

Status: Point in time view as at 17/12/2009.

Changes to legislation: *Housing Act 1988, Cross Heading: The Housing Act 1985 is up to date with all changes known to be in force on or before 18 June 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)*

SCHEDULES

SCHEDULE 17

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

GENERAL AMENDMENTS

The Housing Act 1985

F138

Textual Amendments

F1 Sch. 17 Pt. I para. 38 repealed (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. IX; S.I. 1996/2402, art. 3 (subject to transitional provisions in Sch.)

F239

Textual Amendments

F2 Sch. 17 Pt. I para. 39 repealed (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. IX; S.I. 1996/2402, art. 3 (subject to transitional provisions in Sch.)

40 In section 115 of that Act (meaning of “long tenancy”), in subsection (2)(c) after “1980” there shall be inserted “or paragraph 4(2)(b) of Schedule 4A to the Leasehold Reform Act 1967”.

41 In section 155 of that Act (repayment of discount on early disposal) after subsection (3) there shall be inserted the following subsection—

“(3A) Where a secure tenant has served on his landlord an operative notice of delay, as defined in section 153A,—

- (a) the three years referred to in subsection (2) shall begin from a date which precedes the date of the conveyance of the freehold or grant of the lease by a period equal to the time (or, if there is more than one such notice, the aggregate of the times) during which, by virtue of section 153B, any payment of rent falls to be taken into account in accordance with subsection (3) of that section; and
- (b) any reference in subsection (3) (other than paragraph (a) thereof) to the acquisition of the tenant’s initial share shall be construed as a reference to a date which precedes that acquisition by the period referred to in paragraph (a) of this subsection.”

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- 42 In section 171F of that Act (subsequent dealings after disposal of dwelling-house to private sector landlord: possession on grounds of suitable alternative accommodation) after “Rent Act 1977” there shall be inserted “ “or on Ground 9 in Schedule 2 to the Housing Act 1988 ”.
- 43 In section 236 of that Act at the end of subsection (2) (meaning of “occupying tenant”) there shall be added the words “or
 (e) is a licensee under an assured agricultural occupancy.”
- 44 In section 238 of that Act (index of defined expressions in Part VII) before the entry relating to “clearance area” there shall be inserted— “ assured agricultural occupancysection 622 ”.
- 45 In section 247 of that Act (notification of certain disposals of land to the local housing authority), in subsection (5) (provision not to apply to certain disposals) after paragraph (c) there shall be inserted the following paragraph—
 “(ca) the grant of an assured tenancy or assured agricultural occupancy, or of a tenancy which is not such a tenancy or occupancy by reason only of paragraph 10 of Schedule 1 to the Housing Act 1988 (resident landlords) or of that paragraph and the fact that the accommodation which is let is not let as a separate dwelling”.
- 46 In section 263 of that Act (index of defined expressions in Part VIII) before the entry relating to “clearance area” there shall be inserted—
 “assured agricultural occupancysection 622
 assured tenancysection 622”.
- 47 In Part IX of that Act (slum clearance) in the following provisions relating to the recovery of possession, namely, sections 264(5), 270(3), 276 and 286(3), after the words “Rent Acts” there shall be inserted “ “or Part I of the Housing Act 1988 ”.
- 48 In section 309 of that Act (recovery of possession of premises for purposes of approved redevelopment), in paragraph (a) of subsection (1) after the words “the Rent Act 1977” the following words shall be inserted “ “or let on or subject to an assured tenancy or assured agricultural occupancy ”; and in the words following paragraph (b) of that subsection after the words “section 98(1)(a) of the Rent Act 1977” there shall be inserted “ “or section 7 of the Housing Act 1988 ”.
- 49 In section 323 of that Act (index of defined expressions in Part IX) before the entry relating to “clearance area” there shall be inserted—
 “assured agricultural occupancysection 622
 assured tenancysection 622”.
- 50 In section 368 of that Act (means of escape from fire: power to secure that part of house not used for human habitation), in subsection (6) after the words “Rent Acts” there shall be inserted “ “or Part I of the Housing Act 1988 ”.
- 51 In section 381 of that Act (general effect of control order), in subsection (3) after the words “Rent Acts” there shall be inserted “ “and Part I of the Housing Act 1988 ”.
- 52 (1) In section 382 of that Act (effect of control order on persons occupying house) after subsection (3) there shall be inserted the following subsection—
 “(3A) Section 1(2) of and paragraph 12 of Part I of Schedule 1 to the Housing Act 1988 (which exclude local authority lettings from Part I of that Act) do not

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apply to a lease or agreement under which a person to whom this section applies is occupying part of the house.”

- (2) In subsection (4) of that section after paragraph (b) there shall be inserted “or
(c) an assured tenancy or assured agricultural occupancy within the meaning of Part I of the Housing Act 1988”; and for the words “either of those Acts” there shall be substituted “any of those Acts”.

- 53 In section 400 of that Act (index of defined expressions for Part XI) after the entry relating to “appropriate multiplier” there shall be inserted—

“assured tenancysection 622
assured agricultural occupancysection 622”.

- 54 In section 429A of that Act (housing management: financial assistance etc.) in subsection (2), in paragraph (a) after the words “secure tenancies” there shall be inserted “or subsection (2A)” and at the end of that subsection there shall be inserted the following subsection—

“(2A) Subsection (2)(a) applies to the following bodies—
(a) the Housing Corporation;
(b) Housing for Wales;
(c) a housing trust which is a charity;
(d) a registered housing association other than a co-operative housing association; and
(e) an unregistered housing association which is a co-operative housing association.”

- 55 In section 434 of that Act (index of defined expressions for Part XIII) there shall be inserted, in the appropriate places in alphabetical order, the following entries—

“charitysection 622”
“co-operative housing associationsection 5(2)”
“housing associationsection 5(1)”
“housing trust”section 6”.

^{F3}56

Textual Amendments

F3 Sch. 17 Pt. I para. 56 repealed (with savings) (1.10.1996) by S.I. 1996/2325, art. 4(1)-(3), Sch. 1 Pt. I

^{F4}57

Textual Amendments

F4 Sch. 17 Pt. I para. 57 repealed (with savings) (1.10.1996) by S.I. 1996/2325, art. 4(1)-(3), Sch. 1 Pt. I

- 58 In section 459 of that Act (index of defined expressions for Part XIV) after the entry relating to “building society” there shall be inserted—

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“co-operative housing associationsection 5(2)”.

- 59 In section 533 of that Act (assistance for owners of defective housing: exceptions to eligibility) after the words “Rent (Agriculture) Act 1976” there shall be inserted ““or who occupies the dwelling under an assured agricultural occupancy which is not an assured tenancy ””.
- 60 In section 553 of that Act (effect of repurchase of defective dwellings on certain existing tenancies) in subsection (2)—
- (a) in paragraph (a) after the words “protected tenancy” there shall be inserted ““or an assured tenancy ””;
 - (b) at the end of paragraph (b) there shall be added the words “ “or in accordance with any of Grounds 1, 3, 4 and 5 in Schedule 2 to the Housing Act 1988 (notice that possession might be recovered under that ground) or under section 20(1)(c) of that Act (notice served in respect of assured shorthold tenancies); and ””; and
- [^{F5}(c) after paragraph (b) there shall be added—
- “(c) the tenancy is not an assured periodic tenancy which, by virtue of section 39(7) of the Housing Act 1988 (successors under the Rent Act 1977), is an assured shorthold tenancy”].

Textual Amendments

F5 Sch. 17 Pt. I para. 60(c) repealed (28.2.1997) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. IV; S.I. 1997/225, art. 2 (subject to transitional provisions in Sch.)

- 61 (1) In section 554 of that Act (grant of tenancy of defective dwelling to former owner-occupier) at the end of subsection (2) there shall be inserted the following subsection—
- “(2A) If the authority is a registered housing association, other than a housing co-operative, within the meaning of section 27B, their obligation is to grant a secure tenancy if the individual to whom a tenancy is to be granted—
- (a) is a person who, immediately before he acquired his interest in the dwelling-house, was a secure tenant of it; or
 - (b) is the spouse or former spouse or widow or widower of a person falling within paragraph (a); or
 - (c) is a member of the family, within the meaning of section 186, of a person falling within paragraph (a) who has died, and was residing with that person in the dwelling-house at the time of and for the period of twelve months before his death.”
- (2) In subsection (3) of that section, at the end of paragraph (b) there shall be inserted “or
- (c) an assured tenancy which is neither an assured shorthold tenancy, within the meaning of Part I of the Housing Act 1988, nor a tenancy under which the landlord might recover possession on any of Grounds 1 to 5 in Schedule 2 to that Act.”
- 62 In section 577 of that Act (index of defined expressions for Part XVI) after the entry relating to “associated arrangement” there shall be inserted—
- “assured agricultural occupancysection 622

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- assured tenancy section 622”.
- 63 In section 612 of that Act (exclusion of Rent Act protection) after the words “the Rent Acts” there shall be inserted “ “or Part I of the Housing Act 1988 ”.
- 64 In section 622 of that Act (definitions: general) before the definition of “bank” there shall be inserted—
- “ “assured tenancy” has the same meaning as in Part I of the Housing Act 1988;
- “assured agricultural occupancy” has the same meaning as in Part I of the Housing Act 1988”.
- 65 In Schedule 2 to that Act, in Part IV (grounds for possession: suitability of alternative accommodation) in paragraph 1, at the end of sub-paragraph (b) there shall be added “or
- (c) which are to be let as a separate dwelling under an assured tenancy which is neither an assured shorthold tenancy, within the meaning of Part I of the Housing Act 1988, nor a tenancy under which the landlord might recover possession under any of Grounds 1 to 5 in Schedule 2 to that Act”.
- 66 In Schedule 5 to that Act, in paragraph 3, after the entry for section 58(2) of the ^{M1}Housing Associations Act 1985 there shall be inserted the following entries—
- “section 50 of the Housing Act 1988 (housing association grants), or
- section 51 of that Act (revenue deficit grants).”

Marginal Citations

M1 1985 c. 69.

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