

SCHEDULES

SCHEDULE 25

Section 152.

MINOR AND CONSEQUENTIAL AMENDMENTS, TRANSITIONAL PROVISIONS AND SAVINGS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of Schs. 6 and 7, Sch. 8 para. 2, Sch. 10 paras. 1(1)(2)(4)(5), 3–5, Sch. 21, Sch. 22 Pt. II, Sch. 25 Pt. I (paras. 1–6, 32, 33, 35, 37–60) and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c.65)

- 1 In section 15 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (protection of tenure of furnished, and certain other, rented premises by extension of provisions of the 1977 Act applying to restricted contracts) there is inserted, after subsection (1), the following subsection—
- “(1A) This section does not apply in relation to any tenancy entered into after the commencement of section 69(2) of the Housing Act 1980.”
- 2 In section 16 of the Act of 1951 (protection of tenure of rented premises not within section 15, by extension of the Rent Acts) for subsections (4) to (7) there are substituted the following subsections—
- “(4) The rent for any rental period shall be the amount payable for the last rental period of the tenancy qualifying for protection but subject to adjustment from time to time in accordance with section 46 or 47 of the Rent Act 1977 (adjustment, with respect to rates, services and furniture, of recoverable rent for statutory periods before registration).
- (5) Subsection (4) above has effect subject to any agreement between the parties for the payment of a lower rent ; and where a lower rent is agreed it shall not be increased in accordance with section 46 or 47 of the Act of 1977 but may, notwithstanding anything in any other enactment, be increased by agreement in writing between the parties up to the amount payable under subsection (4) above.”
- 3 In sections 17 and 18 of the Act of 1951 (which relate respectively to premises which include accommodation shared otherwise than with the landlord and to premises occupied in connection with employment under a licence or a rent-free

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letting) in each case in subsection (2) for the words “ to (7)” there are substituted the words “ and (5)”.

Housing Act 1957 (c. 56)

- 4 Section 5 of the 1957 Act (prohibition of back-to-back houses) is hereby repealed.
- 5 In section 96 of the 1957 Act, in paragraph (d) the words “ by them”, and paragraph (e), are hereby repealed.
- 6 In section 119(3) of the 1957 Act (financial assistance for housing associations) the words from “ with the consent” to “ the Minister” and the words from “ The Ministers power” to the end are hereby repealed.
- 7—9 F1

Textual Amendments
F1 Sch. 25 Pt. I paras. 7–9 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

- 10 F2

Textual Amendments
F2 Sch. 25 Pt. I para. 10 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

- 11—13 F3

Textual Amendments
F3 Sch. 25 Pt. I paras. 11–13 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1

- 14 F4

Textual Amendments
F4 Sch. 25 Pt. I para. 14 repealed by Matrimonial Homes Act 1983 (c. 19, SIF 49:5), s. 12, Sch. 3

- 15—17 F5

Textual Amendments
F5 Sch. 25 Pt. I paras. 15–17 repealed by Matrimonial Homes and Property Act 1981 (c. 24, SIF 49:5), s. 10(2), Sch. 3

- 18, 19 F6

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Textual Amendments

- F6** Sch. 25 Pt. I paras. 18, 19 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pts. I, III

20—31 F7

Textual Amendments

- F7** Sch. 25 Pt. I paras. 20–31 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1

Rent (Agriculture) Act 1976 (c.80)

32 In section 7 of the Rent (Agriculture) Act 1976, at the end of subsection (6) (definition of “tenant”), there are added the words “and “tenancy” shall be construed accordingly”.

33 In section 13 of the Act of 1976 (application for registration of rent)—
(a) for the words “three years” in subsection (7) there are substituted the words “two years” ; and
(b) in subsection (3) for the words “Schedule 7” there are substituted the words “Schedule 12”.

Rent Act 1977 (c.42)

34 F8

Textual Amendments

- F8** Sch. 25 Pt. I para. 34 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

35 Sections 18(4) and 115 of the 1977 Act (modification of Act in cases where controlled tenancies converted into regulated tenancies) are hereby repealed ; and in that Act, after section 18, there is inserted the following section—

“18A Modification of Act for controlled tenancies converted into regulated tenancies.

Schedule 17 to this Act applies for the purpose of modifying the provisions of this Act in relation to a tenancy which, by virtue of any of the following enactments, was converted from a controlled tenancy into a regulated tenancy, that is to say—

- (a) section 18(3) of this Act ;
- (b) paragraph 5 of Schedule 2 to the Rent Act 1968 (which was superseded by section 18(3));
- (c) Part VIII of this Act ;
- (d) Part III of the Housing Finance Act 1972 (which was superseded by Part VIII) ;

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- (e) Part IV of the Act of 1972 (conversion by reference to rateable values) ;
- (f) section 64 of the Housing Act 1980 (conversion of remaining controlled tenancies into regulated tenancies).”

36 F9

Textual Amendments
F9 Sch. 25 Pt. I para. 36 repealed by Housing Act 1988 (c. 50, SIF 61), s. 140, Sch. 18

37 In section 45(4) of the 1977 Act, for the words “ to 48” there are substituted the words “ and 47”.

38 In section 49 of the 1977 Act, for the words “ 46(2) or 48(3)” there are substituted the words “ or 46”.

39 In section 55 of the 1977 Act (general provisions for phasing of rent increases), in subsection (3), for paragraph (b) there is substituted the following paragraph—
“(b) the provisions of section 89 of this Act do not apply to it ; and”

40 In sections 68(4), 69(1)(b)(ii), and (4), 73(1)(a), and 88(4)(b) of the 1977 Act for the words “ three years” and “ 3 years” wherever occurring there are substituted the words “ 2 years”.

This paragraph does not apply in any case where, on the determination or confirmation of a rent by the rent officer, the rent determined by him is registered, or his confirmation is noted in the register, before the commencement of this paragraph.

41 In section 70(3) of the 1977 Act (matters to be disregarded in determining fair rent) paragraphs (c) and (d) are hereby repealed.

42 In section 78(5) of the 1977 Act, for the words “ subsection (1)” there are substituted the words “ subsection (2)”.

43 In section 79 of the 1977 Act—
(a) in subsection (1) for the words “ local authority” there are substituted the words “ president of every rent assessment panel” ;
(b) in subsection (2) for the words “ local authority” there are substituted the words “ rent assessment panel” ;
(c) subsection (4) is hereby repealed ; and
(d) in subsection (5) for the words “ local authority” there are substituted the words “ president of the rent assessment panel concerned”.

44 In section 79 of the 1977 Act there is inserted, at the end, the following subsection—
“(6A) Every local authority shall, before the expiry of the period of three months beginning with the commencement of paragraph 44 of Schedule 25 to the Housing Act 1980, send to the president of the appropriate rent assessment panel the register previously kept by the authority under this section.”

45 In section 85 of the 1977 Act—
(a) in the definition of “ register” for the words “ local authority” there are substituted the words “ president of the rent assessment panel concerned” ;
and

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- (b) in the definition of “rent tribunal” for the words from “has” onwards there are substituted the words “shall be construed in accordance with section 72 of the Housing Act 1980”.

46 F10

Textual Amendments

F10 Sch. 25 Pt. I para. 46 repealed by Housing Act 1988 (c. 50, SIF 61), s. 140, Sch. 18

47 (1) Section 116 of the 1977 Act (provision where tenant refuses to allow landlord to carry out works) is amended as follows.

(2) For subsection (1) there is substituted the following subsection—

“(1) This section applies where a dwelling-house is subject to a statutory tenancy and the landlord wishes to carry out works which cannot be carried out without the consent of the tenant.”

(3) For subsection (3) there is substituted the following subsection—

“(3) The condition is—

- (a) that the works were specified in an application for an improvement, or intermediate, grant under Part VII of the Housing Act 1974 and the application has been approved, or
- (b) that the works are specified in a certificate issued by a local authority and stating that if an application were to be made by the landlord for such a grant in respect of the works, the application would be likely to be approved.”

(4) In subsection (5) the words “sections 4(4) or 10 of the Housing Act 1969 or” are hereby repealed.

48 In section 129(1) of the 1977 Act (mortgages to which Part X applies), for paragraph (b) there is substituted the following paragraph—

“(b) are regulated mortgages as defined in section 131 of this Act.”

49 In section 132(1) of the 1977 Act (powers of court to mitigate hardship to mortgagors under regulated mortgages), for the words from “relate only” to “such a mortgage” there are substituted the words “become exercisable, in relation to a regulated mortgage”.

50 In section 136 of the 1977 Act (interpretation of Part X), in paragraph (b) for the words from “and mortgage” to “include” there is substituted the word “includes”.

51 Section 138(3) of the 1977 Act (effect on furnished sub-tenancy of determination of superior unfurnished tenancy) shall have effect, and be deemed always to have had effect, as if for the words from “meaning” to the end there were substituted the words “same meaning as it has for the purposes of section 137(2) of this Act”.

52 In section 145 of the 1977 Act (which limits the rent recoverable under tenancies of certain subsidised private houses), for subsections (3) and (4) (which apply to conditions limiting the rent under controlled tenancies) and subsection (5) (which applies Schedule 21 to that Act to conditions limiting the rent under other tenancies) there are substituted the following subsections—

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“(3) If any condition to which this section applies limits the rent under a tenancy, the condition shall limit, or have effect as if it limited, the rent—

- (a) if the tenancy is a regulated tenancy which is not a converted tenancy within the meaning of Schedule 17 to this Act, to the rent which would be recoverable if the tenancy had been converted from being a controlled tenancy upon the commencement of section 64 of the Housing Act 1980 and accordingly as if it were a converted tenancy ;
- (b) if the tenancy is a converted tenancy, or a housing association tenancy within the meaning of Part VI of this Act, to the rent recoverable under this Act ;
- (c) if the tenancy is a protected occupancy or statutory tenancy within the meaning of the Rent (Agriculture) Act 1976, to the rent recoverable in accordance with that Act ; and
- (d) in any other case, to such rent as may from time to time be, or have been, agreed between the landlord and the local authority or as may, in default of agreement, be or have been determined by the Secretary of State.

(4) Subject to subsection (5) below, in subsection (3) above “ local authority”, in relation to any premises, means the council of the London borough or district in which the premises are situated or, if they are situated in the City of London, the Common Council of the City of London.

(5) In the case of houses the construction of which was promoted by the Greater London Council or in respect of which improvement grants were made by that council under the Housing (Financial Provisions) Act 1958, the reference in subsection (3) above to the local authority shall be construed as a reference to the Greater London Council.”

53 In section 149 of the 1977 (powers of local authorities for purposes of giving information), in subsection (1)(a), for sub-paragraph (iii) there is substituted the following sub-paragraph—

“(iii) Part II, and section 136, of the Housing Act 1980 ;”

54 In section 153(1) of the 1977 Act (application to Isles of Scilly), for the words “ 103 to 106” there are substituted the words “ 102A to 106A”.

55 Section 155(1) of the 1977 Act (which modifies provisions of that Act in relation to certain old controlled tenancies) is hereby repealed.

56 In Schedule 10 to the 1977 Act (rent assessment committees)—

- (a) in paragraph 2 the words from “ and, if the Secretary of State” to the end ; and
- (b) paragraph 10 ;

are hereby repealed.

57 In Schedule 15 to the 1977 Act (grounds for possession of dwelling-houses), in paragraph (i) in Case 9, for the words “ controlled tenancy” there are substituted the words “ tenancy which was then a controlled tenancy”.

Case 9 has effect, as so amended, in relation to any tenancy which was a controlled tenancy on the date mentioned in paragraph (i) notwithstanding that it ceased to be a controlled tenancy before the commencement of this paragraph.

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58 In Schedule 15 to the 1977 Act, in paragraph 4 in Part IV, for the words “ paragraph 1” there are substituted the the words “ paragraph 3”, at the end of paragraph (a) there are inserted the words “ (other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of this Schedule)”, and at the end of paragraph (b) there are inserted the words “ of a kind mentioned in paragraph (a) above”.

59 In Schedule 17 to the 1977 Act (modification of Act where controlled tenancy converted into into regulated tenancy)—

- (a) in the definition of “ converted tenancy”, for paragraphs (a) and (b) there are substituted the words “ any of the enactments mentioned in section 18A of this Act”; and
- (b) paragraphs 3 and 4 are hereby repealed ; and
- (c) in paragraph 7, for the words from the beginning to “ shall not” there are substituted the words “ None of the enactments mentioned in section 18A of this Act shall”.

60 In Schedule 24 to the 1977 Act (savings and transitional provisions)—

- (a) in paragraph 6(4) for the words “ paragraph 1(1)” there are substituted the words “ paragraph 1(c)” ; and
- (b) in paragraph 16 for the words “ sections 44(1), (2), 38 and 72(4)” there are substituted the words “ sections 44(1), 45(2), 57 and 72(7)”.

Protection from Eviction Act 1977 (c. 43)

61 The Protection from Eviction Act 1977 shall apply, where a person has been let into possession of a dwelling-house under the terms of a rental purchase agreement (within the meaning of section 88 of this Act) as if—

- (a) the dwelling-house had been let to him as a dwelling under a tenancy which is not a statutorily protected tenancy (within the meaning of section 3 of that Act); and
- (b) that tenancy had come to an end on the termination of the agreement or of his right to possession under it.

PART II

TRANSITIONAL PROVISIONS AND SAVINGS

62 F11

Textual Amendments

F11 Sch. 25 Pt. II para. 62 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

63 F12

Textual Amendments

F12 Sch. 25 Pt. II para. 63 repealed by Housing Act 1988 (c. 50, SIF 61), s. 140, Sch. 18

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64 Where the recoverable rent for any statutory period has been increased by a notice under section 48 of the 1977 Act, nothing in section 63 of this Act affects that increase or the operation of subsections (4) and (5) of section 48 in relation to the notice.

65 In a case where, by virtue of subsection (4) of section 52 of the 1977 Act, that section would not have applied to an agreement with a tenant having security of tenure had it not been replaced by the section substituted by section 68(2) of this Act, the substituted section 52 shall also not apply in relation to that agreement.

66 The repeal by this Act of subsections (4) and (5) of section 54 of the 1977 Act does not affect the operation of those subsections in relation to defaults occurring before the commencement of section 68 of this Act.

67 Where, immediately before the commencement of section 69(4) of this Act, a tenancy was, by virtue of section 12(2)(b) of the 1977 Act, a protected tenancy and not a restricted contract, the 1977 Act shall continue to apply in relation to that tenancy as if section 69(4) had not been enacted.

68 The repeals made by section 74 of this Act in section 15 of the 1977 Act shall not affect any tenancy which was, immediately before the commencement of section 74(1), a protected, or statutory tenancy but which would, were it not for this paragraph, have ceased to be such a tenancy by virtue of the repeal of section 15(4) (f).

69 F13

Textual Amendments
F13 Sch. 25 Pt. II paras. 69, 71, 74 and 76 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

70 Any directions given by the Secretary of State under section 24(5) of the Housing Subsidies Act 1967 shall, if in force at the commencement of section 114 of this Act, continue in force as if given under subsection (1)(a) of section 114 until revoked or varied.

71 F14

Textual Amendments
F14 Sch. 25 Pt. II paras. 69, 71, 74 and 76 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

72 (1) This paragraph applies in relation to the exceptions in paragraphs 6 and 11 of Schedule 3 to this Act.

- (2) Notice given to a tenant at any time after 31st March 1980 but before the commencement of Schedule 3 shall be treated—
 - (a) as duly given in accordance with paragraph 6(b)(ii) if it would have been so treated had paragraph 6 then been in force; or
 - (b) as duly given in accordance with paragraph 11(b) if it would have been so treated had paragraph 11, and the regulations first made under that paragraph designating courses, then been in force.

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73 In relation to a tenancy (or licence) granted before 8th May 1980 Schedule 3 to this Act has effect as if the following paragraph were added at the end of it:

- “14 A tenancy is not a secure tenancy if—
- (a) the landlord is a charity within the meaning of the Charities Act 1960; and
 - (b) before the tenancy was granted the tenant was informed in writing that the landlord intended to carry out works on the building or part of the building comprising the dwelling-house and could not reasonably do so without obtaining possession of the dwelling-house.”

74 F15

Textual Amendments

F15 Sch. 25 Pt. II paras. 69, 71, 74 and 76 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

75 Section 5 of the 1977 Act (tenancies at low rents) shall continue not to apply to any tenancy which, immediately before the repeal by this Act of section 17 of the 1977 Act (categories of controlled tenancies) was a controlled tenancy by virtue of subsection (2) of section 17.

76 F16

Textual Amendments

F16 Sch. 25 Pt. II paras. 69, 71, 74 and 76 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 3, **Sch. 1 Pt. I**

77 Section 90 of the 1977 Act continues to have effect, notwithstanding its repeal by this Act, in relation to any direction given by the Secretary of State under that section.

78 Paragraphs 3 and 4 of Schedule 17 to the 1977 Act continue to have effect, notwithstanding paragraph 59 of this Schedule, in relation to a notice of increase served under paragraph 4 before the commencement of paragraph 59.

Changes to legislation:

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