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**Changes to legislation:** There are currently no known outstanding effects for the Housing (Consequential Provisions) Act 1985, SCHEDULE 3. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

#### TRANSITIONAL PROVISIONS

##### *The general rule*

- 1 (1) The general rule is that the provisions of the consolidating Acts apply, in accordance with section 2 of this Act (continuity of the law), to matters arising before the commencement of those Acts as to matters arising after that commencement.
- (2) The general rule has effect subject to any express provision to the contrary, either in this Schedule or in connection with the substantive provision in question.
- (3) The general rule does not mean that the provisions of the consolidating Acts apply to cases to which the corresponding repealed provisions did not apply by virtue of transitional provision made in connection with the commencement of the repealed provisions (such transitional provisions, if not specifically reproduced, are saved by paragraph 1 of Schedule 4).
- (4) The general rule does not apply so far as a provision of the consolidating Acts gives effect to an amendment (in pursuance of a Recommendation of the Law Commission and, in some cases, the Scottish Law Commission).

##### *Specific transitional provisions*

- 2 The provisions of the consolidating Acts listed below apply only in the cases specified; in other cases the corresponding repealed provisions continue to apply.

| <i>Provision of consolidation</i>                 | <i>Cases to which applicable</i>  |
|---|---|
| Part V of the Housing Act 1985 (the right to buy) | Where the tenant's notice claiming to exercise the right to buy is served on or after 1st April 1986. |
| Sections 421 to 427 of that Act (housing subsidy) | The year 1986-87 and subsequent years.  |

- [<sup>F1</sup>2A Any order made under section 115(11) of the Housing Act 1974 (form of notice of compensation where land in clearance area deemed appropriated for provision of housing) which was in force immediately before the repeal of that section by this Act may be revoked or amended by regulations under section 614 of the Housing Act 1985 (general power to prescribe forms, etc. by regulations).]

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#### Textual Amendments

- F1** Sch. 3 para. 2A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1)(j), Sch. 5 Pt. I para. 10(8)(9)

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- 3 The amendment in paragraph 35(8) of Schedule 2 to this Act substituting a new section 101 in the <sup>M1</sup>Rent Act 1977 (landlord's right to recover possession if dwelling-house is overcrowded) applies only where the tenant (or statutory tenant) occupies the dwelling-house under (or by virtue of a tenancy granted on or after 1st April 1986).

**Marginal Citations**

**M1** 1977 c. 42.

*Delayed operation of certain provisions*

- 4 The provisions of section 589(4) to (6) of, and paragraph 11 of Schedule 7 to, the Housing Act 1985 (which relate to apportionment by reference to gross rateable values) apply only for rate periods, within the meaning of the <sup>M2</sup>General Rate Act 1967, beginning on or after the first date after 1st April 1986 on which new valuation lists come into force under section 68(1) of that Act.

**Marginal Citations**

**M2** 1967 c. 9.

*Commencement of the Local Government Act 1985 (c.51)*

- 5 (1) The consolidating Acts and the Local Government Act 1985 shall be construed and have effect as if the consolidating Acts had come into force immediately after that Act.
- (2) References to a local authority in provisions of the consolidating Acts which confer powers, duties, rights or immunities by reference to things done by or in relation to a local authority before 1st April 1986 include references to the councils abolished by the Local Government Act 1985.
- (3) Sub-paragraph (2) applies in particular to the following provisions—
- section 45(2)(b) of the Housing Act 1985 (restriction on service charges payable after disposal of house by local authority).
  - section 444(4) of that Act and section 85(4) of the <sup>M3</sup>Housing Associations Act 1985 (power to agree to indemnify mortgagee of property disposed of by local authority),
  - section 573(1) of the <sup>M4</sup>Housing Act 1985 (definition of public sector authority for the purposes of assistance for persons having acquired defective housing from such an authority),
  - paragraph 7(1) of Schedule 4 to that Act (public sector landlords for purposes of qualifying period for the right to buy),
  - section 41(2) of the <sup>M5</sup>Housing Associations Act 1985 (approval of programme for purposes of housing association grant), and
  - section 14(4) of the <sup>M6</sup>Landlord and Tenant Act 1985 (exclusion of implied repairing obligation in case of lease granted by local authority).

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**Marginal Citations**

**M3** 1985 c. 69.

**M4** 1985 c. 68.

**M5** 1985 c. 69.

**M6** 1985 c. 70.

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