

Status: Point in time view as at 01/09/1997.

Changes to legislation: Housing Act 1996, Part IV is up to date with all changes known to be in force on or before 06 August 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 18

MISCELLANEOUS PROVISIONS

PART IV

OTHER HOUSING PROVISIONS

Abolition of consent requirements for exercise of certain housing powers

- 20 Section 16 of the ^{M1}Housing Act 1985 (consent requirements for exercise of certain housing powers) shall cease to have effect.

Marginal Citations

M1 1985 c. 68.

Amendments of section 133 of the Housing Act 1988

- 21 (1) Section 133 of the ^{M2}Housing Act 1988 (consent required for certain subsequent disposals) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) This section does not apply if the original disposal was made before the date on which this section comes into force.”.
- The amendment made by this sub-paragraph shall be deemed always to have had effect.
- (3) After subsection (2) insert—
- “(2A) Consent required for the purposes of this section may be given either generally to all persons who may require such consent or to any particular person or description of person who may require such consent.”.
- (4) After subsection (5) insert—
- “(5A) A person seeking any consent required by virtue of this section is not required to consult a tenant of the land or house proposed to be disposed of if—
- (a) consent is sought for the disposal of the land or house to that tenant or to persons including that tenant; or
 - (b) consent is sought subject to the condition that the land or house is vacant at the time of the disposal;

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and, accordingly, subsection (5) does not apply in either case.”.

Marginal Citations

M2 1988 c. 50.

Abolition of requirements for Treasury consent

- 22 (1) Any requirement in the following enactments for the consent or approval of the Treasury shall cease to have effect—
- (a) in the ^{M3}Rent Act 1977—
 section 63(2) (schemes for appointment of rent officers), and
 Schedule 10 (rent assessment committees);
 - (b) Schedule 26 to the ^{M4}Local Government, Planning and Land Act 1980 (urban development corporations);
 - (c) in the ^{M5}Housing Act 1985—
 section 156(4) (liability to repay discount: approved lending institutions), and
 section 429A (financial assistance for persons concerned with housing management);
 - (d) in the ^{M6}Housing Associations Act 1985—
 section 85(2) (meaning of “recognised body”), and
 paragraphs 5 and 6 of Schedule 6 (remuneration, allowances and pensions);
 - (e) Schedule 7 to the Housing Act 1988 (constitution of housing action trusts);
 - (f) Schedule 17 to the ^{M7}Leasehold Reform, Housing and Urban Development Act 1993 (constitution of the Urban Regeneration Agency).
- (2) In Schedule 10 to the Rent Act 1977 (rent assessment committees), in paragraph 9(c), for “the Minister for the Civil Service” substitute “ the Secretary of State ”.
- (3) The amendments in this paragraph do not extend to Scotland.

Extent Information

E1 For extent of Sch. 18 para. 22 see (3) of the para. (and s. 231)

Marginal Citations

M3 1977 c. 42.

M4 1980 c. 65.

M5 1985 c. 68.

M6 1985 c. 69.

M7 1993 c. 28.

Disposal of dwelling-houses subject to secure tenancies: consultation requirements

- 23 In section 106A of the ^{M8}Housing Act 1985 (consultation before disposal to private sector landlord) at the end insert—

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- “(3) That Schedule, and this section, do not apply in relation to any disposal of an interest in land by a local authority if—
- (a) the interest has been acquired by the authority (whether compulsorily or otherwise) following the making of an order for compulsory purchase under any enactment, other than section 290 (acquisition of land for clearance),
 - (b) the order provides that the interest is being acquired for the purpose of disposal to a registered social landlord, and
 - (c) such a disposal is made within one year of the acquisition.
- (4) In this section “registered social landlord” has the same meaning as in Part I of the Housing Act 1996.”.

Marginal Citations

M8 1985 c. 68.

Powers of local housing authorities to acquire land for housing purposes

- 24 (1) In section 17(2) of the Housing Act 1985 (acquisition of land for housing purposes) at end insert “ or facilities which serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided ”.
- (2) In section 74(3)(b) of the ^{M9}Local Government and Housing Act 1989 (land excluded from Housing Revenue Account) at end insert “ or facilities which serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided ”.

Marginal Citations

M9 1989 c. 42.

Housing action trusts

- 25 (1) In section 63 of the ^{M10}Housing Act 1988 (objects etc of housing action trusts)—
- (a) in subsection (1)(d) after “conditions” insert “ of those living ”; and
 - (b) after subsection (2) insert—
- “(2A) For the avoidance of doubt it is hereby declared that it is immaterial for the purposes of this section whether action taken by a housing action trust for achieving its objects or exercising the powers conferred on it by subsection (2) above also—
- (a) benefits persons who do not live in the designated area; or
 - (b) improves the social conditions or general environment of an area outside the designated area.”.

(2) In section 64 of that Act (proposals for area of housing action trust) in subsections (1) and (5) after “in” insert “ relation to ”.

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Marginal Citations

M10 1988 c. 50.

Preserved right to buy

- 26 (1) In section 171B of the Housing Act 1985 (qualifying persons in relation to preserved right to buy)—
- (a) in subsection (4)(a), at the end insert “ or in whom that assured tenancy vested under section 17 of the Housing Act 1988 (statutory succession to assured tenancy) ”; and
 - (b) in subsection (5)(b), for “subsection (4)(a) or (b)” substitute “ subsection (4) ”.
- (2) The amendment made by sub-paragraph (1)(a) does not apply in relation to qualifying disposals (within the meaning of Part V of the ^{M10}Housing Act 1985) made before, or made under a contract entered into before, the day on which this paragraph comes into force.

Marginal Citations

M11 1985 c. 68.

Local authority assistance in connection with mortgages

- 27 (1) Section 442 of the Housing Act 1985 (agreements by local authority to indemnify mortgagees) is amended as follows.
- (2) In subsection (1)—
- (a) for the words from the beginning to “house” (in the second place it appears) substitute “ A local authority may enter into an agreement with a person or body making an advance on the security of a house (or a building to be converted into a house) ”;
 - (b) for “society or body” (in both places) substitute “ mortgagee ”.
- (3) After subsection (1) insert—
- “(1A) The local authority may only enter into the agreement if the advance is for one or more of the purposes specified in subsection (1) of section 435; and subsections (2) to (4) of that section apply in relation to power to enter into such an agreement as they apply to the power to make an advance under that section.”.
- (4) In subsection (2) for “building society or recognised body” substitute “ mortgagee ”;
- (5) Subsections (4) and (5) shall cease to have effect.
- 28 In section 443 of the Housing Act 1985 (local authority contributions to mortgage costs)—
- (a) in subsection (1), for “a building society or recognised body” substitute “ any person or body ”; and
 - (b) subsections (2) and (3) shall cease to have effect.

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- 29 (1) For section 444 of the Housing Act 1985 (meaning of “recognised body” and “relevant advance”) substitute—

“444 Relevant advances for the purposes of section 443.

The expression “relevant advance” in section 443 (contributions to mortgage costs) means an advance made to a person whose interest in the house (or building to be converted into a house) on the security of which the advance is made is, or was, acquired by virtue of a conveyance of the freehold, or a grant or assignment of a long lease, by a housing authority.”.

- (2) Any reference in an agreement made under section 442 of the Housing Act 1985 before the date on which this paragraph comes into force which defines the expression “recognised body” by reference to section 444 of that Act shall (notwithstanding the amendment made by sub-paragraph (1) of this paragraph) continue to have the same meaning as it had immediately before that date.
- 30 In paragraph 21(d) of Schedule 13 to the ^{M12}Local Government (Wales) Act 1994 (Residuary Body a local authority for purposes of section 442 of Housing Act 1985)
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- (a) omit the words from “(so” to “subsection (1)(b))”, and
- (b) after “local authority” insert “ agreement to indemnify mortgagee and ”.

Marginal Citations

M12 1994 c. 19.

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