



Rent Act 1977

1977 CHAPTER 42

PART VIII

CONVERSION OF CONTROLLED TENANCIES INTO REGULATED TENANCIES

Miscellaneous

115 Converted tenancies: modification of Act

Schedule 17 to this Act shall apply for the purpose of modifying the provisions of this Act in relation to a tenancy which has become a regulated tenancy by virtue of—

- (a) this Part of this Act, or
- (b) Part III of the Housing Finance Act 1972 (which is superseded by this Part).

116 Consent of tenant

- (1) This section shall apply where a dwelling-house which is subject to a statutory tenancy (whether a controlled or regulated tenancy) does not satisfy the qualifying conditions and the works required for those conditions to be satisfied cannot be carried out without the consent of the tenant.
- (2) If the tenant is unwilling to give his consent, then, if the condition specified in paragraph (a), or the condition specified in paragraph (b), of subsection (3) below is satisfied, the county court may, on the application of the landlord, make an order empowering him to enter and carry out the works.
- (3) The condition is—
 - (a) that the works were specified in the application for a grant under Part I of the Housing Act 1969 or Part VII of the Housing Act 1974 and the application has been approved, or
 - (b) that the works are specified in a certificate issued by a local authority (which may be a certificate of provisional approval under this Part of this Act) and

Status: This is the original version (as it was originally enacted).

stating that the dwelling-house will satisfy the qualifying conditions when the works have been carried out.

- (4) An order under subsection (2) above may be made subject to such conditions as to the time at which the works are to be carried out and as to any provision to be made for the accommodation of the tenant and his household while they are carried out as the court may think fit.
- (5) Where such an order is made subject to any condition as to time, compliance with that condition shall be deemed to be also compliance with any condition imposed by the local authority under sections 4(4) or 10 of the Housing Act 1969 or section 82(1) of the Housing Act 1974.
- (6) In determining whether to make such an order and, if it is made, what (if any) conditions it should be subject to, the court shall have regard to all the circumstances and in particular to—
 - (a) any disadvantage to the tenant that might be expected to result from the works, and
 - (b) the accommodation that might be available for him whilst the works are carried out, and
 - (c) the age and health of the tenant,
 but the court shall not take into account the means or resources of the tenant.

117 Regulations

- (1) The Secretary of State may make regulations for the purposes of this Part of this Act—
 - (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Part;
 - (b) regulating the procedure to be followed by rent officers and rent assessment committees ; and
 - (c) prescribing anything required or authorised to be prescribed by this Part.
- (2) Regulations under subsection (1)(b) above may contain provisions modifying Part III of Schedule 11 to this Act, but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.
- (3) Regulations made under this section shall be made by statutory instrument which, except in a case falling within subsection (2) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

118 Interpretation of Part VIII

- (1) In this Part of this Act, except where the context otherwise requires—

" local authority "—

 - (a) in relation to any dwelling-house in an area which the Greater London Council have declared—
 - (i) a general improvement area (in accordance with section 28(1) of the Housing Act 1969); or
 - (ii) a housing action area (in accordance with section 49(2) of the Housing Act 1974); means the Greater London Council, to the exclusion of any other authority; and
 - (b) in any other case means—

- (i) the council of a district or of a London borough;
- (ii) the Common Council of the City of London; or
- (iii) the Council of the Isles of Stilly ;

" prescribed " means prescribed by regulations under section 117 of this Act;

" qualification certificate " and " qualifying conditions " have the meanings assigned to them by section 108(4) of this Act;

" standard amenities " has the meaning assigned to it by section 58 of the Housing Act 1974.

- (2) Section 4 of the Housing Act 1957 (standard of fitness for human habitation) shall apply for the purposes of this Part of this Act.