
STATUTORY INSTRUMENTS

1997 No. 627

**HOUSING, ENGLAND AND
WALESHOUSING, SCOTLAND**

**The Housing Act 1996 (Consequential
Amendments) (No. 2) Order 1997**

| | | |
|--------------------------|---------|-----------------------|
| <i>Made</i> | - - - - | <i>5th March 1997</i> |
| <i>Laid</i> | - - - - | <i>7th March 1997</i> |
| <i>Coming into force</i> | - - | <i>1st April 1997</i> |

The Secretary of State, in exercise of the powers conferred on him by sections 52, 55(2) and (3) and 231(5) of the Housing Act 1996⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Housing Act 1996 (Consequential Amendments) (No. 2) Order 1997 and shall come into force on 1st April 1997.

Consequential amendments

2. The enactments specified in the Schedule have effect with the amendments specified.

Signed by authority of the Secretary of State

Department of the Environment
5th March 1997

David Curry
Minister of State,

(1) 1996 c. 52.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

CONSEQUENTIAL AMENDMENTS

Industrial and Provident Societies Act 1965

1. In section 6(1)(b) of the Industrial and Provident Societies Act 1965(2) (maximum shareholding in a society), for “58(2)” substitute “58” and after “1985” insert “or section 22 of the Housing Act 1996”.

Consumer Credit Act 1974

2. In section 16(1)(ff) of the Consumer Credit Act 1974(3) (exempt agreements), after “Housing Act 1985,” insert—

“section 156(4) of that Act as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire).”.

Housing Act 1985

3.—(1) The Housing Act 1985(4) is amended as follows.

(2) At the end of section 115(1)(c) (meaning of “long tenancy”), insert “, including any tenancy granted in pursuance of that Part as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire)”.

(3) At the end of section 130(2)(b) (reduction of discount where previous discount given), insert—

“or

(c) in pursuance of any provision of, or required by, this Part as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire).”.

(4) In paragraph 3 of Schedule 5 (exceptions to the right to buy—certain housing associations)(5) —

(a) before the word “or” at the end of the entry for section 51 of the Housing Act 1988 insert—

“section 18 of the Housing Act 1996 (social housing grants).”; and

(b) in the entry for section 22 of the Housing Act 1996 for “the Housing Act 1996” substitute “that Act”.

Landlord and Tenant Act 1985

4. At the end of section 26(2)(c) of the Landlord and Tenant Act 1985(6) (exceptions to service charge controls: meaning of “long tenancy”), insert “, including any tenancy granted in pursuance of that Part as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire)”.

(2) 1965 c. 12; section 6(1)(b) was amended by the Housing (Consequential Provisions) Act 1985 (c. 71), paragraph 8 of Schedule 2.

(3) 1974 c. 39; section 16(1)(ff) was inserted by the Housing and Planning Act 1986, (c.63) section 22(2).

(4) 1985 c. 68.

(5) Paragraph 3 was amended by the Housing Act 1988 (c. 50), Schedule 17, paragraph 66, and Schedule 18 and by S.I.1996/2325, paragraph 14(33), Schedule 2.

(6) 1985 c. 70.

Landlord and Tenant Act 1987

5. At the end of section 59(3)(c) of the Landlord and Tenant Act 1987(7) (meaning of “long lease”), add “, including a lease granted in pursuance of that Part as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire)”.

Housing Act 1988

6. In the Housing Act 1988(8) after section 81(8)(a) (consent required for certain subsequent disposals), insert—

- “(ab) the disposal of a dwelling-house to a person having the right to acquire it under Part I of the Housing Act 1996 (see sections 16 and 17 of that Act), whether or not the disposal is in fact made under provisions having effect by virtue of section 17 of that Act;”.

Leasehold Reform, Housing and Urban Development Act 1993

7. In section 7 of the Leasehold Reform, Housing and Urban Development Act 1993(9) (meaning of “long lease”), omit “or” at the end of subsection (1)(c) and at the end of subsection (1)(d) insert—

“or

- (e) a lease granted in pursuance of that Part of that Act as it has effect by virtue of section 17 of the Housing Act 1996 (the right to acquire)”.

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order amends various statutory provisions in consequence of the Housing Act 1996.

Paragraph 1 of the Schedule amends the Industrial and Provident Societies Act 1965 in consequence of the coming into force of section 22 of the 1996 Act, which concerns assistance by local authorities to registered social landlords.

Paragraphs 2 to 7 of the Schedule amend the following Acts in consequence of the introduction of the right to acquire for tenants of registered social landlords under Part I of the 1996 Act and, in the case of the amendment in paragraph 3(4), in consequence of the coming into force of section 18 of the 1996 Act and the social housing grants regime under that Part: the Consumer Credit Act 1974, the Housing Act 1985, the Landlord and Tenant Acts 1985 and 1987, the Housing Act 1988 and the Leasehold Reform, Housing and Urban Development Act 1993.

(7) 1987 c. 31.

(8) 1988 c. 50.

(9) 1993 c. 28.