



Housing Act 1985

1985 CHAPTER 68

PART IV

SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

Supplementary provisions

[^{F1}109A Acquisition of dwelling-house subject to statutory tenancy.

Where an authority or body within section 80 (the landlord condition for secure tenancies) becomes the landlord of a dwelling-house subject to a statutory tenancy, the tenancy shall be treated for all purposes as if it were a contractual tenancy on the same terms, and the provisions of this Part apply accordingly.]

Textual Amendments

F1 S. 109A and heading inserted by [Housing and Planning Act 1986 \(c.63, SIF 61\)](#), s. 24(1)(b), Sch. 5 Pt. I para. 2

110 Jurisdiction of county court.

- (1) [^{F2}The county court] has jurisdiction to determine questions arising under this Part and to entertain proceedings brought under this Part and claims, for whatever amount, in connection with a secure tenancy.
- (2) That jurisdiction includes jurisdiction to entertain proceedings on the following questions—
 - (a) whether a consent required by section 92 (assignment by way of exchange) was withheld otherwise than on one or more of the grounds set out in Schedule 3,

Status: Point in time view as at 23/12/2016.

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- (b) whether a consent required by section 93(1)(b) or 97(1) (landlord’s consent to subletting of part of dwelling-house or to carrying out of improvements) was withheld or unreasonably withheld, or
- (c) whether a statement supplied in pursuance of section 104(2)(b) (written statement of certain terms of tenancy) is accurate,
- notwithstanding that no other relief is sought than a declaration.

[^{F3}(3) If a person takes proceedings in the High Court which, by virtue of this section, he could have taken in the county court, he is not entitled to recover any costs.]

Textual Amendments

- F2** Words in s. 110(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** S. 110(3) repealed (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 124(3)(4), 125(7), [Sch. 20](#)

Modifications etc. (not altering text)

- C1** S. 110(3) excluded (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), ss. 5(9), 12; [S.I. 2013/2622](#), art. 2; [S.I. 2013/2861](#), art. 2

111 County court rules and directions.

^{F4}

Textual Amendments

- F4** S. 111 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148(1), [Sch. 4 para. 181](#), [Sch. 18 Pt. 2](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 paras. 10, 11\(r\), 29, 30\(b\)](#)

[^{F5}111A Introductory tenancies

Sections 102(1), (2) and (3)(a), 103 and 108 apply in relation to introductory tenancies as they apply in relation to secure tenancies.]

Textual Amendments

- F5** S. 111A inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, [Sch. para. 3\(i\)](#)

112 Meaning of “dwelling-house”.

- (1) For the purposes of this Part a dwelling-house may be a house or a part of a house.
- (2) Land let together with a dwelling-house shall be treated for the purposes of this Part as part of the dwelling-house unless the land is agricultural land (as defined in section 26(3)(a) of the ^{M1}General Rate Act 1967) exceeding two acres.

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Marginal Citations

M1 1967 c. 9.

113 Members of a person's family.

- (1) A person is a member of another's family within the meaning of this Part if—
- (a) he is the spouse [^{F6}or civil partner] of that person, or he and that person live together as husband and wife [^{F7}or as if they were civil partners] , or
 - (b) he is that person's parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
- (a) a relationship by marriage [^{F8}or civil partnership] shall be treated as a relationship by blood,
 - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
 - (c) the stepchild of a person shall be treated as his child, and
 - (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

Textual Amendments

- F6** Words in s. 113(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), [Sch. 8 para. 27\(2\)\(a\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F7** Words in s. 113(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), [Sch. 8 para. 27\(2\)\(b\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F8** Words in s. 113(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), [Sch. 8 para. 27\(3\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

Modifications etc. (not altering text)

- C2** S. 113 applied by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 28\(5\)](#)
- C3** S. 113 applied by [Protection from Eviction Act 1977 \(c.43, SIF 75:1\)](#), [s. 3A\(5\)](#) as inserted by [Housing Act 1988 \(c.50, SIF 61\)](#), [ss. 31](#), 42(2)(b)
- C4** S. 113 applied by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 138\(2\)](#)
S. 113 applied (17.12.1996) by [1996 c. 53, s. 98\(1\)](#); S.I. 1996/2842, [art. 3](#)
S. 113 applied (11.9.1996 for specified purposes and 16.12.1997 otherwise) by [1996 c. 53, s. 140\(4\)](#); S.I. 1996/2352, [art. 2\(2\)](#); S.I. 1997/2846, [art. 2](#)

114 Meaning of “landlord authority”.

- (1) In this Part “landlord authority” means—
- a local housing authority,
 - [^{F9}a private registered provider of social housing other than a co-operative housing association,]
 - a [^{F10}registered social landlord] other than a co-operative housing association,
 - a housing trust [^{F11}, or] which is a charity,
 - a development corporation,
 - [^{F12}a Mayoral development corporation,]

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[^{F13}a housing action trust][^{F11}, or]
an urban development corporation, ^{F14} . . .
^{F14} . . .

other than an authority in respect of which an exemption certificate has been issued.

- (2) The Secretary of State may, on an application duly made by the authority concerned, issue an exemption certificate to—

a development corporation,
[^{F13}a housing action trust][^{F11}, or]
an urban development corporation, ^{F14} . . .
^{F14} . . .

if he is satisfied that it has transferred, or otherwise disposed of, at least three-quarters of the dwellings which have at any time before the making of the application been vested in it.

- (3) The application shall be in such form and shall be accompanied by such information as the Secretary of State may, either generally or in relation to a particular case, direct.

Textual Amendments

- F9** Words in s. 114(1) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 25** (with art. 6, Sch. 3)
- F10** Words in s. 114(1) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 14(12)**
- F11** Words in s. 114(1)(2) inserted (1.10.1998) by [1998 c. 38](#), s. 129, **Sch. 15 para. 10** (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art. 4**
- F12** Words in s. 114(1) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 12**
- F13** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 83(4)**
- F14** Words in s. 114(1)(2) repealed (1.10.1998) by [1998 c. 38](#), s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art. 4**

115 Meaning of “long tenancy”.

- (1) The following are long tenancies for the purposes of this Part, subject to subsection (2)

- (a) a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;
- (b) a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a tenancy by sub-demise from one which is not a long tenancy;
- (c) any tenancy granted in pursuance of Part V (the right to buy) [^{F15}, including any tenancy granted in pursuance of that Part as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire)].

- (2) A tenancy granted so as to become terminable by notice after a death is not a long tenancy for the purposes of this Part, unless—

- (a) it is granted by a housing association which at the time of the grant is [^{F16}a private registered provider of social housing or][^{F17}a registered social landlord],

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- (b) it is granted at a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, and
- (c) at the time it is granted it complies with the requirements of the regulations then in force under section 140(4)(b) of the ^{M2}Housing Act 1980 [^{F18}or paragraph 4(2)(b) of schedule 4A to the Leasehold Reform Act 1967] (conditions for exclusion of shared ownership leases from Part I of the ^{M3}Leasehold Reform Act 1967) or, in the case of a tenancy granted before any such regulations were brought into force, with the first such regulations to be in force.

Textual Amendments

- F15** Words in s. 115(1)(c) inserted (1.4.1997) by S.I. 1997/627, art. 2, **Sch. para. 3(2)**
- F16** Words in s. 115(2)(a) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 26** (with art. 6, Sch. 3)
- F17** Words in s. 115(2)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(13)**
- F18** Words inserted by Housing Act 1988 (c. 50, SIF 61), s. 140(1), **Sch. 17 Pt. I para. 40**

Marginal Citations

- M2** 1980 c. 51
- M3** 1967 c. 88.

[^{F19}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.]

Textual Amendments

- F19** S. 115A inserted (4.2.1997) by 1996 c. 52, s. 141(1), **Sch. 14 para. 3**; S.I. 1997/66, **art. 2** (subject to savings in **Sch.**)

116 Minor definitions.

In this Part—

“common parts”, in relation to a dwelling-house let under a tenancy, means any part of a building comprising the dwelling-house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord;

“housing purposes” means the purposes for which dwelling-houses are held by local housing authorities under Part II (provision of housing) or purposes corresponding to those purposes;

“rental period” means a period in respect of which a payment of rent falls to be made;

“term”, in relation to a secure tenancy, includes a condition of the tenancy.

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117 Index of defined expressions: Part IV

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

| | |
|--|---|
| [^{F20} assured tenancy] | [^{F20} section 622] |
| cemetery | section 622 |
| charity | section 622 |
| common parts (in relation to a dwelling-house let under a tenancy) | section 116 |
| [^{F21} consent (in Schedule 3A)] | [^{F21} paragraph 2(3) of that Schedule] |
| co-operative housing association | section 5(2) |
| ^{F22} | ^{F22} |
| . . . | . . . |
| development corporation | section 4(c) |
| dwelling-house | section 112 |
| family (member of) | section 113 |
| [^{F23} flexible tenancy] | section 107A] |
| housing association | section 5(1) |
| housing authority | section 4(a) |
| housing purposes | section 116 |
| housing trust | section 6 |
| improvement | section 97(2) |
| [^{F24} introductory tenancy] | [^{F24} section 115A] |
| [^{F25} landlord (in Part V of Schedule 2)] | [^{F25} paragraph 5 of that Part] |
| landlord authority | section 114 |
| local authority | section 4(e) |
| local housing authority | section 1, 2(2) |
| long tenancy | section 115 |
| [^{F21} management agreement and manager] | [^{F21} sections 27(2)and 27B(4)] |
| new town corporation | section 4(b) |
| qualified to succeed (on the death of a secure tenant) | section 87 |
| [^{F26} registered social landlord] | [^{F26} section 5(4) and (5)] |
| [^{F27} the Relevant Authority] | [^{F27} section 6A] |
| rental period | section 116 |
| secure tenancy | section 79 |

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| | |
|--|----------------|
| term (in relation to a secure tenancy) | section 116 |
| urban development corporation | section 4(d) |
| variation (of the terms of a secure tenancy) | section 102(2) |

Textual Amendments

- F20** Entry in s. 117 inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), **s. 163(4)**
- F21** Entry in s. 117 inserted (17.8.1992) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(2), **Sch. 5 Pt. II para. 27**; S.I. 1992/1753, **art. 2(2)**
- F22** Entry in s. 117 repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 11(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F23** Entry in s. 117 inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 155(5)**, 240(2); S.I. 2012/628, art. 6(a) (with arts. 9, 11, 14, 15, 17)
- F24** Entry in s. 117 inserted (4.2.1997) by 1996 c. 52, s. 141(1), **Sch. 14 para. 4**; S.I. 1997/66, **art. 2** (subject to savings in [Sch.](#))
- F25** Entry in s. 117 inserted (*prosp.*) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), ss. 24(2), 57(2), **Sch. 5 Pt. II para. 27**
- F26** Entry in s. 117 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(14)**
- F27** Entry in s. 117 inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 11(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

Status:

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