

*Status: Point in time view as at 30/04/2012.*

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## SCHEDULES

### SCHEDULE 11

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Housing Act 1985*

- 62 In section 8 of the <sup>M1</sup>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

**M1** 1985 c. 68.

- [<sup>F1</sup>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

**F1** Sch. 11 para. 63 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt.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”.
- (2) In subsection (2) of that section for the words “level 2” there shall be substituted “level 3”.
- [<sup>F2</sup>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.”]

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#### Textual Amendments

**F2** Sch. 11 para. 66 repealed (E.W.) (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt.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**)

[<sup>F3</sup>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

**F3** 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**)

[<sup>F4</sup>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.”]

#### Textual Amendments

**F4** 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**)

[<sup>F5</sup>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

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- 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**

**F5** 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 ”.
- <sup>F6</sup>75 .....

**Textual Amendments**

**F6** Sch. 11 para. 75 repealed (3.3.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. II**; S.I. 1997/596, **art. 2**

- <sup>F7</sup>76 .....

**Textual Amendments**

**F7** 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 ”.

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- (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 ”.
- (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—

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“(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”.

F882 .....

#### Textual Amendments

**F8** 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 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—

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- (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.”

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