



# Local Government and Housing Act 1989

## CHAPTER 42

### LOCAL GOVERNMENT AND HOUSING ACT 1989

#### PART I

##### LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

###### *Political restriction of officers and staff*

- 1 Disqualification and political restriction of certain officers and staff.
- 2 Politically restricted posts.
- 3 Grant and supervision of exemptions from political restriction: Scotland and Wales .
- 3A Grant and supervision of exemptions from political restriction: England
- 3B General advice as to politically restricted posts: England

###### *Duties of particular officers*

- 4 Designation and reports of head of paid service.
- 5 Designation and reports of monitoring officer.
- 5A Reports of monitoring officer—local authorities operating executive arrangements
- 6 Officer responsible for financial administration of certain authorities.

###### *Appointment and management etc. of staff*

- 7 All staff to be appointed on merit.
- 8 Duty to adopt standing orders with respect to staff.
- 9 Assistants for political groups.
- 10 Limit on paid leave for local authority duties.
- 11 Confidentiality of staff records.
- 12 Conflict of interest in staff negotiations.

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*Voting rights of members of certain committees*

- 13 Voting rights of members of certain committees: England and Wales.
- 14 Voting rights of members of certain committees: Scotland.

*Political balance on committees etc.*

- 15 Duty to allocate seats to political groups.
- 16 Duty to give effect to allocations.
- 17 Exceptions to and extensions of political balance requirements.

*Allowances*

- 18 Schemes for basic, attendance and special responsibility allowances for local authority members.

*Members' interests*

- 19 Members' interests.

*Duty to adopt certain procedural standing orders*

- 20 Duty to adopt certain procedural standing orders.

*Interpretation of Part I*

- 21 Interpretation of Part I.

**PART II**

LOCAL GOVERNMENT ADMINISTRATION

- 22 Advisory Commissioners.
- 23 Advice and guidance by Commissions for Local Administration and Scottish Commissioner.
- 24 Expenses of Commissions for Local Administration.
- 25 Annual reports of Commissions: new provisions.
- 26 Implementation of recommendations of Commissioners for Local Administration in England and Wales.
- 27 Implementation of recommendations of Commissioner for Local Administration in Scotland.
- 28 Consideration of adverse reports: England and Wales.
- 29 Consideration of adverse reports: Scotland.
- 30 Declaration of acceptance of office of councillor etc.
- 31 National Code of Local Government Conduct.
- 32 Anonymity in reports on investigations.

**PART III**

ECONOMIC DEVELOPMENT AND DISCRETIONARY EXPENDITURE BY LOCAL AUTHORITIES

- 33 Promotion of economic development.
- 34 Restrictions on promotion of economic development.
- 35 Guidance and consultation about promotion of economic development.
- 36 Amendments of existing power to incur discretionary expenditure.
- 37 Conditions of provision of financial assistance.
- 38 Information etc. on individuals' rights.

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## PART IV

### REVENUE ACCOUNTS AND CAPITAL FINANCE OF LOCAL AUTHORITIES

#### *Introductory*

- 39 Application of Part IV.
- 40 Capital purposes.

#### *Charge of expenditure to revenue accounts*

- 41 Expenditure to be charged to revenue account.
- 42 Expenditure excluded from section 41(1).

#### *Borrowing*

- 43 Borrowing powers.
- 44 Borrowing limits etc.
- 45 The authority's own limits.
- 46 Register of loan instruments and certain existing loans.
- 47 Security for money borrowed etc.

#### *Credit arrangements*

- 48 Credit arrangements.
- 49 Initial and subsequent cost of credit arrangements.
- 50 Limits on powers to enter into credit arrangements.
- 51 Variation of credit arrangements.
- 52 Transitional credit arrangements.

#### *Credit approvals*

- 53 Basic credit approvals.
- 54 Supplementary credit approvals.
- 55 Criteria for issuing credit approvals.
- 56 Use of credit approvals by local authorities.
- 57 Effect of certain capital grants on credit approvals.

#### *Capital receipts*

- 58 Capital receipts.
- 59 The reserved part of capital receipts.
- 60 The usable balance of capital receipts.
- 61 Capital receipts not wholly in money paid to the authority.

#### *Aggregate credit limit*

- 62 Aggregate credit limit.

#### *Amounts set aside to meet credit liabilities*

- 63 Duty to set certain amounts aside as provision to meet credit liabilities.
- 64 Use of amounts set aside to meet credit liabilities.

#### *Supplementary*

- 65 Information.
- 66 Interpretation of Part IV.

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## PART V

### COMPANIES IN WHICH LOCAL AUTHORITIES HAVE INTERESTS

- 67 Application of, and orders under, Part V.
- 68 Companies controlled by local authorities and arm's length companies.
- 69 Companies subject to local authority influence.
- 70 Requirements for companies under control or subject to influence of local authorities.
- 71 Control of minority interests etc. in certain companies.
- 72 Trusts influenced by local authorities.
- 73 Authorities acting jointly and by committees.

## PART VI

### HOUSING FINANCE

#### *Housing accounts*

- 74 Duty to keep Housing Revenue Account.
- 75 The keeping of the Housing Revenue Account.
- 76 Duty to prevent debit balance on Housing Revenue Account.
- 77 Power to keep Housing Repairs Account.
- 78 Directions to secure proper accounting.
- 78A Directions as to treatment of service charges, &c.
- 78B Directions as to accounting for work subject to competitive tendering.

#### *Housing subsidies*

- 79 Housing Revenue Account subsidy.
- 80 Calculation of Housing Revenue Account subsidy.
- 80B Agreements to exclude certain authorities or property
- 80ZA Negative amounts of subsidy payable to appropriate person
- 80A Final decision on amount of Housing Revenue Account subsidy.
- 81 Consequential adjustment of rent rebate subsidy.
- 82 Residual debt subsidy for year 1989–90.
- 83 Calculation of residual debt subsidy.
- 84 Adjustment of housing subsidy for year 1989–90.

#### *Supplementary*

- 85 Power to obtain information.
- 86 Recoupment of subsidy in certain cases.
- 87 Determinations and directions.
- 87A Orders amending Part 6
- 88 Construction and application of Part VI.

## PART VII

### RENEWAL AREAS

- 89 Declaration of renewal area.
- 90 Conditions for declaration of renewal area.
- 91 Renewal area: steps to be taken after declaration or extension
- 92 Duty to publish information.
- 93 General powers of local housing authority.

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- 94 Power to apply for orders extinguishing right to use vehicles on highway.
- 95 Exclusion of land from, or termination of, renewal area.
- 96 Contributions by the Secretary of State.
- 97 Powers of entry and penalty for obstruction.
- 98 Part VIII of Housing Act 1985.
- 99 Directions and guidance.
- 100 Interpretation of Part VII.

## PART VIII

### *Introductory*

- 101 Grants for improvements and repairs.
- 102 Applications for grants.

### *Preliminary conditions*

- 103 The age of the property.
- 104 The interest of the applicant in the property.
- 105 Common parts grants: preliminary conditions.
- 106 Certificate as to future occupation, etc.

### *Restrictions on grant aid*

- 107 Certain dwellings and works excluded from grant aid.
- 108 Restriction on grants for works already begun.
- 109 Owner-occupiers and tenants.
- 110 Landlords.
- 111 Tenants' common parts applications.

### *Approvals, notification and payment*

- 112 Duty to approve applications to render certain dwellings fit for humanhabitation.
- 113 Duty to approve applications arising out of certain statutory notices.
- 114 Approval of applications to provide certain facilities for the disabled.
- 115 Discretionary approval of certain applications.
- 116 Approval and refusal of applications.
- 117 Payment of grants.

### *Conditions of grants and repayments*

- 118 Conditions as to completion of works.
- 119 Condition as to availability for letting.
- 120 Condition requiring repayment of grant in case of certain disposals where certificate of intended letting given.
- 121 Condition requiring repayment of grant in case of certain disposals where owner-occupation certificate given.
- 122 Conditions relating to HMO grant.
- 123 Condition requiring repayment of grant on certain disposals in case of landlord's common parts application.
- 124 Meaning of relevant disposal and exempt disposal for the purposes of sections 120 to 123.
- 125 Repayment of grant.

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126 Renovation grants relating to two or more dwellings.

*Group repair schemes*

127 Group repair schemes and persons eligible to participate.

128 Qualifying buildings and external works, etc.

129 Contributions by participants and limitations on works.

130 Payment of balance of costs in case of certain disposals.

*Minor works*

131 Assistance for provision of minor works to dwellings.

*Supplementary provisions*

132 Contributions by the Secretary of State.

133 Persons entitled to grants.

134 Cases in which grants may be re-calculated, withheld or repaid.

135 Power of local housing authority to carry out works which would attract grant.

136 Parsonages, charities etc.

137 Orders and regulations.

138 Interpretation of Part VIII.

**PART IX**

MISCELLANEOUS AND GENERAL

*Local Government Finance Act 1988, local finance (Scotland) and block grants*

139 Local Government Finance Act 1988: amendments.

140 Scottish non-domestic rates: interim provisions.

141 Scottish non-domestic rate.

142 Powers to vary incidence of standard community charge: Scotland.

143 Reduced liability for personal community charges: Scotland.

144 Community charge grants: Scotland.

145 Amendment of Abolition of Domestic Rates Etc. (Scotland) Act 1987 and other enactments: Scotland.

146 Special grants.

147 Adjustment of block grant.

148 Rate support grant, 1985/86.

149 Statutory references to rating.

*Charges by certain authorities*

150 Power to allow charges.

151 Power to amend provisions about charges.

152 Interpretation, consultation and commencement of ss. 150 and 151.

153 Charges: temporary traffic signs.

154 Charges: library services.

*Miscellaneous local government provisions*

155 Emergency financial assistance to local authorities.

156 Contingency planning and co-ordination in respect of emergencies or disasters.

157 Commutation of, and interest on, periodic payments of grants etc.

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- 158 Electronic transfer of documents.
- 159 Prevention of continuance or recurrence of default of local authority:  
Scotland.
- 160 Welsh language names for local authorities.

#### *Miscellaneous housing provisions*

- 161 Housing authorities not required to keep a housing stock.
- 162 Determination of rents.
- 163 Exchanges between secure and assured tenants.
- 164 Exception to the right to buy in case of certain dwelling-houses  
for persons of pensionable age.
- 165 Unfit housing etc.
- 166 Amendments relating to defective housing.
- 167 Reports to tenants etc. on local housing authority functions.
- 168 Contributions towards costs of housing mobility arrangements.
- 169 Powers of local authorities and Secretary of State as respects services  
etc. for owners and occupiers of houses for work on them.
- 170 Powers of local authorities and Secretary of State as respects  
services, etc., for owners and occupiers of houses for work on them:  
Scotland.
- 171 Winding up of home purchase assistance scheme.
- 172 Transfer of new town housing stock.
- 173 Consent required for subsequent disposals.
- 174 Payment of disposal cost by instalments.
- 175 Repeal of the Town Development Act 1952.
- 176 Amendment of definition of occupation for purposes of purchase of  
house by secure tenant: Scotland.
- 177 Sale to secure tenants of houses provided for persons of pensionable  
age: Scotland.
- 178 Application of secure tenant's right to buy to cases where landlord is  
lessee: Scotland.
- 179 Amendment of powers of Scottish Homes to dispose of land.
- 180 Race relations: codes of practice in housing field.
- 181 Duty of landlord to inform secure tenant seeking to buy house about  
changes in law: Scotland.

#### *Other provisions*

- 182 Power to monitor activities of registered housing associations.
- 183 Extension of powers of Housing Corporation and Housing for Wales to  
give financial assistance.
- 184 Extension of functions of Audit Commission.
- 185 Publication of reports of Controller of Audit: Scotland.
- 186 Security of tenure on ending of long residential tenancies.
- 187 Construction industry: grants and guarantees.
- 188 Repeal of s. 2 of the Education (Grants and Awards) Act 1984.
- 189 Grants by Secretary of State towards costs of magistrates' courts etc.

#### *Supplementary*

- 190 Regulations.
- 191 Separate provisions for Wales.
- 192 Financial provisions.

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- 193 Application to Isles of Scilly.
- 194 Amendments and repeals.
- 195 Short title, commencement and extent.

## SCHEDULES

### SCHEDULE 1 — Political Balance on Local Authority Committees etc.

#### *Bodies to which section 15 applies*

- 1 Subject to such exceptions as may be prescribed by regulations...
- 2 (1) For the purposes of paragraph 1 above, in its...

#### *Construction of sections 15 to 17*

- 3 (1) The Secretary of State may, for the purposes of...
- 4 (1) In sections 15 to 17 of this Act and...

#### *Supplemental regulation making power*

- 5 Regulations under section 15 or 17 of this Act or...

### SCHEDULE 2 — Local Government Act 1972, section 137, as amended

#### SCHEDULE 3 — Provisions Supplementing Part IV

##### Part I — EFFECT OF OVERSPEND IN 1989-90 ON CREDIT APPROVALS

- 1 (1) If Part VIII of the Local Government, Planning and...
- 2 (1) Where a local authority have a 1989-90 overspend, their...
- 3 (1) If a local authority's 1989-90 overspend exceeds their basic...
- 4 Not later than 30th September 1990, each local authority to...
- 5 In this Part of this Schedule— (a) “prescribed expenditure...

##### Part II — NON-MONETARY CONSIDERATION RECEIVED BEFORE APRIL 1990

- 6 This Part of this Schedule applies in any case where—...
- 7 (1) On the assumption that the consideration falling within paragraph...

##### Part III — CREDIT CEILING

- 8 (1) Subject to any prescribed modifications, the credit ceiling of...
- 9 (1) Subject to sub-paragraph (2) below, the receipts which a...
- 10 (1) At any time on or after 1st April 1990,...
- 11 (1) If, at any time on or after 1st April...
- 12 (1) If, at any time on or after 1st April...
- 13 If, at any time on or after 1st April 1990...
- 14 (1) If, at any time on or after 1st April...

##### Part IV — MINIMUM REVENUE PROVISION

- 15 (1) Subject to sub-paragraphs (2) and (3) below, for any...
- 16 (1) Subject to sub-paragraphs (2) and (3) below, for the...
- 17 In paragraphs 15(1)(a) and 16(1)(a) above “the prescribed percentage...
- 18 (1) Any reference in this Part of this Schedule to...
- 19 (1) Subject to paragraphs 15(3) and 16(3) above, for any...
- 20 Regulations under this Part of this Schedule—

### SCHEDULE 4 — The Keeping of the Housing Revenue Account

#### Part I — CREDITS TO THE ACCOUNT



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*Item 1: rents*

*Item 2: charges for services and facilities*

*Item 3: Housing Revenue Account subsidy*

*Item 4: contributions towards expenditure*

*Item 5: housing benefit transfers*

*Item 6: transfers from the Housing Repairs Account*

*Item 7: reduced provision for bad or doubtful debts*

*Item 8: sums calculated as determined by Secretary of State*

*Item 9: sums directed by Secretary of State or National Assembly for Wales*

*Item 10: credit balance from previous year*

Part II — DEBITS TO THE ACCOUNT

*Item 1: expenditure on repairs, maintenance and management*

*Item 2: capital expenditure*

*Item 3: rents, rates, taxes and other charges*

*Item 4: rent rebates*

*Item 5: sums payable under section 80ZA*

*Item 6: contributions to Housing Repairs Account*

*Item 7: provision for bad or doubtful debts*

*Item 8: sums calculated as determined by Secretary of State*

*Item 9: debit balance from previous year*

*Item 10: sums directed by Secretary of State or National Assembly for Wales*

Part III — SPECIAL CASES

*Balance for year 1989-90*

1 (1) The following, namely— (a) any debit balance shown in...

*Credit balance where no HRA subsidy payable*

2 (1) A local housing authority to whom no Housing Revenue...

*Amenities shared by the whole community*

3 (1) Where benefits or amenities— (a) arising from the exercise...

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*Provision of welfare services*

3A (1) This paragraph applies where in any year a local...

*Land disposed of at less than market value*

4 The Secretary of State in giving his consent under any...

*Adjustment of accounts on appropriation of land*

5 (1) Where land is appropriated by a local housing authority...

*Transfers of housing stock between authorities in London*

6 (1) Where houses and other property within the Housing Revenue...

*Contributions in respect of land in certain areas*

7 Where a contribution under— (a) section 259 of the Housing...  
Part IV — SUPPLEMENTARY PROVISIONS

*Duty to supply information*

1 (1) A local housing authority, and any officer or employee...

*Directions excluding or modifying statutory provisions*

2 (1) The Secretary of State may, as respects any houses...

*Orders amending statutory provisions*

3 (1) The Secretary of State may by order provide that...

SCHEDULE 5 — Local Government Finance Act 1988: Amendments

*Introduction*

1 The Local Government Finance Act 1988 shall be amended as...

*Community charges*

- 2 .....
- 3 .....
- 4 .....
- 5 .....
- 6 .....
- 7 .....
- 8 .....
- 9 .....
- 10 .....
- 11 .....
- 12 .....
- 13 .....

*Charges and multipliers*

- 14 .....
- 15 .....

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16 .....  
17 .....  
18 .....

*Non-domestic rating*

19 In section 41 (local rating lists) the following subsections shall...  
20 In section 42 (contents of local lists) in subsection (4)...  
21 (1) Section 44 (occupied hereditaments: supplementary) shall be amended as...  
22 The following section shall be inserted after section 44— Partly...  
23 (1) Section 45 (unoccupied hereditaments: liability) shall be amended as...  
24 In section 46 (unoccupied hereditaments: supplementary) in subsection (2) the...  
25 The following section shall be inserted after section 46— Unoccupied...  
26 (1) Section 47 (discretionary relief) shall be amended as follows...  
27 In section 49 (reduction or remission of liability) in subsection...  
28 In section 52 (central rating lists) the following subsections shall...  
29 (1) Section 53 (contents of central lists) shall be amended...  
30 (1) Section 55 (alteration of lists) shall be amended as...  
31 The following section shall be substituted for section 57 (special...  
32 The following section shall be substituted for section 59— Contributions...  
33 .....  
34 In section 65 (owners and occupiers) the following subsection shall...  
35 (1) Section 67 (interpretation etc.) shall be amended as follows...  
36 The following Schedule shall be inserted after Schedule 4— SCHEDULE...  
37 (1) Schedule 5 (exemptions) shall be amended as follows.  
38 (1) Schedule 6 shall be amended as follows.  
39 (1) Schedule 7 (multipliers) shall be amended as follows.  
40 The following Schedule shall be inserted after Schedule 7— SCHEDULE...  
41 In Schedule 8 (non-domestic rating: pooling) in Part I, in...  
42 (1) In Schedule 8 (non-domestic rating: pooling) Part II (non-domestic...  
43 .....  
44 (1) In Schedule 9 (administration) paragraph 2 (collection and recovery)...  
45 In Schedule 9 the following paragraph shall be inserted after...  
46 (1) Paragraph 5 of Schedule 9 (power to require information...  
47 (1) Paragraph 6 of Schedule 9 (authority’s duty to supply...  
48 The following paragraphs shall be substituted for paragraph 8 of...

*Precepts and levies*

49 .....  
50 .....  
51 .....  
52 .....  
53 .....  
54 .....  
55 (1) Section 75 (special levies) shall be amended as follows...  
56 .....

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### *Grants*

- 57 (1) Section 77 (information) shall be omitted.  
 58 .....  
 59 .....  
 60 In section 88 (transport grants: supplementary), in subsections (4) and...  
 61 .....

### *Funds*

- 62 In section 89(4) (use of sums paid into charging authority's...  
 63 .....  
 64 .....  
 65 .....

### *Financial administration*

- 66 The following subsection shall be inserted after subsection (3) of...

### *Existing rates*

- 67 (1) In section 118 (power to abolish or modify existing...

### *Information*

- 68 The following section shall be inserted after section 139—  
 Information....

### *England and Wales: separate administration*

- 69 (1) Section 140 (separate administration in England and Wales) shall...

### *Payments*

- 70 .....  
 71 .....

### *Orders and regulations*

- 72 (1) Section 143 (orders and regulations) shall be amended as...

### *Relevant population*

- 73 .....  
 74 .....

### *Information*

- 75 In section 146 (interpretation) the following subsection shall be  
 inserted...

### *Tribunals*

- 76 (1) Schedule 11 (tribunals) shall be amended as follows.

### *General*

- 77 .....  
 78 .....

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- 79 (1) Paragraphs 7, 8, 52, 54, 56 and 66 above...  
80 In this Schedule “the 1988 Act” means the Local Government...

#### SCHEDULE 6 — Amendment of Scottish Enactments

##### *Valuation appeals to Lands Tribunal for Scotland*

- 1 In section 1 of the Lands Tribunal Act 1949 (which...  
2 In section 15 of the Local Government (Financial Provisions)  
(Scotland)...

##### *Rateable value of certain buildings used for breeding or rearing horses*

- 3 In subsection (1) of section 6 of the Valuation and...  
4 In that Act the following section shall be inserted after...

##### *Application of regulations about determination of net annual value*

- 5 In section 6 of the Valuation and Rating (Scotland) Act...

##### *Rateable value for purposes of levying rates after 1st April 1990*

- 6 In section 7 of the Local Government (Scotland) Act 1975...  
7 In section 128 of the Local Government Finance Act 1988...

##### *Exemption of church premises from the non-domestic rate*

- 8 .....

##### *Extension of charitable rate relief to universities*

- 9 In the Local Government (Financial Provisions etc.) (Scotland) Act  
1962—...

##### *Duty to notify registration officer about liability for collective community charge*

- 10 In subsection (1) of section 18 of the Abolition of...

##### *Interest not payable on back dated liability for community charges where there is reasonable excuse for non-registration*

- 11 (1) In subsection (3)(a) of section 18 of the Abolition...

##### *Exemption from personal community charge*

- 12 In paragraph 4 of Schedule 1A to the Abolition of...  
13 For paragraph 5 of Schedule 1A to the Abolition of...  
14 After paragraph 6 of Schedule 1A to the Abolition of...  
15 In paragraph 12(c) of Schedule 1A to the Abolition of...

##### *Liability for non-domestic water rate*

- 16 (1) In section 40(3) of the Water (Scotland) Act 1980...

##### *Premises in respect of which non-domestic water rate is leviable*

- 17 (1) In section 41 of the Water (Scotland) Act 1980...

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*Exemption of formula valued premises from non-domestic water rate*

- 18 In section 6 of the Local Government (Scotland) Act 1975...  
19 In section 40 of the Water (Scotland) Act 1980 (non-domestic...)

*Liability for non-domestic sewerage rate*

- 20 .....

*Reduced liability for non-domestic sewerage rate  
in respect of certain church and charity premises*

- 21 .....

*Public inspection of community charges register*

- 22 In section 20(2)(a)(ii) of the Abolition of Domestic Rates Etc....

*Exclusion from voting disability of local authority  
members who are community charge payers*

- 23 (1) In section 41(4) of the Local Government (Scotland) Act...

*Revocation of civil penalties imposed by registration officer*

- 24 (1) In section 17 of the Abolition of Domestic Rates...

*Evidence in appeals under Abolition of Domestic Rates Etc. (Scotland) Act 1987*

- 25 In section 29 of the Abolition of Domestic Rates Etc....

*No liability for community water charges where water previously supplied free*

- 26 (1) In paragraph 8 of Schedule 5 to the Abolition...

*Provision of information by registration officer*

- 27 The following section shall be inserted after section 20B of...

*Revenue support grants*

- 28 In section 23(2) of the Abolition of Domestic Rates Etc....  
29 For paragraphs 1 to 3 of Schedule 4 to that...

SCHEDULE 7 — Compensation Provisions of Landlord and Tenant Act 1954, Part  
II

- 1 Any reference in this Schedule to a section which is...  
2 (1) Subject to the following provisions of this Schedule, section...  
3 The amendments made by paragraph 2 above do not have...  
4 (1) Subject to paragraph 3 above and paragraph 5 below,...  
5 In any case where— (a) paragraph 4(1)(a) above applies, and...

SCHEDULE 8 — Welsh Language Names for Local Authorities

- 1 Any reference in the following provisions of this Schedule to...  
2 (1) In section 21 (constitution of principal councils in Wales)...  
3 (1) In section 33 (constitution and powers of community council)...  
4 In section 74 (change of name of county, district etc.)...  
5 In section 76 (change of name of community) in subsection...

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- 6 After section 245 (status of certain districts, parishes and communities)there...

SCHEDULE 9 — Amendments of Parts VI, IX, XI, XVII and XVIII of the Housing Act 1985

Part I — AMENDMENTS OF PART VI

- 1 (1) In section 189 (repair notice in respect of unfit...  
2 (1) In section 190 (repair notice in respect of house...  
3 After that section there shall be inserted the following section—...  
4 (1) In section 191 (appeals against repair notices), in subsection...  
5 After that section there shall be inserted the following section—...  
6 Section 192 (power to purchase house found on appeal to...  
7 In section 193 (power of local housing authority to execute...  
8 (1) In section 197 (powers of entry), in subsection (1)—...  
9 In section 198 (penalty for obstruction), in subsection (1) after...  
10 Section 205 (application of provisions to temporary or movable structures)...  
11 Section 206 (repair at reasonable expense) shall cease to have...  
12 (1) In section 207 (minor definitions), in subsection (1) in...  
13 In section 208 (index of defined expressions for Part VI)—...

Part II — AMENDMENTS OF PART IX

- 14 For sections 264 (power to accept undertaking as to reconstruction...  
15 Section 266 (power to make closing order as to part...  
16 .....  
17 (1) In section 269 (right of appeal against order), in...  
18 (1) In section 270 (demolition orders: recovery of possession of...  
19 In section 273 (demolition orders: cleansing before demolition), in subsection...  
20 (1) In section 274 (demolition orders: power to permit reconstruction...  
21 (1) In section 275 (demolition orders: substitution of closing order...  
22 In section 278 (closing orders: determination of order on premises...  
23 (1) In section 279 (closing orders: substitution of demolition order),...  
24 Sections 280, 281 and 282 (which relate to the closing...  
25 (1) In section 289 (declaration of clearance area), in subsection...  
26 In section 291 (method of dealing with land acquired for...  
27 (1) In section 294 (extinguishment of public rights of way...  
28 Section 299 and Schedule 11 (rehabilitation orders in respect of...  
29 (1) In section 300 (purchase of houses liable to be...  
30 (1) In section 301 (retention of houses acquired for clearance),...  
31 In section 302 (management and repair of house acquired under...  
32 (1) In section 304 (closing order to be in respect...  
33 (1) In section 305 (building becoming listed when subject to...  
34 In section 306 (building becoming listed when acquired by agreement...  
35 In section 309 (recovery of possession of premises for purposes...  
36 (1) In section 310 (certificate of fitness resulting from owner's...  
37 In section 315 (power of court to order occupier or...  
38 In section 318 (power of court to authorise execution of...  
39 (1) In section 319 (powers of entry), in subsection (1)...  
40 (1) In section 320 (penalty for obstruction), in subsection (1)...  
41 Section 321 (repair at reasonable expense) shall cease to have...  
42 In section 322 (minor definitions)— (a) for the definition of...  
43 In section 323 (index of defined expressions: Part IX)—

Part III — AMENDMENTS OF PART XI

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- 44 At the end of section 345 (meaning of “multiple occupation”)...
- 45 .....
- 46 .....
- 47 .....
- 48 (1) In section 350 (power to require information for purposes...
- 49 (1) In section 352 (power to require execution of works...
- 50 In each of the following provisions, that is to say—...
- 51 In section 353 (appeal against notice under section 352), in...
- 52 In section 354 (power to limit number of occupants of...
- 53 (1) In section 365 (means of escape from fire: general...
- 54 Sections 366 and 367 (means of escape from fire: power...
- 55 (1) In section 368 (means of escape from fire: power...
- 56 (1) In section 369 (the management code for houses in...
- 57 Sections 370 and 371 (application of the management code to...
- 58 In section 372 (power of local housing authority to require...
- 59 In section 373 (appeal against notice under section 372), in...
- 60 Section 374 (application of code etc. to buildings other than...
- 61 In section 375 (carrying out of works by local housing...
- 62 In section 376 (penalty for failure to execute works), in...
- 63 .....
- 64 In section 378 (provisions for protection of owners), in subsection...
- 65 In section 379 (making of control order), in subsection (1)...
- 66 .....
- 67 In section 395 (power of entry), at the end of...
- 68 (1) In section 396 (penalty for obstruction), in subsection (1)...
- 69 In section 400 (index of defined expressions: Part XI), at...
- 70 (1) In Schedule 10 (recovery of expenses incurred by local...
- 71 In Schedule 13 (further provision relating to control orders under...
- Part IV — AMENDMENTS OF PART XVII
- 72 After section 578 (general enactments relating to compulsory purchase  
etc.apply...
- 73 Sections 579 to 581 (special provision as regards acquisition of...
- 74 In section 582 (restriction on recovery of possession after making...
- 75 After section 584 there shall be inserted the following sections—...
- 76 Sections 585 to 595 (which concern site value compensation for...
- 77 Section 598 (disregard of things done to obtain increased  
compensation)...
- 78 In section 599 (application of compensation due to another local...
- 79 (1) In section 600 (powers of entry), in subsection (1)...
- 80 (1) In section 601 (penalty for obstruction), in subsection (1)...
- 81 In section 602 (minor definitions)— (a) the definition of “house”...
- 82 For section 603 (index of defined expressions: Part XVII) there...
- Part V — AMENDMENTS OF PART XVIII
- 83 For section 604 there shall be substituted the following section—...
- 84 After that section there shall be inserted the following section—...
- 85 For section 605 there shall be substituted the following section—...
- 86 In section 606 (reports on particular houses or areas), for...
- 87 In section 608 (acquisition of ancient monuments etc.), in paragraph...
- 88 In section 610 (power of court to authorise conversion of...
- 89 In section 612 (exclusion of Rent Act protection) for the...
- 90 (1) In section 623 (minor definitions: Part XVIII), for the...
- 91 In section 624 (index of defined expressions: Part XVIII)—



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## SCHEDULE 10 — Security of Tenure on Ending of Long Residential Tenancies

### *Preliminary*

- 1 (1) This Schedule applies to a long tenancy of a...
- 2 (1) This paragraph has effect for the interpretation of certain...

### *Continuation of long residential tenancies*

- 3 (1) A tenancy which, immediately before the term date, is...

### *Termination of tenancy by the landlord*

- 4 (1) Subject to sub-paragraph (2) below and the provisions of...
- 5 (1) Subject to the following provisions of this paragraph, the...

### *Interim rent*

- 6 (1) On the date of service of a landlord's notice...
- 7 (1) Nothing in paragraph 6 above affects the right of...

### *Termination of tenancy by the tenant*

- 8 (1) A long residential tenancy may be brought to an...

### *The assured periodic tenancy*

- 9 (1) Where a long residential tenancy (in this paragraph referred...

### *Initial rent under and terms of assured periodic tenancy*

- 10 (1) Where a landlord's notice proposing an assured tenancy has...
- 11 (1) Where, under sub-paragraph (2) of paragraph 10 above, a...
- 12 (1) Subsections (2) to (4) of section 41 of the...

### *Landlord's application for possession*

- 13 (1) Where a landlord's notice to resume possession has been...
- 14 (1) Where, in a case falling within sub-paragraph (7) of...

### *Provisions where tenant not ordered to give up possession*

- 15 (1) The provisions of this paragraph shall have effect where...

### *Tenancies granted in continuation of long tenancies*

- 16 (1) Where on the coming to the end of a...

### *Agreements as to the grant of new tenancies*

- 17 In any case where, prior to the date of termination...

### *Assumptions on which to determine future questions*

- 18 Where under this Schedule any question falls to be determined...

### *Landlords and mortgagees in possession*

- 19 (1) Section 21 of the 1954 Act (meaning of "the...

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*Application of other provisions of the 1954 Act*

- 20 (1) Section 16 of the 1954 Act (relief for tenant...  
21 (1) Where this Schedule has effect in relation to a...

*Crown application*

- 22 (1) This Schedule shall apply where— (a) there is an...

SCHEDULE 11 — Minor And Consequential Amendments

*The Military Lands Act 1892*

- 1 In section 8 of the Military Lands Act 1892 (provisions...

*The Small Holdings and Allotments Act 1908*

- 2 In section 52 of the Small Holdings and Allotments Act...

*The Prevention of Corruption Act 1916*

- 3 In section 4 of the Prevention of Corruption Act 1916...

*The Education Act 1944*

- 4 .....

*The Sexual Offences Act 1956*

- 5 In Schedule 1 to the Sexual Offences Act 1956 (rightsof...

*The Public Works Loans Act 1965*

- 6 In section 2 of the Public Works Loans Act 1965...

*The Public Works Loans Act 1967*

- 7 In section 2 of the Public Works Loans Act 1967...

*The Leasehold Reform Act 1967*

- 8 In section 3 of the Leasehold Reform Act 1967 (meaning...  
9 In section 9 of that Act (purchase price and costs...  
10 In section 16 of that Act (exclusion of further rights...  
11 In section 22 of that Act (validity of tenants' notices,...  
12 In section 37 of that Act (interpretation of Part I),...  
13 (1) In Schedule 3 to that Act (validity of tenants'...

*The International Organisations Act 1968*

- 14 In Schedule 1 to the International Organisations Act 1968 (privileges...

*The Social Work (Scotland) Act 1968*

- 15 For paragraph 8 of Schedule 3 to the Social Work...

*The Transport Act 1968*

- 16 In section 12 of the Transport Act 1968 (borrowing powers...

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*The Local Authority Social Services Act 1970*

- 17 In section 4 of the Local Authority Social Services Act...
- 18 In section 5(4) of that Act for the words “section...

*The Town and Country Planning Act 1971*

19, 20

*The Local Government Act 1972*

- 21 In section 80 of the Local Government Act 1972 (disqualifications...
- 22 In section 94(5)(b) of that Act (allowances not to be...
- 23 In subsection (6) of section 97 of that Act (exclusion...
- 24 In section 100G of that Act (duty of principal councils...
- 25 In section 102 of that Act (appointment of committees)—
- 26 Sections 173 and 173A of that Act (attendance allowance and...
- 27 In section 175 of that Act (allowances for conferences and...
- 28 (1) Section 177 of that Act shall be amended as...
- 29 In section 178(2) of that Act (regulations with respect to...
- 30 In sub-paragraphs (1) and (2) of paragraph 41 of Schedule...

*The Land Compensation Act 1973*

- 31 In section 37 of the Land Compensation Act 1973 (disturbance...
- 32 (1) In section 42(6) of that Act, in the definition...

*The Local Government (Scotland) Act 1973*

- 33 In section 38(4)(b) of the Local Government (Scotland) Act 1973...
- 34 In section 47 of that Act (allowances for conferences and...
- 35 (1) Section 49 of that Act shall be amended as...
- 36 In sub-paragraph (1) of paragraph 7 of Schedule 7 to...

*The Local Government Act 1974*

- 37 In section 23(4) of the Local Government Act 1974 (consultation...
- 38 In section 23(12) of that Act (triennial reports to Part...
- 39 (1) In section 31(3)(a) of that Act (further provisions about...
- 40 In section 32(1) of that Act (publications enjoying absolute privilege...
- 41 In Schedule 4 to that Act (further provisions about the...

*The Housing Act 1974*

- 42 At the end of section 131(4) of the Housing Act...

*The Local Government (Scotland) Act 1975*

- 43 In section 4 of the Local Government (Scotland) Act 1975...
- 44 (1) In section 29(3)(a) of that Act (further provisions about...
- 45 In section 30(1) of that Act (publications enjoying absolute privilege...
- 46 In Schedule 4 to that Act (further provisions about the...

*The Local Government (Miscellaneous Provisions) Act 1976*

- 47 In section 33 of the Local Government (Miscellaneous Provisions) Act...

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48 In section 40 of that Act (local authorities not affected...

*The Rent (Agriculture) Act 1976*

49 In section 33 of the Rent (Agriculture) Act 1976 (suspension...

50 In Schedule 2 to that Act (meaning of “relevant licence”...

*The Rent Act 1977*

51 .....

52 (1) In section 116 of that Act (dwelling subject to...

53 (1) In section 137 of that Act (effect on sub-tenancy...

*The Protection from Eviction Act 1977*

54 In section 8 of the Protection from Eviction Act 1977...

*The Education (Scotland) Act 1980*

55 In Schedule A1 to the Education (Scotland) Act 1980, for...

*The Local Government, Planning and Land Act 1980*

56 In section 98 of the Local Government, Planning and Land...

57 In section 100 of that Act (interpretation and extent of...

*The New Towns Act 1981*

58 In Schedule 9 to the New Towns Act 1981 (additional...

*The Stock Transfer Act 1982*

59 In section 1 of the Stock Transfer Act 1982 (transfer...

*The County Courts Act 1984*

60 In section 77 of the County Courts Act 1984 (appeals:...

*Rent (Scotland) Act 1984*

61 In section 58(7) of the Rent (Scotland) Act 1984 (power...

*The Housing Act 1985*

62 In section 8 of the Housing Act 1985 (periodical review...

63 In each of sections 47(4) and 48(3A) of that Act...

64 In section 54 of that Act (powers of entry), at...

65 (1) In section 55 of that Act (penalty for obstruction),...

66 In section 100 of that Act (power to reimburse cost...

67 In section 101 of that Act (rent not to be...

68 In section 244 of that Act (environmental works), in subsection...

69 In section 255 of that Act (general powers of local...

70 In section 289 of that Act (declaration of clearance area),...

71 In section 327 of that Act (penalty for occupier causing...

72 In section 331 of that Act (penalty for landlord causing...

73 In section 340 of that Act (powers of entry), at...

74 (1) In section 341 of that Act (penalty for obstruction),...

75 .....

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- 76 .....
- 77 (1) In subsection (1) of section 421 of that Act...
- 78 (1) In subsection (1) of section 422 of that Act...
- 79 (1) In subsection (1) of section 423 of that Act...
- 80 (1) In subsection (1) of section 424 of that Act...
- 81 (1) In subsection (1) of section 425 of that Act...
- 82 .....
- 83 In section 427(1) of that Act (recoupment of subsidy in...
- 84 In section 427A of that Act (entitlement to subsidy in...
- 85 In section 582 of that Act (restriction on recovery of...
- 86 In section 584 of that Act (power to enter and...
- 87 In Schedule 14 to that Act (the keeping of the...
- 88 In Schedule 16 to that Act (local authority mortgage interest...

*The Landlord and Tenant Act 1985*

- 89 In section 14 of the Landlord and Tenant Act 1985...
- 90 In section 20A of that Act (service charges) after the...
- 91 (1) In section 21 of that Act (summary of relevant...

*The Education Act 1986*

- 92 In section 4(2)(a) of the Education Act 1986 (definition of...

*The Housing (Scotland) Act 1987*

- 93 In section 61(3) of the Housing (Scotland) Act 1987 (application...
- 94 In section 62(1) of that Act (price at which secure...
- 95 In section 239A(1) of that Act (directions to prevent duplications...

*The Local Government Act 1988*

- 96 In section 25 of the Local Government Act 1988 (consent...
- 97 In section 33 of that Act (local authority companies), after...

*The Education Reform Act 1988*

- 98 The following subsection shall be inserted after section 81(8) of...

*The Housing (Scotland) Act 1988*

- 99 In section 16 of the Housing (Scotland) Act 1988—
- 100 In section 24 of that Act— (a) in subsection (1)...

*The Housing Act 1988*

- 101 In section 7 of the Housing Act 1988 (orders for...
- 102 In section 15 of that Act (limited prohibition on assignment...
- 103 In section 21 of that Act (recovery of possession on...
- 104 In section 34 of that Act (new protected tenancies etc...
- 105 (1) In section 35 of that Act (removal of special...
- 106 (1) In section 38 of that Act (transfer of existing...
- 107 .....
- 108 In Schedule 2 to that Act (grounds for possession of...
- 109 .....
- 110 In Schedule 5 to that Act (Housing for Wales), in...

**Status:** Point in time view as at 28/11/2008.

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- 111 In Schedule 6 to that Act, in paragraph 9 (amendments...
- 112 In Schedule 18 to that Act (enactments repealed) at the...

*The Social Security Act 1989*

113 .....

SCHEDULE 12 — Enactments Repealed

Part I — LOCAL AUTHORITY FINANCE

Part II — OTHER REPEALS

- 1 The repeal in the City of London Sewers Act 1897...
- 2 The repeals in Parts XIII and XIV of the Housing...
- 3 The repeals in Schedule 3 to the Local Government Act...
- 4 The repeals in the Local Government Finance Act 1988 shall...

**Status:**

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