

Status: Point in time view as at 16/01/2012. This version of this schedule contains provisions that are prospective.
Changes to legislation: Local Government and Housing Act 1989, SCHEDULE 11 is up to date with all changes known to be in force on or before 26 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 11

Section 194.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Military Lands Act 1892

- 1 In section 8 of the ^{M1}Military Lands Act 1892 (provisions as to disbandment of volunteer corps etc.) subsection (3) shall be omitted.

Marginal Citations

M1 1892 c. 43.

The Small Holdings and Allotments Act 1908

- 2 In section 52 of the ^{M2}Small Holdings and Allotments Act 1908 (borrowing powers and expenses) subsection (3) shall be omitted.

Marginal Citations

M2 1908 c. 36.

PROSPECTIVE

The Prevention of Corruption Act 1916

- 3 In section 4 of the ^{M3}Prevention of Corruption Act 1916 (short title and interpretation), at the end of subsection (2) (meaning of “public body”) there shall be added “ and companies which, in accordance with Part V of the Local Government and Housing Act 1989, are under the control of one or more local authorities ”.

Marginal Citations

M3 1916 c. 64.

The Education Act 1944

- ^{F14}

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Textual Amendments

F1 Sch. 11 para. 4 repealed (1.4.1994) by 1993 c. 35, s. 307(3), **Sch. 21 Pt.II**; S.I. 1994/507, art. 4, **Sch. 2** Appendix

The Sexual Offences Act 1956

5 In Schedule 1 to the ^{M4}Sexual Offences Act 1956 (rights of landlord where tenant convicted of permitting use of premises as a brothel) at the end of paragraph 5 there shall be added “ Part I of the Housing Act 1988 and Schedule 10 to the Local Government and Housing Act 1989 ”.

Marginal Citations

M4 1956 c. 69.

The Public Works Loans Act 1965

^{F2}6

Textual Amendments

F2 Sch. 11 para. 6 repealed (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E.) by Local Government Act 2003 (c. 26), s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 7(e)(iii) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

The Public Works Loans Act 1967

^{F3}7

Textual Amendments

F3 Sch. 11 para. 7 repealed (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E.) by Local Government Act 2003 (c. 26), s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 7(e)(iii) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

The Leasehold Reform Act 1967

8 In section 3 of the ^{M5}Leasehold Reform Act 1967 (meaning of “long tenancy”), in subsection (5) after “1954” there shall be inserted “ under Schedule 10 to the Local Government and Housing Act 1989 ”.

Marginal Citations

M5 1967 c. 88.

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- 9 In section 9 of that Act (purchase price and costs of enfranchisement, and tenant’s right to withdraw), in subsection (1A), in paragraph (b) after the word “premises” there shall be inserted—
- “(i) if the tenancy is such a tenancy as is mentioned in subsection (2) or subsection (3) of section 186 of the Local Government and Housing Act 1989, or is a tenancy which is a long tenancy at a low rent for the purposes of Part I of the Landlord and Tenant Act 1954 in respect of which the landlord is notable to serve a notice under section 4 of that Act specifying a date of termination earlier than 15th January 1999, under the provisions of Schedule 10 to the Local Government and Housing Act 1989; and
- (ii) in any other case”.
- ^{F4}[10 In section 16 of that Act (exclusion of further rights after extension of lease) after subsection (1A) there shall be inserted the following subsection—
- “(1B) A tenancy extended under section 14 above shall not be an assured tenancy or an assured agricultural occupancy, within the meaning of Part I of the Housing Act 1988, and Schedule 10 to the Local Government and Housing Act 1989 shall not apply to a tenancy so extended.”]
- Textual Amendments**

F4 Sch. 11 para. 10 repealed (26.7.2002 for E. and 1.1.2003 for W. subject to transitional provisions and savings in Sch. 2 of each commencing S.I.) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), s. 180, [Sch. 14](#); S.I. 2002/1912, [art. 2](#), Sch. 1 Pt. 3; S.I. 2002/3012, [art. 2](#), Sch. 1 Pt. 3
- 11 In section 22 of that Act (validity of tenants’ notices, effect on the 1954 Act and on notices to quit etc. and procedure generally), in subsection (1) after paragraph (c) there shall be inserted the following paragraph—
- “(cc) for adapting the procedure under Schedule 10 to the Local Government and Housing Act 1989, and for relating to one another proceedings under that Schedule and proceedings under this Part of this Act; and”.
- 12 In section 37 of that Act (interpretation of Part I), in subsection (2)—
- (a) after “1954” there shall be inserted “ or paragraph 16(2) of Schedule 10 to the Local Government and Housing Act 1989 ”;
- (b) for the words “that Act”, in the first place where they occur, there shall be substituted “ the said Act of 1954 or, as the case may be, the said Schedule 10 ”;
- (c) for the words “that Act”, in the second place where they occur, there shall be substituted “ the said Act of 1954 or, as the case may be, the coming into force of the said Schedule 10 ”; and
- (e) for the words “that Act”, in the third place where they occur, there shall be substituted “ the said Act of 1954 or, as the case may be, the said Schedule 10 ”.
- 13 (1) In Schedule 3 to that Act (validity of tenants’ notices, effect on the 1954 Act etc. and procedure generally), in paragraph 1, in sub-paragraph (1) after “1954” there shall be inserted “ or paragraph 17 of Schedule 10 to the Local Government and Housing Act 1989 ”.

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- (2) In paragraph 2 of that Schedule—
- (a) in sub-paragraph (1) after “1954” there shall be inserted “ or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ”;
 - (b) in sub-paragraph (2) after “1954” there shall be inserted “ or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ” and after the word “given” there shall be inserted “ or served ”; and
 - (c) in sub-paragraph (3)—
 - (i) after “1954” there shall be inserted “ or served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ”;
 - (ii) after the words “shall be” there shall be inserted—
 - “(1) in the case of a notice given under the said Act of 1954”; and
 - (iii) at the end there shall be added—
 - “(ii) in the case of a notice served under the said Schedule 10, the date of termination specified in the previous notice or the expiration of the period of four months beginning on the date of service of the new notice, whichever is the later”.
- (3) In paragraph 3 of that Schedule, after sub-paragraph (2) there shall be inserted—
- “(3) The reference in sub-paragraph (2) above to section 16(2) of, and paragraph 9 of Schedule 5 to, the Landlord and Tenant Act 1954 includes a reference to those provisions as they apply in relation to Schedule 10 to the Local Government and Housing Act 1989.”
- (4) In paragraph 4 of that Schedule, after sub-paragraph (5) there shall be inserted—
- “(6) The references in this paragraph—
- (a) to section 16 of the Landlord and Tenant Act 1954 and subsection (2) of that section, and
 - (b) paragraph 9 of Schedule 5 to that Act and sub-paragraph (2) of that paragraph,
- include references to those provisions as they apply in relation to Schedule 10 to the Local Government and Housing Act 1989.”
- (5) In paragraph 10 of that Schedule—
- (a) in sub-paragraph (1)—
 - (i) after “1954” there shall be inserted “ or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ”; and
 - (ii) in paragraph (a) for the words “either of those sections” there shall be substituted “ any of those provisions ”; and
 - (b) in sub-paragraph (4) after “1954” there shall be inserted “ or under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ”.

The International Organisations Act 1968

In Schedule 1 to the ^{M6}International Organisations Act 1968 (privileges and immunities) after paragraph 9A there shall be inserted the following paragraph—

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“9B The like exemption or relief from being subject to a community charge, or being liable to pay anything in respect of a community charge or anything by way of contribution in respect of a collective community charge, as is accorded to or in respect of the head of a diplomatic mission.”

Commencement Information

I1 Sch. 11 para. 14 wholly in force; Sch. 11 para. 14 not in force at Royal Assent see s. 195(2); Sch. 11 para. 14 wholly in force at 25.1.1993 by S.I. 1993/105, art. 2

Marginal Citations

M6 1968 c. 48.

PROSPECTIVE

The Social Work (Scotland) Act 1968

^{F5}15

Textual Amendments

F5 Sch. 11 para. 15 repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(5), Sch. 5; S.I. 1996/3201, art. 3(7)

The Transport Act 1968

16 In section 12 of the ^{M7}Transport Act 1968 (borrowing powers of Executive), in subsection (4) for the words from “and to borrow money for that purpose” onwards there shall be substituted “ but only if the rate of interest payable by the Executive to the Authority in respect of the loan is not less than that which would be payable by the Authority if they were to borrow the same sum on equivalent terms (disregarding any terms as to interest) from another person ”.

Marginal Citations

M7 1968 c. 73.

PROSPECTIVE

The Local Authority Social Services Act 1970

17 In section 4 of the ^{M8}Local Authority Social Services Act 1970, after subsection (1) there shall be inserted the following subsection—

“(1A) A local authority may establish sub-committees of their social services committee and may delegate to any such sub-committee any of the functions of the committee.”

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Marginal Citations

M8 1970 c. 42.

- 18 In section 5(4) of that Act for the words “section 4(2)” there shall be substituted “subsection (1A) or subsection (2) of section 4”.

The Town and Country Planning Act 1971

19^{F6}, 20.

Textual Amendments

F6 Sch. 11 paras. 19, 20 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

The Local Government Act 1972

PROSPECTIVE

- 21 In section 80 of the ^{M9}Local Government Act 1972 (disqualifications for election and holding office as members of local authority), in subsection (1) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority; or”.

Marginal Citations

M9 1972 c. 70.

- 22 In section 94(5)(b) of that Act (allowances not to be treated as pecuniary interests), after the word “below” there shall be inserted the words “or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989”.
- 23 In subsection (6) of section 97 of that Act (exclusion of disability from speaking and voting by reason of small shareholdings), for “£1,000” there shall be substituted “£5,000”.

PROSPECTIVE

- 24 In section 100G of that Act (duty of principal councils to publish information), for paragraph (b) of subsection (1) there shall be substituted the following paragraph—
- “(b) in respect of every committee or sub-committee of the council—
- (i) the members of the council who are members of the committee or sub-committee or who are entitled, in accordance with any standing orders relating to the

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- committee or sub-committee, to speak at its meetings or any of them;
- (ii) the name and address of every other person who is a member of the committee or sub-committee or who is entitled, in accordance with any standing orders relating to the committee or sub-committee, to speak at its meetings or any of them otherwise than in the capacity of an officer of the council; and
- (iii) the functions in relation to the committee or sub-committee of every person falling within sub-paragraph (i) above who is not a member of the committee or sub-committee and of every person falling within sub-paragraph(ii) above.”

PROSPECTIVE

- 25 In section 102 of that Act (appointment of committees)—
- (a) in paragraph (a) of subsection (1), after “may appoint a committee” there shall be inserted “ or a sub-committee ”;
- (b) in subsection (2), for “the appointing committee” there shall be substituted “ the appointing authority or committee (as the case may be) ”;and
- (c) after subsection (4) there shall be inserted the following subsection—
- “(4A) A local authority may appoint one or more sub-committees of a committee appointed by them under subsection (4) above to advise the committee with respect to any matter relating to the discharge of functions with respect to which the committee is appointed to advise.”
- 26 Sections 173 and 173A of that Act (attendance allowance and financial loss allowance) shall be amended as follows—
- (a) for the words “local authority”, wherever they occur, there shall be substituted “ parish or community council ”;
- (b) in subsection (3) of each of those sections, for the word “authority”there shall be substituted “ council ”; and
- (c) for the words “body to which this section applies” in subsection (4) of section 173 there shall be substituted “ parish or community council ”.

Commencement Information

- I2** Sch. 11 para. 26 wholly in force at 1.4.1991; Sch. 11 para. 26 in force for certain purposes at 27.2.1991 and wholly in force at 1.4.1991, see s. 195(2)(3) and [S.I. 1991/344, art. 3, Sch.](#)

- 27 In section 175 of that Act (allowances for conferences and meetings)—
- (a) in subsection (1) (allowances payable), for the words from “allowancesin the nature of” onwards there shall be substituted “allowances in the nature of an attendance allowance and an allowance for travelling and subsistence, as they think fit.

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- (1A) Payments made under subsection (1) above shall be of such reasonable amounts as the body in question may determine in a particular case or class of case but shall not exceed—
- (a) in the case of payments of an allowance in the nature of an attendance allowance, such amounts as may be specified in or determined under regulations made by the Secretary of State; and
 - (b) in the case of payments of an allowance in the nature of an allowance for travel and subsistence in respect of a conference or meeting held in the United Kingdom, such amounts as may be specified under section 174 above for the corresponding allowance under that section;
- and regulations made by the Secretary of State may make it a condition of any payment mentioned in paragraph (a) above that, in the financial year to which the payment would relate, the aggregate amount which the body in question has paid or is already liable to pay in respect of any prescribed allowance or allowances does not exceed such maximum amount as may be specified in or determined under the regulations.”;
- (b) in subsection (3B) (conferences to which section applies in relation to joint boards and committees), for the words “such body as is mentioned in section 177(1)(d) or (e) below” there shall be substituted the words “body which is a joint board, joint authority or other combined body all the members of which are representatives of local authorities”.

Commencement Information

I3 Sch. 11 para. 27 wholly in force at 1. 4. 1991 see s. 195(2)(3) and [S.I. 1991/344, art. 3\(2\)\(a\), Sch.](#)

- 28 (1) Section 177 of that Act shall be amended as follows.
- (2) For subsection (1) (bodies to which sections 173 to 175 apply) there shall be substituted the following subsection—
- “(1) Subject to paragraph 4 of Schedule 2 to the Education Act 1980 (application of certain allowances to appeal committees), sections 174 and 175 above apply—
- (a) to the bodies specified in section 21(1) of the Local Government and Housing Act 1989, except—
 - (i) the Common Council;
 - (ii) a body established pursuant to an order under section 67 of the Local Government Act 1985 (successors to residuary bodies); and
 - (iii) without prejudice to section 265 below, the Council of the Isles of Scilly;
 - (b) to any prescribed body on which a body to which those sections apply by virtue of paragraph (a) above is represented; and
 - (c) to any parish or community council.”
- (3) For subsection (2) (meaning of “approved duties”) there shall be substituted the following subsection—

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“(2) In sections 173 to 176 above “approved duty”, in relation to a member of a body, means such duties as may be specified in or determined under regulations made by the Secretary of State.”

(4) In subsection (4) (members not excluded from discussion of allowances), at the end there shall be inserted the words “ or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989 ”.

Commencement Information

I4 Sch. 11 para. 28 wholly in force at 1. 4. 1991 see s. 195(2)(3) and [S.I. 1991/344, art. 3\(2\)\(a\), Sch.](#)

29 In section 178(2) of that Act (regulations with respect to allowances), for the words “177 or 177A” there shall be substituted “ or 177 ”.

Commencement Information

I5 Sch. 11 para. 29 wholly in force at 1.4.1991, see s. 195(2)(3) and [S.I. 1991/344, art. 3\(2\)\(a\), Sch.](#)

30 In sub-paragraphs (1) and (2) of paragraph 41 of Schedule 12 to that Act (recording the minutes of meetings of local authorities), for the word “following” there shall be substituted “ suitable ”; and after sub-paragraph (3) of that paragraph there shall be inserted the following sub-paragraph—

“(4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.”

The Land Compensation Act 1973

31 In section 37 of the ^{M10}Land Compensation Act 1973 (disturbance payments for persons without compensatable interests), in subsection (2), in paragraph (c) for the words from “an owner-occupier’s supplement” onwards there shall be substituted the words “ a payment under section 584A(1) of the Housing Act 1985 (compensation payable in case of closing and demolition orders) ”.

Marginal Citations

M10 1973 c. 26.

32 (1) In section 42(6) of that Act, in the definition of “Housing Revenue Account dwelling”, for the words from “Part XIII of the ^{M11}Housing Act 1985)” to the end there shall be substituted the words “ Part VI of the Local Government and Housing Act 1989) ”.

(2) This paragraph has effect for years beginning on or after 1st April 1990 and in this sub-paragraph “year” has the same meaning as in Part XIII of the Housing Act 1985 (general financial provisions).

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Marginal Citations

M11 1985 c.68.

The Local Government (Scotland) Act 1973

F733

Textual Amendments

F7 Sch. 11 para. 33 repealed (S.) (1.5.2003) by [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) (asp 7), s. 37(2), [sch. 4](#) (with s. 31); S.S.I. 2003/74, art. 2(2)(e)

- 34 In section 47 of that Act (allowances for conferences and meetings)—
- (a) in subsection (1) (allowances payable), for the words from “allowances in the nature of” onwards there shall be substituted “allowances in the nature of an attendance allowance and an allowance for travel and subsistence, as they think fit.
- (1A) payments made under subsection (1) above shall be of such reasonable amounts as the body in question may determine in a particular case or class of case but shall not exceed—
- (a) in the case of payments of an allowance in the nature of an attendance allowance, such amounts as may be specified in or determined under regulations made by the Secretary of State; and
- (b) in the case of payments of an allowance in the nature of an allowance for travel and subsistence in respect of a conference or meeting held in the United Kingdom, such amounts as may be specified under section 46 above for the corresponding allowance under that section;
- and regulations made by the Secretary of State may make it a condition of any payment mentioned in paragraph (a) above that, in the financial year to which the payment would relate, the aggregate amount which the body in question has paid or is already liable to pay in respect of any prescribed allowance or allowances does not exceed such maximum amount as may be specified in or determined under the regulations.”;
- (b) in subsection (3A) (conferences to which section applies in relation to joint boards and committees), for the words “such body as is mentioned in section 49(1)(c) or (d) below” there shall be substituted the words “ body which is a joint board, joint authority or other combined body all the members of which are representatives of local authorities ”.

Commencement Information

I6 Sch. 11 para. 34 wholly in force at 1.4.1991, see s. 195(2)(3) and [S.I. 1991/344](#), art. 3(2)(a), [Sch.](#)

- 35 (1) Section 49 of that Act shall be amended as follows.

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(2) For subsection (1) (bodies to which sections 46 and 47 apply) there shall be substituted the following subsection—

“(1) Sections 46 and 47 above apply—

- (a) to the bodies specified in section 21(2) of the Local Government and Housing Act 1989; and
- (b) to any prescribed body on which a body to which those sections apply by virtue of paragraph (a) above is represented.”

(3) For subsection (2) (meaning of “approved duties”) there shall be substituted the following subsection—

“(2) In sections 46 to 48 above “approved duty”, in relation to a member of a body, means such duties as may be specified in or determined under regulations made by the Secretary of State.”

(4) In subsection (4) (members not excluded from discussion of allowances), at the end there shall be inserted the words “ or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989 ”.

PROSPECTIVE

36 In sub-paragraph (1) of paragraph 7 of Schedule 7 to that Act (recording the minutes of meetings of local authorities) for the word “following” there shall be substituted the word “ suitable ”; and after sub-paragraph (2) of that paragraph there shall be inserted the following sub-paragraph—

“(3) For the purposes of sub-paragraph (1) above, the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.”

The Local Government Act 1974

F837

Textual Amendments

F8 Sch. 11 para. 37 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 18 Pt. 14](#); S.I. 2008/917, art. 2(v)(ii)

38 In section 23(12) of that Act (triennial reports to Part III authorities) the words “(through the appropriate representative body designated under section 24 below)” shall be omitted and at the end there shall be inserted the words “ and shall send copies of those recommendations or conclusions to the representative persons and authorities concerned ”.

39 (1) In section 31(3)(a) of that Act (further provisions about reports on investigations), for “(1) or (2A)” there shall be substituted “ (2) or (2C) ”.

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- (2) This paragraph shall not have effect in relation to a report made before the coming into force of section 26 of this Act.
- 40 In section 32(1) of that Act (publications enjoying absolute privilege for the purposes of the law of defamation), the following paragraph shall be inserted at the end—
- “(e) the publication of any matter by inclusion in a statement published in accordance with section 31(2D), (2E) and (2F) or (2G) above.”
- 41 In Schedule 4 to that Act (further provisions about the Commissions)—
- (a) in paragraph 6, after “Subject to” there shall be inserted “ section 31(2H) above and ”; and
- (b) in paragraph 7, after “Subject to” there shall be inserted “ section 31(2H) above and ”.

The Housing Act 1974

- 42 At the end of section 131(4) of the ^{M12}Housing Act 1974 (commencement orders, savings) there shall be added the words “ and an order under subsection (3) above may be revoked or varied by a further order under that subsection which may itself contain such savings with respect to the effect of the revocation or variation as appear to the Secretary of State to be appropriate ”.

Marginal Citations

M12 1974 c. 44.

The Local Government (Scotland) Act 1975

- [^{F9}43 In section 4 of the ^{M13}Local Government (Scotland) Act 1975 (valuation appeal committees) after subsection (7) there shall be inserted the following subsection—
- “(7A) There shall be paid to members of a valuation appeal committee and to members of a local valuation panel such allowances as may be determined by the Secretary of State.”]

Textual Amendments

F9 Sch. 11 para. 43 repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(d), **Sch. 2**

Marginal Citations

M13 1975 c. 30.

- ^{F10}[44 (1) In section 29(3)(a) of that Act (further provisions about reports on investigations), for “(1) or (2A)” there shall be substituted “ (2) or (2C) ”.
- (2) This paragraph shall not have effect in relation to a report made before the coming into force of section 27 of this Act.]

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Textual Amendments

F10 Sch. 11 para. 44 repealed (S.) (23.10.2002) by [Scottish Public Services Ombudsman Act 2002 \(asp 11\)](#), s. 25, [Sch. 6 para. 13\(d\)](#); S.S.I. 2002/467, [art. 2](#)

^{F11}[45] In section 30(1) of that Act (publications enjoying absolute privilege for the purposes of the law of defamation), the following paragraph shall be inserted at the end—

“(e) the publication of any matter by inclusion in a statement published in accordance with section 29(2D), (2E) and (2F) or (2G) of this Act.”]

Textual Amendments

F11 Sch. 11 para. 45 repealed (S.) (23.10.2002) by [Scottish Public Services Ombudsman Act 2002 \(asp 11\)](#), s. 25, [Sch. 6 para. 13\(d\)](#); S.S.I. 2002/467, [art. 2](#)

^{F12}[46] In Schedule 4 to that Act (further provisions about the Commissioner) in paragraph 5, at the beginning, there shall be inserted “ Subject to section 29(2H) of this Act, ”.]

Textual Amendments

F12 Sch. 11 para. 46 repealed (S.) (23.10.2002) by [Scottish Public Services Ombudsman Act 2002 \(asp 11\)](#), s. 25, [Sch. 6 para. 13\(d\)](#); S.S.I. 2002/467, [art. 2](#)

The Local Government (Miscellaneous Provisions) Act 1976

47 In section 33 of the ^{M14}Local Government (Miscellaneous Provisions) Act 1976 (restoration or continuation of supply of water, gas or electricity) in subsection (4) for the word “and”, where it first occurs, there shall be substituted “ the sum so recoverable, together with any interest accrued due, shall, until recovered, be a charge on the premises concerned and if ” and at the end of that subsection there shall be inserted the following subsection—

“(4A) A charge under subsection (4) above takes effect from the date when the council makes the payment referred to in that subsection and, for the purposes of enforcing a charge,—

(a) the council shall have the same powers and remedies, under the Law of Property Act 1925 and otherwise, as if it were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and, subject to paragraph (b) below, of appointing a receiver; and

(b) the power to appoint a receiver shall be exercisable at any time after the expiry of one month from the date when the charge takes effect.”

Marginal Citations

M14 1976 c. 57.

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48 In section 40 of that Act (local authorities not affected by trusts attaching to certain securities issued by them), in subsection (1) after the word “officer” there shall be inserted “ or other person ”.

The Rent (Agriculture) Act 1976

49 In section 33 of the ^{M15}Rent (Agriculture) Act 1976 (suspension of condition attached to planning permission), in subsection (2) after the words “let on or subject to” there shall be inserted “ an assured agricultural occupancy, within the meaning of Chapter III of Part I of the Housing Act 1988, or ”.

Marginal Citations
M15 1976 c. 80.

50 In Schedule 2 to that Act (meaning of “relevant licence” and “relevant tenancy”), in paragraph 2 (meaning of “relevant tenancy”)after “applies” there shall be inserted “ a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies ”.

The Rent Act 1977

^{F13}51

Textual Amendments
F13 Sch. 11 para. 51 repealed (2.9.1993) by 1993 c. 28, s. 187(2), Sch.22; S.I. 1993/2134, arts. 2,3

[^{F14}52 (1) In section 116 of that Act (dwelling subject to statutory tenancy: works to which the tenant is unwilling to consent) in subsection (2) for the words from “paragraph (a)” to “paragraph (b)” there shall be substituted “ any of paragraphs (a) to (c) ”.

(2) At the end of subsection (3) of that section there shall be added
(c) that the works were specified in an application for a renovation grant, a common parts grant, a disabled facilities grant or an HMO grant under Part VIII of the Local Government and Housing Act 1989 and the application has been approved.”

(3) At the end of subsection (5) of that section there shall be added the words “ or, as the case may be, with any condition under section 118(2) of the Local Government and Housing Act 1989 ”.]

Textual Amendments
F14 Sch. 11 para. 52 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, Sch. 3 Pt. I; S.I. 1996/2842, art. 3 (subject to art. 8)

53 (1) In section 137 of that Act (effect on sub-tenancy of determination of superior tenancy), in subsection (5) after the words “a protected tenancy” there shall be inserted “ or an assured tenancy, within the meaning of Part I of the Housing Act 1988 ”.

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- (2) In subsection (6) of that section—
- (a) in paragraph (a) after “1954” there shall be inserted “ or, as the case may be, served under paragraph 4(1) of Schedule 10 to the Local Government and Housing Act 1989 ”;
 - (b) in paragraph (b) for the words “that Act” there shall be substituted “ the said Act of 1954 or, as the case may be, paragraph 3 of the said Schedule 10 ”; and
 - (c) in the words following paragraph (b) for the words “Part I of that Act” there shall be substituted “ Part I of the said Act of 1954 or, as the case may be, the said Schedule 10 ”.

The Protection from Eviction Act 1977

54 In section 8 of the ^{M16}Protection from Eviction Act 1977 (interpretation), in subsection (1) (meaning of “statutorily protected tenancy”) after paragraph (e) there shall be inserted—

“(e) a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applies”.

Marginal Citations

M16 1977 c. 43.

PROSPECTIVE

The Education (Scotland) Act 1980

55 In Schedule A1 to the ^{M17}Education (Scotland) Act 1980, for paragraph 9 there shall be substituted the following paragraph—

“9 There shall be paid to members of an appeal committee constituted in accordance with this Schedule such allowances as may be determined by the Secretary of State.”

Marginal Citations

M17 1980 c. 44.

PROSPECTIVE

The Local Government, Planning and Land Act 1980

56 In section 98 of the ^{M18}Local Government, Planning and Land Act 1980 (disposal of land at direction of Secretary of State), in subsection (8), at the end of paragraph (b) the word “or” shall be omitted and at the end of paragraph (c) there shall be added—

“or

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- (d) in any case where the body to whom this Part of this Act applies is one of the bodies specified in subsection (8A) below, the other body is a company under the control or subject to the influence of that body within the meaning of Part V of the Local Government and Housing Act 1989 (companies in which local authorities have interests).
- (8A) The bodies referred to in subsection (8)(d) above are—
- (a) a county council;
 - [^{F15}(aa) a county borough council;]
 - (b) a district council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London; ^{F16}...
 - (e) a joint authority established by Part IV of the Local Government Act 1985;
 - [^{F17}[
^{F18}(eza) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
 - (ezb) a combined authority established under section 103 of that Act;] and
 - (ea) ^{F19}
 - [^{F20}(f) the London Fire Commissioner.”]]

Textual Amendments

- F15** Words in Sch. 11 para. 56 inserted (3.4.1995) by [Local Government \(Wales\) Act 1994 \(c. 19\)](#), s. 66(6), [Sch. 16 para. 57\(4\)](#); S.I. 1995/852, art. 9(1), [Sch. 5](#) (subject to art. 9(2)-(5))
- F16** Word in Sch. 11 para. 56 repealed (3.7.2000) by the [Greater London Authority Act 1999 \(c. 29\)](#), s. 423, [Sch. 34 Pt. VIII](#); S.I. 2000/1094, art. 4(i)
- F17** Words in Sch. 11 para. 56 inserted (3.7.2000) by the [Greater London Authority Act 1999 \(c. 29\)](#), s. 328, [Sch. 29 para. 30](#); S.I. 2000/1094, art. 4(h)
- F18** Words in Sch. 11 para. 56 inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 119, [Sch. 6 para. 50](#); S.I. 2009/3318, art. 2(c)
- F19** Words in Sch. 11 para. 56 repealed (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 59, [Sch. 13 para. 6\(14\)\(b\)](#); S.I. 2015/994, art. 6(g)
- F20** Words in Sch. 11 para. 56 substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 58](#)

Marginal Citations

- M18** 1980 c. 65.

57 In section 100 of that Act (interpretation and extent of Part X) for subsection (1) there shall be substituted the following subsections—

“(1) Except where the context otherwise requires, in this Part of this Act, “subsidiary”, in relation to a body to whom this Part of this Act applies, means—

- (a) if that body is a county council, [^{F21}county borough council] district council, London borough council, the Common Council of the City of London [^{F22}, the London Fire Commissioner][^{F23},

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a joint authority established by Part 4 of the Local Government Act 1985 [^{F24}, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,]^{F25} or a combined authority established under section 103 of that Act]], a company under the control, or subject to the influence, of that body within the meaning of Part V of the Local Government and Housing Act 1989 (companies in which local authorities have interests); and

(b) in the case of any other body, a wholly-owned subsidiary of that body.

(1A) In this Part of this Act, “wholly-owned subsidiary” has the meaning assigned to it by [^{F26}section 1159 of the Companies Act 2006].”

Textual Amendments

- F21** Words in Sch. 11 para. 57 inserted (29.4.1996) by S.I. 1996/1008, art. 2, **Sch. Pt. 1 para. 2**
- F22** Words in Sch. 11 para. 57 substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 2 para. 60**; S.I. 2018/227, reg. 4(c)
- F23** Words in Sch. 11 para. 57 substituted (1.4.2008) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 13 para. 36(5)**; S.I. 2008/917, art. 2(1)(p)
- F24** Words in Sch. 11 para. 57 inserted (17.12.2009) by **Local Democracy, Economic Development and Construction Act 2009 (c. 20)**, s. 148(6), **Sch. 6 para. 52**; S.I. 2009/3318, art. 2(c)
- F25** Words in Sch. 11 para. 57 substituted (26.5.2015) by **Deregulation Act 2015 (c. 20)**, s. 115(7), **Sch. 13 para. 6(14)(d)**; S.I. 2015/994, art. 6(g)
- F26** Words in Sch. 11 para. 57 substituted (1.10.2009) by **The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941)**, art. 1(2), **Sch. 1 para. 46(3)(b)** (with art. 10)

F27 ...

Textual Amendments

- F27** Sch. 11 para. 58 and cross-heading repealed (1.4.2009) by **Housing and Regeneration Act 2008 (c. 17)**, s. 325(1), **Sch. 16**; S.I. 2009/803, art. 10

F27 58

The Stock Transfer Act 1982

F28 59

Textual Amendments

- F28** Sch. 11 para. 59 repealed (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E.) by **Local Government Act 2003 (c. 26)**, s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, art. 7(e)(iii) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. 1

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PROSPECTIVE

The County Courts Act 1984

- 60 In section 77 of the ^{M19}County Courts Act 1984 (appeals: general provisions), in subsection (6) after paragraph (ee) there shall be inserted the following paragraph—
- “(ef) paragraph 13(4) of Schedule 10 to the Local Government and Housing Act 1989; or”.

Marginal Citations

M19 1984 c. 28.

Rent (Scotland) Act 1984

- 61 In section 58(7) of the ^{M20}Rent (Scotland) Act 1984 (power to vary sum of £104 specified in phasing formula under section 58(2)) for the words “the sum specified in” there shall be substituted the words “or repealing any of the provisions of”.

Marginal Citations

M20 1984 c. 58.

The Housing Act 1985

- 62 In section 8 of the ^{M21}Housing Act 1985 (periodical review of housing needs), in subsection (2) for the words from “inspections” onwards there shall be substituted “the consideration of the housing conditions in their district under section 605”.

Marginal Citations

M21 1985 c. 68.

- [^{F29}63 In each of sections 47(4) and 48(3A) of that Act (limitation of service charges etc.), after the words “Part XV” there shall be inserted “ of this Act or Part VIII of the Local Government and Housing Act 1989 ”.]

Textual Amendments

F29 Sch. 11 para. 63 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to art. 8)

- 64 In section 54 of that Act (powers of entry), at the end of subsection (2) there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.
- 65 (1) In section 55 of that Act (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.

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(2) In subsection (2) of that section for the words “level 2” there shall be substituted “level 3”.

[^{F30}66 In section 100 of that Act (power to reimburse cost of secure tenant’s improvements), after subsection (2) there shall be inserted the following subsection—

“(2A) In subsection (2)—

- (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
- (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

Textual Amendments

F30 Sch. 11 para. 66 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

[^{F31}67 In section 101 of that Act (rent not to be increased on account of tenant’s improvements), after subsection (1) there shall be inserted the following subsection—

“(1A) In subsection (1)—

- (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
- (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

Textual Amendments

F31 Sch. 11 para. 67 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

[^{F32}68 In section 244 of that Act (environmental works), in subsection (3) after the word “works” there shall be inserted “(a)”, after the word “grant”, in the last place where it occurs, there shall be inserted “under Part XV” and at the end there shall be added

- (e) which are included in the external works specified in a group repair scheme, within the meaning of Part VIII of the Local Government and Housing Act 1989, in which the person concerned is eligible to participate.

(3A) In subsection (3)—

- (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
- (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

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Textual Amendments

F32 Sch. 11 para. 68 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

^{F33}69 In section 255 of that Act (general powers of local housing authority in general improvement areas) after subsection (2) there shall be inserted the following subsection—

- “(3) In subsection (2)(b)—
 - (a) the reference to an improvement grant under Part XV includes a reference to a renovation grant, disabled facilities grant or HMO grant under Part VIII of the Local Government and Housing Act 1989; and
 - (b) the reference to a common parts grant under Part XV includes a referenceto a common parts grant under the said Part VIII.”]

Textual Amendments

F33 Sch. 11 para. 69 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3** (subject to **art. 8**)

70 In section 289 of that Act (declaration of clearance area), subsection (6) shall cease to have effect.

71 In section 327 of that Act (penalty for occupier causing or permitting overcrowding), in subsection (3)—

- (a) for the words “level 1” there shall be substituted “ level 2 ”;and
- (b) for “£2” there shall be substituted “ one-tenth of the amount corresponding to that level ”.

72 In section 331 of that Act (penalty for landlord causing or permitting overcrowding), in subsection (3)—

- (a) for the words “level 1” there shall be substituted “ level 2 ”,and
- (b) for “£2” there shall be substituted “ one-tenth of the amount corresponding to that level ”.

73 In section 340 of that Act (powers of entry), at the end of subsection (2) there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.

74 (1) In section 341 of that Act (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.

(2) In subsection (2) of that section for the words “level 2” there shall be substituted “ level 3 ”.

^{F34}75

Textual Amendments

F34 Sch. 11 para. 75 repealed (3.3.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. II**; S.I. 1997/596, **art. 2**

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F3576

Textual Amendments

F35 Sch. 11 para. 76 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

- 77 (1) In subsection (1) of section 421 of that Act (housing subsidy), for the words “housing authorities” there shall be substituted the words “ new town corporations and the Development Board for Rural Wales ”.
- (2) In subsection (2) of that section, for paragraphs (a) and (b) there shall be substituted the words “ to the body’s housing account ”.
- (3) This paragraph and paragraphs 78 to 84 below have effect for years beginning on or after 1st April 1990 and in this sub-paragraph “year” has the same meaning as in Part XIII of that Act (general financial provisions).
- 78 (1) In subsection (1) of section 422 of that Act (calculation of housing subsidy for local housing authorities), for the words “local housing authority” there shall be substituted the words “ new town corporation ” and for the word “authority’s” there shall be substituted the word “ corporation’s ”.
- (2) In subsection (2) of that section, for the word “authority” there shall be substituted the word “ corporation ”.
- 79 (1) In subsection (1) of section 423 of that Act (the base amount), for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ” and for the word “authority” there shall be substituted the word “ corporation ”.
- (2) In subsection (2) of that section, the words “any description of authority or” shall cease to have effect.
- 80 (1) In subsection (1) of section 424 of that Act (the housing costs differential), for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ”.
- (2) In subsection (2) of that section, for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ”, for the word “authority”, in each place where it occurs, there shall be substituted the word “ corporation ” and for the words “the authority’s Housing Revenue Account” there shall be substituted the words “ the corporation’s housing account ”.
- (3) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) A determination may be made for all new town corporations or different determinations may be made for individual corporations; and a determination may be varied or revoked in relation to all or any of the corporations for which it was made.”
- (4) In subsection (4) of that section, for the words “local housing authorities”, in both places where they occur, there shall be substituted the words “ new town corporations ”.
- 81 (1) In subsection (1) of section 425 of that Act (the local contribution differential), for the words “local housing authority’s” there shall be substituted the words “ new town corporation’s ”.

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- (2) In subsection (2) of that section, for the words “An authority’s” there shall be substituted the words “ A corporation’s ”, for the word “authority”, in both places where it occurs, there shall be substituted the word “ corporation ”, for the words “Housing Revenue Account” there shall be substituted the words “ housing account ” and for the words “general rate fund” there shall be substituted the words “ general revenue account ”.
- (3) For subsection (4) of that section there shall be substituted the following subsection—
 “(4) A determination may be made for all new town corporations or different determinations may be made for different corporations or groups of corporations.”
- (4) In subsection (5) of that section, for the words “local housing authorities”, in both places where they occur, there shall be substituted the words “ new town corporations ”.
- (5) In subsection (6) of that section, for the word “authorities” there shall be substituted the words “ corporations ”.

F36 82

Textual Amendments
F36 Sch. 11 para. 82 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV**; S.I. 1998/2244, **art. 4**

- 83 In section 427(1) of that Act (recoupment of subsidy in certain cases), for the words “local housing authority or other body” there shall be substituted the words “ new town corporation or the Development Board for Rural Wales ” and for the words “the authority or other body” there shall be substituted the words “ that body ”.
- 84 In section 427A of that Act (entitlement to subsidy in case of land subject to a management agreement), for the words “local housing authority or other body” there shall be substituted the words “ new town corporation or the Development Board for Rural Wales ” and for the words “that authority or body’s” there shall be substituted the words “ that body’s ”.
- 85 In section 582 of that Act (restriction on recovery of possession after making of compulsory purchase order), in subsection (1)(b) for the words “section 243(2) (land in housing action area)” there shall be substituted “ section 93(2) of the Local Government and Housing Act 1989 (land in renewal area) ”.
- 86 In section 584 of that Act (power to enter and determine short tenancies of land acquired or appropriated), in subsection (1), the word “or”, in the last place where it occurs, shall be omitted and after the words “the provisions of Part IX relating to clearance areas,” there shall be inserted “or
 Part VII of the Local Government and Housing Act 1989 (renewal areas)”.
- 87 In Schedule 14 to that Act (the keeping of the Housing Revenue Account), in Part V (other supplementary provisions), in paragraph 8 (contributions in respect of land in general improvement area), after the words “section 259” there shall be inserted “ of this Act ”, after the words “general improvement area)” there shall be inserted “ or section 96 of the Local Government and Housing Act 1989 (contributions by

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- Secretary of State towards expenditure on renewal area) ” and after the words “Part II” there shall be inserted “ of this Act ”.
- 88 In Schedule 16 to that Act (local authority mortgage interest rates), for paragraph 4 there shall be substituted the following paragraph—
- “4 (1) The rate declared under paragraph 3(a) or (b) shall be a rate calculated in such manner as the Secretary of State may determine.
- (2) A determination under this paragraph—
- (a) may make different provision for different cases or descriptions of cases, including different provision for different areas, for different local authorities or for different descriptions of local authorities; and
- (b) may be varied or withdrawn by a subsequent determination.
- (3) As soon as practicable after making a determination under this paragraph, the Secretary of State shall send a copy of the determination to the local authority or authorities to which it relates.”

The Landlord and Tenant Act 1985

- 89 In section 14 of the ^{M22}Landlord and Tenant Act 1985 (leases to which section 11—repairing obligations in short leases—applies: exceptions), in subsection (4) after the words “Rent Act 1977” there shall be inserted “ or paragraph 8 of Schedule 1 to the Housing Act 1988 ”.

Marginal Citations

M22 1985 c. 70.

- 90 In section 20A of that Act (service charges) after the words “HousingAct 1985” there shall be inserted “ or Part VIII of the Local Government and Housing Act 1989 ” and at the end there shall be added the following subsection—
- “(2) In any case where—
- (a) relevant costs are incurred or to be incurred on the carrying out of works which are included in the external works specified in a group repair scheme, within the meaning of Part VIII of the Local Government and Housing Act 1989, and
- (b) the landlord participated or is participating in that scheme as an assisted participant,
- the amount which, in relation to the landlord, is the outstanding balance determined in accordance with subsections (3) and (4) of section 130 of that Act shall be deducted from the costs, and the amount of the service charge payable shall be reduced accordingly.”
- 91 (1) In section 21 of that Act (summary of relevant costs for the purposes of service charges), in subsection (5) after the words “Housing Act 1985” there shall be inserted “ or Part VIII of the Local Government and Housing Act 1989 ”.
- (2) After subsection (5A) of that section there shall be inserted the following subsection—

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“(5B) The summary shall state whether any of the costs relate to works which are included in the external works specified in a group repair scheme, within the meaning of Part VIII of the Local Government and Housing Act 1989, in which the landlord participated or is participating as an assisted participant.”

PROSPECTIVE

The Education Act 1986

92 [F37] In section 4(2)(a) of the M23 Education Act 1986 (definition of “the pooling provisions” for the purposes of sections 2 and 3 of that Act) after “that Schedule” there shall be inserted “ and section 147 of the Local Government and Housing Act 1989 ”.]

Textual Amendments

F37 Sch. 11 para. 92 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 10** Group 2

Marginal Citations

M23 1986 c. 40.

The Housing (Scotland) Act 1987

93 In section 61(3) of the M24 Housing (Scotland) Act 1987 (application of right to buy to tenants under secure tenancies granted after acquisition by landlord of defective dwelling) for “282(3)” there shall be substituted “ 282(2) or (3) ”.

Marginal Citations

M24 1987 c. 26.

94 In section 62(1) of that Act (price at which secure tenant entitled to buy house to be market value less discount) there shall be inserted after “fixed” the words “ as at the date of service of the application to purchase ”.

F38 95

Textual Amendments

F38 Sch. 11 para. 95 repealed (S.) (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3

The Local Government Act 1988

96 In section 25 of the M25 Local Government Act 1988 (consent required for provision of financial assistance etc.) in subsection (1)(b) after the word “power” there shall be inserted “ (whether conferred before or after the passing of this Act) ”.

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Marginal Citations

M25 1988 c. 9.

PROSPECTIVE

F3997

Textual Amendments

F39 Sch. 11 para. 97 repealed (18.11.2003 for E. and 27.11.2003 for W.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 3(i)(iii) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I

PROSPECTIVE

The Education Reform Act 1988

F4098

Textual Amendments

F40 Sch. 11 para. 98 repealed (1.4.1993) by [Local Government Finance Act 1992](#) (c. 14), s. 117(2), [Sch. 14](#) (with s. 118(1)(2)(4)); S.I. 1992/2454, [art. 3\(1\)](#)

The Housing (Scotland) Act 1988

99

In section 16 of the ^{M26}Housing (Scotland) Act 1988—

- (a) in paragraph (b) (ii) of subsection (1) (tenant under statutory assured tenancy not bound by certain original provisions for rent increases)—
 - (i) after the words “specified in” there shall be inserted the words “ or fixed by reference to factors specified in ”; and
 - (ii) after the words “there specified” there shall be inserted the words “ , or fixed by reference to factors there specified, ”; and
- (b) after that subsection there shall be inserted the following subsection—

“(1A) The factors referred to in subsection (1) (b) (ii) above must be—

 - (a) factors which, once specified, are not wholly within the control of the landlord; and
 - (b) such as will enable the tenant at all material times to ascertain without undue difficulty any amount or percentage falling to be fixed by reference to them.”

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Marginal Citations

M26 1988 c. 43.

- 100 In section 24 of that Act—
- (a) in subsection (1) (procedure for securing rent increase in assured tenancies)—
 - (i) for the word “an” there shall be substituted the words “ a statutory ”; and
 - (ii) in each of paragraphs (a) and (b), after the word “was” there shall be inserted the words “ at the time of service of the notice ”.
 - (b) in subsection (5) (saving, from rent increase procedure for assured tenancies, of operation of certain tenancy provisions for such increases)—
 - (i) for the words from “affects” to “tenancy”, where first occurring, there shall be substituted the following—
 - “(a) extends to a statutory assured tenancy of which there is a term”.
 - (ii) after the words “specified in” there shall be inserted the words “ ,or fixed by reference to factors specified in, ”;
 - (iii) after the words “there specified” there shall be inserted the words “ , or fixed by reference to factors there specified, ”; and
 - (iv) there shall be inserted at the end the words “or
 - (b) affects the operation of any term of a contractual tenancy which makes provision for an increase in rent (including provision whereby the rent for a particular period will or may be greater than that for an earlier period)”;
 - (c) after that subsection there shall be inserted the following subsection—
 - “(6) The factors referred to in subsection (5) above must be—
 - (a) factors which, once specified, are not wholly within the control of the landlord; and
 - (b) such as will enable the tenant at all material times to ascertain without undue difficulty any amount or percentage falling to be fixed by reference to them.”

The Housing Act 1988

- 101 In section 7 of the ^{M27}Housing Act 1988 (orders for possession), in subsection (3) for the words “subsection (6)” there shall be substituted “ subsections (5A) and (6) ”.
- (2) In subsection (4) of that section for the words “subsection (6)” there shall be substituted “ subsections (5A) and (6) ”.
 - (3) After subsection (5) of that section there shall be inserted the following subsection—
 - “(5A) The court shall not make an order for possession of a dwelling-house let on an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989 on any of the following grounds, that is to say,—
 - (a) Grounds 1, 2 and 5 in Part I of Schedule 2 to this Act;

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- (b) Ground 16 in Part II of that Schedule; and
- (c) if the assured periodic tenancy arose on the termination of a former 1954 Act tenancy, within the meaning of the said Schedule 10, Ground 6 in Part I of Schedule 2 to this Act.”

Marginal Citations

M27 1988 c. 50.

- 102 In section 15 of that Act (limited prohibition on assignment etc. without consent), in subsection (3) after the words “which is not a statutory periodic tenancy” there shall be inserted “ or an assured periodic tenancy arising under Schedule 10 to the Local Government and Housing Act 1989 ”.
- 103 In section 21 of that Act (recovery of possession on expiry or termination of assured shorthold tenancy), in subsection (1)(a) for the words “a statutory periodic tenancy” there shall be substituted “ an assured shorthold periodic tenancy (whether statutory or not) ”.
- 104 In section 34 of that Act (new protected tenancies etc. restricted to special cases), in subsection (1) for paragraph (d) there shall be substituted the following paragraph—
“(e) it is a tenancy under which the interest of the landlord was at the time the tenancy was granted held by a new town corporation, within the meaning of section 80 of the Housing Act 1985, and, before the date which has effect by virtue of paragraph (a) or paragraph (b) of subsection (4) of section 38 below, ceased to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981”.
- 105 (1) In section 35 of that Act (removal of special regimes for tenancies of housing associations etc.) in subsection (2) for paragraph (d) there shall be substituted the following paragraph—
“(e) it is a tenancy under which the interest of the landlord was at the time the tenancy was granted held by a new town corporation, within the meaning of section 80 of the Housing Act 1985, and, before the date which has effect by virtue of paragraph (a) or paragraph (b) of subsection (4) of section 38 below, ceased to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981”
- (2) At the beginning of subsection (4) of that section there shall be inserted the words “ Subject to section 38 (4A) below ”.
- 106 (1) In section 38 of that Act (transfer of existing tenancies from public to private sector) at the beginning of subsection (3) there shall be inserted “ Subject to subsections (4) and (4A) below ”.
- (2) In subsection (4) of that section (special provisions for tenancies held of a new town corporation) after the words “Housing Act 1985” there shall be inserted “ and which subsequently ceases to be so held by virtue of a disposal by the Commission for the New Towns made pursuant to a direction under section 37 of the New Towns Act 1981 ”.
- (3) After subsection (4) of that section there shall be inserted the following subsection—

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“(4A) Where, by virtue of a disposal falling within subsection (4) above and made before the date which has effect by virtue of paragraph (a) or paragraph (b) of that subsection, the interest of the landlord under a tenancy passes to a registered housing association, then, notwithstanding anything in subsection (3) above, so long as the tenancy continues to be held by a body which would have been specified in subsection (1) of section 80 of the Housing Act 1985 if the repeal of provisions of that section effected by this Act had not been made, the tenancy shall continue to be a secure tenancy and to be capable of being a housing association tenancy.”

F41 107

Textual Amendments

F41 Sch. 11 para. 107 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. IX**; S.I. 1996/2402, **art. 3** (subject to **Sch.**)

108 In Schedule 2 to that Act (grounds for possession of dwelling-houses let on assured tenancies), in Part I (grounds on which court must order possession), in Ground 6 in the paragraph following paragraph (c)—

- (a) after the words “joint tenants”, in the second place where they occur, there shall be inserted “ of the dwelling-house concerned ”;
- (b) for the words “of the dwelling-house concerned” there shall be substituted “ or, as the case may be, under a tenancy to which Schedule 10 to the Local Government and Housing Act 1989 applied ”; and
- (c) after the words “earlier assured tenancy”, in the second place where they occur, there shall be inserted “ or, as the case may be, to the grant of the tenancy to which the said Schedule 10 applied ”.

F42 109

Textual Amendments

F42 Sch. 11 para. 109 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. IX**; S.I. 1996/2402, **art. 3** (subject to **Sch.**)

110 In Schedule 5 to that Act (Housing for Wales), in paragraph 5 (remuneration and allowances), in sub-paragraph (1)—

- (a) for the words “Secretary of State” there shall be substituted “ Corporation ”; and
- (b) for the word “he” there shall be substituted “ Secretary of State ”.

111 In Schedule 6 to that Act, in paragraph 9 (amendments of section 15 of ^{M28}Housing Associations Act 1985), in sub-paragraph (2) for “(3)” there shall be substituted “ (2A) ”.

Marginal Citations

M28 1985 c. 69.

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- 112 In Schedule 18 to that Act (enactments repealed) at the end of paragraph 4 at the end of that Schedule (scope of repeals of section 80 of the ^{M29}Housing Act 1985) there shall be added “and
- (c) do not have effect in relation to a tenancy while it is a housing association tenancy.”

Marginal Citations

M29 1985c. 68.

The Social Security Act 1989

^{F43}113

Textual Amendments

F43 Sch. 11 para. 113 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), s. 3, [Sch.1](#)

Status:

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