

SCHEDULES

SCHEDULE 14

Section 92.

CONVERSION OF HOUSING ASSOCIATION TENANCIES INTO REGULATED TENANCIES

- 1 (1) This paragraph applies in any case where—
- (a) a tenancy of a dwelling-house under which the interest of the landlord belonged to a housing association came to an end at a time before 1st April 1975, and
 - (b) on the date when it came to an end, the tenancy was one to which Part VIII of the 1972 Act (which is superseded by Part VI of this Act) applied, and
 - (c) if the tenancy had come to an end on 1st April 1975 it would, by virtue of section 18(1) of the 1974 Act have then been a protected tenancy for the purposes of the Rent Act 1968.
- (2) If on 1st April 1975 a person who was the tenant under the tenancy which came to an end duly retained possession of the dwelling-house, he shall be deemed to have done so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant on the termination of a protected tenancy under which he was the tenant.
- (3) If on 1st April 1975 a person duly retained possession of the dwelling-house as being a person who, in the circumstances described in sub-paragraph (5) below, would have been the first successor, within the meaning of Schedule 1 to the Rent Act 1968, he shall be deemed to have done so as the statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 2 or 3 of Schedule 1 to this Act.
- (4) If on 1st April 1975 a person duly retained possession of the dwelling-house as being a person who, in the circumstances described in sub-paragraph (5) below, would have become the statutory tenant on the death of a first successor, he shall be deemed to have done so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 6 or 7 of Schedule 1 to this Act.
- (5) The circumstances mentioned in sub-paragraphs (3) and (4) above are that—
- (a) the tenant under the tenancy, or any person to whom the dwelling-house or any part thereof had been lawfully sublet has died; and
 - (b) if the deceased had been the original tenant within the meaning of Schedule 1 to the Rent Act 1968, the person duly retaining possession of the dwelling-house would have been the first successor within the meaning of that Schedule or would have become the statutory tenant on the death of that first successor.
- (6) References in this paragraph to a person duly retaining possession of a dwelling-house are references to his retaining possession without any order for possession having been made or, where such an order has been made—
- (a) during any period while its operation is postponed or its execution is suspended; or

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- (b) after it has been rescinded.
 - (7) Subject to sub-paragraph (8) below, the tenancy referred to in sub-paragraph (1) above shall be treated as the original contract of tenancy for the purposes of section 3 of this Act in relation to a statutory tenancy imposed by any of sub-paragraphs (2) to (4) above.
 - (8) The High Court or the county court may by order vary all or any of the terms of a statutory tenancy imposed by any of sub-paragraphs (2) to (4) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by sections 46 and 47 of this Act).
- 2
- (1) If, in a case where either a tenancy has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act or a statutory tenancy has been imposed by virtue of paragraph 1 above—
 - (a) a rent (the "previous registered rent") was registered for the dwelling-house at a time when Part III of the 1972 Act or Part VI of this Act applied to that tenancy or, as the case may be, to the tenancy referred to in paragraph 1(1) above; and
 - (b) a rent has subsequently been registered for the dwelling-house under Part IV of this Act but the rent so registered is less than the previous registered rent, then subject to paragraph 4 below, until such time as a rent is registered under Part IV which is higher than the previous registered rent, the contractual rent limit or, as the case may be, the maximum rent recoverable during any statutory period of the regulated tenancy concerned shall be the previous registered rent.
 - (2) If in a case falling within sub-paragraph (1) above, the Secretary of State has, in a direction under section 90 of this Act, specified a rent limit for the dwelling-house higher than the previous registered rent, then, during the period for which that direction has effect as mentioned in that section, sub-paragraph (1) above shall have effect with the substitution for any reference to the previous registered rent of a reference to the rent limit so specified.
 - (3) Nothing in this paragraph shall affect the operation of section 73 of this Act and, accordingly, where the registration of a rent is cancelled in accordance with that section, sub-paragraph (1) above shall cease to apply in relation to the rent of the dwelling-house concerned.
- 3
- (1) This paragraph applies for the purposes of the application of Part III of this Act in relation to—
 - (a) a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act,
 - (b) a statutory tenancy arising on the termination of such a tenancy, and
 - (c) a statutory tenancy imposed by virtue of paragraph 1 above,
 in any case where at the time when Part VIII of the 1972 Act or Part VI of this Act applied to the tenancy referred to in paragraph (a) above or, as the case may require, paragraph 1(1) above, section 83(3) of the 1972 Act or section 88(4) of this Act, applied.
 - (2) Where this paragraph applies, the rent limit applicable to the tenancy or statutory tenancy referred to in sub-paragraph (1) above shall be deemed to be (or, as the case may be, to have been) the contractual rent limit under the relevant tenancy, but without prejudice to the subsequent registration of a rent for the dwelling-house

under Part IV of this Act or (during the currency of a protected tenancy) the making of an agreement under section 51 of this Act increasing the rent payable.

- (3) Sub-paragraph (2) above shall have effect notwithstanding the repeal by the 1972 Act of section 20(3) of the Rent Act 1968 (contractual rent limit before registration), but nothing in this paragraph shall be taken as applying any provisions of section 88 of this Act to a tenancy at a time when it is a protected tenancy.
- (4) In this paragraph " the relevant tenancy " means—
- (a) in the case of a tenancy falling within sub-paragraph (1)(a) above, that tenancy;
 - (b) in the case of a statutory tenancy falling within sub-paragraph (1)(b) above, the tenancy referred to in sub-paragraph (1)(a) above ; and
 - (c) in the case of a statutory tenancy falling within sub-paragraph (1)(c) above, the protected tenancy referred to in sub-paragraph (2) of paragraph 1 above or, in a case where sub-paragraph (3) or (4) of that paragraph applies, a notional protected tenancy which, when taken with that regulated tenancy would, by virtue of section 18(2) of this Act, be treated for the purposes of this Act as constituting one regulated tenancy when taken together with the statutory tenancy.
- 4 (1) This paragraph applies where—
- (a) a tenancy of a dwelling-house has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act, or a statutory tenancy is imposed by virtue of paragraph 1 above; and
 - (b) immediately before the tenancy became a protected tenancy or, as the case may require, immediately before the tenancy referred to in paragraph 1(1) above came to an end, section 84 of the 1972 Act or section 89 of this Act applied to the rent of the dwelling-house let on that tenancy.
- (2) In this paragraph " the regulated tenancy " means the regulated tenancy consisting of the protected or statutory tenancy referred to in sub-paragraph (1)(a) above, together with any subsequent statutory tenancy which, when taken with that regulated tenancy is by virtue of section 18(2) of this Act treated for the purposes of this Act as constituting one regulated tenancy.
- (3) Subject to the following provisions of this paragraph, section 89 of this Act shall apply to the rent of a dwelling-house subject to the regulated tenancy.
- (4) Section 89 of this Act shall cease to apply by virtue of this paragraph to the rent of a dwelling-house—
- (a) on the date on which a rent is registered for the dwelling-house under Part IV of this Act; or
 - (b) on the date on which a new regulated tenancy of the dwelling-house is granted to a person who is neither the tenant under the regulated tenancy nor a person who might succeed him as a statutory tenant.
- (5) If and so long as, by virtue of this paragraph, subsection (2) of section 89 of this Act imposes for any rental period of a tenancy or statutory tenancy a rent limit below the rent registered for the dwelling-house as mentioned in subsection (1) of that section,
- (a) the contractual rent limit shall be the rent limit so imposed and not the registered rent (as provided by section 44(1) of this Act) and section 93 of

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- this Act shall apply in relation to the tenancy as if it were one to which Part VI of this Act applied; and
- (b) a notice of increase under section 45(2)(b) of this Act may not increase the rent for any statutory period above the rent limit so imposed, and any such notice which purports to increase it further shall have effect to increase it to that limit but no further.
- 5 (1) This paragraph has effect with respect to the application of Schedule 9 to this Act in relation to a regulated tenancy consisting of—
- (a) a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act, or
- (b) a statutory tenancy imposed by virtue of paragraph 1 above, together with any subsequent statutory tenancy which, when taken with that regulated tenancy, is by virtue of section 18(2) of this Act treated for the purposes of this Act as constituting one regulated tenancy.
- (2) For the purposes of paragraph 1(1)(b) of Schedule 9, a tenancy falling within sub-paragraph (1)(a) above shall be deemed to have been a regulated tenancy throughout the period when Part VIII of the 1972 Act or Part VI of this Act applied to it.
- (3) In the case of a regulated tenancy falling within sub-paragraph (1)(b) above, paragraph 1(1)(b) of Schedule 9 shall have effect as if the reference to the completion of works during the existence of the regulated tenancy included a reference to their completion during the period beginning on the day on which Part VIII of the 1972 Act or Part VI of this Act first applied to the tenancy referred to in paragraph 1(1) above and ending on the day on which the regulated tenancy came into existence.
- (4) The reference in paragraph 3(1) of Schedule 9 to notices of increase authorised by this Act shall include a reference to notices of increase under section 87 of the 1972 Act.
- 6 In the application of section 48 of this Act in relation to a statutory tenancy arising on the termination of a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act and a statutory tenancy imposed by virtue of paragraph 1 above, for the reference to 7th December 1965 (the date after which the improvement must be completed) there shall be substituted a reference to 1st April 1975.
- 7 In the application of section 70 of this Act in relation to a tenancy which has become a protected tenancy by virtue of section 18(1) of the 1974 Act or by virtue of subsections (1) and (3) of section 15 of this Act or a statutory tenancy which is imposed by virtue of paragraph 1 above, the reference in subsection (3) to a failure to comply with any terms of a regulated tenancy or to carrying out an improvement includes a reference to a failure occurring or an improvement carried out before the tenancy became a regulated tenancy or, as the case may be, before the statutory tenancy was imposed.
- 8 In this Schedule " the 1972 Act" means the Housing Finance Act 1972 and " the 1974 Act" means the Housing Act 1974.