

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 Housing Act 1985 (consent requirements for exercise of certain housing powers) shall cease to have effect.

Amendments of section 133 of the Housing Act 1988

- 21 (1) Section 133 of the 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;

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

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—

Status: This is the original version (as it was originally enacted).

- (a) in the Rent Act 1977—
 - section 63(2) (schemes for appointment of rent officers), and
 - Schedule 10 (rent assessment committees);
 - (b) Schedule 26 to the Local Government, Planning and Land Act 1980 (urban development corporations);
 - (c) in the 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 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 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.

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

- 23 In section 106A of the Housing Act 1985 (consultation before disposal to private sector landlord) at the end insert—
- “(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.”

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 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”.

Status: This is the original version (as it was originally enacted).

Housing action trusts

- 25 (1) In section 63 of the 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”.

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 Housing Act 1985) made before, or made under a contract entered into before, the day on which this paragraph comes into force.

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)”; and
 - (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.

Status: This is the original version (as it was originally enacted).

- 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.
- 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 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”.