



Housing Act 1985

1985 CHAPTER 68

PART IV

SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

Security of tenure

79 Secure tenancies.

- (1) A tenancy under which a dwelling-house is let as a separate dwelling is a secure tenancy at any time when the conditions described in sections 80 and 81 as the landlord condition and the tenant condition are satisfied.
- (2) Subsection (1) has effect subject to—
 - (a) the exceptions in Schedule 1 (tenancies which are not secure tenancies),
 - (b) sections 89(3) and (4) and 90(3) and (4) (tenancies ceasing to be secure after death of tenant), and
 - (c) sections 91(2) and 93(2) (tenancies ceasing to be secure in consequence of assignment of subletting).
- (3) The provisions of this Part apply in relation to a licence to occupy a dwelling-house (whether or not granted for a consideration) as they apply in relation to a tenancy.
- (4) Subsection (3) does not apply to a licence granted as a temporary expedient to a person who entered the dwelling-house or any other land as a trespasser (whether or not, before the grant of that licence, another licence to occupy that or another dwelling-house had been granted to him).

80 The landlord condition.

- (1) The landlord condition is that the interest of the landlord belongs to one of the following authorities or bodies—
 - a local authority,
 - a new town corporation,

Status: This is the original version (as it was originally enacted).

an urban development corporation,
 the Development Board for Rural Wales,
 the Housing Corporation,
 a housing trust which is a charity, or
 a housing association or housing co-operative to which this section applies.

- (2) This section applies to—
- (a) a registered housing association other than a co-operative housing association, and
 - (b) an unregistered housing association which is a co-operative housing association.
- (3) If a co-operative housing association ceases to be registered, it shall, within the period of 21 days beginning with the date on which it ceases to be registered, notify each of its tenants who thereby becomes a secure tenant, in writing, that he has become a secure tenant.
- (4) This section applies to a housing co-operative within the meaning of section 27 (agreements for exercise of authority's housing management functions by co-operative) where the dwelling-house is comprised in an agreement under that section.

81 The tenant condition.

The tenant condition is that the tenant is an individual and occupies the dwelling-house as his only or principal home; or, where the tenancy is a joint tenancy, that each of the joint tenants is an individual and at least one of them occupies the dwelling-house as his only or principal home.

82 Security of tenure.

- (1) A secure tenancy which is either—
- (a) a weekly or other periodic tenancy, or
 - (b) a tenancy for a term certain but subject to termination by the landlord,
- cannot be brought to an end by the landlord except by obtaining an order of the court for the possession of the dwelling-house or an order under subsection (3).
- (2) Where the landlord obtains an order for the possession of the dwelling-house, the tenancy ends on the date on which the tenant is to give up possession in pursuance of the order.
- (3) Where a secure tenancy is a tenancy for a term certain but with a provision for re-entry or forfeiture, the court shall not order possession of the dwelling-house in pursuance of that provision, but in a case where the court would have made such an order it shall instead make an order terminating the tenancy on a date specified in the order and section 86 (periodic tenancy arising on termination of fixed term) shall apply.
- (4) Section 146 of the Law of Property Act 1925 (restriction on and relief against forfeiture), except subsection (4) (vesting in under-lessee), and any other enactment or rule of law relating to forfeiture, shall apply in relation to proceedings for an order under subsection (3) of this section as if they were proceedings to enforce a right of re-entry or forfeiture.

83 Notice of proceedings for possession or termination.

- (1) The court shall not entertain—
 - (a) proceedings for the possession of a dwelling-house let under a secure tenancy, or
 - (b) proceedings for the termination of a secure tenancy,unless the landlord has served on the tenant a notice complying with the provisions of this section.
- (2) The notice shall—
 - (a) be in a form prescribed by regulations made by the Secretary of State,
 - (b) specify the ground on which the court will be asked to make an order for the possession of the dwelling-house or for the termination of the tenancy, and
 - (c) give particulars of that ground.
- (3) Where the tenancy is a periodic tenancy the notice—
 - (a) shall also specify a date after which proceedings for the possession of the dwelling-house may be begun, and
 - (b) ceases to be in force twelve months after the date so specified;and the date so specified must not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same date as the notice under this section.
- (4) Where the tenancy is a periodic tenancy, the court shall not entertain any such proceedings unless they are begun after the date specified in the notice and at a time when the notice is still in force.
- (5) Where a notice under this section is served with respect to a secure tenancy for a term certain, it has effect also with respect to any periodic tenancy arising on the termination of that tenancy by virtue of section 86; and subsections (3) and (4) of this section do not apply to the notice.
- (6) Regulations under this section shall be made by statutory instrument and may make different provision with respect to different cases or descriptions of case, including different provision for different areas.

84 Grounds and orders for possession.

- (1) The court shall not make an order for the possession of a dwelling-house let under a secure tenancy except on one or more of the grounds set out in Schedule 2.
- (2) The court shall not make an order for possession—
 - (a) on the grounds set out in Part I of that Schedule (grounds 1 to 8), unless it considers it reasonable to make the order,
 - (b) on the grounds set out in Part II of that Schedule (grounds 9 to 11), unless it is satisfied that suitable accommodation will be available for the tenant when the order takes effect,
 - (c) on the grounds set out in Part III of that Schedule (grounds 12 to 16), unless it both considers it reasonable to make the order and is satisfied that suitable accommodation will be available for the tenant when the order takes effect;and Part IV of that Schedule has effect for determining whether suitable accommodation will be available for a tenant.

- (3) The court shall not make such an order on any of those grounds unless the ground is specified in the notice in pursuance of which proceedings for possession are begun; but the grounds so specified may be altered or added to with the leave of the court.

85 Extended discretion of court in certain proceedings for possession.

- (1) Where proceedings are brought for possession of a dwelling-house let under a secure tenancy on any of the grounds set out in Part I or Part III of Schedule 2 (grounds 1 to 8 and 12 to 16: cases in which the court must be satisfied that it is reasonable to make a possession order), the court may adjourn the proceedings for such period or periods as it thinks fit.
- (2) On the making of an order for possession of such a dwelling-house on any of those grounds, or at any time before the execution of the order, the court may—
 - (a) stay or suspend the execution of the order, or
 - (b) postpone the date of possession,
 for such period or periods as the court thinks fit.
- (3) On such an adjournment, stay, suspension or postponement the court—
 - (a) shall impose conditions with respect to the payment by the tenant of arrears of rent (if any) and rent or payments in respect of occupation after the termination of the tenancy (mesne profits), unless it considers that to do so would cause exceptional hardship to the tenant or would otherwise be unreasonable, and
 - (b) may impose such other conditions as it thinks fit.
- (4) If the conditions are complied with, the court may, if it thinks fit, discharge or rescind the order for possession.
- (5) Where proceedings are brought for possession of a dwelling-house which is let under a secure tenancy and—
 - (a) the tenant's spouse or former spouse, having rights of occupation under the Matrimonial Homes Act 1983, is then in occupation of the dwelling-house, and
 - (b) the tenancy is terminated as a result of those proceedings,
 the spouse or former spouse shall, so long as he or she remains in occupation, have the same rights in relation to, or in connection with, any adjournment, stay, suspension or postponement in pursuance of this section as he or she would have if those rights of occupation were not affected by the termination of the tenancy.

86 Periodic tenancy arising on termination of fixed term.

- (1) Where a secure tenancy ("the first tenancy") is a tenancy for a term certain and comes to an end—
 - (a) by effluxion of time, or
 - (b) by an order of the court under section 82(3) (termination in pursuance of provision for re-entry or forfeiture),
 a periodic tenancy of the same dwelling-house arises by virtue of this section, unless the tenant is granted another secure tenancy of the same dwelling-house (whether a tenancy for a term certain or a periodic tenancy) to begin on the coming to an end of the first tenancy.

- (2) Where a periodic tenancy arises by virtue of this section—
- (a) the periods of the tenancy are the same as those for which rent was last payable under the first tenancy, and
 - (b) the parties and the terms of the tenancy are the same as those of the first tenancy at the end of it;
- except that the terms are confined to those which are compatible with a periodic tenancy and do not include any provision for re-entry or forfeiture.

Succession on death of tenant

87 Persons qualified to succeed tenant.

A person is qualified to succeed the tenant under a secure tenancy if he occupies the dwelling-house as his only or principal home at the time of the tenant's death and either—

- (a) he is the tenant's spouse, or
- (b) he is another member of the tenant's family and has resided with the tenant throughout the period of twelve months ending with the tenant's death;

unless, in either case, the tenant was himself a successor, as defined in section 88.

88 Cases where the tenant is a successor.

- (1) The tenant is himself a successor if—
- (a) the tenancy vested in him by virtue of section 89 (succession to a periodic tenancy), or
 - (b) he was a joint tenant and has become the sole tenant, or
 - (c) the tenancy arose by virtue of section 86 (periodic tenancy arising on ending of term certain) and the first tenancy there mentioned was granted to another person or jointly to him and another person, or
 - (d) he became the tenant on the tenancy being assigned to him (but subject to subsections (2) and (3)), or
 - (e) he became the tenant on the tenancy being vested in him on the death of the previous tenant.
- (2) A tenant to whom the tenancy was assigned in pursuance of an order under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings) is a successor only if the other party to the marriage was a successor.
- (3) A tenant to whom the tenancy was assigned by virtue of section 92 (assignments by way of exchange) is a successor only if he was a successor in relation to the tenancy which he himself assigned by virtue of that section.
- (4) Where within six months of the coming to an end of a secure tenancy which is a periodic tenancy ("the former tenancy") the tenant becomes a tenant under another secure tenancy which is a periodic tenancy, and—
- (a) the tenant was a successor in relation to the former tenancy, and
 - (b) under the other tenancy either the dwelling-house or the landlord, or both, are the same as under the former tenancy,

the tenant is also a successor in relation to the other tenancy unless the agreement creating that tenancy otherwise provides.

89 Succession to periodic tenancy.

- (1) This section applies where a secure tenant dies and the tenancy is a periodic tenancy.
- (2) Where there is a person qualified to succeed the tenant, the tenancy vests by virtue of this section in that person, or if there is more than one such person in the one to be preferred in accordance with the following rules—
 - (a) the tenant's spouse is to be preferred to another member of the tenant's family;
 - (b) of two or more other members of the tenant's family such of them is to be preferred as may be agreed between them or as may, where there is no such agreement, be selected by the landlord.
- (3) Where there is no person qualified to succeed the tenant and the tenancy is vested or otherwise disposed of in the course of the administration of the tenant's estate, the tenancy ceases to be a secure tenancy unless the vesting or other disposal is in pursuance of an order made under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings).
- (4) A tenancy which ceases to be a secure tenancy by virtue of this section cannot subsequently become a secure tenancy.

90 Devolution of term certain.

- (1) This section applies where a secure tenant dies and the tenancy is a tenancy for a term certain.
- (2) The tenancy remains a secure tenancy until—
 - (a) it is vested or otherwise disposed of in the course of the administration of the tenant's estate, as mentioned in subsection (3), or
 - (b) it is known that when it is so vested or disposed of it will not be a secure tenancy.
- (3) The tenancy ceases to be a secure tenancy on being vested or otherwise disposed of in the course of administration of the tenant's estate, unless—
 - (a) the vesting or other disposal is in pursuance of an order made under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings), or
 - (b) the vesting or other disposal is to a person qualified to succeed the tenant.
- (4) A tenancy which ceases to be a secure tenancy by virtue of this section cannot subsequently become a secure tenancy.

Assignment, lodgers and subletting

91 Assignment in general prohibited.

- (1) A secure tenancy which is—
 - (a) a periodic tenancy, or
 - (b) a tenancy for a term certain granted on or after 5th November 1982,

is not capable of being assigned except in the cases mentioned in subsection (3).

- (2) If a secure tenancy for a term certain granted before 5th November 1982 is assigned, then, except in the cases mentioned in subsection (3), it ceases to be a secure tenancy and cannot subsequently become a secure tenancy.
- (3) The exceptions are—
 - (a) an assignment in accordance with section 92 (assignment by way of exchange);
 - (b) an assignment in pursuance of an order made under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
 - (c) an assignment to a person who would be qualified to succeed the tenant if the tenant died immediately before the assignment.

92 Assignments by way of exchange.

- (1) It is a term of every secure tenancy that the tenant may, with the written consent of the landlord, assign the tenancy to another secure tenant who satisfies the condition in subsection (2).
- (2) The condition is that the other secure tenant has the written consent of his landlord to an assignment of his tenancy either to the first-mentioned tenant or to another secure tenant who satisfies the condition in this subsection.
- (3) The consent required by virtue of this section shall not be withheld except on one or more of the grounds set out in Schedule 3, and if withheld otherwise than on one of those grounds shall be treated as given.
- (4) The landlord may not rely on any of the grounds set out in Schedule 3 unless he has, within 42 days of the tenant's application for the consent, served on the tenant a notice specifying the ground and giving particulars of it.
- (5) Where rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed, the consent required by virtue of this section may be given subject to a condition requiring the tenant to pay the outstanding rent, remedy the breach or perform the obligation.
- (6) Except as provided by subsection (5), a consent required by virtue of this section cannot be given subject to a condition, and a condition imposed otherwise than as so provided shall be disregarded.

93 Lodgers and subletting.

- (1) It is a term of every secure tenancy that the tenant—
 - (a) may allow any persons to reside as lodgers in the dwelling-house, but
 - (b) will not, without the written consent of the landlord, sublet or part with possession of part of the dwelling-house.
- (2) If the tenant under a secure tenancy parts with the possession of the dwelling-house or sublets the whole of it (or sublets first part of it and then the remainder), the tenancy ceases to be a secure tenancy and cannot subsequently become a secure tenancy.

94 Consent to subletting.

- (1) This section applies to the consent required by virtue of section 93(1)(b) (landlord's consent to subletting of part of dwelling-house).
- (2) Consent shall not be unreasonably withheld (and if unreasonably withheld shall be treated as given), and if a question arises whether the withholding of consent was unreasonable it is for the landlord to show that it was not.
- (3) In determining that question the following matters, if shown by the landlord, are among those to be taken into account—
 - (a) that the consent would lead to overcrowding of the dwelling-house within the meaning of Part X (overcrowding);
 - (b) that the landlord proposes to carry out works on the dwelling-house, or on the building of which it forms part, and that the proposed works will affect the accommodation likely to be used by the sub-tenant who would reside in the dwelling-house as a result of the consent.
- (4) Consent may be validly given notwithstanding that it follows, instead of preceding, the action requiring it.
- (5) Consent cannot be given subject to a condition (and it purporting to be given subject to a condition shall be treated as given unconditionally).
- (6) Where the tenant has applied in writing for consent, then—
 - (a) if the landlord refuses to give consent, it shall give the tenant a written statement of the reasons why consent was refused, and
 - (b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent shall be taken to have been withheld.

95 Assignment or subletting where tenant condition not satisfied.

- (1) This section applies to a tenancy which is not a secure tenancy but would be if the tenant condition referred to in section 81 (occupation by the tenant) were satisfied.
- (2) Sections 91 and 93(2) (restrictions on assignment or sub-letting of whole dwelling-house) apply to such a tenancy as they apply to a secure tenancy, except that—
 - (a) section 91(3)(b) and (c) (assignments excepted from restrictions) do not apply to such a tenancy for a term certain granted before 5th November 1982, and
 - (b) references to the tenancy ceasing to be secure shall be disregarded, without prejudice to the application of the remainder of the provisions in which those references occur.

Repairs and improvements

96 Right to carry out repairs.

- (1) The Secretary of State may by regulations make a scheme for entitling secure tenants, subject to and in accordance with the provisions of the scheme—
 - (a) to carry out to the dwelling-houses of which they are secure tenants repairs which their landlords are obliged by repairing covenants to carry out, and
 - (b) after carrying out the repairs, to recover from their landlords such sums as may be determined by or under the scheme.

- (2) The regulations may make such procedural, incidental, supplementary and transitional provision as may appear to the Secretary of State to be necessary or expedient, and may in particular—
 - (a) provide for questions arising under the scheme to be referred to and determined by the county court;
 - (b) provide that where a secure tenant makes application under the scheme his landlord's obligation under the repairing covenants shall cease to apply for such period and to such extent as may be determined by or under the scheme.
- (3) The regulations may make different provision with respect to different cases or descriptions of case, including different provision for different areas.
- (4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section “repairing covenant”, in relation to a dwelling-house, means a covenant, whether express or implied, obliging the landlord to keep in repair the dwelling-house or any part of the dwelling-house.

97 Tenant's improvements require consent.

- (1) It is a term of every secure tenancy that the tenant will not make any improvement without the written consent of the landlord.
- (2) In this Part “improvement” means any alteration in, or addition to, a dwelling-house, and includes—
 - (a) any addition to or alteration in landlord's fixtures and fittings,
 - (b) any addition or alteration connected with the provision of services to the dwelling-house,
 - (c) the erection of a wireless or television aerial, and
 - (d) the carrying out of external decoration.
- (3) The consent required by virtue of subsection (1) shall not be unreasonably withheld, and if unreasonably withheld shall be treated as given.
- (4) The provisions of this section have effect, in relation to secure tenancies, in place of section 19(2) of the Landlord and Tenant Act 1927 (general provisions as to covenants, &c. not to make improvements without consent).

98 Provisions as to consents required by s. 97.

- (1) If a question arises whether the withholding of a consent required by virtue of section 97 (landlord's consent to improvements) was unreasonable, it is for the landlord to show that it was not.
- (2) In determining that question the court shall, in particular, have regard to the extent to which the improvement would be likely—
 - (a) to make the dwelling-house, or any other premises, less safe for occupiers,
 - (b) to cause the landlord to incur expenditure which it would be unlikely to incur if the improvement were not made, or
 - (c) to reduce the price which the dwelling-house would fetch if sold on the open market or the rent which the landlord would be able to charge on letting the dwelling-house.

- (3) A consent required by virtue of section 97 may be validly given notwithstanding that it follows, instead of preceding, the action requiring it.
- (4) Where a tenant has applied in writing for a consent which is required by virtue of section 97—
 - (a) the landlord shall if it refuses consent give the tenant a written statement of the reason why consent was refused, and
 - (b) if the landlord neither gives nor refuses to give consent within a reasonable time, consent shall be taken to have been withheld.

99 Conditional consent to improvements.

- (1) Consent required by virtue of section 97 (landlord's consent to improvements) may be given subject to conditions.
- (2) If the tenant has applied in writing for consent and the landlord gives consent subject to an unreasonable condition, consent shall be taken to have been unreasonably withheld.
- (3) If a question arises whether a condition was reasonable, it is for the landlord to show that it was.
- (4) A failure by a secure tenant to satisfy a reasonable condition imposed by his landlord in giving consent to an improvement which the tenant proposes to make, or has made, shall be treated for the purposes of this Part as a breach by the tenant of an obligation of his tenancy.

100 Power to reimburse cost of tenant's improvements.

- (1) Where a secure tenant has made an improvement and—
 - (a) the work on the improvement was begun on or after 3rd October, 1980,
 - (b) the landlord, or a predecessor in title of the landlord, has given its written consent to the improvement or is treated as having given its consent, and
 - (c) the improvement has materially added to the price which the dwelling-house may be expected to fetch if sold on the open market, or the rent which the landlord may be expected to be able to charge on letting the dwelling-house,
 the landlord may, at or after the end of the tenancy, make to the tenant (or his personal representatives) such payment in respect of the improvement as the landlord considers to be appropriate.
- (2) The amount which a landlord may pay under this section in respect of an improvement shall not exceed the cost, or likely cost, of the improvement after deducting the amount of any improvement grant, intermediate grant, special grant or repairs grant under Part XV in respect of the improvement.
- (3) The power conferred by this section to make such payments as are mentioned in subsection (1) is in addition to any other power of the landlord to make such payments.

101 Rent not to be increased on account of tenant's improvements.

- (1) This section applies where a person (the “improving tenant”) who is or was the secure tenant of a dwelling-house has lawfully made an improvement and has borne the whole or part of its cost; and for the purposes of this section a person shall be treated as having

borne any cost which he would have borne but for an improvement grant, intermediate grant, special grant or repairs grant under Part XV.

- (2) In determining, at any time whilst the improving tenant or his qualifying successor is a secure tenant of the dwelling-house, whether or to what extent to increase the rent, the landlord shall treat the improvement as justifying only such part of an increase which would otherwise be attributable to the improvement as corresponds to the part of the cost which was not borne by the tenant (and accordingly as not justifying an increase if he bore the whole cost).
- (3) The following are qualifying successors of an improving tenant—
 - (a) a person in whom the tenancy vested under section 89 (succession to periodic tenancy) on the death of the tenant;
 - (b) a person to whom the tenancy was assigned by the tenant and who would have been qualified to succeed him if he had died immediately before the assignment,
 - (c) a person to whom the tenancy was assigned by the tenant in pursuance of an order made under section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings);
 - (d) a spouse or former spouse of the tenant to whom the tenancy has been transferred by an order under paragraph 22 of Schedule 1 to the Matrimonial Homes Act 1983.
- (4) This section does not apply to an increase of rent attributable to rates.

Variation of terms of tenancy

102 Variation of terms of secure tenancy.

- (1) The terms of a secure tenancy may be varied in the following ways, and not otherwise—
 - (a) by agreement between the landlord and the tenant;
 - (b) to the extent that the variation relates to rent or to payments in respect of rates or services, by the landlord or the tenant in accordance with a provision in the lease or agreement creating the tenancy, or in an agreement varying it;
 - (c) in accordance with section 103 (notice of variation of periodic tenancy).
- (2) References in this section and section 103 to variation include addition and deletion; and for the purposes of this section the conversion of a monthly tenancy into a weekly tenancy, or a weekly tenancy into a monthly tenancy, is a variation of a term of the tenancy, but a variation of the premises let under a tenancy is not.
- (3) This section and section 103 do not apply to a term of a tenancy which—
 - (a) is implied by an enactment, or
 - (b) may be varied under section 93 of the Rent Act 1977 (housing association and other tenancies: increase of rent without notice to quit).
- (4) This section and section 103 apply in relation to the terms of a periodic tenancy arising by virtue of section 86 (periodic tenancy arising on termination of a fixed term) as they would have applied to the terms of the first tenancy mentioned in that section had that tenancy been a periodic tenancy.

103 Notice of variation of periodic tenancy.

- (1) The terms of a secure tenancy which is a periodic tenancy may be varied by the landlord by a notice of variation served on the tenant.
- (2) Before serving a notice of variation on the tenant the landlord shall serve on him a preliminary notice—
 - (a) informing the tenant of the landlord's intention to serve a notice of variation,
 - (b) specifying the proposed variation and its effect, and
 - (c) inviting the tenant to comment on the proposed variation within such time, specified in the notice, as the landlord considers reasonable;
 and the landlord shall consider any comments made by the tenant within the specified time.
- (3) Subsection (2) does not apply to a variation of the rent, or of payments in respect of services or facilities provided by the landlord or of payments in respect of rates.
- (4) The notice of variation shall specify—
 - (a) the variation effected by it, and
 - (b) the date on which it takes effect;
 and the period between the date on which it is served and the date on which it takes effect must be at least four weeks or the rental period, whichever is the longer.
- (5) The notice of variation, when served, shall be accompanied by such information as the landlord considers necessary to inform the tenant of the nature and effect of the variation.
- (6) If after the service of a notice of variation the tenant, before the date on which the variation is to take effect, gives a valid notice to quit, the notice of variation shall not take effect unless the tenant, with the written agreement of the landlord, withdraws his notice to quit before that date.

Provision of information and consultation

104 Provision of information about tenancies.

- (1) Every body which lets dwelling-houses under secure tenancies shall from time to time publish information about its secure tenancies, in such form as it considers best suited to explain in simple terms, and so far as it considers it appropriate, the effect of—
 - (a) the express terms of its secure tenancies,
 - (b) the provisions of this Part and Part V (the right to buy), and
 - (c) the provisions of sections 11 to 16 of the Landlord and Tenant Act 1985 (landlord's repairing obligations),
 and shall ensure that so far as is reasonably practicable the information so published is kept up to date.
- (2) The landlord under a secure tenancy shall supply the tenant with—
 - (a) a copy of the information for secure tenants published by it under subsection (1), and
 - (b) a written statement of the terms of the tenancy, so far as they are neither expressed in the lease or written tenancy agreement (if any) nor implied by law;

and the statement required by paragraph (b) shall be supplied on the grant of the tenancy or as soon as practicable afterwards.

105 Consultation on matters of housing management.

- (1) A landlord authority shall maintain such arrangements as it considers appropriate to enable those of its secure tenants who are likely to be substantially affected by a matter of housing management to which this section applies—
 - (a) to be informed of the authority's proposals in respect of the matter, and
 - (b) to make their views known to the authority within a specified period;and the authority shall, before making any decision on the matter, consider any representations made to it in accordance with those arrangements.
- (2) For the purposes of this section, a matter is one of housing management if, in the opinion of the landlord authority, it relates to—
 - (a) the management, maintenance, improvement or demolition of dwelling-houses let by the authority under secure tenancies, or
 - (b) the provision of services or amenities in connection with such dwelling-houses;but not so far as it relates to the rent payable under a secure tenancy or to charges for services or facilities provided by the authority.
- (3) This section applies to matters of housing management which, in the opinion of the landlord authority, represent—
 - (a) a new programme of maintenance, improvement or demolition, or
 - (b) a change in the practice or policy of the authority,and are likely substantially to affect either its secure tenants as a whole or a group of them who form a distinct social group or occupy dwelling-houses which constitute a distinct class (whether by reference to the kind of dwelling-house, or the housing estate or other larger area in which they are situated).
- (4) In the case of a landlord authority which is a local housing authority, the reference in subsection (2) to the provision of services or amenities is a reference only to the provision of services or amenities by the authority acting in its capacity as landlord of the dwelling-houses concerned.
- (5) A landlord authority shall publish details of the arrangements which it makes under this section, and a copy of the documents published under this subsection shall—
 - (a) be made available at the authority's principal office for inspection at all reasonable hours, without charge, by members of the public, and
 - (b) be given, on payment of a reasonable fee, to any member of the public who asks for one.
- (6) A landlord authority which is a registered housing association shall, instead of complying with paragraph (a) of subsection (5), send a copy of any document published under that subsection—
 - (a) to the Housing Corporation, and
 - (b) to the council of any district or London borough in which there are dwelling-houses let by the association under secure tenancies;

and a council to whom a copy is sent under this subsection shall make it available at its principal office for inspection at all reasonable hours, without charge, by members of the public.

106 Information about housing allocation.

- (1) A landlord authority shall publish a summary of its rules—
 - (a) for determining priority as between applicants in the allocation of its housing accommodation, and
 - (b) governing cases where secure tenants wish to move (whether or not by way of exchange of dwelling-houses) to other dwelling-houses let under secure tenancies by that authority or another body.
- (2) A landlord authority shall—
 - (a) maintain a set of the rules referred to in subsection (1) and of the rules which it has laid down governing the procedure to be followed in allocating its housing accommodation, and
 - (b) make them available at its principal office for inspection at all reasonable hours, without charge, by members of the public.
- (3) A landlord authority which is a registered housing association shall, instead of complying with paragraph (b) of sub-section (2), send a set of the rules referred to in paragraph (a) of that subsection—
 - (a) to the Housing Corporation, and
 - (b) to the council of any district or London borough in which there are dwelling-houses let or to be let by the association under secure tenancies;

and a council to whom a set of rules is sent under this subsection shall make it available at its principal office for inspection at all reasonable hours, without charge, by members of the public.
- (4) A copy of the summary published under subsection (1) shall be given without charge, and a copy of the set of rules maintained under subsection (2) shall be given on payment of a reasonable fee, to any member of the public who asks for one.
- (5) At the request of a person who has applied to it for housing accommodation, a landlord authority shall make available to him, at all reasonable times and without charge, details of the particulars which he has given to the authority about himself and his family and which the authority has recorded as being relevant to his application for accommodation.

Miscellaneous

107 Contributions towards costs of transfers and exchanges.

- (1) The Secretary of State may with the consent of the Treasury make grants or loans towards the cost of arrangements for facilitating moves to and from homes by which—
 - (a) a secure tenant becomes, at his request, the secure tenant of a different landlord, or
 - (b) each of two or more tenants of dwelling-houses, one at least of which is let under a secure tenancy, becomes the tenant of the other or one of the others.

- (2) The grants or loans may be made subject to such conditions as the Secretary of State may determine, and may be made so as to be repayable, or as the case may be repayable earlier, if there is a breach of such a condition.

108 Heating charges.

- (1) This section applies to secure tenants of dwelling-houses to which a heating authority supply heat produced at a heating installation.
- (2) The Secretary of State may by regulations require heating authorities to adopt such methods for determining heating charges payable by such tenants as will secure that the proportion of heating costs borne by each of those tenants is no greater than is reasonable.
- (3) The Secretary of State may by regulations make provision for entitling such tenants, subject to and in accordance with the regulations, to require the heating authority—
- (a) to give them, in such form as may be prescribed by the regulations, such information as to heating charges and heating costs as may be so prescribed, and
 - (b) where such information has been given, to afford them reasonable facilities for inspecting the accounts, receipts and other documents supporting the information and for taking copies or extracts from them.
- (4) Regulations under this section—
- (a) May make different provision with respect to different cases or descriptions of case, including different provision for different areas;
 - (b) may make such procedural, incidental, supplementary and transitional provision as appears to the Secretary of State to be necessary or expedient, and may in particular provide for any question arising under the regulations to be referred to and determined by the county court; and
 - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section—
- (a) “heating authority” means a housing authority who operate a heating installation and supply to premises heat produced at the installation;
 - (b) “heating installation” means a generating station or other installation for producing heat;
 - (c) references to heat produced at an installation include steam produced from, and air and water heated by, heat so produced;
 - (d) “heating charge” means an amount payable to a heating authority in respect of heat produced at a heating installation and supplied to premises, including in the case of heat supplied to premises let by the authority such an amount payable as part of the rent;
 - (e) “heating costs” means expenses incurred by a heating authority in operating a heating installation.

109 Provisions not applying to tenancies of co-operative housing associations.

Sections 91 to 108 (assignment and subletting, repairs and improvements, variation of terms, provision of information and consultation, contributions to costs of transfers

and heating charges) do not apply to a tenancy when the interest of the landlord belongs to a co-operative housing association.

Supplementary provisions

110 Jurisdiction of county court.

- (1) A county court has jurisdiction to determine questions arising under this Part and to entertain proceedings brought under this Part and claims, for whatever amount, in connection with a secure tenancy.
- (2) That jurisdiction includes jurisdiction to entertain proceedings on the following questions—
 - (a) whether a consent required by section 92 (assignment by way of exchange) was withheld otherwise than on one or more of the grounds set out in Schedule 3,
 - (b) whether a consent required by section 93(1)(b) or 97(1) (landlord's consent to subletting of part of dwelling-house or to carrying out of improvements) was withheld or unreasonably withheld, or
 - (c) whether a statement supplied in pursuance of section 104(2)(b) (written statement of certain terms of tenancy) is accurate,notwithstanding that no other relief is sought than a declaration.
- (3) If a person takes proceedings in the High Court which, by virtue of this section, he could have taken in the county court, he is not entitled to recover any costs.

111 County court rules and directions.

- (1) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to—
 - (a) section 85 (extended discretion of court in certain proceedings for possession), and
 - (b) section 110 (jurisdiction of county court to determine questions arising under this Part).
- (2) The rules and directions may provide—
 - (a) for the exercise by a registrar of a county court of any jurisdiction exercisable under the provisions mentioned in subsection (1), and
 - (b) for the conduct of proceedings in private.
- (3) The power to make rules is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

112 Meaning of “dwelling-house”.

- (1) For the purposes of this Part a dwelling-house may be a house or a part of a house.
- (2) Land let together with a dwelling-house shall be treated for the purposes of this Part as part of the dwelling-house unless the land is agricultural land (as defined in section 26(3)(a) of the General Rate Act 1967) exceeding two acres.

113 Members of a person's family.

- (1) A person is a member of another's family within the meaning of this Part if—
- (a) he is the spouse of that person, or he and that person live together as husband and wife, or
 - (b) he is that person's parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
- (a) a relationship by marriage shall be treated as a relationship by blood,
 - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
 - (c) the stepchild of a person shall be treated as his child, and
 - (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

114 Meaning of "landlord authority".

- (1) In this Part "landlord authority" means—
- a local housing authority,
 - a registered housing association other than a co-operative housing association,
 - a housing trust which is a charity,
 - a development corporation,
 - an urban development corporation, or
 - the Development Board for Rural Wales,
- other than an authority in respect of which an exemption certificate has been issued.
- (2) The Secretary of State may, on an application duly made by the authority concerned, issue an exemption certificate to—
- a development corporation,
 - an urban development corporation, or
 - the Development Board for Rural Wales,
- if he is satisfied that it has transferred, or otherwise disposed of, at least three-quarters of the dwellings which have at any time before the making of the application been vested in it.
- (3) The application shall be in such form and shall be accompanied by such information as the Secretary of State may, either generally or in relation to a particular case, direct.

115 Meaning of "long tenancy".

- (1) The following are long tenancies for the purposes of this Part, subject to subsection (2)
- (a) a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture;
 - (b) a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a tenancy by sub-demise from one which is not a long tenancy;
 - (c) any tenancy granted in pursuance of Part V (the right to buy).

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

- (2) A tenancy granted so as to become terminable by notice after a death is not a long tenancy for the purposes of this Part, unless—
- (a) it is granted by a housing association which at the time of the grant is registered,
 - (b) it is granted at a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, and
 - (c) at the time it is granted it complies with the requirements of the regulations then in force under section 140(4)(b) of the Housing Act 1980 (conditions for exclusion of shared ownership leases from Part I of the Leasehold Reform Act 1967) or, in the case of a tenancy granted before any such regulations were brought into force, with the first such regulations to be in force.

116 Minor definitions.

In this Part—

“common parts”, in relation to a dwelling-house let under a tenancy, means any part of a building comprising the dwelling-house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord;

“housing purposes” means the purposes for which dwelling-houses are held by local housing authorities under Part II (provision of housing) or purposes corresponding to those purposes;

“rental period” means a period in respect of which a payment of rent falls to be made;

“term”, in relation to a secure tenancy, includes a condition of the tenancy.

117 Index of defined expressions: Part IV.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression in the same section or paragraph):—

cemetery	section 622
charity	section 622
common parts (in relation to a dwelling-house let under a tenancy)	section 116
co-operative housing association	section 5(2)
development corporation	section 4(c)
dwelling-house	section 112
family (member of)	section 113
housing association	section 5(1)
housing authority	section 4(a)
housing purposes	section 116
housing trust	section 6
improvement	section 97(2)

landlord authority	section 114
local authority	section 4(e)
local housing authority	section 1, 2(2)
long tenancy	section 115
new town corporation	section 4(b)
qualified to succeed (on the death of a secure tenant)	section 87
registered and unregistered (in relation to a housing association)	section 5(4)
rental period	section 116
secure tenancy	section 79
term (in relation to a secure tenancy)	section 116
urban development corporation	section 4(d)
variation (of the terms of a secure tenancy)	section 102(2)