



Housing and Planning Act 1986

CHAPTER 63

HOUSING AND PLANNING ACT 1986

PART I

HOUSING

The right to buy

- 1
- 2 Discount on right to buy and similar sales.
- 3
- 4 Service charges and other contributions payable after exercise of right to buy.
- 5 Loans in respect of service charges.

Other Provisions with respect to public sector housing

- 6 Consultation before disposal to private sector landlord.
- 7
- 8 Preservation of right to buy on disposal to private sector landlord.
- 9 Redevelopment of dwelling-house subject to secure tenancy.
- 10 Management agreements.
- 11 Proposals for co-operative management or ownership.

Assured tenancies

- 12
- 13 Other amendments relating to assured tenancies.

Miscellaneous

- 14 Housing the homeless.

Status: Point in time view as at 01/12/2008.

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- 15 Grants for improvement or repair of common parts.
- 16 Housing management : financial assistance etc.
- 17 Matters to be taken into account in determining fair rent.
- 18 Further provisions with respect to shared ownership leases.
- 19
- 20 Disposal of dwellings in new towns.
- 21 Effect of resolutions relating to housing action area or general improvement area.
- 22 Agreements with certain housing bodies exempt from Consumer Credit Act 1974.
- 23 Determination of price for leasehold enfranchisement.
- 24 Minor and consequential amendments; repeals.

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- 26 Simplified planning zones in Scotland.

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- 36 Hazardous substances contravention notices.
- 37 Consequential amendments.
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- 39 Abolition of Secretary of State’s power to authorise opencast working, &c.

PART VI

MISCELLANEOUS PROVISIONS

England and Wales

- 40 Listed buildings and conservation areas.
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- 43 Compulsory acquisition of land on behalf of parish or community councils.
- 44
- 45, 46
- 47 Areas which may be designated urban development areas.
- 48 Repeal of unnecessary enactments.
- 49 Minor and consequential amendments; repeals.

Scotland

- 50 Listed buildings and conservation areas.
- 51 Grants for repair of buildings in town schemes.
- 52 Termination of grants for redevelopment etc.
- 53 Minor and consequential amendments; repeals.

Provisions common to England and Wales and Scotland

- 54 Effect of modification or termination of enterprise zone scheme.
- 55 Discrimination in exercise of planning functions.

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- 57 Commencement.
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SCHEDULE 2 — Schedule to be Inserted in the Housing Act 1985

SCHEDULE 3 — Common Parts Grants

Part I — AMENDMENTS OF PART XV OF THE HOUSING ACT 1985

- 1 (1) Section 460 of the Housing Act 1985 (general description...
- 2 In section 462(1) of the Housing Act 1985 (preliminary condition...
- 3 In section 463(1) of the Housing Act 1985 (preliminary condition...
- 4 After section 464 of the Housing Act 1985 insert— Preliminary...
- 5 In section 466(1) of the Housing Act 1985 (grants requiring...
- 6 After section 498 of the Housing Act 1985 insert— Common...
- 7 In section 499(3) of the Housing Act 1985 for “this...
- 8 In section 511 of the Housing Act 1985 (payment of...
- 9 In section 513 of the Housing Act 1985 (special cases:...
- 10 (1) Section 514 of the Housing Act 1985 (power of...
- 11 In section 515 of the Housing Act 1985, for subsections...
- 12 In section 518 of the Housing Act 1985 (meaning of...
- 13 Renumber section 519 of the Housing Act 1985 (meaning of...
- 14 (1) Section 526 of the Housing Act 1985 (the index...

Part II — AMENDMENTS OF OTHER ENACTMENTS

- 15 In section 116 of the Rent Act 1977 (consent of...
- 16 (1) Part IV of the Housing Act 1985 (secure tenancies...

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- 17 In section 244 of the Housing Act 1985 (powers of...
- 18 In section 255 of the Housing Act 1985 (powers of...
- 19 In section 535 of the Housing Act 1985 (exclusion of...

SCHEDULE 4 — Further Provisions with Respect to Shared Ownership Leases

The Rent Act 1977 (c. 42)

- 1 (1) Part I of the Rent Act 1977 (preliminary provisions)...

The Rent (Agriculture) Act 1976 (c. 80)

- 2 In Schedule 2 to the Rent (Agriculture) Act 1976 (licences...

Part I of the Leasehold Reform Act 1967 (c. 88)

- 3 In section 1 of the Leasehold Reform Act 1967 (tenants...
- 4 In section 3(2) of the Leasehold Reform Act 1967 after...
- 5 After section 33 of the Leasehold Reform Act 1967 insert—...
- 6 After Schedule 4 to the Leasehold Reform Act 1967 insert—...

Consequential amendments and repeals

- 7 In the Housing Act 1980, omit section 140.
- 8 In the Local Government, Planning and Land Act 1980, omit...
- 9 (1) The Local Government Act 1985 is amended as follows....
- 10 In Part IV of the Housing Act 1985 (secure tenancies),...

Transitional provisions and savings

- 11 (1) The amendments made by this Schedule apply only in...

SCHEDULE 5 — Housing: Minor and Consequential Amendments

Part I — MINOR AMENDMENTS

Effect of covenant for repayment of discount

- 1 (1) In section 36 of the Housing Act 1985 (charge...

Acquisition of dwelling-house subject to statutory tenancy

- 2 In Part IV of the Housing Act 1985 (secure tenancies),...

Landlord's notice to mention any structural defect

- 3 In section 125 of the Housing Act 1985 (exercise of...

Re-service of notices, etc. on change of landlord in course of exercise of right to buy

- 4 (1) Section 137 of the Housing Act 1985 (change of...

Deferment of completion in pursuance of right to buy

- 5

Penalty for voting on certain housing matters

- 6 (1) In section 618(4) of the Housing Act 1985 (penalty...

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Grounds for withholding consent to assignment of secure tenancy

- 7 In Schedule 3 to the Housing Act 1985 (grounds for...
- 8

Service charges in respect of the cost of grant-aided works

- 9 (1) In the Landlord and Tenant Act 1985, after section...

Miscellaneous corrections

- 10 (1)
- 11 (1) In sections 80(1)(a) and 81(1)(a), (3)(b) and (4)(b) of...
- 12 In paragraph 14(2) of Schedule 11 and paragraph 8(2) of...
- 13

Part II — CONSEQUENTIAL AMENDMENTS

- 14

Rent Act 1977

- 15 In section 16 of the Rent Act 1977 (tenancy not...
- 16 (1) Schedule 12 to the Rent Act 1977 (procedure on...
- 17

Finance Act 1981

- 18 In section 107 of the Finance Act 1981 (stamp duty...

Local Government Act 1985

- 19 In paragraph 22 of Schedule 13 to the Local Government...

Housing Act 1985

- 20
- 21 In section 20 of the Housing Act 1985 (houses of...
- 22 In section 21 of the Housing Act 1985 (management powers...
- 23 In section 30 of the Housing Act 1985 (application of...
- 24 Omit section 46 of the Housing Act 1985 (definition of...
- 25 In section 57 of the Housing Act 1985 (the index...
- 26 In section 80 of the Housing Act 1985 (the landlord...
- 27 In section 117 of the Housing Act 1985 (the index...
- 28 In section 127(1) of the Housing Act 1985, omit the...
- 29 In section 130 of the Housing Act 1985 (reduction of...
- 30 (1) Section 187 of the Housing Act 1985 (minor definitions...
- 31 In section 188 of the Housing Act 1985 (the index...
- 32 In Part XIII of the Housing Act 1985 (general financial...
- 33 In section 434 of the Housing Act 1985 (the index...
- 34 In section 444(4) of the Housing Act 1985 (advances relevant...
- 35 In section 452 of the Housing Act 1985 (vesting of...
- 36 In section 453 of the Housing Act 1985 (power of...
- 37 In section 458 of the Housing Act 1985 (minor definitions),...
- 38 In section 459 of the Housing Act 1985 (the index...
- 39 After section 621 of the Housing Act 1985 insert— Meaning...
- 40 (1) Schedule 4 to the Housing Act 1985 (the qualifying...
- 41 (1) Paragraph 14 of Schedule 6 to the Housing Act...

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Housing Associations Act 1985

42 In Part II of the Housing Associations Act 1985 (financial...

SCHEDULE 6 — Simplified Planning Zones: Further Provisions
Parts I and II — ...
Part III

Schedule 6A — Simplified Planning Zone Schemes
Part IV

- 1 At the end of subsection (2) of section 31 of...
- 2 In section 38 of the Town and Country Planning (Scotland)...
- 3 In section 51(1) of the Town and Country Planning (Scotland)...
- 4 After subsection (1)(a) of section 231 of the Town and...
- 5 In section 232 of the Town and Country Planning (Scotland)...
- 6 In section 273 of the Town and Country Planning (Scotland)...
- 7 In section 275(1) of the Town and Country Planning (Scotland)...

SCHEDULE 7 — Hazardous Substances: Consequential Amendments
Part I — ...
Part II

Radioactive Substances Act 1960 (c. 34)

1

Town and Country Planning (Scotland) Act 1972 (c.52)

- 2 In subsection (3) (action on the part of the Secretary...
- 3 In subsection (2)(a) of section 253 of that Act (orders,...
- 4 The following section shall be inserted after section 257 of...
- 5 In section 265 of that Act (rights of entry)—
- 6 In section 275(1) of that Act (interpretation)—

Town and Country Planning Act 1984 (c.10)

7 In section 1 of the Town and Country Planning Act...

Gas Act 1986 (c. 44)

8 In sub-paragraph (1)(xxv) of paragraph 2 of Schedule 7 to...

SCHEDULE 8 — Opencast Coal — Miscellaneous Amendments
Part I — THE 1958 ACT

- 1
- 2 (1) In section 4(1), for the words “the land comprised...
- 3 In section 5(5)— (a) for the word “authorisation” there shall...
- 4
- 5 The following sections shall be substituted for section 14— Provisions...
- 6 The following sections shall be substituted for section 15—
Suspension...
- 7 In section 16— (a) in subsections (1) and (2), for...
- 8
- 9 In section 38— (a) in paragraph (a)—
- 10 In section 39(3)— (a) in paragraph (a), for the words...

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- 11 In the proviso to section 39(5), for the words “any...
- 12 In section 45(2)— (a) for the words from “an” to...
- 13 In section 51(1)— (a) the following definition shall be inserted...
- 14 In section 52(2), the following definition shall be inserted after...
- 15 In paragraph 5(1) of Part I of Schedule 2 (compulsory...
- 16 In Schedule 6, in paragraph 18(2)(c), for the words from...
- 17 In Schedule 7, in paragraph 24(3)(a)— (a) for the word...
- Part II — ACQUISITION OF LAND ACT 1981 (C. 67)
- 18 In section 29— (a) in subsection (6)—

SCHEDULE 9 — Listed Buildings And Conservation Areas

Part I — ENGLAND AND WALES

1—5

Dangerous structure orders in respect of listed buildings

6 (1)
7–12

Part II

Free-standing objects and structures within curtilage of listed building

13 (1) In section 52(7) of the Town and Country Planning...

Late application for listed building consent

14 (1) In subsection (1) of section 53 (control of works...

Defence to proceedings under section 53

15 (1) In section 53 of the Town and Country Planning...

Grant of listed building consent subject to subsequent approval of detail

16 (1) In section 54 of the Town and Country Planning...

Application to modify or discharge conditions attached to listed building consent

17 After section 54C of the Town and Country Planning (Scotland)...

Extent of exemption accorded to ecclesiastical buildings

18 (1) After section 56 of the Town and Country Planning...

Effect of listed building enforcement notice

19 After section 95 of the Town and Country Planning (Scotland)...

Works for preservation of buildings

20 For section 97 of the Town and Country Planning (Scotland)...

Control of demolition in conservation areas

21 Section 262A(8) of the Town and Country Planning (Scotland) Act...

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Form of application for listed building consent

22 For paragraph 1(1) of Schedule 10 of the Town and...

Calling in of application for listed building consent

23 In paragraph 5(2) of Schedule 10 to the Town and...

Application to planning authorities of provisions relating to listed buildings

24 In Part IV of Schedule 19 to the Town and...

SCHEDULE 10 — . . .

SCHEDULE 11 — Planning: Minor and Consequential Amendments

Part I — ENGLAND AND WALES

1—21

Consequential amendments of other enactments

22—24

25 (1) The Industrial Development Act 1982 is amended as follows....

26, 27

Part II — SCOTLAND

Directions as to modifications of local plans

28

Operation of Use Classes Order on subdivision of planning unit

29

Development orders

30

Applications to vary or revoke conditions attached to planning permission

31

Land adversely affecting amenity of neighbourhood

32

33

Appeals against notices under section 63A

34

Purchase notices : transmission of documents to the Secretary of State

35

Purchase notice relating to land where use restricted by virtue of previous planning permission

36

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	<i>Consideration of purchase notice concurrently with related planning appeal</i>
37	.....
	<i>National Scenic Areas</i>
38	.....
	<i>Recovery of expenses of local inquiry</i>
39	.....
	<i>Orders as to expenses of parties where no local inquiry held</i>
40	.....
	<i>Procedure on applications and appeals disposed of without inquiry or hearing</i>
41	.....
	<i>Power to return appeal for determination by appointed person</i>
42	.....
	<i>Appointment of assessors</i>
43	.....
	<i>Increase of daily penalties for offences</i>
44	.....
	<i>Other minor amendments of the Town and Country Planning (Scotland) Act 1972</i>
45	.....
46	.....
47	.....
48	.....
49	.....
50	.....
51	.....
52	.....
53	.....
	<i>Consequential amendments of the Town and Country Planning (Scotland) Act 1972</i>
54
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56
57
58
59
60
	<i>Consequential amendments of other enactments</i>
61	In subsection (5) of section 179 (reference of applications to...
62

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SCHEDULE 12 — Repeals

Part I — HOUSING

Repeals coming into force on passing of Act

Repeals coming into force on appointed day

Part II — OPENCAST COAL

Part III — MISCELLANEOUS (ENGLAND AND WALES)

Part IV — MISCELLANEOUS (SCOTLAND)

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