



Housing Act 1985

1985 CHAPTER 68

PART IV

SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

Repairs and improvements

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 a [^{F1}renovation grant or common parts grant under Chapter I of Part I of the Housing Grants, Construction and Regeneration Act 1996 (grants for renewal of private sector housing).]

^{F2}(1A)

(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—

[^{F3}(a) a person in whom the tenancy was vested, or to whom the tenancy was disposed of, under section 89 (succession to periodic tenancy) or section 90 (devolution of term certain) on the death of the tenant or in the course of the administration of his estate;]

(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,

Changes to legislation: Housing Act 1985, Section 101 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes

- ^{F4}[(c) a person to whom the tenancy was assigned by the tenant in pursuance of an order made under—
- (i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),
 - (ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), ^{F5} . . .
 - (iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents) [^{F6}, or
 - (iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.)]]
- ^{F7}[(d) a spouse, former spouse, [^{F8}civil partner, former civil partner,] cohabitant or former cohabitant of the tenant to whom the tenancy has been transferred by an order made under Schedule 1 to the Matrimonial Homes Act 1983 or Schedule 7 to the Family Law Act 1996.]
- (4) This section does not apply to an increase of rent attributable to rates [^{F9}or to council tax].

Textual Amendments

- F1** Words in s. 101(1) substituted (17.12.1996) by 1996 c. 53, s. 103, **Sch. 1 para. 5(1)**; S.I. 1996/2842, **art. 3**
- F2** S. 101(1A) repealed (17.12.1996) by 1996 c. 53, ss. 103, 147, Sch. 1 para. 5(2), **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3**
- F3** S. 101(3)(a) substituted (11.10.1993) by 1993 c. 28, s. 187(1), **Sch. 21 para. 10**; S.I. 1993/2134, **arts. 2, 4(a)**.
- F4** S. 101(3)(c) substituted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 14**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)
- F5** Word in s. 101(3)(c)(ii) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(4), 263(10), **Sch. 30**; S.I. 2005/3175, **art. 2(6)**
- F6** S. 101(3)(c)(iv) and preceding word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 81, 263(2), **Sch. 8 para. 26**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F7** S. 101(3)(d) substituted (1.10.1997) by 1996 c. 27, s. 66(1), **Sch. 8 Pt. III para. 55** (with Sch. 9 paras. 8-10); S.I. 1997/1892, **art. 3(1)(b)**
- F8** Words in s. 101(3)(d) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 82, 263(2), **Sch. 9 para. 20**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F9** Words in s. 101(4) inserted (1.4.1993) by S.I. 1993/651, **art. 2(1)**, **Sch. 1 para. 12**.

Changes to legislation:

Housing Act 1985, Section 101 is up to date with all changes known to be in force on or before 24 April 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.

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Changes and effects yet to be applied to :

- s. 101(3)(c) words substituted by [1996 c. 27 Sch. 8 para. 34](#) (This amendment not applied to legislation.gov.uk. Sch. 8 Pt. 1 repealed (except for Sch. 8 paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by 2014 c. 6, s. 18(2)(e))
- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172](#) Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by 2021 c. 7, ss. 79(3), 90(6); [S.I. 2021/1038](#), reg. 3(c))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by 2004 c. 34, Sch. 16; [S.I. 2006/1060](#), art. 2(1)(e), Sch.; [S.I. 2006/1535](#), art. 2(c), Sch.)
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)

– Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)