) within the period of two months beginning on the date of service, the tenant may refer the interim monthly rent proposed in the notice to a rent assessment committee; and
  - (b) if the notice is not so referred, then, with effect from the date specified in the notice or, if it is later, the expiry of the period mentioned in paragraph (a) above, the interim monthly rent proposed in the notice shall be the rent under the tenancy.
- (3) Where, under sub-paragraph (2) above, the rent specified in a landlord's notice is referred to a rent assessment committee, the committee shall determine the monthly rent at which, subject to sub-paragraph (4) below, the committee consider that the premises let under the tenancy might reasonably be expected to be let on the open market by a willing landlord under a monthly periodic tenancy—
- (a) which begins on the day following the specified date of termination;
  - (b) under which the other terms are the same as those of the existing tenancy at the date on which was given the landlord's notice proposing an assured tenancy; and
  - (c) which affords the tenant security of tenure equivalent to that afforded by Chapter I of Part I of the 1988 Act in the case of an assured tenancy (other than an assured shorthold tenancy) in respect of which possession may not be recovered under any of Grounds 1 to 5 in Part I of Schedule 2 to that Act.
- (4) Subsections (2), [F78(3A)],(4) and (5) of section 14 of the 1988 Act shall apply in relation to a determination of rent under sub-paragraph (3) above as they apply in relation to a determination under that section subject to the modifications in sub-paragraph (5) below; and in this paragraph "rent" shall be construed in accordance with subsection (4) of that section.
- (5) The modifications of section 14 of the 1988 Act referred to in sub-paragraph (4) above are that in subsection (2), the reference in paragraph (b) to a relevant improvement being carried out shall be construed as a reference to an improvement being carried out during the long residential tenancy and the reference in paragraph (c) to a failure to comply with any term of the tenancy shall be construed as a reference to a failure to comply with any term of the long residential tenancy.
- (6) Where a reference has been made to a rent assessment committee under sub-paragraph (2) above, then, the rent determined by the committee (subject, in a case where section 14(5) of the 1988 Act applies, to the addition of the appropriate amount

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in respect of rates) shall be the rent under the tenancy with effect from the date specified in the notice served under sub-paragraph(1) above or, if it is later, the expiry of the period mentioned in paragraph(a) of sub-paragraph (2) above.

#### Textual Amendments

**F78** Word in [Sch. 10 para. 6\(4\)](#) inserted (1.4.1993) by [S.I. 1993/651, art. 2\(1\)](#), [Sch. 1 para.20](#)

- 7
- (1) Nothing in paragraph 6 above affects the right of the landlord and the tenant to agree the interim monthly rent which is to have effect while the tenancy is continued by virtue of the preceding provisions of this Schedule and the date from which that rent is to take effect; and, in such a case,—
    - (a) notwithstanding the provisions of paragraph 6 above, that rent shall be the rent under the tenancy with effect from that date; and
    - (b) no steps or, as the case may be, no further steps may be taken by the landlord or the tenant under the provisions of that paragraph.
  - (2) Nothing in paragraph 6 above requires a rent assessment committee to continue with a determination under sub-paragraph (3) of that paragraph—
    - (a) if the tenant gives notice in writing that he no longer requires such a determination; or
    - (b) if the long residential tenancy has come to an end on or before the specified date of termination.
  - (3) Notwithstanding that a tenancy in respect of which an interim monthly rent has effect in accordance with paragraph 6 above or this paragraph is no longer at a low rent, it shall continue to be regarded as a tenancy at a low rent and, accordingly, shall continue to be a long residential tenancy.

#### *Termination of tenancy by the tenant*

- 8
- (1) A long residential tenancy may be brought to an end at the term date by not less than one month's notice in writing given by the tenant to his immediate landlord.
  - (2) A tenancy which is continuing after the term date by virtue of paragraph 3 above may be brought to an end at any time by not less than one month's notice in writing given by the tenant to his immediate landlord, whether the notice is given before or after the term date of the tenancy.
  - (3) The fact that the landlord has served a landlord's notice or that there has been an election by the tenant to retain possession shall not prevent the tenant from giving notice under this paragraph terminating the tenancy at a date earlier than the specified date of termination.

#### *The assured periodic tenancy*

- 9
- (1) Where a long residential tenancy (in this paragraph referred to as “the former tenancy”) is terminated by a landlord's notice proposing an assured tenancy, then, subject to sub-paragraph (3) below, the tenant shall be entitled to remain in possession of the dwelling-house and his right to possession shall depend upon an assured periodic tenancy arising by virtue of this paragraph.
  - (2) The assured periodic tenancy referred to in sub-paragraph (1) above is one—

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- (a) taking effect in possession on the day following the date of termination;
  - (b) deemed to have been granted by the person who was the landlord under the former tenancy on the date of termination to the person who was then the tenant under that tenancy;
  - (c) under which the premises let are the dwelling-house;
  - (e) under which the periods of the tenancy, and the intervals at which rent is to be paid, are monthly beginning on the day following the date of termination;
  - (e) under which the rent is determined in accordance with paragraphs 10 to 12 below; and
  - (e) under which the other terms are determined in accordance with paragraphs 10 to 12 below.
- (3) If, at the end of the period of two months beginning on the date of service of the landlord's notice, the qualifying condition was not fulfilled as respects the tenancy, the tenant shall not be entitled to remain in possession as mentioned in sub-paragraph (1) above unless there has been an election by the tenant to retain possession; and if, at the specified date of termination, the qualifying condition is not fulfilled as respects the tenancy, then, notwithstanding that there has been such an election, the tenant shall not be entitled to remain in possession as mentioned in that sub-paragraph.
- (4) Any reference in the following provisions of this Schedule to an assured periodic tenancy is a reference to an assured periodic tenancy arising by virtue of this paragraph.

*Initial rent under and terms of assured periodic tenancy*

- 10 (1) Where a landlord's notice proposing an assured tenancy has been served on the tenant,—
- (a) within the period of two months beginning on the date of service of the notice, the tenant may serve on the landlord a notice in the prescribed form proposing either or both of the following, that is to say,—
    - (i) a rent for the assured periodic tenancy different from that proposed in the landlord's notice; and
    - (ii) terms of the tenancy different from those specified in the landlord's notice,
 and such a notice is in this Schedule referred to as a "tenant's notice"; and
  - (b) if a tenant's notice is not so served, then, with effect from the date on which the assured periodic tenancy takes effect in possession,—
    - (i) the rent proposed in the landlord's notice shall be the rent under the tenancy; and
    - (ii) the terms of the tenancy specified in the landlord's notice shall be terms of the tenancy.
- (2) Where a tenant's notice has been served on the landlord under sub-paragraph (1) above—
- (a) within the period of two months beginning on the date of service of the notice, the landlord may by an application in the prescribed form refer the notice to a rent assessment committee; and
  - (b) if the notice is not so referred, then, with effect from the date on which the assured periodic tenancy takes effect in possession,—

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- (i) the rent (if any) proposed in the tenant's notice, or, if no rent is so proposed, the rent proposed in the landlord's notice, shall be the rent under the tenancy; and
    - (ii) the other terms of the tenancy (if any) proposed in the tenant's notice and, in so far as they do not conflict with the terms so proposed, the terms specified in the landlord's notice shall be terms of the tenancy.
- 11 (1) Where, under sub-paragraph (2) of paragraph 10 above, a tenant's notice is referred to a rent assessment committee, the committee, having regard only to the contents of the landlord's notice and the tenant's notice, shall decide—
  - (a) whether there is any dispute as to the terms (other than those relating to the amount of the rent) of the assured periodic tenancy (in this Schedule referred to as "disputed terms") and, if so, what the disputed terms are; and
  - (b) whether there is any dispute as to rent under the tenancy;and where the committee decide that there are disputed terms and that there is a dispute as to the rent under the tenancy, they shall make a determination under sub-paragraph (3) below before they make a determination under sub-paragraph (5) below.
- (2) Where, under paragraph 10(2) above, a tenant's notice is referred to a rent assessment committee, any reference in this Schedule to the undisputed terms is a reference to those terms (if any) which—
  - (a) are proposed in the landlord's notice or the tenant's notice; and
  - (b) do not relate to the amount of the rent; and
  - (c) are not disputed terms.
- (3) If the rent assessment committee decide that there are disputed terms, they shall determine whether the terms in the landlord's notice, the terms in the tenant's notice, or some other terms, dealing with the same subject matter as the disputed terms are such as, in the committee's opinion, might reasonably be expected to be found in an assured monthly periodic tenancy of the dwelling-house (not being an assured shorthold tenancy)—
  - (a) which begins on the day following the date of termination;
  - (b) which is granted by a willing landlord on terms which, except so far as they relate to the subject matter of the disputed terms, are the undisputed terms; and
  - (c) in respect of which possession may not be recovered under any of Grounds 1 to 5 in Part I of Schedule 2 to the 1988 Act;and the committee shall, if they consider it appropriate, specify an adjustment of the undisputed terms to take account of the terms so determined and shall, if they consider it appropriate, specify an adjustment of the rent to take account of the terms so determined and, if applicable, so adjusted.
- (4) In making a determination under sub-paragraph (3) above, or specifying an adjustment of the rent or undisputed terms under that sub-paragraph, there shall be disregarded any effect on the terms or the amount of rent attributable to the granting of a tenancy to a sitting tenant.
- (5) If the rent assessment committee decide that there is a dispute as to the rent under the assured periodic tenancy, the committee shall determine the monthly rent at which, subject to sub-paragraph (6) below, the committee consider that the dwelling-house

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might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy (not being an assured shorthold tenancy)—

- (a) which is a monthly periodic tenancy;
- (b) which begins on the day following the date of termination;
- (c) in respect of which possession may not be recovered under any of Grounds 1 to 5 in Part I of Schedule 2 to the 1988 Act; and
- (d) the terms of which (other than those relating to the amount of the rent) are the same as—
  - (i) the undisputed terms; or
  - (ii) if there has been a determination under sub-paragraph (3) above, the terms determined by the committee under that sub-paragraph and the undisputed terms (as adjusted, if at all, under that sub-paragraph).

(6) Subsections (2), [F79(3A)], (4) and (5) of section 14 of the 1988 Act shall apply in relation to a determination of rent under sub-paragraph (5) above as they apply in relation to a determination under that section subject to the modifications in sub-paragraph (7) below; and in this paragraph “rent” shall be construed in accordance with subsection (4) of that section.

(7) The modifications of section 14 of the 1988 Act referred to in sub-paragraph (6) above are that in subsection (2), the reference in paragraph (b) to a relevant improvement being carried out shall be construed as a reference to an improvement being carried out during the long residential tenancy and the reference in paragraph (c) to a failure to comply with any term of the tenancy shall be construed as a reference to a failure to comply with any term of the long residential tenancy.

(8) Where a reference has been made to a rent assessment committee under sub-paragraph (2) of paragraph 10 above, then,—

- (a) if the committee decide that there are no disputed terms and that there is no dispute as to the rent, paragraph 10(2)(b) above shall apply as if the notice had not been so referred,
- (b) where paragraph (a) above does not apply then, so far as concerns the amount of the rent under the tenancy, if there is a dispute as to the rent, the rent determined by the committee (subject, in a case where section 14(5) of the 1988 Act applies, to the addition of the appropriate amount in respect of rates) and, if there is no dispute as to the rent, the rent specified in the landlord’s notice or, as the case may be, the tenant’s notice (subject to any adjustment under sub-paragraph (3) above) shall be the rent under the tenancy, and
- (c) where paragraph (a) above does not apply and there are disputed terms, then, so far as concerns the subject matter of those terms, the terms determined by the committee under sub-paragraph (3) above shall be terms of the tenancy and, so far as concerns any undisputed terms, those terms (subject to any adjustment under sub-paragraph (3) above) shall also be terms of the tenancy,

with effect from the date on which the assured periodic tenancy takes effect in possession.

(9) Nothing in this Schedule affects the right of the landlord and the tenant under the assured periodic tenancy to vary by agreement any term of the tenancy (including a term relating to rent).



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### Textual Amendments

**F79** Word in **Sch. 10 para. 11(6)** inserted (1.4.1993) by **S.I. 1993/651, art. 2(1), Sch. 1 para.20**

- 12 (1) Subsections (2) to (4) of section 41 of the 1988 Act (rent assessment committees: information powers) shall apply where there is a reference to a rent assessment committee under the preceding provisions of this Schedule as they apply where a matter is referred to such a committee under Chapter I or Chapter II of Part I of the 1988 Act.
- (2) Nothing in paragraph 10 or paragraph 11 above affects the right of the landlord and the tenant to agree any terms of the assured periodic tenancy (including a term relating to the rent) before the tenancy takes effect in possession (in this sub-paragraph referred to as “the expressly agreed terms”); and, in such case,—
- (a) the expressly agreed terms shall be terms of the tenancy in substitution for any terms dealing with the same subject matter which would otherwise, by virtue of paragraph 10 or paragraph 11 above, be terms of the tenancy; and
- (b) where a reference has already been made to a rent assessment committee under sub-paragraph (2) of paragraph 10 above but there has been no determination by the committee under paragraph 11 above,—
- (i) the committee shall have regard to the expressly agreed terms, as notified to them by the landlord and the tenant, in deciding, for the purposes of paragraph 11 above, what the disputed terms are and whether there is any dispute as to the rent; and
- (ii) in making any determination under paragraph 11 above the committee shall not make any adjustment of the expressly agreed terms, as so notified.
- (3) Nothing in paragraph 11 above requires a rent assessment committee to continue with a determination under that paragraph—
- (a) if the long residential tenancy has come to an end; or
- (b) if the landlord serves notice in writing on the committee that he no longer requires such a determination;
- and, where the landlord serves notice as mentioned in paragraph (b) above, then, for the purposes of sub-paragraph (2) of paragraph 10 above, the landlord shall be treated as not having made a reference under paragraph (a) of that sub-paragraph and, accordingly, paragraph (b) of that sub-paragraph shall, subject to sub-paragraph (2) above, have effect for determining rent and other terms of the assured periodic tenancy.

### *Landlord’s application for possession*

- 13 (1) Where a landlord’s notice to resume possession has been served on the tenant and either—
- (a) there is an election by the tenant to retain possession, or
- (b) at the end of the period of two months beginning on the date of service of the notice, the qualifying condition is fulfilled as respects the tenancy,
- the landlord may apply to the court for an order under this paragraph on such of the grounds mentioned in paragraph 5(1) above as may be specified in the notice.

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- (2) The court shall not entertain an application under sub-paragraph (1) above unless the application is made—
    - (a) within the period of two months beginning on the date of the election by the tenant to retain possession; or
    - (b) if there is no election by the tenant to retain possession, within the period of four months beginning on the date of service of the landlord’s notice.
  - (3) Where the ground or one of the grounds for claiming possession specified in the landlord’s notice is Ground 6 in Part I of Schedule 2 to the 1988 Act, then, if on an application made under sub-paragraph (1) above the court is satisfied that the landlord has established that ground, the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
  - (4) Subject to sub-paragraph (6) below, where the ground or one of the grounds for claiming possession specified in the landlord’s notice is any of Grounds 9 to 15 in Part II of Schedule 2 to the 1988 Act or the ground mentioned in paragraph 5(1)(c) above, then, if on an application made under sub-paragraph (1) above the court is satisfied that the landlord has established that ground and that it is reasonable that the landlord should be granted possession, the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
  - (5) Part III of Schedule 2 to the 1988 Act shall have effect for supplementing Ground 9 in that Schedule (as that ground applies in relation to this Schedule) as it has effect for supplementing that ground for the purposes of that Act, subject to the modification that in paragraph 3(1), in the words following paragraph (b) the reference to the assured tenancy in question shall be construed as a reference to the long residential tenancy in question.
  - (6) Where the ground or one of the grounds for claiming possession specified in the landlord’s notice is that mentioned in paragraph 5(1)(c) above, the court shall not make the order mentioned in sub-paragraph (4) above on that ground if it is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by making the order than by refusing to make it.
  - (7) Where the ground or one of the grounds for claiming possession specified in the landlord’s notice is that mentioned in paragraph 5(1)(b) above, then, if on an application made under sub-paragraph (1) above the court is satisfied that the landlord has established that ground and is further satisfied—
    - (a) that on that ground possession of those premises will be required by the landlord on the date of termination, and
    - (b) that the landlord has made such preparations (including the obtaining or, if that is not reasonably practicable in the circumstances, preparations relating to the obtaining of any requisite permission or consent, whether from any authority whose permission or consent is required under any enactment or from the owner of any interest in any property) for proceeding with their development as are reasonable in the circumstances,
 the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
- 14 (1) Where, in a case falling within sub-paragraph (7) of paragraph 13 above, the court is not satisfied as mentioned in that sub-paragraph but would be satisfied if the date of termination of the tenancy had been such date (in this paragraph referred to as “the

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postponed date”) as the court may determine, being a date later, but not more than one year later, than the specified date of termination, the court shall, if the landlord so requires, make an order as mentioned in sub-paragraph (2) below.

- (2) The order referred to in sub-paragraph (1) above is one by which the court specifies the postponed date and orders—
  - (a) that the tenancy shall not come to an end on the date of termination but shall continue thereafter, as respects the whole of the property let under the tenancy, at the same rent and in other respects on the same terms as before that date; and
  - (b) that, unless the tenancy comes to an end before the postponed date, the tenant shall on that date give up possession of the property then let under the tenancy.
- (3) Notwithstanding the provisions of paragraph 13 above and the preceding provisions of this paragraph and notwithstanding that there has been an election by the tenant to retain possession, if the court is satisfied, at the date of the hearing, that the qualifying condition is not fulfilled as respects the tenancy, the court shall order that the tenant shall, on the date of termination, give up possession of the property then let under the tenancy.
- (4) Nothing in paragraph 13 above or the preceding provisions of this paragraph shall prejudice any power of the tenant under paragraph 8 above to terminate the tenancy; and sub-paragraph (2) of that paragraph shall apply where the tenancy is continued by an order under sub-paragraph (2) above as it applies where the tenancy is continued by virtue of paragraph 3 above.

*Provisions where tenant not ordered to give up possession*

- 15 (1) The provisions of this paragraph shall have effect where the landlord is entitled to make an application under sub-paragraph (1) of paragraph 13 above but does not obtain an order under that paragraph or paragraph 14 above.
- (2) If at the expiration of the period within which an application under paragraph 13(1) above may be made the landlord has not made such an application, the landlord’s notice to resume possession, and anything done in pursuance thereof, shall cease to have effect.
- (3) If before the expiration of the period mentioned in sub-paragraph (2) above the landlord has made an application under paragraph 13(1) above but the result of the application, at the time when it is finally disposed of, is that no order is made, the landlord’s notice to resume possession shall cease to have effect.
- (4) In any case where sub-paragraph (3) above applies, then, if within the period of one month beginning on the date that the application to the court is finally disposed of the landlord serves on the tenant a landlord’s notice proposing an assured tenancy, the earliest date which may be specified in the notice as the date of termination shall, notwithstanding anything in paragraph 4(1)(b) above, be the day following the last day of the period of four months beginning on the date of service of the subsequent notice.
- (5) The reference in sub-paragraphs (3) and (4) above to the time at which an application is finally disposed of shall be construed as a reference to the earliest time at which the proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and anytime for appealing or further appealing has

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expired, except that if the application is withdrawn or any appeal is abandoned the reference shall be construed as a reference to the time of withdrawal or abandonment.

- (6) A landlord's notice to resume possession may be withdrawn at any time by notice in writing served on the tenant (without prejudice, however, to the power of the court to make an order as to costs if the notice is withdrawn after the landlord has made an application under paragraph 13(1) above).
- (7) In any case where sub-paragraph (6) above applies, then, if within the period of one month beginning on the date of withdrawal of the landlord's notice to resume possession the landlord serves on the tenant a landlord's notice proposing an assured tenancy, the earliest date which may be specified in the notice as the date of termination shall, notwithstanding anything in paragraph 4(1)(b) above, be the day following the last day of the period of four months beginning on the date of service of the subsequent notice or the day following the last day of the period of six months beginning on the date of service of the withdrawn notice, whichever is the later.

*Tenancies granted in continuation of long tenancies*

- 16 (1) Where on the coming to the end of a tenancy at a low rent the person who was the tenant immediately before the coming to an end thereof becomes (whether by grant or by implication of the law) the tenant under another tenancy at a low rent of a dwelling-house which consists of the whole or any part of the property let under the previous tenancy, then, if the previous tenancy was a long tenancy or is deemed by virtue of this paragraph to have been a long tenancy, the new tenancy shall be deemed for the purposes of this Schedule to be a long tenancy, irrespective of its terms.
- (2) In relation to a tenancy from year to year or other tenancy not granted for a term of years certain, being a tenancy which by virtue of sub-paragraph (1) above is deemed for the purposes of this Schedule to be a long tenancy, the preceding provisions of this Schedule shall have effect subject to the modifications set out below.
- (3) In sub-paragraph (6) of paragraph 2 above for the expression beginning "term date" there shall be substituted—
- "“term date”, in relation to any such tenancy as is mentioned in paragraph 16(2) below, means the first date after the coming into force of this Schedule on which, apart from this Schedule, the tenancy could have been brought to an end by notice to quit given by the landlord”.
- (4) Notwithstanding anything in sub-paragraph (3) of paragraph 3 above, whereby virtue of that paragraph the tenancy is continued after the term date, the provisions of this Schedule as to the termination of a tenancy by notice shall have effect, subject to sub-paragraph (5) below, in substitution for and not in addition to any such provisions included in the terms on which the tenancy had effect before the term date.
- (5) The minimum period of notice referred to in paragraph 8(1) above shall be one month or such longer period as the tenant would have been required to give to bring the tenancy to an end at the term date.
- (6) Where the tenancy is not terminated under paragraph 4 or paragraph 8 above at the term date, then, whether or not it would have continued after that date apart from the provisions of this Schedule, it shall be treated for the purposes of those provisions as being continued by virtue of paragraph 3 above.

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*Agreements as to the grant of new tenancies*

- 17 In any case where, prior to the date of termination of a long residential tenancy, the landlord and the tenant agree for the grant to the tenant of a future tenancy of the whole or part of the property let under the tenancy at a rent other than a low rent and on terms and from a date specified in the agreement, the tenancy shall continue until that date but no longer; and, in such a case, the provisions of this Schedule shall cease to apply in relation to the tenancy with effect from the date of the agreement.

*Assumptions on which to determine future questions*

- 18 Where under this Schedule any question falls to be determined by the court or a rent assessment committee by reference to circumstances at a future date, the court or committee shall have regard to all rights, interests and obligations under or relating to the tenancy as they subsist at the time of the determination and to all relevant circumstances as those then subsist and shall assume, except in so far as the contrary is shown, that those rights, interests, obligations and circumstances will continue to subsist unchanged until that future date.

*Landlords and mortgagees in possession*

- 19 (1) Section 21 of the 1954 Act (meaning of “the landlord” and provisions as to mesne landlords) shall apply in relation to this Schedule as it applies in relation to Part I of that Act but subject to the following modifications—
- (a) any reference to Part I of that Act shall be construed as a reference to this Schedule; and
  - (b) subsection (4) (which relates to statutory tenancies arising under that Part) shall be omitted.
- (2) Section 67 of the 1954 Act (mortgagees in possession) applies for the purposes of this Schedule except that for the reference to that Act there shall be substituted a reference to this Schedule.
- (3) In accordance with sub-paragraph (1) above, Schedule 5 to the 1954 Act shall also apply for the purpose of this Schedule but subject to the following modifications—
- (a) any reference to Part I of the 1954 Act shall be construed as a reference to the provisions of this Schedule (other than this sub-paragraph);
  - (b) any reference to section 21 of the 1954 Act shall be construed as a reference to that section as it applies in relation to this Schedule;
  - (c) any reference to subsection (1) of section 4 of that Act shall be construed as a reference to sub-paragraph (1) of paragraph 4 above;
  - (d) any reference to the court includes a reference to a rent assessment committee;
  - (e) paragraphs 6 to 8 and 11 shall be omitted;
  - (f) any reference to a particular subsection of section 16 of the 1954 Act shall be construed as a reference to that subsection as it applies in relation to this Schedule;
  - (g) any reference to a tenancy to which section 1 of the 1954 Act applies shall be construed as a reference to a long residential tenancy; and
  - (h) expressions to which a meaning is assigned by any provision of this Schedule (other than this sub-paragraph) shall be given that meaning.

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*Application of other provisions of the 1954 Act*

- 20 (1) Section 16 of the 1954 Act (relief for tenant where landlord proceeding to enforce covenants) shall apply in relation to this Schedule as it applies in relation to Part I of that Act but subject to the following modifications—
- (a) in subsection (1) the reference to a tenancy to which section 1 of the 1954 Act applies shall be construed as a reference to a long residential tenancy;
  - (b) in subsection (2) the reference to Part I of that Act shall be construed as a reference to this Schedule;
  - (c) subsection (3) shall have effect as if the words “(without prejudice to section ten of this Act)” were omitted; and
  - (d) in subsection (7) the reference to subsection (3) of section 2 of the 1954 Act shall be construed as a reference to paragraph 1(6) above.
- (2) Section 55 of the 1954 Act (compensation for possession obtained by misrepresentation) shall apply in relation to this Schedule as it applies in relation to Part I of that Act.
- (3) Section 63 of the <sup>M44</sup>1954 Act (jurisdiction of court for purposes of Parts I and II of the 1954 Act and of Part I of the Landlord and Tenant Act 1927) shall apply in relation to this Schedule and section 186 of this Act as it applies in relation to Part I of that Act.
- (4) Section 65 of the 1954 Act (provisions as to reversions) applies for the purposes of this Schedule except that for any reference to that Act there shall be substituted a reference to this Schedule.
- (5) Subsection (4) of section 66 of the 1954 Act (service of notices) shall apply in relation to this Schedule as it applies in relation to that Act.

**Marginal Citations**

**M44** 1980 c. 45.

- 21 (1) Where this Schedule has effect in relation to a former 1954 Act tenancy the term date of which falls before 15th January 1999, any reference (however expressed) in the preceding provisions of this Schedule to the dwelling-house (or the property) let under the tenancy shall have effect as a reference to the premises qualifying for protection, within the meaning of the 1954 Act.
- (2) Notwithstanding that at any time section 1 of the 1954 Act does not, and this Schedule does, apply to a former 1954 Act tenancy, any question of what are the premises qualifying for protection or (in that context) what is the tenancy shall be determined for the purposes of this Schedule in accordance with Part I of that Act.

*Crown application*

- 22 (1) This Schedule shall apply where—
- (a) there is an interest belonging to Her Majesty in right of the Crown and that interest is under the management of the Crown Estate Commissioners, or
  - (b) there is an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall,
- as if it were an interest not so belonging.

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- (2) Where an interest belongs to Her Majesty in right of the Duchy of Lancaster, then, for the purposes of this Schedule, the Chancellor of the Duchy of Lancaster shall be deemed to be the owner of the interest.
- (3) Where an interest belongs to the Duchy of Cornwall, then, for the purposes of this Schedule, such person as the Duke of Cornwall, or other possessor for the time being of the Duchy of Cornwall, appoints shall be deemed to be the owner of the interest.

## SCHEDULE 11

Section 194.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Military Lands Act 1892*

- 1 In section 8 of the <sup>M45</sup>Military Lands Act 1892 (provisions as to disbandment of volunteer corps etc.) subsection (3) shall be omitted.

**Marginal Citations**

**M45** 1892 c. 43.

#### *The Small Holdings and Allotments Act 1908*

- 2 In section 52 of the <sup>M46</sup>Small Holdings and Allotments Act 1908 (borrowing powers and expenses) subsection (3) shall be omitted.

**Marginal Citations**

**M46** 1908 c. 36.

PROSPECTIVE

#### *The Prevention of Corruption Act 1916*

- 3 In section 4 of the <sup>M47</sup>Prevention of Corruption Act 1916 (short title and interpretation), at the end of subsection (2) (meaning of “public body”) there shall be added “ and companies which, in accordance with Part V of the Local Government and Housing Act 1989, are under the control of one or more local authorities ”.

**Marginal Citations**

**M47** 1916 c. 64.

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### *The Education Act 1944*

F80<sup>4</sup> .....

#### **Textual Amendments**

**F80** Sch. 11 para. 4 repealed (1.4.1994) by 1993 c. 35, s. 307(3), **Sch. 21 Pt.II**; S.I. 1994/507, art. 4, **Sch. 2** Appendix

### *The Sexual Offences Act 1956*

- 5 In Schedule 1 to the <sup>M48</sup>Sexual Offences Act 1956 (rights of landlord where tenant convicted of permitting use of premises as a brothel) at the end of paragraph 5 there shall be added “ Part I of the Housing Act 1988 and Schedule 10 to the Local Government and Housing Act 1989 ”.

#### **Marginal Citations**

**M48** 1956 c. 69.

### *The Public Works Loans Act 1965*

- 6 In section 2 of the <sup>M49</sup>Public Works Loans Act 1965 (new form of local loan and automatic charge for securing it),—
- (a) in subsection (3) for the words “Part IX of the said Act of 1933” there shall be substituted “ section 43 of the Local Government and Housing Act 1989 (borrowing powers) ”; and
  - (b) in subsection (5) for the words “section 197 of the Local Government Act 1933” there shall be substituted “ section 47 of the Local Government and Housing Act 1989 (security for money borrowed) ”.

#### **Marginal Citations**

**M49** 1965 c. 63.

### *The Public Works Loans Act 1967*

- 7 In section 2 of the <sup>M50</sup>Public Works Loans Act 1967 (amendments as to local loans and automatic charges under s.2 of Act of 1965), in subsection (2) for the words “Part IX of the Local Government Act 1933” there shall be substituted “ section 43 of the Local Government and Housing Act 1989 (borrowing powers) ”.

#### **Marginal Citations**

**M50** 1967 c. 61.



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*The Leasehold Reform Act 1967*

- 8 In section 3 of the <sup>M51</sup>Leasehold Reform Act 1967 (meaning of “long tenancy”), in subsection (5) after “1954” there shall be inserted “ under Schedule 10 to the Local Government and Housing Act 1989 ”.

**Marginal Citations**

**M51** 1967 c. 88.

- 9 In section 9 of that Act (purchase price and costs of enfranchisement, and tenant’s right to withdraw), in subsection (1A), in paragraph (b) after the word “premises” there shall be inserted—
- “(i) if the tenancy is such a tenancy as is mentioned in subsection (2) or subsection (3) of section 186 of the Local Government and Housing Act 1989, or is a tenancy which is a long tenancy at a low rent for the purposes of Part I of the Landlord and Tenant Act 1954 in respect of which the landlord is notable to serve a notice under section 4 of that Act specifying a date of termination earlier than 15th January 1999, under the provisions of Schedule 10 to the Local Government and Housing Act 1989; and
- (ii) in any other case”.
- 10 In section 16 of that Act (exclusion of further rights after extension of lease) after subsection (1A) there shall be inserted the following subsection—
- “(1B) A tenancy extended under section 14 above shall not be an assured tenancy or an assured agricultural occupancy, within the meaning of Part I of the Housing Act 1988, and Schedule 10 to the Local Government and Housing Act 1989 shall not apply to a tenancy so extended.”
- 11 In section 22 of that Act (validity of tenants’ notices, effect on the 1954 Act and on notices to quit etc. and procedure generally), in subsection (1) after paragraph (c) there shall be inserted the following paragraph—
- “(cc) for adapting the procedure under Schedule 10 to the Local Government and Housing Act 1989, and for relating to one another proceedings under that Schedule and proceedings under this Part of this Act; and”.
- 12 In section 37 of that Act (interpretation of Part I), in subsection (2)—
- (a) after “1954” there shall be inserted “ or paragraph 16(2) of Schedule 10 to the Local Government and Housing Act 1989 ”;
- (b) for the words “that Act”, in the first place where they occur, there shall be substituted “ the said Act of 1954 or, as the case may be, the said Schedule 10 ”;
- (c) for the words “that Act”, in the second place where they occur, there shall be substituted “ the said Act of 1954 or, as the case may be, the coming into force of the said Schedule 10 ”; and
- (e) for the words “that Act”, in the third place where they occur, there shall be substituted “ the said Act of 1954 or, as the case may be, the said Schedule 10 ”.

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- 13 (1) In Schedule 3 to that Act (validity of tenants' notices, effect on the 1954 Act etc. and procedure generally), in paragraph 1, in sub-paragraph (1) after "1954" there shall be inserted " or paragraph 17 of Schedule 10 to the Local Government and Housing Act 1989 ".
- (2) In paragraph 2 of that Schedule—
- (a) in sub-paragraph (1) after "1954" there shall be inserted " or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ";
- (b) in sub-paragraph (2) after "1954" there shall be inserted " or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 " and after the word "given" there shall be inserted " or served "; and
- (c) in sub-paragraph (3)—
- (i) after "1954" there shall be inserted " or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ";
- (ii) after the words "shall be" there shall be inserted—
- “(1) in the case of a notice given under the said Act of 1954”; and
- (iii) at the end there shall be added—
- “(ii) in the case of a notice served under the said Schedule 10, the date of termination specified in the previous notice or the expiration of the period of four months beginning on the date of service of the new notice, whichever is the later”.
- (3) In paragraph 3 of that Schedule, after sub-paragraph (2) there shall be inserted—
- “(3) The reference in sub-paragraph (2) above to section 16(2) of, and paragraph 9 of Schedule 5 to, the Landlord and Tenant Act 1954 includes a reference to those provisions as they apply in relation to Schedule 10 to the Local Government and Housing Act 1989.”
- (4) In paragraph 4 of that Schedule, after sub-paragraph (5) there shall be inserted—
- “(6) The references in this paragraph—
- (a) to section 16 of the Landlord and Tenant Act 1954 and subsection (2) of that section, and
- (b) paragraph 9 of Schedule 5 to that Act and sub-paragraph (2) of that paragraph,
- include references to those provisions as they apply in relation to Schedule 10 to the Local Government and Housing Act 1989.”
- (5) In paragraph 10 of that Schedule—
- (a) in sub-paragraph (1)—
- (i) after "1954" there shall be inserted " or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 "; and
- (ii) in paragraph (a) for the words "either of those sections" there shall be substituted " any of those provisions "; and
- (b) in sub-paragraph (4) after "1954" there shall be inserted " or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ".

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*The International Organisations Act 1968*

14 In Schedule 1 to the <sup>M52</sup>International Organisations Act 1968 (privileges and immunities) after paragraph 9A there shall be inserted the following paragraph—

“9B The like exemption or relief from being subject to a community charge, or being liable to pay anything in respect of a community charge or anything by way of contribution in respect of a collective community charge, as is accorded to or in respect of the head of a diplomatic mission.”

**Commencement Information**

**I2** Sch. 11 para. 14 wholly in force; Sch. 11 para. 14 not in force at Royal Assent see s. 195(2); Sch. 11 para. 14 wholly in force at 25.1.1993 by [S.I. 1993/105](#), [art. 2](#)

**Marginal Citations**

**M52** 1968 c. 48.

PROSPECTIVE

*The Social Work (Scotland) Act 1968*

<sup>F81</sup>15 .....

**Textual Amendments**

**F81** Sch. 11 para. 15 repealed (S.) (1.4.1997) by [1995 c. 36](#), s. 105(5), [Sch. 5](#); [S.I. 1996/3201](#), [art. 3\(7\)](#)

*The Transport Act 1968*

16 In section 12 of the <sup>M53</sup>Transport Act 1968 (borrowing powers of Executive), in subsection (4) for the words from “and to borrow money for that purpose” onwards there shall be substituted “ but only if the rate of interest payable by the Executive to the Authority in respect of the loan is not less than that which would be payable by the Authority if they were to borrow the same sum on equivalent terms (disregarding any terms as to interest) from another person ”.

**Marginal Citations**

**M53** 1968 c. 73.

PROSPECTIVE

*The Local Authority Social Services Act 1970*

17 In section 4 of the <sup>M54</sup>Local Authority Social Services Act 1970, after subsection (1) there shall be inserted the following subsection—

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“(1A) A local authority may establish sub-committees of their social services committee and may delegate to any such sub-committee any of the functions of the committee.”

**Marginal Citations**

**M54** 1970 c. 42.

18 In section 5(4) of that Act for the words “section 4(2)” there shall be substituted “ subsection (1A) or subsection (2) of section 4 ”.

*The Town and Country Planning Act 1971*

19<sup>F82</sup>, 20.

**Textual Amendments**

**F82** Sch. 11 paras. 19, 20 repealed by [Planning \(ConsequentialProvisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I, Sch. 3 paras.1, 2, 4, 6](#)

*The Local Government Act 1972*

PROSPECTIVE

21 In section 80 of the <sup>M55</sup>Local Government Act 1972 (disqualifications for election and holding office as members of local authority), in subsection (1) after paragraph (a) there shall be inserted the following paragraph—  
 “(aa) holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority; or”.

**Marginal Citations**

**M55** 1972 c. 70.

22 In section 94(5)(b) of that Act (allowances not to be treated as pecuniary interests), after the word “below” there shall be inserted the words “or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989”.

23 In subsection (6) of section 97 of that Act (exclusion of disability from speaking and voting by reason of small shareholdings), for “£1,000” there shall be substituted “ £5,000 ”.

PROSPECTIVE

24 In section 100G of that Act (duty of principal councils to publish information), for paragraph (b) of subsection (1) there shall be substituted the following paragraph—

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- “(b) in respect of every committee or sub-committee of the council—
- (i) the members of the council who are members of the committee or sub-committee or who are entitled, in accordance with any standing orders relating to the committee or sub-committee, to speak at its meetings or any of them;
  - (ii) the name and address of every other person who is a member of the committee or sub-committee or who is entitled, in accordance with any standing orders relating to the committee or sub-committee, to speak at its meetings or any of them otherwise than in the capacity of an officer of the council; and
  - (iii) the functions in relation to the committee or sub-committee of every person falling within sub-paragraph (i) above who is not a member of the committee or sub-committee and of every person falling within sub-paragraph(ii) above.”

PROSPECTIVE

- 25 In section 102 of that Act (appointment of committees)—
- (a) in paragraph (a) of subsection (1), after “may appoint a committee” there shall be inserted “ or a sub-committee ”;
  - (b) in subsection (2), for “the appointing committee” there shall be substituted “ the appointing authority or committee (as the case may be) ”;and
  - (c) after subsection (4) there shall be inserted the following subsection—

“(4A) A local authority may appoint one or more sub-committees of a committee appointed by them under subsection (4) above to advise the committee with respect to any matter relating to the discharge of functions with respect to which the committee is appointed to advise.”
- 26 Sections 173 and 173A of that Act (attendance allowance and financial loss allowance) shall be amended as follows—
- (a) for the words “local authority”, wherever they occur, there shall be substituted “ parish or community council ”;
  - (b) in subsection (3) of each of those sections, for the word “authority”there shall be substituted “ council ”; and
  - (c) for the words “body to which this section applies” in subsection (4) of section 173 there shall be substituted “ parish or community council ”.

**Commencement Information**

- I3** Sch. 11 para. 26 wholly in force at 1.4.1991; Sch. 11 para. 26 in force for certain purposes at 27.2.1991 and wholly in force at 1.4.1991, see s. 195(2)(3) and [S.I. 1991/344, art. 3, Sch.](#)

- 27 In section 175 of that Act (allowances for conferences and meetings)—
- (a) in subsection (1) (allowances payable), for the words from “allowancesin the nature of” onwards there shall be substituted “allowances in the nature

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of an attendance allowance and an allowance for travelling and subsistence, as they think fit.

(1A) Payments made under subsection (1) above shall be of such reasonable amounts as the body in question may determine in a particular case or class of case but shall not exceed—

- (a) in the case of payments of an allowance in the nature of an attendance allowance, such amounts as may be specified in or determined under regulations made by the Secretary of State; and
- (b) in the case of payments of an allowance in the nature of an allowance for travel and subsistence in respect of a conference or meeting held in the United Kingdom, such amounts as may be specified under section 174 above for the corresponding allowance under that section;

and regulations made by the Secretary of State may make it a condition of any payment mentioned in paragraph (a) above that, in the financial year to which the payment would relate, the aggregate amount which the body in question has paid or is already liable to pay in respect of any prescribed allowance or allowances does not exceed such maximum amount as may be specified in or determined under the regulations.”;

- (b) in subsection (3B) (conferences to which section applies in relation to joint boards and committees), for the words “such body as is mentioned in section 177(1)(d) or (e) below” there shall be substituted the words “body which is a joint board, joint authority or other combined body all the members of which are representatives of local authorities”.

#### Commencement Information

**I4** Sch. 11 para. 27 wholly in force at 1. 4. 1991 see s. 195(2)(3) and [S.I. 1991/344](#), art. 3(2)(a), [Sch.](#)

28 (1) Section 177 of that Act shall be amended as follows.

(2) For subsection (1) (bodies to which sections 173 to 175 apply) there shall be substituted the following subsection—

“(1) Subject to paragraph 4 of Schedule 2 to the Education Act 1980 (application of certain allowances to appeal committees), sections 174 and 175 above apply—

- (a) to the bodies specified in section 21(1) of the Local Government and Housing Act 1989, except—
  - (i) the Common Council;
  - (ii) a body established pursuant to an order under section 67 of the Local Government Act 1985 (successors to residuary bodies); and
  - (iii) without prejudice to section 265 below, the Council of the Isles of Scilly;
- (b) to any prescribed body on which a body to which those sections apply by virtue of paragraph (a) above is represented; and
- (c) to any parish or community council.”

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(3) For subsection (2) (meaning of “approved duties”) there shall be substituted the following subsection—

“(2) In sections 173 to 176 above “approved duty”, in relation to a member of a body, means such duties as may be specified in or determined under regulations made by the Secretary of State.”

(4) In subsection (4) (members not excluded from discussion of allowances), at the end there shall be inserted the words “ or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989 ”.

**Commencement Information**

**I5** Sch. 11 para. 28 wholly in force at 1. 4. 1991 see s. 195(2)(3) and [S.I. 1991/344, art. 3\(2\)\(a\)](#), [Sch.](#)

29 In section 178(2) of that Act (regulations with respect to allowances), for the words “177 or 177A” there shall be substituted “ or 177 ”.

**Commencement Information**

**I6** Sch. 11 para. 29 wholly in force at 1.4.1991, see s. 195(2)(3) and [S.I. 1991/344, art. 3\(2\)\(a\)](#), [Sch.](#)

30 In sub-paragraphs (1) and (2) of paragraph 41 of Schedule 12 to that Act (recording the minutes of meetings of local authorities), for the word “following” there shall be substituted “ suitable ”; and after sub-paragraph (3) of that paragraph there shall be inserted the following sub-paragraph—

“(4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.”

*The Land Compensation Act 1973*

31 In section 37 of the <sup>M56</sup>Land Compensation Act 1973 (disturbance payments for persons without compensatable interests), in subsection (2), in paragraph (c) for the words from “an owner-occupier’s supplement” onwards there shall be substituted the words “ a payment under section 584A(1) of the Housing Act 1985 (compensation payable in case of closing and demolition orders) ”.

**Marginal Citations**

**M56** 1973 c. 26.

32 (1) In section 42(6) of that Act, in the definition of “Housing Revenue Account dwelling”, for the words from “Part XIII of the <sup>M57</sup>Housing Act 1985)” to the end there shall be substituted the words “ Part VI of the Local Government and Housing Act 1989 )”.

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- (2) This paragraph has effect for years beginning on or after 1st April 1990 and in this sub-paragraph “year” has the same meaning as in Part XIII of the Housing Act 1985 (general financial provisions).

**Marginal Citations**

**M57** 1985 c.68.

*The Local Government (Scotland) Act 1973*

- 33 In section 38(4)(b) of the <sup>M58</sup>Local Government (Scotland) Act 1973 (allowances not to be treated as pecuniary interests) after the word “Act” there shall be inserted the words “ or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989. ”

**Marginal Citations**

**M58** 1973 c. 65.

- 34 In section 47 of that Act (allowances for conferences and meetings)—
- (a) in subsection (1) (allowances payable), for the words from “allowances in the nature of” onwards there shall be substituted “allowances in the nature of an attendance allowance and an allowance for travel and subsistence, as they think fit.
- (1A) payments made under subsection (1) above shall be of such reasonable amounts as the body in question may determine in a particular case or class of case but shall not exceed—
- (a) in the case of payments of an allowance in the nature of an attendance allowance, such amounts as may be specified in or determined under regulations made by the Secretary of State; and
- (b) in the case of payments of an allowance in the nature of an allowance for travel and subsistence in respect of a conference or meeting held in the United Kingdom, such amounts as may be specified under section 46 above for the corresponding allowance under that section;
- and regulations made by the Secretary of State may make it a condition of any payment mentioned in paragraph (a) above that, in the financial year to which the payment would relate, the aggregate amount which the body in question has paid or is already liable to pay in respect of any prescribed allowance or allowances does not exceed such maximum amount as may be specified in or determined under the regulations.”;
- (b) in subsection (3A) (conferences to which section applies in relation to joint boards and committees), for the words “such body as is mentioned in section 49(1)(c) or (d) below” there shall be substituted the words “ body which is a joint board, joint authority or other combined body all the members of which are representatives of local authorities ”.



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#### Commencement Information

**I7** Sch. 11 para. 34 wholly in force at 1.4.1991, see s. 195(2)(3) and S.I. 1991/344, art. 3(2)(a), Sch.

- 35 (1) Section 49 of that Act shall be amended as follows.
- (2) For subsection (1) (bodies to which sections 46 and 47 apply) there shall be substituted the following subsection—
- “(1) Sections 46 and 47 above apply—
- (a) to the bodies specified in section 21(2) of the Local Government and Housing Act 1989; and
- (b) to any prescribed body on which a body to which those sections apply by virtue of paragraph (a) above is represented.”
- (3) For subsection (2) (meaning of “approved duties”) there shall be substituted the following subsection—
- “(2) In sections 46 to 48 above “approved duty”, in relation to a member of a body, means such duties as may be specified in or determined under regulations made by the Secretary of State.”
- (4) In subsection (4) (members not excluded from discussion of allowances), at the end there shall be inserted the words “ or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989 ”.

#### PROSPECTIVE

- 36 In sub-paragraph (1) of paragraph 7 of Schedule 7 to that Act (recording the minutes of meetings of local authorities) for the word “following” there shall be substituted the word “ suitable ”; and after sub-paragraph (2) of that paragraph there shall be inserted the following sub-paragraph—
- “(3) For the purposes of sub-paragraph (1) above, the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.”

#### *The Local Government Act 1974*

- 37 In section 23(4) of the <sup>M59</sup>Local Government Act 1974 (consultation in appointing Local Commissioners), for the words “appropriate representative body,” there shall be substituted the words “ such persons as appear to the Secretary of State to represent authorities in England or, as the case may be, authorities in Wales to which this Part of this Act applies ”.

#### Marginal Citations

**M59** 1974 c. 7.

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- 38 In section 23(12) of that Act (triennial reports to Part III authorities) the words “(through the appropriate representative body designated under section 24 below)” shall be omitted and at the end there shall be inserted the words “ and shall send copies of those recommendations or conclusions to the representative persons and authorities concerned ”.
- 39 (1) In section 31(3)(a) of that Act (further provisions about reports on investigations), for “(1) or (2A)” there shall be substituted “ (2) or (2C) ”.
- (2) This paragraph shall not have effect in relation to a report made before the coming into force of section 26 of this Act.
- 40 In section 32(1) of that Act (publications enjoying absolute privilege for the purposes of the law of defamation), the following paragraph shall be inserted at the end—
- “(e) the publication of any matter by inclusion in a statement published in accordance with section 31(2D), (2E) and (2F) or (2G) above.”
- 41 In Schedule 4 to that Act (further provisions about the Commissions)—
- (a) in paragraph 6, after “Subject to” there shall be inserted “ section 31(2H) above and ”; and
- (b) in paragraph 7, after “Subject to” there shall be inserted “ section 31(2H) above and ”.

*The Housing Act 1974*

- 42 At the end of section 131(4) of the <sup>M60</sup>Housing Act 1974 (commencement orders, savings) there shall be added the words “ and an order under subsection (3) above may be revoked or varied by a further order under that subsection which may itself contain such savings with respect to the effect of the revocation or variation as appear to the Secretary of State to be appropriate ”.

**Marginal Citations**

**M60** 1974 c. 44.

*The Local Government (Scotland) Act 1975*

- [<sup>F83</sup>43 In section 4 of the <sup>M61</sup>Local Government (Scotland) Act 1975 (valuation appeal committees) after subsection (7) there shall be inserted the following subsection—
- “(7A) There shall be paid to members of a valuation appeal committee and to members of a local valuation panel such allowances as may be determined by the Secretary of State.”]

**Textual Amendments**

**F83** Sch. 11 para. 43 repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), **Sch. 2**

**Marginal Citations**

**M61** 1975 c. 30.

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- 44 (1) In section 29(3)(a) of that Act (further provisions about reports on investigations), for “(1) or (2A)” there shall be substituted “ (2) or (2C) ”.
- (2) This paragraph shall not have effect in relation to a report made before the coming into force of section 27 of this Act.

45 In section 30(1) of that Act (publications enjoying absolute privilege for the purposes of the law of defamation), the following paragraph shall be inserted at the end—

“(e) the publication of any matter by inclusion in a statement published in accordance with section 29(2D), (2E) and (2F) or (2G) of this Act.”

46 In Schedule 4 to that Act (further provisions about the Commissioner) in paragraph 5, at the beginning, there shall be inserted “ Subject to section 29(2H) of this Act, ”.

*The Local Government (Miscellaneous Provisions) Act 1976*

47 In section 33 of the <sup>M62</sup>Local Government (Miscellaneous Provisions) Act 1976 (restoration or continuation of supply of water, gas or electricity) in subsection (4) for the word “and”, where it first occurs, there shall be substituted “ the sum so recoverable, together with any interest accrued due, shall, until recovered, be a charge on the premises concerned and if ” and at the end of that subsection there shall be inserted the following subsection—

“(4A) A charge under subsection (4) above takes effect from the date when the council makes the payment referred to in that subsection and, for the purposes of enforcing a charge,—

- (a) the council shall have the same powers and remedies, under the Law of Property Act 1925 and otherwise, as if it were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and, subject to paragraph (b) below, of appointing a receiver; and
- (b) the power to appoint a receiver shall be exercisable at any time after the expiry of one month from the date when the charge takes effect.”

**Marginal Citations**

**M62** 1976 c. 57.

48 In section 40 of that Act (local authorities not affected by trusts attaching to certain securities issued by them), in subsection (1) after the word “officer” there shall be inserted “ or other person ”.

*The Rent (Agriculture) Act 1976*

49 In section 33 of the <sup>M63</sup>Rent (Agriculture) Act 1976 (suspension of condition attached to planning permission), in subsection (2) after the words “let on or subject to” there shall be inserted “ an assured agricultural occupancy, within the meaning of Chapter III of Part I of the Housing Act 1988, or ”.

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**Marginal Citations**

**M63** 1976 c. 80.

50 In Schedule 2 to that Act (meaning of “relevant licence” and “relevant tenancy”), in paragraph 2 (meaning of “relevant tenancy”) after “applies” there shall be inserted “ a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies ”.

*The Rent Act 1977*

<sup>F84</sup>51 .....

**Textual Amendments**

**F84** Sch. 11 para. 51 repealed (2.9.1993) by 1993 c. 28, s. 187(2), **Sch.22**; S.I. 1993/2134, **arts. 2,3**

<sup>F85</sup>52 (1) In section 116 of that Act (dwelling subject to statutory tenancy: works to which the tenant is unwilling to consent) in subsection (2) for the words from “paragraph (a)” to “paragraph (b)” there shall be substituted “ any of paragraphs (a) to (c) ”.

(2) At the end of subsection (3) of that section there shall be added  
(c) that the works were specified in an application for a renovation grant, a common parts grant, a disabled facilities grant or an HMO grant under Part VIII of the Local Government and Housing Act 1989 and the application has been approved.”

(3) At the end of subsection (5) of that section there shall be added the words “ or, as the case may be, with any condition under section 118(2) of the Local Government and Housing Act 1989 ”.]

**Textual Amendments**

**F85** Sch. 11 para. 52 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

53 (1) In section 137 of that Act (effect on sub-tenancy of determination of superior tenancy), in subsection (5) after the words “a protected tenancy” there shall be inserted “ or an assured tenancy, within the meaning of Part I of the Housing Act 1988 ”.

(2) In subsection (6) of that section—  
(a) in paragraph (a) after “1954” there shall be inserted “ or, as the case may be, served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ”;  
(b) in paragraph (b) for the words “that Act” there shall be substituted “ the said Act of 1954 or, as the case may be, paragraph 3 of the said Schedule 10 ”; and  
(c) in the words following paragraph (b) for the words “Part I of that Act” there shall be substituted “ Part I of the said Act of 1954 or, as the case may be, the said Schedule 10 ”.

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*The Protection from Eviction Act 1977*

54 In section 8 of the <sup>M64</sup>Protection from Eviction Act 1977 (interpretation), in subsection (1) (meaning of “statutorily protected tenancy”) after paragraph (e) there shall be inserted—

“(e) a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies”.

**Marginal Citations**

**M64** 1977 c. 43.

PROSPECTIVE

*The Education (Scotland) Act 1980*

55 In Schedule A1 to the <sup>M65</sup>Education (Scotland) Act 1980, for paragraph 9 there shall be substituted the following paragraph—

“9 There shall be paid to members of an appeal committee constituted in accordance with this Schedule such allowances as may be determined by the Secretary of State.”

**Marginal Citations**

**M65** 1980 c. 44.

PROSPECTIVE

*The Local Government, Planning and Land Act 1980*

56 In section 98 of the <sup>M66</sup>Local Government, Planning and Land Act 1980 (disposal of land at direction of Secretary of State), in subsection (8), at the end of paragraph (b) the word “or” shall be omitted and at the end of paragraph (c) there shall be added—

“or

(d) in any case where the body to whom this Part of this Act applies is one of the bodies specified in subsection (8A) below, the other body is a company under the control or subject to the influence of that body within the meaning of Part V of the Local Government and Housing Act 1989 (companies in which local authorities have interests).

(8A) The bodies referred to in subsection (8)(d) above are—

(a) a county council;

[<sup>F86</sup>(aa) a county borough council;]

(b) a district council;

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- (c) a London borough council;
- (d) the Common Council of the City of London; <sup>F87</sup>...
- (e) a joint authority established by Part IV of the Local Government Act 1985;
- <sup>F88</sup>[  
<sup>F89</sup>(eza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- (ezb) a combined authority established under section 103 of that Act;]  
and
- (ea) <sup>F90</sup>.....
- <sup>F91</sup>(f) the London Fire Commissioner.”]]

#### Textual Amendments

- F86** Words in Sch. 11 para. 56 inserted (3.4.1995) by [Local Government \(Wales\) Act 1994 \(c. 19\)](#), s. 66(6), [Sch. 16 para. 57\(4\)](#); S.I. 1995/852, art. 9(1), [Sch. 5](#) (subject to art. 9(2)-(5))
- F87** Word in Sch. 11 para. 56 repealed (3.7.2000) by the [Greater London Authority Act 1999 \(c. 29\)](#), s. 423, [Sch. 34 Pt. VIII](#); S.I. 2000/1094, art. 4(i)
- F88** Words in Sch. 11 para. 56 inserted (3.7.2000) by the [Greater London Authority Act 1999 \(c. 29\)](#), s. 328, [Sch. 29 para. 30](#); S.I. 2000/1094, art. 4(h)
- F89** Words in Sch. 11 para. 56 inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 119, [Sch. 6 para. 50](#); S.I. 2009/3318, art. 2(c)
- F90** Words in Sch. 11 para. 56 repealed (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 59, [Sch. 13 para. 6\(14\)\(b\)](#); S.I. 2015/994, art. 6(g)
- F91** Words in Sch. 11 para. 56 substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 58](#)

#### Marginal Citations

- M66** 1980 c. 65.

57 In section 100 of that Act (interpretation and extent of Part X) for subsection (1) there shall be substituted the following subsections—

“(1) Except where the context otherwise requires, in this Part of this Act, “subsidiary”, in relation to a body to whom this Part of this Act applies, means—

- (a) if that body is a county council, [<sup>F92</sup>county borough council] district council, London borough council, the Common Council of the City of London [<sup>F93</sup>, the London Fire Commissioner]]<sup>F94</sup>, a joint authority established by Part 4 of the Local Government Act 1985 [<sup>F95</sup>, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,]]<sup>F96</sup>or a combined authority established under section 103 of that Act]], a company under the control, or subject to the influence, of that body within the meaning of Part V of the Local Government and Housing Act 1989 (companies in which local authorities have interests); and
- (b) in the case of any other body, a wholly-owned subsidiary of that body.

*Status: Point in time view as at 11/09/1998.*

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(1A) In this Part of this Act, “wholly-owned subsidiary” has the meaning assigned to it by <sup>F97</sup>section 1159 of the Companies Act 2006.”

#### Textual Amendments

- F92** Words in Sch. 11 para. 57 inserted (29.4.1996) by S.I. 1996/1008, art. 2, **Sch. Pt. 1 para. 2**
- F93** Words in Sch. 11 para. 57 substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 2 para. 60**; S.I. 2018/227, reg. 4(c)
- F94** Words in Sch. 11 para. 57 substituted (1.4.2008) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 13 para. 36(5)**; S.I. 2008/917, art. 2(1)(p)
- F95** Words in Sch. 11 para. 57 inserted (17.12.2009) by **Local Democracy, Economic Development and Construction Act 2009 (c. 20)**, s. 148(6), **Sch. 6 para. 52**; S.I. 2009/3318, art. 2(c)
- F96** Words in Sch. 11 para. 57 substituted (26.5.2015) by **Deregulation Act 2015 (c. 20)**, s. 115(7), **Sch. 13 para. 6(14)(d)**; S.I. 2015/994, art. 6(g)
- F97** Words in Sch. 11 para. 57 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. 46(3)(b)** (with art. 10)

#### *The New Towns Act 1981*

- 58 In Schedule 9 to the <sup>M67</sup>New Towns Act 1981 (additional provisions as to the Commission for the New Towns), in paragraph 6 (sealing and execution of documents) after the word “member”, in the first place where it occurs, there shall be inserted “ or officer of the Commission ”.

#### Marginal Citations

**M67** 1981 c. 64.

#### *The Stock Transfer Act 1982*

- 59 In section 1 of the <sup>M68</sup>Stock Transfer Act 1982 (transfer of certain securities through a computerised system), in subsection (3), in paragraph (b) for the words “paragraph 4 of Schedule 13 to the Local Government Act 1972” there shall be substituted “ section 43 of the Local Government and Housing Act 1989 (borrowing powers) ”.

#### Marginal Citations

**M68** 1982 c. 41.

PROSPECTIVE

#### *The County Courts Act 1984*

- 60 In section 77 of the <sup>M69</sup>County Courts Act 1984 (appeals: general provisions), in subsection (6) after paragraph (ee) there shall be inserted the following paragraph—

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“(ef) paragraph 13(4) of Schedule 10 to the Local Government and Housing Act 1989; or”.

**Marginal Citations**

**M69** 1984 c. 28.

*Rent (Scotland) Act 1984*

- 61 In section 58(7) of the <sup>M70</sup>Rent (Scotland) Act 1984 (power to vary sum of £104 specified in phasing formula under section 58(2)) for the words “the sum specified in” there shall be substituted the words “ or repealing any of the provisions of ”.

**Marginal Citations**

**M70** 1984 c. 58.

*The Housing Act 1985*

- 62 In section 8 of the <sup>M71</sup>Housing Act 1985 (periodical review of housing needs), in subsection (2) for the words from “inspections” onwards there shall be substituted “ the consideration of the housing conditions in their district under section 605 ”.

**Marginal Citations**

**M71** 1985 c. 68.

- [<sup>F98</sup>63 In each of sections 47(4) and 48(3A) of that Act (limitation of service charges etc.), after the words “Part XV” there shall be inserted “ of this Act or Part VIII of the Local Government and Housing Act 1989 ”.]

**Textual Amendments**

**F98** Sch. 11 para. 63 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

- 64 In section 54 of that Act (powers of entry), at the end of subsection (2) there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.
- 65 (1) In section 55 of that Act (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.
- (2) In subsection (2) of that section for the words “level 2” there shall be substituted “ level 3 ”.

- [<sup>F99</sup>66 In section 100 of that Act (power to reimburse cost of secure tenant’s improvements), after subsection (2) there shall be inserted the following subsection—

“(2A) In subsection (2)—



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- (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
- (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

#### Textual Amendments

**F99** Sch. 11 para. 66 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

[<sup>F100</sup>67 In section 101 of that Act (rent not to be increased on account of tenant’s improvements), after subsection (1) there shall be inserted the following subsection—

“(1A) In subsection (1)—

- (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
- (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

#### Textual Amendments

**F100** Sch. 11 para. 67 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

[<sup>F101</sup>68 In section 244 of that Act (environmental works), in subsection (3) after the word “works” there shall be inserted “ (a) ”, after the word “grant”, in the last place where it occurs, there shall be inserted “ under Part XV ” and at the end there shall be added

- (e) which are included in the external works specified in a group repair scheme, within the meaning of Part VIII of the Local Government and Housing Act 1989, in which the person concerned is eligible to participate.

(3A) In subsection (3)—

- (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
- (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

#### Textual Amendments

**F101** Sch. 11 para. 68 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

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[<sup>F102</sup>69 In section 255 of that Act (general powers of local housing authority in general improvement areas) after subsection (2) there shall be inserted the following subsection—

“(3) In subsection (2)(b)—

- (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
- (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

**Textual Amendments**  
**F102** Sch. 11 para. 69 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

70 In section 289 of that Act (declaration of clearance area), subsection (6)shall cease to have effect.

71 In section 327 of that Act (penalty for occupier causing or permitting overcrowding), in subsection (3)—

- (a) for the words “level 1” there shall be substituted “ level 2 ”;and
- (b) for “£2” there shall be substituted “ one-tenth of the amount corresponding to that level ”.

72 In section 331 of that Act (penalty for landlord causing or permitting overcrowding), in subsection (3)—

- (a) for the words “level 1” there shall be substituted “ level 2 ”,and
- (b) for “£2” there shall be substituted “ one-tenth of the amount corresponding to that level ”.

73 In section 340 of that Act (powers of entry), at the end of subsection (2) there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.

74 (1) In section 341 of that Act (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.

(2) In subsection (2) of that section for the words “level 2” there shall be substituted “ level 3 ”.

<sup>F103</sup>75 .....

**Textual Amendments**  
**F103** Sch. 11 para. 75 repealed (3.3.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. II**; S.I. 1997/596, **art. 2**

<sup>F104</sup>76 .....

**Textual Amendments**  
**F104** Sch. 11 para. 76 repealed (3.3.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. II**; S.I. 1997/596, **art. 2**

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- 77 (1) In subsection (1) of section 421 of that Act (housing subsidy), for the words “housing authorities” there shall be substituted the words “ new town corporations and the Development Board for Rural Wales ”.
- (2) In subsection (2) of that section, for paragraphs (a) and (b) there shall be substituted the words “ to the body’s housing account ”.
- (3) This paragraph and paragraphs 78 to 84 below have effect for years beginning on or after 1st April 1990 and in this sub-paragraph “year” has the same meaning as in Part XIII of that Act (general financial provisions).
- 78 (1) In subsection (1) of section 422 of that Act (calculation of housing subsidy for local housing authorities), for the words “local housing authority” there shall be substituted the words “ new town corporation ”and for the word “authority’s” there shall be substituted the word “ corporation’s ”.
- (2) In subsection (2) of that section, for the word “authority” there shall be substituted the word “ corporation ”.
- 79 (1) In subsection (1) of section 423 of that Act (the base amount), for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ” and for the word “authority” there shall be substituted the word “ corporation ”.
- (2) In subsection (2) of that section, the words “any description of authority or” shall cease to have effect.
- 80 (1) In subsection (1) of section 424 of that Act (the housing costs differential), for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ”.
- (2) In subsection (2) of that section, for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ”, for the word “authority”, in each place where it occurs, there shall be substituted the word “ corporation ” and for the words “the authority’s Housing Revenue Account” there shall be substituted the words “ the corporation’s housing account ”.
- (3) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) A determination may be made for all new town corporations or different determinations may be made for individual corporations; and a determination may be varied or revoked in relation to all or any of the corporations for which it was made.”
- (4) In subsection (4) of that section, for the words “local housing authorities”, in both places where they occur, there shall be substituted the words “ new town corporations ”.
- 81 (1) In subsection (1) of section 425 of that Act (the local contribution differential), for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ”.
- (2) In subsection (2) of that section, for the words “An authority’s” there shall be substituted the words “ A corporation’s ”, for the word “authority”, in both places where it occurs, there shall be substituted the word “ corporation ”, for the words “Housing Revenue Account” there shall be substituted the words “ housing account ” and for the words “general rate fund” there shall be substituted the words “ general revenue account ”.

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- (3) For subsection (4) of that section there shall be substituted the following subsection—
- “(4) A determination may be made for all new town corporations or different determinations may be made for different corporations or groups of corporations.”
- (4) In subsection (5) of that section, for the words “local housing authorities”, in both places where they occur, there shall be substituted the words “new town corporations”.
- (5) In subsection (6) of that section, for the word “authorities” there shall be substituted the words “corporations”.
- 82 For section 426 of that Act there shall be substituted the following section—
- “426 Calculation of housing subsidy for Board.**
- (1) Sections 422 to 425 (calculation of housing subsidy) apply in relation to the Development Board for Rural Wales as they apply in relation to new town corporations, but subject to subsections (2) and (3).
- (2) Section 425(2)(a) (reckonable income to include contributions from corporation’s general revenue account) has effect with the substitution for the reference to any contribution made by the corporation out of their general revenue account of a reference to any contribution made by the Board out of revenue.
- (3) The consultation required by section 424(4) or 425(5) (consultation before making general determinations) shall be with the Board.”
- 83 In section 427(1) of that Act (recoupment of subsidy in certain cases), for the words “local housing authority or other body” there shall be substituted the words “new town corporation or the Development Board for Rural Wales” and for the words “the authority or other body” there shall be substituted the words “that body”.
- 84 In section 427A of that Act (entitlement to subsidy in case of land subject to a management agreement), for the words “local housing authority or other body” there shall be substituted the words “new town corporation or the Development Board for Rural Wales” and for the words “that authority or body’s” there shall be substituted the words “that body’s”.
- 85 In section 582 of that Act (restriction on recovery of possession after making of compulsory purchase order), in subsection (1)(b) for the words “section 243(2) (land in housing action area)” there shall be substituted “section 93(2) of the Local Government and Housing Act 1989 (land in renewal area)”.
- 86 In section 584 of that Act (power to enter and determine short tenancies of land acquired or appropriated), in subsection (1), the word “or”, in the last place where it occurs, shall be omitted and after the words “the provisions of Part IX relating to clearance areas,” there shall be inserted “or
- Part VII of the Local Government and Housing Act 1989 (renewal areas)”.
- 87 In Schedule 14 to that Act (the keeping of the Housing Revenue Account), in Part V (other supplementary provisions), in paragraph 8 (contributions in respect of land

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in general improvement area), after the words “section259” there shall be inserted “ of this Act ”, after the words “general improvement area)” there shall be inserted “ or section 96 of the Local Government and Housing Act 1989 (contributions by Secretary of State towards expenditure on renewal area) ” and after the words “Part II” there shall be inserted “ of this Act ”.

88 In Schedule 16 to that Act (local authority mortgage interest rates), for paragraph 4 there shall be substituted the following paragraph—

- “4 (1) The rate declared under paragraph 3(a) or (b) shall be a rate calculated in such manner as the Secretary of State may determine.
- (2) A determination under this paragraph—
- (a) may make different provision for different cases or descriptions of cases, including different provision for different areas, for different local authorities or for different descriptions of local authorities; and
- (b) may be varied or withdrawn by a subsequent determination.
- (3) As soon as practicable after making a determination under this paragraph, the Secretary of State shall send a copy of the determination to the local authority or authorities to which it relates.”

*The Landlord and Tenant Act 1985*

89 In section 14 of the <sup>M72</sup>Landlord and Tenant Act 1985 (leases to which section 11—repairing obligations in short leases—applies: exceptions), in subsection (4) after the words “Rent Act 1977” there shall be inserted “ or paragraph 8 of Schedule 1 to the Housing Act 1988 ”.

**Marginal Citations**

M72 1985 c. 70.

90 In section 20A of that Act (service charges) after the words “HousingAct 1985” there shall be inserted “ or Part VIII of the Local Government and Housing Act 1989 ” and at the end there shall be added the following subsection—

- “(2) In any case where—
- (a) relevant costs are incurred or to be incurred on the carrying out of works which are included in the external works specified in a group repair scheme, within the meaning of Part VIII of the Local Government and Housing Act 1989, and
- (b) the landlord participated or is participating in that scheme as an assisted participant,

the amount which, in relation to the landlord, is the outstanding balance determined in accordance with subsections (3) and (4) of section 130 of that Act shall be deducted from the costs, and the amount of the service charge payable shall be reduced accordingly.”

91 (1) In section 21 of that Act (summary of relevant costs for the purposes of service charges), in subsection (5) after the words “Housing Act 1985” there shall be inserted “ or Part VIII of the Local Government and Housing Act 1989 ”.

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(2) After subsection (5A) of that section there shall be inserted the following subsection—

“(5B) The summary shall state whether any of the costs relate to works which are included in the external works specified in a group repair scheme, within the meaning of Part VIII of the Local Government and Housing Act 1989, in which the landlord participated or is participating as an assisted participant.”

PROSPECTIVE

*The Education Act 1986*

92 [F105 In section 4(2)(a) of the M73 Education Act 1986 (definition of “the pooling provisions” for the purposes of sections 2 and 3 of that Act) after “that Schedule” there shall be inserted “ and section 147 of the Local Government and Housing Act 1989 ”.]

**Textual Amendments**

F105 Sch. 11 para. 92 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 2

**Marginal Citations**

M73 [1986 c. 40](#).

*The Housing (Scotland) Act 1987*

93 In section 61(3) of the M74 Housing (Scotland) Act 1987 (application of right to buy to tenants under secure tenancies granted after acquisition by landlord of defective dwelling) for “282(3)” there shall be substituted “ 282(2) or (3) ”.

**Marginal Citations**

M74 [1987 c. 26](#).

94 In section 62(1) of that Act (price at which secure tenant entitled to buy house to be market value less discount) there shall be inserted after “fixed” the words “ as at the date of service of the application to purchase ”.

95 In section 239A(1) of that Act (directions to prevent duplications of grant), at the end there shall be inserted the words “ or are or are not to perform their duties under this Part ”.

*The Local Government Act 1988*

96 In section 25 of the M75 Local Government Act 1988 (consent required for provision of financial assistance etc.) in subsection (1)(b) after the word “power” there shall be inserted “ (whether conferred before or after the passing of this Act) ”.

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**Marginal Citations**

**M75** 1988 c. 9.

PROSPECTIVE

F10697

**Textual Amendments**

**F106** Sch. 11 para. 97 repealed (18.11.2003 for E. and 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 3(i)(iii) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

PROSPECTIVE

*The Education Reform Act 1988*

F10798

**Textual Amendments**

**F107** Sch. 11 para. 98 repealed (1.4.1993) by [Local Government Finance Act 1992](#) (c. 14), s. 117(2), **Sch. 14** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3(1)**

*The Housing (Scotland) Act 1988*

99

In section 16 of the <sup>M76</sup>Housing (Scotland) Act 1988—

- (a) in paragraph (b) (ii) of subsection (1) (tenant under statutory assured tenancy not bound by certain original provisions for rent increases)—
  - (i) after the words “specified in” there shall be inserted the words “ or fixed by reference to factors specified in ”; and
  - (ii) after the words “there specified” there shall be inserted the words “ , or fixed by reference to factors there specified, ”; and
- (b) after that subsection there shall be inserted the following subsection—
  - “(1A) The factors referred to in subsection (1) (b) (ii) above must be—
    - (a) factors which, once specified, are not wholly within the control of the landlord; and
    - (b) such as will enable the tenant at all material times to ascertain without undue difficulty any amount or percentage falling to be fixed by reference to them.”

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### Marginal Citations

M76 1988 c. 43.

- 100 In section 24 of that Act—
- (a) in subsection (1) (procedure for securing rent increase in assured tenancies)—
    - (i) for the word “an” there shall be substituted the words “ a statutory ”; and
    - (ii) in each of paragraphs (a) and (b), after the word “was” there shall be inserted the words “ at the time of service of the notice ”.
  - (b) in subsection (5) (saving, from rent increase procedure for assured tenancies, of operation of certain tenancy provisions for such increases)—
    - (i) for the words from “affects” to “tenancy”, where first occurring, there shall be substituted the following—
      - “(a) extends to a statutory assured tenancy of which there is a term”.
      - (ii) after the words “specified in” there shall be inserted the words “ ,or fixed by reference to factors specified in, ”;
      - (iii) after the words “there specified” there shall be inserted the words “ , or fixed by reference to factors there specified, ”; and
      - (iv) there shall be inserted at the end the words “or
        - (b) affects the operation of any term of a contractual tenancy which makes provision for an increase in rent (including provision whereby the rent for a particular period will or may be greater than that for an earlier period)”;
  - (c) after that subsection there shall be inserted the following subsection—
    - “(6) The factors referred to in subsection (5) above must be—
      - (a) factors which, once specified, are not wholly within the control of the landlord; and
      - (b) such as will enable the tenant at all material times to ascertain without undue difficulty any amount or percentage falling to be fixed by reference to them.”

### *The Housing Act 1988*

- 101 In section 7 of the <sup>M77</sup>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;



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- (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

M77 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”.
- 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—

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“(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.”

F108 107 .....

**Textual Amendments**  
F108 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 ”.

F109 109 .....

**Textual Amendments**  
F109 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 <sup>M78</sup>Housing Associations Act 1985), in sub-paragraph (2) for “(3)” there shall be substituted “ (2A) ”.

**Marginal Citations**  
M78 1985 c. 69.

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- 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 <sup>M79</sup>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**

M79 1985c. 68.

*The Social Security Act 1989*

F110 113 .....

**Textual Amendments**

F110 Sch. 11 para. 113 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), s. 3, [Sch.1](#)

SCHEDULE 12

Section 194.

ENACTMENTS REPEALED

**PART I**

LOCAL AUTHORITY FINANCE

38 and 39 Vict. c. 83.	The Local Loans Act 1875.	The whole Act.
45 and 46 Vict. c. 50.	The Municipal Corporations Act 1882.	In Part I of Schedule 9, the entry relating to the Local Loans Act 1875.
48 and 49 Vict. c. 30.	The Local Loans Sinking Funds Act 1885.	The whole Act.
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act 1888.	In section 54, subsections (3) and (4). In section 55, the words from “The term “conservancy authority”” onwards.
55 & 56 Vict. c. 43.	The Military Lands Act 1892.	Section 8(3).
8 Edw. 7 c. 36.	The Small Holdings and Allotments Act 1908.	Section 52(3).
9 and 10 Geo. 6 c. 58.	The Borrowing (Control and Guarantees) Act 1946.	In section 1, in the proviso to subsection (1) the

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		words “(other than a local authority)”.
11 & 12 Geo. 6 c. 26.	The Local Government Act 1948.	In section 125(2)(d), the words from “section thirty” to “Act) or”.
7 and 8 Eliz. 2 c. 53.	The Town and Country Planning Act 1959.	Section 27.
1964 c. 9.	The Public Works Loans Act 1964.	In section 6, in subsection (1) the words from “section 216(1)” to “London Government Act 1939 and”.
1964 c. 48.	The Police Act 1964.	In section 8, subsection (2).
1968 c. 73.	The Transport Act 1968.	In section 12, subsection (6) and in subsection (7), in paragraph (b), the words “section 203 of the Local Government Act 1933 and”.
1969 c. 19.	The Decimal Currency Act 1969.	In Schedule 2, paragraph 14.
1971 c. 78.	The Town and Country Planning Act 1971.	In section 123, subsection (8).
1972 c. 70.	The Local Government Act 1972.	In section 68, subsections (6) and (7).Section 123(6).Section 153. Insection 172, the words from the beginning to “their funds, and ”. In Schedule 13, paragraphs 1 to 22 and paragraph 26.
1974 c. 7.	The Local Government Act 1974.	In Schedule 7, paragraph 12.
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	Section 28.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Sections 71 to 80B. Sections 82 to 85. Schedule 12.
1982 c. 32.	The Local Government Finance Act 1982.	In section 5, subsection (1).In Schedule 5, paragraph 8(3).
1982 c. 41.	The Stock Transfer Act 1982.	In section 5, subsection (1).
1985 c. 51.	The Local Government Act 1985.	Sections 70 and 71. In section 74(5), the words from “(including” to “1875)”. Sections 75 and 76. In section 77, in subsection (1), paragraph (a) and in subsection (3),

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		paragraph (c) and the word “and” immediately preceding it. In Schedule 14, paragraph 17 and in paragraph 59(1), paragraphs (c) and (d).
1985 c. 67.	The Transport Act 1985.	In Schedule 3, paragraph 29.
1985 c. 68.	The Housing Act 1985.	In section 34, subsection (4B). In section 43, subsection (4B). Section 430.
1986 c. 10.	The Local Government Act 1986.	Section 8.
1986 c. 31.	The Airports Act 1986.	In section 21, subsections (1) to (3) and in subsection (4) the words from the beginning to “1980; and”. In section 22, subsections (1) to (4). Section 71.
1987 c. 6.	The Local Government Finance Act 1987.	In Schedule 1, paragraphs 7 and 8.
1987 c. 44.	The Local Government Act 1987.	Section 1. The Schedule.
1988 c. 4.	The Norfolk and Suffolk Broads Act 1988.	In section 14(14), the words from “section 34” to “1875 and”. In Schedule 6, paragraph 21.
1988 c. 40.	The Education Reform Act 1988.	In section 177, subsection (4). In section 190, in subsection (5), paragraph (b) and the word “and” immediately preceding it. In section 201, in subsection (5), paragraph (b) and the word “and” immediately preceding it. In Schedule 12, paragraphs 47 and 48.
1988 c. 41.	The Local Government Finance Act 1988.	Sections 130 to 132.
1988 c. 50.	The Housing Act 1988.	Section 129(5)(a). In section 132, subsections (4) and (5). Section 136.

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## PART II

### OTHER REPEALS

#### Commencement Information

**I8** Sch. 12 Pt. II partly in force at 1. 4. 1991 see s. 195(2)(3) and S.I. 1991/344, art. 3(b), Sch.; Sch. 12 Pt. II in force for certain further purposes at 22.7.1996 by 1996/1857, art. 2

1897 c. cxxxiii.	The City of London Sewers Act 1897.	Section 17.
15 & 16 Geo 6 & 1 Eliz. 2. c. 54.	The Town Development Act 1952.	The whole Act.
4 and 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act 1956.	Section 22(4).
9 & 10 Eliz. 2. c. 33.	The Land Compensation Act 1961.	Section 10. Schedule 2.
10 & 11 Eliz. 2. c. 9.	The Local Government (Financial Provisions etc.) (Scotland) Act 1962.	In section 4, subsections (3) and (4). The first Schedule.
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In Schedule 12, the entry relating to the Town Development Act 1952.
1968 c. 72.	The Town and Country Planning Act 1968.	Section 99.
1971 c. 78.	The Town and Country Planning Act 1971.	In Schedule 23, the entry relating to the Town Development Act 1952.
1972 c. 70.	The Local Government Act 1972.	In section 80, in subsection (1)(a), the words “joint board, joint authority or”. In section 101, in subsection (6), the words “or borrowing money”. In section 102(3), the words from “but at least” onwards. Section 110. In section 137, subsections (2A), (2B), (2C) (a) and (8). In section 177, subsection (2A) and in subsection (3), the words “(but not for the purposes of subsection (2A) above)”, and subsection (5). Section 177A. In section 178, in subsection (1), the words “and 177A”. Section

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		185. Section 265A(1)(g). Schedule 18.
1973 c. 26.	The Land Compensation Act 1973.	In section 29, in subsection (1), in paragraph (b), the words from “or the service” onwards and in subsection (7), in paragraph (c), the words “211, 264 or” and the words from “(undertaking” onwards. In section 37, in subsection (1), in paragraph (b), the words from “or the service” onwards and in subsection (2), paragraph (b)(ii). Section 39(1)(d). In section 73, subsections (4) and (5).
1973 c. 37.	The Water Act 1973.	In Schedule 8, paragraphs 64 and 65.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In section 31(1)(a)(ii), the words “or joint board”. Sections 45 and 45A. Section 49(1A). Section 49A. In section 57(3), the words from “but at least” onwards. Section 110A(2). In section 111(1), paragraphs (a), (b) and (d). In section 161(6), the words from “but at least” onwards. In Schedule 10, paragraph 11. In Schedule 20, paragraph 10.
1974 c. 7.	The Local Government Act 1974.	In section 23, in subsections (4), (5) and (6) the word “Local” and in subsection (12), the words “(through the appropriate representative body designated under section 24 below)”. Section 24. In section 25(4)(b), the words from “or section 110” to “authorities”. In section 34(1), the definition of “representative body”.
1974 c. 44.	The Housing Act 1974.	In Schedule 13, paragraphs 38(1)(a) and 39(1)(a) and in paragraph 40(1) the words

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		from “and at the end of that paragraph” onwards.
1975 c. 30.	The Local Government (Scotland) Act 1975.	In Schedule 6, in Part II, paragraph 46.
1975 c. 76.	The Local Land Charges Act 1975.	In section 9, in subsection (2), the words from the beginning to “in writing, and”.
1976 c. 74.	The Race Relations Act 1976.	In section 47, in subsection (1)(c), the words following “field of housing”, and in subsections (1)(d) and (3A), the word “rented”.
1979 c. 55.	The Justices of the Peace Act 1979.	In section 59, in subsection (1)(a) the words “or this Part”.
1980 c. 20.	The Education Act 1980.	In Schedule 2, in paragraph 4, the words “173(4) and”.
1980 c. 45.	The Water (Scotland) Act 1980.	Section 40(7).
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 26(1) to (3).
1981 c. 64.	The New Towns Act 1981.	Part III. In section 72(1), paragraph (b) and the word “or” immediately preceding it. In Schedule 9, in subparagraph (2) of paragraph 3, the words from “but” onwards.
1981 c. 67.	The Acquisition of Land Act 1981.	In the Table in paragraph 1 of Schedule 4, the entry relating to the Town Development Act 1952.
1983 c. 52.	The Local Authorities (Expenditure Powers) Act 1983.	The whole Act.
1984 c. 11.	The Education (Grants and Awards) Act 1984.	In section 1, in subsection (6) the words “or section 2 below” and in subsection (7), the words “or section 2 below” and “in those sections”. Section 2.
1985 c. 5.	The New Towns and Urban Development Corporations Act 1985.	Sections 3 and 4. In Schedule 2, paragraph 2. In Schedule 3, paragraph 7.



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1985 c. 51.	The Local Government Act 1985.	Section 33. In Schedule 8, paragraphs 8 and 9(2). In Schedule 14, paragraphs 19 and 20.
1985 c. 68.	The Housing Act 1985.	Section 107. In section 191(3) the words “(repair notice in respect of unfit dwelling-house)”. Section 192. In section 197, in subsection (1), paragraph (c) and the word “or” immediately preceding it. Sections 205 and 206. In section 208, the entries beginning “house” and “reasonable expense”. Sections 209 to 238. Section 266. In section 268, in subsection (1), paragraph (a) and, in paragraph (b), the word “other”. In section 269, in subsection (3), paragraph (b) and the word “and” immediately preceding it; and subsections (4) and (5). In section 279(2) the words “section 266(parts of buildings and underground rooms)”. Sections 280 to 282. Section 289(6). In section 291(3) the words “Schedule 11 (rehabilitation orders)”. Section 299. In section 300, subsection (4). Sections 312 to 314. In section 315(1)(a) the words “or person having control”. Section 321. In section 322 the definition of “person having control”. In section 323, the entries beginning “the full standard”, “general improvement area”, “house”, “land liable to be cleared”, “person having control”, “slum clearance functions”, “slum clearance subsidy” and “year”. In section 346, in subsection (1) paragraph (b) and the word “and” immediately preceding it and in subsections (2) and

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(3) the words “or building” in each place where they occur. In section 349, in subsection (2)(b) the words “and buildings”. In section 350, in subsection (1) the words “or building” in each place where they occur. Section 352(6). Sections 366 and 367. In section 369, in subsection (3), paragraph (b), in paragraph (c) the words from “and in particular” onwards and paragraph (f); in subsection (5) the words from “as applied” to “a house”. Sections 370 and 371. In section 372(1) the words from “to which” to “management code)”, the word “or” at the end of paragraph (a) and paragraph (b). Section 374. In section 375, in subsection (1) the word “366”. In section 376, in subsection (1) the word “366”, in subsection (3) the words “and to the period for compliance” and subsection (4). In section 377, in subsection (1) (a) the word “366”. In section 378, in subsection (2) (a) the word “366”. Section 379(1)(c), except the word “or”. In section 381, in subsection (4) the words “366, 370”. In section 392, in subsection (5)(a) the word “366”. Sections 417 to 420. In section 423(2), the words “any description of authority or”. In section 434, the entries beginning “general rate fund”, “hostel”, “houses or other property within the account”, “Housing Repairs Account”, “Housing Revenue Account” and “loan charges”. In section 459, the entry beginning “Housing Revenue Account”. Sections

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		460 to 522. Sections 524 to 526. In section 567, in subsection (4), paragraph (c) except for the final “or”, in subsection (5), the words “regulations under subsection (4)(c) or” and subsection (6). In section 569, subsection (5). Sections 579 to 581. In section 582, the words from “section 192” to “beyond repair) or”. Sections 585 to 595. Section 598. In section 599, the words from “section 192” to “beyond repair)”. In section 602, the definition of “house”. In section 608, the words from “section 192” to “beyond repair) or”. In section 624 the entry beginning “house”. In Schedule 10, in paragraph 1, the words “section 214 or 215 (improvement notices)” and the word “366”, in paragraph 2(2)(b) the word “366”, paragraph 5 and in paragraph 6, in sub-paragraph (1) the words from “or by an order” to “such expenses” and the words “or of the order” and in sub-paragraphs (2) and (3) the words “or order”; and in paragraph 8(1) the word “366”. Schedule 11. Schedule 12. In Schedule 13, in paragraph 21(4), the word “366” in paragraph (a), the word “or” at the end of paragraph (b), paragraph (c) and the words “or order”. Schedule 14. Schedules 22 to 24.
1985 c. 71.	The Housing(Consequential Provisions) Act 1985.	In Schedule 2, paragraph 4, in paragraph 24, sub-paragraphs (2)(a), (3)(a), (3)(c) and (4) (a) and paragraphs (c) to (f) of sub-paragraph (8) and paragraph 49.

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1986 c. 1.	The Education (Amendment) Act 1986.	Sections 1 and 3.
1986 c. 10.	The Local Government Act 1986.	Section 11.
1986 c. 50.	The Social Security Act 1986.	In section 30(10), the words “rate fund”.
1986 c. 63	The Housing and Planning Act 1986.	Section 1. Section 15. Section 20. Section 42(1)(d). Schedule 3. In Schedule 5, sub-paragraphs (1) and (5) of paragraph 10.
1987 c. 26.	The Housing (Scotland) Act 1987.	In section 61(10)(a)(v), the words “in the discretion of the landlord”. Section 80.
1987 c. 47.	The Abolition of Domestic Rates Etc. (Scotland) Act 1987.	In Schedule 1, paragraph 28(a)(ii) and (iii).
1988 c. 4.	The Norfolk and Suffolk Broads Act 1988.	In Schedule 6, in paragraph 10, sub-paragraphs (6) and (7).
1988 c. 9.	The Local Government Act 1988.	In section 25, in subsection (2), in paragraph (d) the words “an improvement notice” and in paragraph (e) the words “of an improvement notice under Part VII of the said Act of 1985 or” and the words “or the acceptance of an undertaking under the said Part VII”. In Schedule 3, paragraphs 7(2) and (3) and 15(a).
1988 c. 41.	The Local Government Finance Act 1988.	In section 33(4) the word “and” at the end of paragraph (c). In section 35, in subsections (3)(c) and (5)(c) the words “or under subsection (6) below”, and subsections (6) and (7). In section 44, in subsection (2), the words from “or” to the end and subsection (3). In section 46(2), the words from “or” to the end. In section 55(7)(b) the words “at a prescribed rate”. Section 77. In section 98(3)(d) the words “and calculated

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		in a prescribed manner”. In section 99(2)(d) the words “at such rate as may be prescribed”. Section 119. Section 128(2). In section 140(2) the word “and” at the end of paragraph (e). In section 143(4) the words “57 or”. In Schedule 2, in paragraph 2(2)(m), the words from “and” to the end; paragraph 12. In Schedule 6, in paragraph 1 the words “, and parts of them,” and paragraph 4. In Schedule 7, in paragraph 10(1) the words “because of a failure to fulfil paragraph 9(2) or (3) above”. In Schedule 8, paragraphs 9(7), 11(3) and 12(6). In Schedule 9, in paragraph 2(2) (h), the words from “and” to the end; paragraph 6(2). In Schedule 12, paragraphs 16 and 37.
1988 c. 43.	The Housing (Scotland) Act 1988.	Section 2(6).
1988 c. 50.	The Housing Act 1988.	In section 103, in subsection (4), at the end of paragraph (d) the word “and”. Section 129(5)(b).Section 130(2) .Section 131.
1989 c. 15.	The Water Act 1989.	In Schedule 25, paragraph 19 and in paragraph 80(2), the words from “to”, in the first place where it occurs, to “his power”, in the first place where they occur.

- 1 The repeal in the City of London Sewers Act 1897 shall have effect on the commencement day, within the meaning of section 6 of this Act.
- 2 The repeals in Parts XIII and XIV of the Housing Act 1985, section 30 of the Social Security Act 1986 and section 129 of the Housing Act 1988 shall have effect for years beginning on or after 1st April 1990.
- 3 The repeals in Schedule 3 to the Local Government Act 1988 shall have effect in relation to reports made after the coming into force of, in the case of paragraph 7(2) and (3), section 26 and, in the case of paragraph 15(a),section 27 of this Act.
- 4 The repeals in the Local Government Finance Act 1988 shall have effect in accordance with Schedule 5 to this Act.

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