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## SCHEDULES

VALID FROM 01/08/1996

### SCHEDULE 1 **E+W+S**

Section 7.

#### REGISTERED SOCIAL LANDLORDS: REGULATION

.....

VALID FROM 01/08/1996

### SCHEDULE 2 **E+W**

Section 51.

#### SOCIAL RENTED SECTOR: HOUSING COMPLAINTS

.....

VALID FROM 01/08/1996

### SCHEDULE 3 **U.K.**

Section 55.

#### SOCIAL RENTED SECTOR: MINOR AMENDMENTS

.....

VALID FROM 01/10/1996

### SCHEDULE 4 **E+W**

Section 84.

#### RIGHTS EXERCISABLE BY SURVEYOR APPOINTED BY TENANTS' ASSOCIATION

.....

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

- C8** [Sch. 4](#) extended to Crown land (*prosp.*) by [2002 c. 15, ss. 172\(1\)\(g\), 181\(1\)](#)  
[Sch. 4](#) (except para. 7) modified (*prosp.*) by [2002 c. 15, ss. 102\(1\), 181\(1\)](#), [Sch. 7 para. 15\(1\)](#)
- .....

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PROSPECTIVE

SCHEDULE 5 **E+W**

Section 87.

TEXT OF PART II OF THE LANDLORD AND TENANT ACT 1987, AS AMENDED

**“PART II E+W**

APPOINTMENT OF MANAGERS BY LEASEHOLD VALUATION TRIBUNAL

**Tenant’s right to apply to tribunal for appointment of manager.**

- 21 (1) The tenant of a flat contained in any premises to which this Part applies may, subject to the following provisions of this Part, apply to a leasehold valuation tribunal for an order under section 24 appointing a manager to act in relation to those premises.
- (2) Subject to subsection (3), this Part applies to premises consisting of the whole or part of a building if the building or part contains two or more flats.
- (3) This Part does not apply to any such premises at a time when—
- (a) the interest of the landlord in the premises is held by an exempt landlord or a resident landlord, or
  - (b) the premises are included within the functional land of any charity.
- (4) An application for an order under section 24 may be made—
- (a) jointly by tenants of two or more flats if they are each entitled to make such an application by virtue of this section, and
  - (b) in respect of two or more premises to which this Part applies;
- and, in relation to any such joint application as is mentioned in paragraph (a), references in this Part to a single tenant shall be construed accordingly.
- (5) Where the tenancy of a flat contained in any such premises is held by joint tenants, an application for an order under section 24 in respect of those premises may be made by any one or more of those tenants.
- (6) An application to the court for it to exercise in relation to any premises any jurisdiction to appoint a receiver or manager shall not be made by a tenant (in his capacity as such) in any circumstances in which an application could be made by him for an order under section 24 appointing a manager to act in relation to those premises.
- (7) References in this Part to a tenant do not include references to a tenant under a tenancy to which Part II of the <sup>M35</sup>Landlord and Tenant Act 1954 applies.

**Preliminary notice by tenant.**

- 22 (1) Before an application for an order under section 24 is made in respect of any premises to which this Part applies by a tenant of a flat contained in those premises, a notice under this section must (subject to subsection (3)) be served on the landlord by the tenant.

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- (2) A notice under this section must—
- (a) specify the tenant's name, the address of his flat and an address in England and Wales (which may be the address of his flat) at which the landlord may serve notices, including notices in proceedings, on him in connection with this Part;
  - (b) state that the tenant intends to make an application for an order under section 24 to be made by a leasehold valuation tribunal in respect of such premises to which this Part applies as are specified in the notice, but (if paragraph (d) is applicable) that he will not do so if the landlord complies with the requirement specified in pursuance of that paragraph;
  - (c) specify the grounds on which the tribunal would be asked to make such an order and the matters that would be relied on by the tenant for the purpose of establishing those grounds;
  - (d) where those matters are capable of being remedied by the landlord, require the landlord, within such reasonable period as is specified in the notice, to take such steps for the purpose of remedying them as are so specified; and
  - (e) contain such information (if any) as the Secretary of State may by regulations prescribe.
- (3) A leasehold valuation tribunal may (whether on the hearing of an application for an order under section 24 or not) by order dispense with the requirement to serve a notice under this section in a case where it is satisfied that it would not be reasonably practicable to serve such a notice on the landlord, but the tribunal may, when doing so, direct that such other notices are served, or such other steps are taken, as it thinks fit.
- (4) In a case where—
- (a) a notice under this section has been served on the landlord, and
  - (b) his interest in the premises specified in pursuance of subsection (2)(b) is subject to a mortgage,
- the landlord shall, as soon as is reasonably practicable after receiving the notice, serve on the mortgagee a copy of the notice.

#### **Application to tribunal for appointment of manager.**

- 23 (1) No application for an order under section 24 shall be made to a leasehold valuation tribunal unless—
- (a) in a case where a notice has been served under section 22, either—
    - (i) the period specified in pursuance of paragraph (d) of subsection (2) of that section has expired without the landlord having taken the steps that he was required to take in pursuance of that provision, or
    - (ii) that paragraph was not applicable in the circumstances of the case; or
  - (b) in a case where the requirement to serve such a notice has been dispensed with by an order under subsection (3) of that section, either—
    - (i) any notices required to be served, and any other steps required to be taken, by virtue of the order have been served or (as the case may be) taken, or
    - (ii) no direction was given by the tribunal when making the order.
- (2) Procedure regulations shall make provision—
- (a) for requiring notice of an application for an order under section 24 in respect of any premises to be served on such descriptions of persons as may be specified in the regulations; and

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- (b) for enabling persons served with any such notice to be joined as parties to the proceedings.

### **Appointment of manager by the tribunal.**

- 24 (1) A leasehold valuation tribunal may, on an application for an order under this section, by order (whether interlocutory or final) appoint a manager to carry out in relation to any premises to which this Part applies—
- (a) such functions in connection with the management of the premises, or
  - (b) such functions of a receiver,
- or both, as the tribunal thinks fit.
- (2) A leasehold valuation tribunal may only make an order under this section in the following circumstances, namely—
- (a) where the tribunal is satisfied—
    - (i) that the landlord either is in breach of any obligation owed by him to the tenant under his tenancy and relating to the management of the premises in question or any part of them or (in the case of an obligation dependent on notice) would be in breach of any such obligation but for the fact that it has not been reasonably practicable for the tenant to give him the appropriate notice, and
    - (ii) that it is just and convenient to make the order in all the circumstances of the case;
  - (ab) where the tribunal is satisfied—
    - (i) that unreasonable service charges have been made, or are proposed or likely to be made, and
    - (iii) that it is just and convenient to make the order in all the circumstances of the case;
  - (ac) where the tribunal is satisfied—
    - (i) that the landlord has failed to comply with any relevant provision of a code of practice approved by the Secretary of State under section 87 of the <sup>M36</sup>Leasehold Reform, Housing and Urban Development Act 1993 (codes of management practice), and
    - (ii) that it is just and convenient to make the order in all the circumstances of the case; or
  - (b) where the tribunal is satisfied that other circumstances exist which make it just and convenient for the order to be made.
- (2A) For the purposes of subsection (2)(ab) a service charge shall be taken to be unreasonable—
- (a) if the amount is unreasonable having regard to the items for which it is payable,
  - (b) if the items for which it is payable are of an unnecessarily high standard, or
  - (c) if the items for which it is payable are of an insufficient standard with the result that additional service charges are or may be incurred.

In that provision and this subsection “service charge” means a service charge within the meaning of section 18(1) of the <sup>M37</sup>Landlord and Tenant Act 1985, other than one excluded from that section by section 27 of that Act (rent of dwelling registered and not entered as variable).

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- (3) The premises in respect of which an order is made under this section may, if the tribunal thinks fit, be either more or less extensive than the premises specified in the application on which the order is made.
- (4) An order under this section may make provision with respect to—
  - (a) such matters relating to the exercise by the manager of his functions under the order, and
  - (b) such incidental or ancillary matters,as the tribunal thinks fit; and, on any subsequent application made for the purpose by the manager, the tribunal may give him directions with respect to any such matters.
- (5) Without prejudice to the generality of subsection (4), an order under this section may provide—
  - (a) for rights and liabilities arising under contracts to which the manager is not a party to become rights and liabilities of the manager;
  - (b) for the manager to be entitled to prosecute claims in respect of causes of action (whether contractual or tortious) accruing before or after the date of his appointment;
  - (c) for remuneration to be paid to the manager by the landlord, or by the tenants of the premises in respect of which the order is made or by all or any of those persons;
  - (d) for the manager's functions to be exercisable by him (subject to subsection (9)) either during a specified period or without limit of time.
- (6) Any such order may be granted subject to such conditions as the tribunal thinks fit, and in particular its operation may be suspended on terms fixed by the tribunal.
- (7) In a case where an application for an order under this section was preceded by the service of a notice under section 22, the tribunal may, if it thinks fit, make such an order notwithstanding—
  - (a) that any period specified in the notice in pursuance of subsection (2)(d) of that section was not a reasonable period, or
  - (b) that the notice failed in any other respect to comply with any requirement contained in subsection (2) of that section or in any regulations applying to the notice under section 54(3).
- (8) The <sup>M38</sup>Land Charges Act 1972 and the <sup>M39</sup>Land Registration Act 1925 shall apply in relation to an order made under this section as they apply in relation to an order appointing a receiver or sequestrator of land.
- (9) A leasehold valuation tribunal may, on the application of any person interested, vary or discharge (whether conditionally or unconditionally) an order made under this section; and if the order has been protected by an entry registered under the Land Charges Act 1972 or the Land Registration Act 1925, the tribunal may by order direct that the entry shall be cancelled.
- (9A) The court shall not vary or discharge an order under subsection (9) on a landlord's application unless it is satisfied—
  - (a) that the variation or discharge of the order will not result in a recurrence of the circumstances which led to the order being made, and
  - (b) that it is just and convenient in all the circumstances of the case to vary or discharge the order.

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- (10) An order made under this section shall not be discharged by a leasehold valuation tribunal by reason only that, by virtue of section 21(3), the premises in respect of which the order was made have ceased to be premises to which this Part applies.
- (11) References in this section to the management of any premises include references to the repair, maintenance or insurance of those premises.

#### **Jurisdiction of leasehold valuation tribunal.**

- 24A (1) The jurisdiction conferred by this Part on a leasehold valuation tribunal is exercisable by a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977 which when so constituted for the <sup>M40</sup> purposes of exercising any such jurisdiction shall be known as a leasehold valuation tribunal.
- (2) The power to make regulations under section 74(1)(b) of the Rent Act 1977 (procedure of rent assessment committees) extends to prescribing the procedure to be followed in connection with any proceedings before a leasehold valuation tribunal under this Part. Such regulations are referred to in this Part as “procedure regulations”.
- (3) Any order made by a leasehold valuation tribunal under this Part may, with the leave of the court, be enforced in the same way as an order of the county court.
- (4) No costs incurred by a party in connection with proceedings under this Part before a leasehold valuation tribunal shall be recoverable by order of any court.
- (5) Paragraphs 2, 3 and 7 of Schedule 22 to the <sup>M41</sup> Housing Act 1980 (supplementary provisions relating to leasehold valuation tribunals: appeals and provision of information) apply to a leasehold valuation tribunal constituted for the purposes of this section.
- (6) No appeal shall lie to the [F3Upper Tribunal] from a decision of a leasehold valuation tribunal under this Part without the leave of the leasehold valuation tribunal concerned or the [F3Upper Tribunal].
- (7) On an appeal to the [F3Upper Tribunal] from a decision of a leasehold valuation tribunal under this Part—
- (a) the [F3Upper Tribunal] may exercise any power available to the leasehold valuation tribunal in relation to the original matter, and
  - (b) an order of the [F3Upper Tribunal] may be enforced in the same way as an order of the leasehold valuation tribunal.

#### **Leasehold valuation tribunal: applications and fees.**

- 24B (1) The Secretary of State may make provision by order as to the form of, or the particulars to be contained in, an application made to a leasehold valuation tribunal under this Part.
- (2) The Secretary of State may make provision by order—
- (a) requiring the payment of fees in respect of any such application, or in respect of any proceedings before, a leasehold valuation tribunal under this Part; and
  - (b) empowering a leasehold valuation tribunal to require a party to proceedings before it to reimburse any other party the amount of any fees paid by him.

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- (3) The fees payable shall be such as may be specified in or determined in accordance with the order subject to this limit, that the fees payable in respect of any one application or reference by the court together with any proceedings before the tribunal arising out of that application or reference shall not exceed £500 or such other amount as may be specified by order of the Secretary of State.
- (4) An order under this section may make different provision for different cases or classes of case or for different areas.
- (5) An order may, in particular, provide for the reduction or waiver of fees by reference to the financial resources of the party by whom they are to be paid or met.  
  
Any such order may apply, subject to such modifications as may be specified in the order, any other statutory means-testing regime as it has effect from time to time.
- (6) An order under this section shall be made by statutory instrument.
- (7) No order altering the limit under subsection (3) shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (8) Any other order under this section, unless it contains only such provision as is mentioned in subsection (1), shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Textual Amendments

- F3** Words in [Sch. 5](#) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 261](#) (with [Sch. 5](#))

#### Marginal Citations

- M35** 1954 c. 56.  
**M36** 1993 c. 28.  
**M37** 1985 c. 70.  
**M38** 1972 c. 61  
**M39** 1925 c. 21.  
**M40** 1977 c 42.  
**M41** 1980 c. 51.

VALID FROM 23/08/1996

SCHEDULE 6 **E+W**

Section 92(1).

AMENDMENTS OF PART I OF THE LANDLORD AND TENANT ACT 1987

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SCHEDULE 7 **E+W**

Section 96.

ASSURED TENANCIES: SCHEDULE INSERTED  
 AFTER SCHEDULE 2 TO THE HOUSING ACT 1988

**Commencement Information**

**I19** Sch. 7 wholly in force 28.2.1997; Sch. 7 not in force at Royal Assent see s. 232(1)-(3); Sch. 7 in force for certain purposes at 23.8.1996 by S.I. 1996/2212, art. 2(1) and in force at 28.2.1997 to the extent it is not already in force by S.I. 1997/225, art. 2

“SCHEDULE 2A **E+W**

ASSURED TENANCIES: NON-SHORTHOLDS

*Tenancies excluded by notice*

- 1 (1) An assured tenancy in respect of which a notice is served as mentioned in sub-paragraph (2) below.
- (2) The notice referred to in sub-paragraph (1) above is one which—
  - (a) is served before the assured tenancy is entered into,
  - (b) is served by the person who is to be the landlord under the assured tenancy on the person who is to be the tenant under that tenancy, and
  - (c) states that the assured tenancy to which it relates is not to be an assured shorthold tenancy.
- 2 (1) An assured tenancy in respect of which a notice is served as mentioned in sub-paragraph (2) below.
- (2) The notice referred to in sub-paragraph (1) above is one which—
  - (a) is served after the assured tenancy has been entered into,
  - (b) is served by the landlord under the assured tenancy on the tenant under that tenancy, and
  - (c) states that the assured tenancy to which it relates is no longer an assured shorthold tenancy.

*Tenancies containing exclusionary provision*

- 3 An assured tenancy which contains a provision to the effect that the tenancy is not an assured shorthold tenancy.

*Tenancies under section 39*

- 4 An assured tenancy arising by virtue of section 39 above, other than one to which subsection (7) of that section applies.



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*Former secure tenancies*

- 5 An assured tenancy which became an assured tenancy on ceasing to be a secure tenancy.

*Tenancies under Schedule 10 to the Local Government and Housing Act 1989*

- 6 An assured tenancy arising by virtue of Schedule 10 to the<sup>M53</sup> Local Government and Housing Act 1989 (security of tenure on ending of long residential tenancies).

*Tenancies replacing non-shortholds*

- 7 (1) An assured tenancy which—
- (a) is granted to a person (alone or jointly with others) who, immediately before the tenancy was granted, was the tenant (or, in the case of joint tenants, one of the tenants) under an assured tenancy other than a shorthold tenancy (“the old tenancy”),
  - (b) is granted (alone or jointly with others) by a person who was at that time the landlord (or one of the joint landlords) under the old tenancy, and
  - (c) is not one in respect of which a notice is served as mentioned in sub-paragraph (2) below.
- (2) The notice referred to in sub-paragraph (1)(c) above is one which—
- (a) is in such form as may be prescribed,
  - (b) is served before the assured tenancy is entered into,
  - (c) is served by the person who is to be the tenant under the assured tenancy on the person who is to be the landlord under that tenancy (or, in the case of joint landlords, on at least one of the persons who are to be joint landlords), and
  - (d) states that the assured tenancy to which it relates is to be a shorthold tenancy.
- 8 An assured tenancy which comes into being by virtue of section 5 above on the coming to an end of an assured tenancy which is not a shorthold tenancy.

*Assured agricultural occupancies*

- 9 (1) An assured tenancy—
- (a) in the case of which the agricultural worker condition is, by virtue of any provision of Schedule 3 to this Act, for the time being fulfilled with respect to the dwelling-house subject to the tenancy, and
  - (b) which does not fall within sub-paragraph (2) or (4) below.
- (2) An assured tenancy falls within this sub-paragraph if—
- (a) before it is entered into, a notice—
    - (i) in such form as may be prescribed, and
    - (ii) stating that the tenancy is to be a shorthold tenancy,
 is served by the person who is to be the landlord under the tenancy on the person who is to be the tenant under it, and
  - (b) it is not an excepted tenancy.
- (3) For the purposes of sub-paragraph (2)(b) above, an assured tenancy is an excepted tenancy if—

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- (a) the person to whom it is granted or, as the case may be, at least one of the persons to whom it is granted was, immediately before it is granted, a tenant or licensee under an assured agricultural occupancy, and
- (b) the person by whom it is granted or, as the case may be, at least one of the persons by whom it is granted was, immediately before it is granted, a landlord or licensor under the assured agricultural occupancy referred to in paragraph (a) above.
- (4) An assured tenancy falls within this sub-paragraph if it comes into being by virtue of section 5 above on the coming to an end of a tenancy falling within sub-paragraph (2) above.”

**Marginal Citations**

**M53** 1989 c. 42.

VALID FROM 28/02/1997

SCHEDULE 8 **E+W**

Section 104.

ASSURED TENANCIES: CONSEQUENTIAL AMENDMENTS

*Housing Act 1985 (c.68)*

1 In section 553(2) of the Housing Act 1985, for paragraph (c) there shall be substituted—

“(c) the tenancy is not by virtue of any provision of Part I of the Housing Act 1988 an assured shorthold tenancy;”.

*Housing Act 1988 (c.50)*

2 (1) The Housing Act 1988 shall be amended as follows.

(2) In section 14, there shall be inserted at the end—

“(9) This section shall apply in relation to an assured shorthold tenancy as if in subsection (1) the reference to an assured tenancy were a reference to an assured shorthold tenancy.”.

(3) In section 20, for the side-note and subsection (1) there shall be substituted—

**“20 Assured shorthold tenancies: pre-Housing Act 1996 tenancies.**

(1) Subject to subsection (3) below, an assured tenancy which is not one to which section 19A above applies is an assured shorthold tenancy if—

(a) it is a fixed term tenancy granted for a term certain of not less than six months,

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- (b) there is no power for the landlord to determine the tenancy at any time earlier than six months from the beginning of the tenancy, and
  - (c) a notice in respect of it is served as mentioned in subsection (2) below.”.
- (4) In that section, after subsection (5) there shall be inserted—
- “(5A) Subsections (3) and (4) above do not apply where the new tenancy is one to which section 19A above applies.”.
- (5) In section 22, in subsection (1), the words from “in respect of” to “above” shall be omitted.
- (6) In that section, after subsection (5) there shall be inserted—
- “(5A) Where—
- (a) an assured tenancy ceases to be an assured shorthold tenancy by virtue of falling within paragraph 2 of Schedule 2A to this Act, and
  - (b) at the time when it so ceases to be an assured shorthold tenancy there is pending before a rent assessment committee an application in relation to it under this section,
- the fact that it so ceases to be an assured shorthold tenancy shall, in relation to that application, be disregarded for the purposes of this section.”.
- (7) In section 34(3), after “whether or not” there shall be inserted “, in the case of a tenancy to which the provision applies, ”.
- (8) In section 39(7), after “whether or not” there shall be inserted “, in the case of a tenancy to which the provision applies, ”.

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SCHEDULE 9 **E+W**

Section 106.

LOW RENT TEST: EXTENSION OF RIGHTS

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VALID FROM 01/10/1996

SCHEDULE 10 **E+W**

Section 107.

SECTION 107: CONSEQUENTIAL AMENDMENTS

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VALID FROM 01/10/1996

SCHEDULE 11 E+W

Section 116.

COMPENSATION FOR POSTPONEMENT OF TERMINATION  
 IN CONNECTION WITH INEFFECTIVE CLAIMS

*Claims under Part I of the Leasehold Reform Act 1967*

1 (1) After section 27 of the <sup>M61</sup>Leasehold Reform Act 1967 there shall be inserted—

**“27A Compensation for postponement of termination in connection with ineffective claims.**

- (1) This section applies where, on or after 15th January 1999—
  - (a) a tenant of any property makes a claim to acquire the freehold or an extended lease of it, and
  - (b) the claim is not made at least two years before the term date of the tenancy in respect of which the claim is made (“the existing tenancy”).
- (2) The tenant shall be liable to pay compensation if the claim is not effective and—
  - (a) the making of the claim caused a notice served under paragraph 4(1) of Schedule 10 to the <sup>M62</sup>Local Government and Housing Act 1989 to cease to have effect and the date on which the claim ceases to have effect is later than four months before the termination date specified in the notice,
  - (b) the making of the claim prevented the service of an effective notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 (but did not cause a notice served under that provision to cease to have effect) and the date on which the claim ceases to have effect is a date later than six months before the term date of the tenancy, or
  - (c) the existing tenancy is continued under paragraph 3(1) of Schedule 3 to this Act by virtue of the claim.
- (3) Compensation under subsection (2) above shall become payable at the end of the appropriate period and be the right of the person who is the tenant’s immediate landlord at that time.
- (4) The amount which the tenant is liable to pay under subsection (2) above shall be equal to the difference between—
  - (a) the rent for the appropriate period under the existing tenancy, and
  - (b) the rent which might reasonably be expected to be payable for that period were the property to which the existing tenancy relates let for a term equivalent to that period on the open market by a willing landlord on the following assumptions—
    - (i) that no premium is payable in connection with the letting,

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- (ii) that the letting confers no security of tenure, and
  - (iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing tenancy.
- (5) For the purposes of subsection (2) above, a claim to acquire the freehold or an extended lease is not effective if it ceases to have effect for any reason other than—
  - (a) the acquisition in pursuance of the claim of the interest to which it relates, or
  - (b) the lapsing of the claim under any provision of this Act excluding the tenant's liability for costs.
- (6) For the purposes of subsections (3) and (4) above, the appropriate period is—
  - (a) in a case falling within paragraph (a) of subsection (2) above, the period—
    - (i) beginning with the termination date specified in the notice mentioned in that paragraph, and
    - (ii) ending with the earliest date of termination which could have been specified in a notice under paragraph 4(1) of Schedule 10 to the <sup>M63</sup>Local Government and Housing Act 1989 served immediately after the date on which the claim ceases to have effect, or, if the existing tenancy is terminated before then, with the date of its termination;
  - (b) in a case falling within paragraph (b) of subsection (2) above, the period—
    - (i) beginning with the later of six months from the date on which the claim is made and the term date of the existing tenancy, and
    - (ii) ending six months after the date on which the claim ceases to have effect, or, if the existing tenancy is terminated before then, with the date of its termination; and
  - (c) in a case falling within paragraph (c) of subsection (2) above, the period for which the existing tenancy is continued under paragraph 3(1) of Schedule 3 to this Act.
- (7) For the purposes of this section—
  - (a) references to a claim to acquire the freehold or an extended lease shall be taken as references to a notice of a person's desire to acquire it under Part I of this Act and as including a claim made by a tenant not entitled to acquire it, and
  - (b) references to the date on which a claim ceases to have effect shall, in relation to a notice which is not a valid notice, be taken as references to the date on which the notice is set aside by the court or withdrawn or would, if valid, cease to have effect, that date being taken, where the notice is set aside, or would (if valid) cease to have effect, in consequence of a court order, to be the date when the order becomes final.

*Status: Point in time view as at 24/07/1996.*

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### **27B Modification of section 27A where change in immediate reversion.**

- (1) Where a tenant's liability to pay compensation under section 27A above relates to a period during which there has been a change in the interest immediately expectant on the determination of his tenancy, that section shall have effect with the following modifications.
- (2) For subsections (3) and (4) there shall be substituted—
  - (“ Compensation under subsection (2) above shall become payable at the end of the appropriate period and there shall be a separate right to compensation in respect of each of the interests which, during that period, have been immediately expectant on the determination of the existing tenancy.
- (4) Compensation under subsection (2) above shall—
  - (a) in the case of the interest which is immediately expectant on the determination of the existing tenancy at the end of the appropriate period, be the right of the person in whom that interest is vested at that time, and
  - (b) in the case of an interest which ceases during the appropriate period to be immediately expectant on the determination of the existing tenancy, be the right of the person in whom the interest was vested immediately before it ceased to be so expectant.
- (4A) The amount which the tenant is liable to pay under subsection (2) above in respect of any interest shall be equal to the difference between—
  - (a) the rent under the existing tenancy for the part of the appropriate period during which the interest was immediately expectant on the determination of that tenancy, and
  - (b) the rent which might reasonably be expected to be payable for that part of that period were the property to which the existing tenancy relates let for a term equivalent to that part of that period on the open market by a willing landlord on the following assumptions—
    - (i) that no premium is payable in connection with the letting,
    - (ii) that the letting confers no security of tenure, and
    - (iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing tenancy.”
- (3) In subsection (6), for “(3) and (4)” there shall be substituted “(3) to (4A)”.
- (2) In section 21(1) of that Act (matters to be determined by leasehold valuation tribunal), after paragraph (c) there shall be inserted—
  - “(ca) the amount of any compensation payable under section 27A;”.

#### **Marginal Citations**

- M61 1967 c. 88.  
 M62 1989 c. 42.  
 M63 1989 c. 42.

*Status: Point in time view as at 24/07/1996.**Changes to legislation: Housing Act 1996 is up to date with all changes known to be in force on or before 15 September 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)*

*Claims under Chapter I of Part I of the Leasehold  
Reform, Housing and Urban Development Act 1993*

- 2 (1) After section 37 of the <sup>M64</sup>Leasehold Reform, Housing and Urban Development Act 1993 there shall be inserted—

*“ Landlord’s right to compensation in relation to ineffective claims*

**37A Compensation for postponement of termination in connection with ineffective claims.**

- (1) This section applies where a claim to exercise the right to collective enfranchisement in respect of any premises is made on or after 15th January 1999 by tenants of flats contained in the premises and the claim is not effective.
- (2) A person who is a participating tenant immediately before the claim ceases to have effect shall be liable to pay compensation if—
  - (a) the claim was not made at least two years before the term date of the lease by virtue of which he is a qualifying tenant (“the existing lease”), and
  - (b) any of the conditions mentioned in subsection (3) is met.
- (3) The conditions referred to above are—
  - (a) that the making of the claim caused a notice served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 in respect of the existing lease to cease to have effect and the date on which the claim ceases to have effect is later than four months before the termination date specified in the notice,
  - (b) that the making of the claim prevented the service of an effective notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 in respect of the existing lease (but did not cause a notice served under that provision in respect of that lease to cease to have effect) and the date on which the claim ceases to have effect is a date later than six months before the term date of the existing lease, and
  - (c) that the existing lease has been continued under paragraph 6(1) of Schedule 3 by virtue of the claim.
- (4) Compensation under subsection (2) shall become payable at the end of the appropriate period and be the right of the person who is the tenant’s immediate landlord at that time.
- (5) The amount which a tenant is liable to pay under subsection (2) shall be equal to the difference between—
  - (a) the rent for the appropriate period under the existing lease, and
  - (b) the rent which might reasonably be expected to be payable for that period were the property to which the existing lease relates let for a term equivalent to that period on the open market by a willing landlord on the following assumptions—
    - (i) that no premium is payable in connection with the letting,
    - (ii) that the letting confers no security of tenure, and

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- (iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease.
- (6) For the purposes of subsections (4) and (5), the appropriate period is—
- (a) in a case falling within paragraph (a) of subsection (3), the period—
    - (i) beginning with the termination date specified in the notice mentioned in that paragraph, and
    - (ii) ending with the earliest date of termination which could have been specified in a notice under paragraph 4(1) of Schedule 10 to the <sup>M65</sup>Local Government and Housing Act 1989 in respect of the existing lease served immediately after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date of its termination;
  - (b) in a case falling within paragraph (b) of subsection (3), the period—
    - (i) beginning with the later of six months from the date on which the claim is made and the term date of the existing lease, and
    - (ii) ending six months after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date of its termination; and
  - (c) in a case falling within paragraph (c) of subsection (3), the period for which the existing lease is continued under paragraph 6(1) of Schedule 3.
- (7) In the case of a person who becomes a participating tenant by virtue of an election under section 14(3), the references in subsections (3)(a) and (b) and (6)(b)(i) to the making of the claim shall be construed as references to the making of the election.
- (8) For the purposes of this section—
- (a) references to a claim to exercise the right to collective enfranchisement shall be taken as references to a notice given, or purporting to be given (whether by persons who are qualifying tenants or not), under section 13,
  - (b) references to the date on which a claim ceases to have effect shall, in the case of a claim made by a notice which is not a valid notice under section 13, be taken as references to the date on which the notice is set aside by the court or is withdrawn or would, if valid, cease to have effect or be deemed to have been withdrawn, that date being taken, where the notice is set aside, or would, if valid, cease to have effect, in consequence of a court order, to be the date when the order becomes final, and
  - (c) a claim to exercise the right to collective enfranchisement is not effective if it ceases to have effect for any reason other than—
    - (i) the application of section 23(4), 30(4) or 31(4),
    - (ii) the entry into a binding contract for the acquisition of the freehold and other interests falling to be acquired in pursuance of the claim, or



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- (iii) the making of an order under section 24(4)(a) or (b) or 25(6)(a) or (b) which provides for the vesting of those interests.

### **37B Modification of section 37A where change in immediate reversion.**

- (1) Where a tenant's liability to pay compensation under section 37A relates to a period during which there has been a change in the interest immediately expectant on the determination of his lease, that section shall have effect with the following modifications.
- (2) For subsections (4) and (5) there shall be substituted—
- (“ Compensation under subsection (2) shall become payable at the end of the appropriate period and there shall be a separate right to compensation in respect of each of the interests which, during that period, have been immediately expectant on the determination of the existing lease.
- (5) Compensation under subsection (2) above shall—
- (a) in the case of the interest which is immediately expectant on the determination of the existing lease at the end of the appropriate period, be the right of the person in whom that interest is vested at that time, and
- (b) in the case of an interest which ceases during the appropriate period to be immediately expectant on the determination of the existing lease, be the right of the person in whom the interest was vested immediately before it ceased to be so expectant.
- (5A) The amount which the tenant is liable to pay under subsection (2) above in respect of any interest shall be equal to the difference between—
- (a) the rent under the existing lease for the part of the appropriate period during which the interest was immediately expectant on the determination of that lease, and
- (b) the rent which might reasonably be expected to be payable for that part of that period were the property to which the existing lease relates let for a term equivalent to that part of that period on the open market by a willing landlord on the following assumptions—
- (i) that no premium is payable in connection with the letting,
- (ii) that the letting confers no security of tenure, and
- (iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease.”
- (3) In subsection (6), for “(4) and (5)” there shall be substituted “(4) to (5A)”.
- (2) In section 91(2) of that Act (matters to be determined by leasehold valuation tribunal), after paragraph (c) there shall be inserted—
- “(ca) the amount of any compensation payable under section 37A;”.

#### **Marginal Citations**

**M64** 1993 c. 28.

**M65** 1989 c. 42.

*Status: Point in time view as at 24/07/1996.*

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*Claims under Chapter II of Part I of the Leasehold Reform, Housing and Urban Development Act 1993*

- 3 (1) After section 61 of the <sup>M66</sup>Leasehold Reform, Housing and Urban Development Act 1993 there shall be inserted—

*“ Landlord’s right to compensation in relation to ineffective claims*

**61A Compensation for postponement of termination in connection with ineffective claims.**

- (1) This section applies where, on or after 15th January 1999—
- (a) a tenant of a flat makes a claim to acquire a new lease of the flat, and
  - (b) the claim is not made at least two years before the term date of the lease in respect of which the claim is made (“the existing lease”).
- (2) The tenant shall be liable to pay compensation if the claim is not effective and—
- (a) the making of the claim caused a notice served under paragraph 4(1) of Schedule 10 to the <sup>M67</sup>Local Government and Housing Act 1989 to cease to have effect and the date on which the claim ceases to have effect is later than four months before the termination date specified in the notice,
  - (b) the making of the claim prevented the service of an effective notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 (but did not cause a notice served under that provision to cease to have effect) and the date on which the claim ceases to have effect is a date later than six months before the term date of the existing lease, or
  - (c) the existing lease is continued under paragraph 5(1) of Schedule 12 by virtue of the claim.
- (3) Compensation under subsection (2) shall become payable at the end of the appropriate period and be the right of the person who is the tenant’s immediate landlord at that time.
- (4) The amount which the tenant is liable to pay under subsection (2) shall be equal to the difference between—
- (a) the rent for the appropriate period under the existing lease, and
  - (b) the rent which might reasonably be expected to be payable for that period were the property to which the existing lease relates let for a term equivalent to that period on the open market by a willing landlord on the following assumptions—
    - (i) that no premium is payable in connection with the letting,
    - (ii) that the letting confers no security of tenure, and
    - (iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease.
- (5) For the purposes of subsections (3) and (4), the appropriate period is—
- (a) in a case falling within paragraph (a) of subsection (2), the period—

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- (i) beginning with the termination date specified in the notice mentioned in that paragraph, and
  - (ii) ending with the earliest date of termination which could have been specified in a notice under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 served immediately after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date on which it is terminated;
  - (b) in a case falling within paragraph (b) of subsection (2), the period—
    - (i) beginning with the later of six months from the date on which the claim is made and the term date of the existing lease, and
    - (ii) ending six months after the date on which the claim ceases to have effect, or, if the existing lease is terminated before then, with the date of its termination; and
  - (c) in a case falling within paragraph (c) of subsection (2), the period for which the existing lease is continued under paragraph 5(1) of Schedule 12.
- (6) For the purposes of subsection (2), a claim to a new lease is not effective if it ceases to have effect for any reason other than—
- (a) the application of section 47(1) or 55(2), or
  - (b) the acquisition of the new lease in pursuance of the claim.
- (7) For the purposes of this section—
- (a) references to a claim to acquire a new lease shall be taken as references to a notice given, or purporting to be given (whether by a qualifying tenant or not), under section 42, and
  - (b) references to the date on which a claim ceases to have effect shall, in the case of a claim made by a notice which is not a valid notice under section 42, be taken as references to the date on which the notice is set aside by the court or is withdrawn or would, if valid, cease to have effect or be deemed to have been withdrawn, that date being taken, where the notice is set aside, or would, if valid, cease to have effect, in consequence of a court order, to be the date when the order becomes final.

#### **61B Modification of section 61A where change in immediate reversion.**

- (1) Where a tenant's liability to pay compensation under section 61A relates to a period during which there has been a change in the interest immediately expectant on the determination of his lease, that section shall have effect with the following modifications.
- (2) For subsections (3) and (4) there shall be substituted—
- (“ Compensation under subsection (2) shall become payable at the end of the appropriate period and there shall be a separate right to compensation in respect of each of the interests which, during that period, have been immediately expectant on the determination of the existing lease.
- (4) Compensation under subsection (2) above shall—

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- (a) in the case of the interest which is immediately expectant on the determination of the existing lease at the end of the appropriate period, be the right of the person in whom that interest is vested at that time, and
- (b) in the case of an interest which ceases during the appropriate period to be immediately expectant on the determination of the existing lease, be the right of the person in whom the interest was vested immediately before it ceased to be so expectant.
- (4A) The amount which the tenant is liable to pay under subsection (2) above in respect of any interest shall be equal to the difference between—
- (a) the rent under the existing lease for the part of the appropriate period during which the interest was immediately expectant on the determination of that lease, and
- (b) the rent which might reasonably be expected to be payable for that part of that period were the property to which the existing lease relates let for a term equivalent to that part of that period on the open market by a willing landlord on the following assumptions—
- (i) that no premium is payable in connection with the letting,
- (ii) that the letting confers no security of tenure, and
- (iii) that, except as otherwise provided by this paragraph, the letting is on the same terms as the existing lease.”
- (3) In subsection (5), for “(3) and (4)” there shall be substituted “(3) to (4A)”.
- (2) In section 91(2) of that Act (matters to be determined by leasehold valuation tribunal), after paragraph (c) there shall be inserted—
- “(cb) the amount of any compensation payable under section 61A;”.

#### Marginal Citations

**M66** 1993 c. 28.

**M67** 1989 c. 42.

VALID FROM 01/04/1997

## SCHEDULE 12 E+W+S

Section 121.

### ADMINISTRATION OF HOUSING BENEFIT, &C

#### *Administration of housing benefit*

- 1 (1) Section 134 of the <sup>M68</sup>Social Security Administration Act 1992 (arrangements for housing benefit) is amended as follows.
- (2) For subsection (1) (administering authority and form of benefit) substitute—

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“(1) Housing benefit provided by virtue of a scheme under section 123 of the <sup>M69</sup>Social Security Contributions and Benefits Act 1992 (in this Part referred to as “the housing benefit scheme”) shall be funded and administered by the appropriate housing authority or local authority.

(1A) Housing benefit in respect of payments which the occupier of a dwelling is liable to make to a housing authority shall take the form of a rent rebate or, in prescribed cases, a rent allowance funded and administered by that authority.

The cases that may be so prescribed do not include any where the payment is in respect of property within the authority’s Housing Revenue Account.

(1B) In any other case housing benefit shall take the form of a rent allowance funded and administered by the local authority for the area in which the dwelling is situated or by such other local authority as is specified by an order made by the Secretary of State.”

(3) In subsection (2)(b) omit the words “or rates”.

(4) Omit subsections (3), (4), (6) and (7).

(5) For subsection (5) (agreements with other authorities for carrying out of functions) substitute—

“(5) Authorities may—

- (a) agree that one shall discharge functions relating to housing benefit on another’s behalf; or
- (b) discharge any such functions jointly or arrange for their discharge by a joint committee.

(5A) Nothing in this section shall be read as excluding the general provisions of the <sup>M70</sup>Local Government Act 1972 or the <sup>M71</sup>Local Government (Scotland) Act 1973 from applying in relation to the housing benefit functions of a local authority.”

(6) In subsection (9) for the words from “the rebates or allowances” to the end substitute “the housing benefit which will be paid by the authority in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State.”

(7) In subsection (11) for the words from “the rebates or allowances” to the end substitute “the housing benefit paid by them during the year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State.”

(8) For subsection (12) substitute—

“(12) The Secretary of State—

- (a) shall by order specify the permitted total of housing benefit payable by any authority in any year; and
- (b) may by order specify one or more subsidiary limits on the amount of housing benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.”

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#### Marginal Citations

- M68 1992 c. 5.  
 M69 1992 c. 4.  
 M70 1972 c. 70.  
 M71 1973 c. 65.

#### *Administration of council tax benefit*

2 In section 138 of the <sup>M72</sup>Social Security Administration Act 1992 (council tax benefit: nature of benefit), at the end of subsection (1) insert—

“References in any enactment or instrument (whenever passed or made) to payment, in relation to council tax benefit, include any of those ways of giving the benefit.

.”

#### Marginal Citations

- M72 1992 c. 5.

3 (1) Section 139 of the Social Security Administration Act 1992 (arrangements for council tax benefit) is amended as follows.

(2) For subsections (4) and (5) (agreements with other authorities for carrying out of functions) substitute—

“(4) Nothing in this section shall be read as excluding the general provisions of the Local Government Act 1972 or the Local Government (Scotland) Act 1973 from applying in relation to the council tax benefit functions of a local authority.”.

(3) In subsection (7) for the words from “the benefits which will be allowed” to the end substitute “ the amount of benefit which will be paid by them in any year will not exceed the permitted total or any subsidiary limit specified by order of the Secretary of State. ”.

(4) In subsection (9) for the words from “the benefits allowed by it” to the end substitute “ the amount of benefit paid by them in any year exceeds the permitted total or any subsidiary limit specified by order of the Secretary of State. ”.

(5) For subsection (10) substitute—

“(10) The Secretary of State—

- (a) shall by order specify the permitted total of council tax benefit payable by any authority in any year; and
- (b) may by order specify one or more subsidiary limits on the amount of council tax benefit payable by any authority in any year in respect of any matter or matters specified in the order.

The power to specify the permitted total or a subsidiary limit may be exercised by fixing an amount or by providing rules for its calculation.”.

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### *Subsidy*

4 After section 140 of the <sup>M73</sup>Social Security Administration Act 1992 insert—

#### *“ Subsidy*

##### **140A Subsidy.**

- (1) For each year the Secretary of State shall pay a subsidy to each authority administering housing benefit or council tax benefit.
- (2) He shall pay—
  - (a) rent rebate subsidy to each housing authority;
  - (b) rent allowance subsidy to each local authority; and
  - (c) council tax benefit subsidy to each billing authority or levying authority.
- (3) In the following provisions of this Part “subsidy”, without more, refers to subsidy of any of those descriptions.

##### **140B Calculation of amount of subsidy.**

- (1) The amount of subsidy to be paid to an authority shall be calculated in the manner specified by order made by the Secretary of State.
- (2) Subject as follows, the amount of subsidy shall be calculated by reference to the amount of relevant benefit paid by the authority during the year, with any additions specified in the order but subject to any deductions so specified.

In the case of a housing authority in England and Wales, any Housing Revenue Account rebates paid by them shall be excluded from the total.

- (3) The order may provide that the amount of subsidy in respect of any matter shall be a fixed sum or shall be nil.
- (4) The Secretary of State may deduct from the amount which would otherwise be payable by way of subsidy such amount as he considers it unreasonable to pay by way of subsidy.
- (5) The Secretary of State may pay to an authority as part of the subsidy an additional amount in respect of the costs of administering the relevant benefit.

Any such additional amount shall be a fixed sum specified by, or shall be calculated in the manner specified by, an order made by the Secretary of State.

- (6) In this section “relevant benefit” means housing benefit or council tax benefit, as the case may be.
- (7) Nothing in this section shall be taken to imply that any such addition or deduction as is mentioned in subsection (2) or (4) above may not be determined by reference to—

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- (a) the amount of relevant benefit paid by the authority during a previous year; or
  - (b) the amount of subsidy paid to the authority in respect of a previous year, under this section.
- (8) The amount of subsidy payable to an authority shall be calculated to the nearest pound, disregarding an odd amount of 50 pence or less and treating an odd amount exceeding 50 pence as a whole pound.

#### **140C Payment of subsidy.**

- (1) Subsidy shall be paid by the Secretary of State in such instalments, at such times, in such manner and subject to such conditions as to claims, records, certificates, audit or otherwise as may be provided by order of the Secretary of State.
- (2) The order may provide that if an authority has not, within such period as may be specified in the order, complied with the conditions so specified as to claims, records, certificate, audit or otherwise, the Secretary of State may estimate the amount of subsidy payable to the authority and employ for that purpose such criteria as he considers relevant.
- (3) Where subsidy has been paid to an authority and it appears to the Secretary of State—
  - (a) that subsidy has been overpaid; or
  - (b) that there has been a breach of any condition specified in an order under this section,

he may recover from the authority the whole or such part of the payment as he may determine.

Without prejudice to other methods of recovery, a sum recoverable under this subsection may be recovered by withholding or reducing subsidy.

- (4) An order made by the Secretary of State under this section may be made before, during or after the end of the year or years to which it relates.

#### **140D Rent rebate subsidy: accounting provisions.**

- (1) Rent rebate subsidy is payable—
  - (a) in the case of a local authority in England and Wales, for the credit of a revenue account of theirs other than their Housing Revenue Account or Housing Repairs Account;
  - (b) in the case of a local authority in Scotland, for the credit of their rent rebate account;
  - (c) in the case of a development corporation in England and Wales or the Development Board for Rural Wales, for the credit of their housing account; and
  - (d) in the case of a new town corporation in Scotland or Scottish Homes, for the credit of the account to which rent rebates granted by them, or it, are debited.
- (2) Every local housing authority in England and Wales shall for each year carry to the credit of their Housing Revenue Account from some other



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revenue account of theirs which is not a Housing Repairs Account an amount equal to the aggregate of—

- (a) so much of each Housing Revenue Account rebate paid by them during the year as was paid—
  - (i) in the exercise of a discretion conferred by the housing benefit scheme; or
  - (ii) in pursuance of any modification of that scheme under section 134(8)(b) above; and
- (b) unless the authority otherwise determine, so much of each such rebate as was paid in pursuance of such modifications of that scheme as are mentioned in section 134(8)(a) above.

#### *Supplementary provisions*

#### **140E Financing of joint arrangements.**

- (1) Where two or more authorities make arrangements for the discharge of any of their functions relating to housing benefit or council tax benefit—
  - (a) by one authority on behalf of itself and one or more other authorities; or
  - (b) by a joint committee,the Secretary of State may make such payments as he thinks fit to the authority or committee in respect of their expenses in carrying out those functions.
- (2) The provisions of sections 140B and 140C (subsidy: calculation and supplementary provisions) apply in relation to a payment under this section as in relation to a payment of subsidy.
- (3) The Secretary of State may (without prejudice to the generality of his powers in relation to the amount of subsidy) take into account the fact that an amount has been paid under this section in respect of expenses which would otherwise have been met in whole or in part by the participating authorities.

#### **140F No requirement for annual orders.**

- (1) Any power under this Part to make provision by order for or in relation to a year does not require the making of a new order each year.
- (2) Any order made under the power may be revoked or varied at any time, whether before, during or after the year to which it relates.

#### **140G Interpretation: Part VIII.**

In this Part, unless the context otherwise requires—

“Housing Repairs Account” means an account kept under section 77 of the <sup>M74</sup>Local Government and Housing Act 1989;

“Housing Revenue Account” means the account kept under section 74 of the Local Government and Housing Act 1989, and—

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- (a) references to property within that account have the same meaning as in Part VI of that Act, and
- (b) “Housing Revenue Account rebate” means a rebate debited to that account in accordance with that Part;  
 “rent rebate subsidy” and “rent allowance subsidy” shall be construed in accordance with section 134 above;  
 “year” means a financial year within the meaning of the <sup>M75</sup>Local Government Finance Act 1992.”.

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

**C11** Sch. 12 para. 4 extended (5.3.1997) by S.I. 1997/618, art. 2, Sch. para. 5

**Marginal Citations**

**M73** 1992 c. 5.

**M74** 1989 c. 42.

**M75** 1992 c. 14.

*Transitional provision*

- 5 (1) The Secretary of State may by order make such transitional provision, and such consequential provision and savings, as appear to him appropriate in connection with the coming into force of the provisions of this Schedule.
- (2) Without prejudice to the generality of that power, the order may provide for the recovery by the withholding or reduction of subsidy payable under the provisions inserted by paragraph 4 above of any amount which would have been recoverable under the provisions of Part VIII of the <sup>M76</sup>Social Security Administration Act 1992 repealed by this Act.
- (3) Section 189(3) to (7) of the Social Security Administration Act 1992 (general provisions as to regulations and orders) apply in relation to the power conferred by sub-paragraph (1) as they apply in relation to a power conferred by that Act to make an order.
- (4) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Marginal Citations**

**M76** 1992 c. 5.

Status: Point in time view as at 24/07/1996.

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VALID FROM 01/04/1997

SCHEDULE 13 U.K.

Section 123.

HOUSING BENEFIT AND RELATED MATTERS: CONSEQUENTIAL AMENDMENTS

VALID FROM 04/02/1997

SCHEDULE 14 E+W

Section 141(1).

INTRODUCTORY TENANCIES: CONSEQUENTIAL AMENDMENTS

*Housing Act 1985 (c.68)*

1 In section 88(1) of the Housing Act 1985 (cases where the secure tenant is a successor) after paragraph (e) insert “or  
(f) the tenancy was previously an introductory tenancy and he was a successor to the introductory tenancy.”.

2 In section 104(2) of the Housing Act 1985 (provision of information about secure tenancies) for the words “on the grant of the tenancy” substitute “ when the secure tenancy arises ”.

3 After section 115 of the Housing Act 1985 insert—

“115A Meaning of “introductory tenancy”.

In this Part “introductory tenancy” has the same meaning as in Chapter I of Part V of the Housing Act 1996.”.

4 In section 117 of the Housing Act 1985 (index of defined expressions: Part IV) insert at the appropriate place—

“introductory tenancy section 115A”.

5 In Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies) after paragraph 1 insert—

“ *Introductory tenancies*

- 1A A tenancy is not a secure tenancy if it is an introductory tenancy or a tenancy which has ceased to be an introductory tenancy—  
(a) by virtue of section 133(3) of the Housing Act 1996 (disposal on death to non-qualifying person), or

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(b) by virtue of the tenant, or in the case of a joint tenancy every tenant, ceasing to occupy the dwelling-house as his only or principal home.”.

PROSPECTIVE

<sup>F4</sup>SCHEDULE 15 **E+W**

Section 155(6).

ARREST FOR ANTI-SOCIAL BEHAVIOUR: POWERS  
OF HIGH COURT AND COUNTY COURT TO REMAND

**Textual Amendments**

**F4** Sch. 15 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 22](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(v)

<sup>F4</sup> *Introductory*

<sup>F4</sup><sub>1</sub> .....

<sup>F4</sup> *Remand in custody or on bail*

<sup>F4</sup><sub>2</sub> .....

<sup>F4</sup><sub>3</sub> .....

<sup>F4</sup><sub>4</sub> .....

<sup>F4</sup> *Further remand*

<sup>F4</sup><sub>5</sub> .....

<sup>F4</sup> *Postponement of taking of recognizance*

<sup>F4</sup><sub>6</sub> .....

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VALID FROM 01/04/1997

SCHEDULE 16 U.K.

Section 173.

ALLOCATION OF HOUSING ACCOMMODATION: CONSEQUENTIAL AMENDMENTS

*Housing Act 1985 (c.68)*

- 1 In section 106 of the Housing Act 1985 (information about allocation of secure tenancies) at the end insert—
- “(6) The provisions of this section do not apply to a landlord authority which is a local housing authority so far as they impose requirements corresponding to those to which such an authority is subject under sections 166 and 168 of the Housing Act 1996 (provision of information about housing registers and allocation schemes).”.
- 2 (1) Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies) is amended as follows.
- (2) In paragraph 2 (premises occupied in connection with employment) at the beginning of sub-paragraph (1), (2) and (3) insert in each case “ Subject to sub-paragraph (4B) ”.
- (3) In sub-paragraph (4) of that paragraph—
- (a) at the beginning insert “ Subject to sub-paragraph (4A) and (4B) ”, and
- (b) omit the words from “until” to the end.
- (4) After sub-paragraph (4) of that paragraph insert—
- “(4A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (4) shall become a secure tenancy when the periods during which the conditions mentioned in sub-paragraph (1), (2) or (3) are not satisfied with respect to the tenancy amount in aggregate to more than three years.
- (4B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1), (2), (3) or (4) shall become a secure tenancy if the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.”.
- (5) In paragraph 5 (temporary accommodation for persons taking up employment) in sub-paragraph (1)—
- (a) for the words from the beginning to first “grant” substitute “ Subject to sub-paragraphs (1A) and (1B), a tenancy is not a secure tenancy ”, and
- (b) omit from “unless” to the end.
- (6) After sub-paragraph (1) of that paragraph insert
- “(1A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy on the expiry of one year from the grant or on earlier notification by the landlord to the tenant that the tenancy is to be regarded as a secure tenancy.

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(1B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy if at any time the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.”

(7) In paragraph 10 (student lettings) in sub-paragraph (1)—

- (a) for the words from the beginning to “sub-paragraph (3)” substitute “Subject to sub-paragraphs (2A) and (2B), a tenancy of a dwelling-house is not a secure tenancy”, and
- (b) omit from “unless” to the end.

(8) After sub-paragraph (2) of that paragraph insert—

“(2A) Except where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy on the expiry of the period specified in sub-paragraph (3) or on earlier notification by the landlord to the tenant that the tenancy is to be regarded as a secure tenancy.

(2B) Where the landlord is a local housing authority, a tenancy under sub-paragraph (1) shall become a secure tenancy if at any time the authority notify the tenant that the tenancy is to be regarded as a secure tenancy.”

(9) In sub-paragraph (3) of that paragraph for the words “sub-paragraph (1)” substitute “sub-paragraph (2A)”.

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

**C12** [Sch. 16 para. 2](#) restricted (25.11.1996) by [S.I. 1996/2959, art. 3, Sch. para.2](#)

*Asylum and Immigration Act 1996 (c. 49)*

3 (1) Section 9 of the Asylum and Immigration Act 1996 (entitlement to housing accommodation and assistance) is amended as follows.

(2) In subsection (1) (entitlement to housing accommodation)—

- (a) for “housing authority” substitute “local housing authority within the meaning of the Housing Act 1985”, and
- (b) for “the accommodation Part” substitute “Part II of that Act”.

(3) After subsection (4) insert—

“(5) This section does not apply in relation to any allocation of housing accommodation to which Part VI of the Housing Act 1996 (allocation of housing accommodation) applies.”

*Status: Point in time view as at 24/07/1996.*

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VALID FROM 20/01/1997

SCHEDULE 17 **U.K.**

Section 216(3).

HOMELESSNESS: CONSEQUENTIAL AMENDMENTS

*Local Authority Social Services Act 1970 (c.42)*

- 1 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to Social Services Committee) for the entry relating to the Housing Act 1985 substitute—

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“Housing Act 1996 Section 213(1)(b) Co-operation in relation to homeless persons and persons threatened with homelessness.”.

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*Greater London Council (General Powers) Act 1984 (c.xxvii)*

- 2 In section 39 of the Greater London Council (General Powers) Act 1984 (occupants removed from buildings to have priority housing need) for “Part III of the Housing Act 1985 (housing the homeless)” substitute “ Part VII of the Housing Act 1996 (homelessness) ”.

*Housing Act 1985 (c.68)*

- 3 In Schedule 1 to the Housing Act 1985 (tenancies which are not secure tenancies), for paragraph 4 (accommodation for homeless persons) substitute—

*“ Accommodation for homeless persons*

- 4 A tenancy granted in pursuance of any function under Part VII of the Housing Act 1996 (homelessness) is not a secure tenancy unless the local housing authority concerned have notified the tenant that the tenancy is to be regarded as a secure tenancy.”.

*Housing (Scotland) Act 1987 (c.26)*

- 4 In section 42 of the Housing (Scotland) Act 1987 (application of Part II to cases arising in England and Wales: request for co-operation)—

- (a) in subsection (1) for “section 67(1) of the Housing Act 1985” substitute “ section 198(1) of the Housing Act 1996 ”; and  
(b) in subsections (2) and (3) for “section 72 of the Housing Act 1985” substitute “ section 213 of the Housing Act 1996 ”.

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VALID FROM 24/09/1996

SCHEDULE 18 U.K.

Section 222.

MISCELLANEOUS PROVISIONS

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VALID FROM 24/09/1996

SCHEDULE 19 U.K.

Section 227.

REPEALS

**Extent Information**

- E9** Act extends to E.W. only with the exceptions mentioned in s. 231(2)(3); and any amendment or repeal of an enactment has the same extent as the enactment amended or repealed with the exceptions mentioned in s. 231(4)(a)-(d)

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

- C13** Sch. 19 Pt. III restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**, Sch. para. 2  
 Sch. 19 Pt. V restricted (22.8.1996) by S.I. 1996/2212, **art. 2(2)**, Sch. para. 4(b)  
 Sch. 19 Pt. VIII restricted (25.11.1996) by S.I. 1996/2959, art. 3, **Sch. para. 1**  
 Sch. 19 Pt. VI restricted (5.3.1997) by S.I. 1997/618, art. 2, **Sch. para. 6**

**Commencement Information**

- I21** Sch. 19 partly in force; Sch. 19 in force at 24.9.1996 so far as it relates to Sch. 18 paras. 24, 26, 27-29, see s. 232(2); Sch. 19 Pts. III and V partly in force at 1.10.1996 by S.I. 1996/2212, **art. 2(2)**; Sch. 19 Pts. I, X-XIII in force and Pt. IX partly in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); Sch. 19 Pt. XIV partly in force at 24.9.1996 by S.I. 1996/2402, **art. 2**; Sch. 19 Pt. VIII in force at 20.1.1997 and Pt. VII in force at 1.4.1997 by S.I. 1996/2959, **arts. 2, 3**; Sch. 19 Pt. IV in force at 28.2.1997 by S.I. 1997/225, **art. 2**; Sch. 19 Pt. V partly in force and Pt. VI wholly in force at 1.4.1997 by S.I. 1997/618, **art. 2** (subject to the limitation in (2) of that art.); Sch. 19 Pt. II in force at 3.3.1997 by S.I. 1997/596, **art. 2**; Sch. 19 Pt. III partly in force at 1.9.1997 by S.I. 1997/1851, **art. 2** (subject to the saving in Sch. para. 1 of that S.I.)
- .....



**Status:**

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