



# Housing and Planning Act 1986

## CHAPTER 63

### HOUSING AND PLANNING ACT 1986

#### PART I

#### HOUSING

##### *The right to buy*

- 1 .....
- 2 Discount on right to buy and similar sales.
- 3 .....
- 4 Service charges and other contributions payable after exercise of right to buy.
- 5 Loans in respect of service charges.

##### *Other Provisions with respect to public sector housing*

- 6 Consultation before disposal to private sector landlord.
- 7 .....
- 8 Preservation of right to buy on disposal to private sector landlord.
- 9 Redevelopment of dwelling-house subject to secure tenancy.
- 10 Management agreements.
- 11 Proposals for co-operative management or ownership.

##### *Assured tenancies*

- 12 .....
- 13 Other amendments relating to assured tenancies.

##### *Miscellaneous*

- 14 Housing the homeless.

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- 15 Grants for improvement or repair of common parts.
- 16 Housing management : financial assistance etc.
- 17 Matters to be taken into account in determining fair rent.
- 18 Further provisions with respect to shared ownership leases.
- 19 .....
- 20 Disposal of dwellings in new towns.
- 21 Effect of resolutions relating to housing action area or general improvement area.
- 22 Agreements with certain housing bodies exempt from Consumer Credit Act 1974.
- 23 Determination of price for leasehold enfranchisement.
- 24 Minor and consequential amendments; repeals.

## **PART II**

### SIMPLIFIED PLANNING ZONES

- 25 .....

#### *Scotland*

- 26 Simplified planning zones in Scotland.

## **PART III**

- 27 Power to give assistance.
- 28 Forms of assistance.
- 29 Terms on which assistance is given.

## **PART IV**

### HAZARDOUS SUBSTANCES

- 30–34 .....

#### *Scotland*

- 35 Hazardous substances— Scotland.
- 36 Hazardous substances contravention notices.
- 37 Consequential amendments.
- 38 Transitional (Scotland).

## **PART V**

### OPENCAST COAL

- 39 Abolition of Secretary of State’s power to authorise opencast working, &c.

## **PART VI**

### MISCELLANEOUS PROVISIONS

#### *England and Wales*

- 40 Listed buildings and conservation areas.
- 41 .....
- 42 Recovery of Minister’s costs in connection with inquiries.

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- 43 Compulsory acquisition of land on behalf of parish or community councils.
- 44 .....
- 45, 46 .....
- 47 Areas which may be designated urban development areas.
- 48 Repeal of unnecessary enactments.
- 49 Minor and consequential amendments; repeals.

#### *Scotland*

- 50 Listed buildings and conservation areas.
- 51 Grants for repair of buildings in town schemes.
- 52 Termination of grants for redevelopment etc.
- 53 Minor and consequential amendments; repeals.

#### *Provisions common to England and Wales and Scotland*

- 54 Effect of modification or termination of enterprise zone scheme.
- 55 Discrimination in exercise of planning functions.

### **PART VII**

#### **GENERAL PROVISIONS**

- 56 Financial provisions.
- 57 Commencement.
- 58 Extent.
- 59 Short title.

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### **SCHEDULES**

SCHEDULE 1 — Schedule to be Inserted in the Housing Act 1985

SCHEDULE 2 — Schedule to be Inserted in the Housing Act 1985

SCHEDULE 3 — Common Parts Grants

#### **Part I — AMENDMENTS OF PART XV OF THE HOUSING ACT 1985**

- 1 (1) Section 460 of the Housing Act 1985 (general description...
- 2 In section 462(1) of the Housing Act 1985 (preliminary condition...
- 3 In section 463(1) of the Housing Act 1985 (preliminary condition...
- 4 After section 464 of the Housing Act 1985 insert— Preliminary...
- 5 In section 466(1) of the Housing Act 1985 (grants requiring...
- 6 After section 498 of the Housing Act 1985 insert— Common...
- 7 In section 499(3) of the Housing Act 1985 for “this...
- 8 In section 511 of the Housing Act 1985 (payment of...
- 9 In section 513 of the Housing Act 1985 (special cases:...
- 10 (1) Section 514 of the Housing Act 1985 (power of...
- 11 In section 515 of the Housing Act 1985, for subsections...
- 12 In section 518 of the Housing Act 1985 (meaning of...
- 13 Renumber section 519 of the Housing Act 1985 (meaning of...
- 14 (1) Section 526 of the Housing Act 1985 (the index...

#### **Part II — AMENDMENTS OF OTHER ENACTMENTS**

- 15 In section 116 of the Rent Act 1977 (consent of...
- 16 (1) Part IV of the Housing Act 1985 (secure tenancies...

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- 17 In section 244 of the Housing Act 1985 (powers of...
- 18 In section 255 of the Housing Act 1985 (powers of...
- 19 In section 535 of the Housing Act 1985 (exclusion of...

#### SCHEDULE 4 — Further Provisions with Respect to Shared Ownership Leases

##### *The Rent Act 1977 (c. 42)*

- 1 (1) Part I of the Rent Act 1977 (preliminary provisions)...

##### *The Rent (Agriculture) Act 1976 (c. 80)*

- 2 In Schedule 2 to the Rent (Agriculture) Act 1976 (licences...

##### *Part I of the Leasehold Reform Act 1967 (c. 88)*

- 3 In section 1 of the Leasehold Reform Act 1967 (tenants...
- 4 In section 3(2) of the Leasehold Reform Act 1967 after...
- 5 After section 33 of the Leasehold Reform Act 1967 insert—...
- 6 After Schedule 4 to the Leasehold Reform Act 1967 insert—...

##### *Consequential amendments and repeals*

- 7 In the Housing Act 1980, omit section 140.
- 8 In the Local Government, Planning and Land Act 1980, omit...
- 9 (1) The Local Government Act 1985 is amended as follows....
- 10 In Part IV of the Housing Act 1985 (secure tenancies),...

##### *Transitional provisions and savings*

- 11 (1) The amendments made by this Schedule apply only in...

#### SCHEDULE 5 — Housing: Minor and Consequential Amendments

##### Part I — MINOR AMENDMENTS

##### *Effect of covenant for repayment of discount*

- 1 (1) In section 36 of the Housing Act 1985 (charge...

##### *Acquisition of dwelling-house subject to statutory tenancy*

- 2 In Part IV of the Housing Act 1985 (secure tenancies),...

##### *Landlord's notice to mention any structural defect*

- 3 In section 125 of the Housing Act 1985 (exercise of...

##### *Re-service of notices, etc. on change of landlord in course of exercise of right to buy*

- 4 (1) Section 137 of the Housing Act 1985 (change of...

##### *Deferment of completion in pursuance of right to buy*

- 5 .....

##### *Penalty for voting on certain housing matters*

- 6 (1) In section 618(4) of the Housing Act 1985 (penalty...

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*Grounds for withholding consent to assignment of secure tenancy*

- 7 In Schedule 3 to the Housing Act 1985 (grounds for...
- 8 .....

*Service charges in respect of the cost of grant-aided works*

- 9 (1) In the Landlord and Tenant Act 1985, after section...

*Miscellaneous corrections*

- 10 (1) .....
- 11 (1) In sections 80(1)(a) and 81(1)(a), (3)(b) and (4)(b) of...
- 12 In paragraph 14(2) of Schedule 11 and paragraph 8(2) of...
- 13 .....

Part II — CONSEQUENTIAL AMENDMENTS

- 14 .....

*Rent Act 1977*

- 15 In section 16 of the Rent Act 1977 (tenancy not...
- 16 (1) Schedule 12 to the Rent Act 1977 (procedure on...
- 17 .....

*Finance Act 1981*

- 18 In section 107 of the Finance Act 1981 (stamp duty...

*Local Government Act 1985*

- 19 In paragraph 22 of Schedule 13 to the Local Government...

*Housing Act 1985*

- 20 .....
- 21 In section 20 of the Housing Act 1985 (houses of...
- 22 In section 21 of the Housing Act 1985 (management powers...
- 23 In section 30 of the Housing Act 1985 (application of...
- 24 Omit section 46 of the Housing Act 1985 (definition of...
- 25 In section 57 of the Housing Act 1985 (the index...
- 26 In section 80 of the Housing Act 1985 (the landlord...
- 27 In section 117 of the Housing Act 1985 (the index...
- 28 In section 127(1) of the Housing Act 1985, omit the...
- 29 In section 130 of the Housing Act 1985 (reduction of...
- 30 (1) Section 187 of the Housing Act 1985 (minor definitions...
- 31 In section 188 of the Housing Act 1985 (the index...
- 32 In Part XIII of the Housing Act 1985 (general financial...
- 33 In section 434 of the Housing Act 1985 (the index...
- 34 In section 444(4) of the Housing Act 1985 (advances relevant...
- 35 In section 452 of the Housing Act 1985 (vesting of...
- 36 In section 453 of the Housing Act 1985 (power of...
- 37 In section 458 of the Housing Act 1985 (minor definitions),...
- 38 In section 459 of the Housing Act 1985 (the index...
- 39 After section 621 of the Housing Act 1985 insert— Meaning...
- 40 (1) Schedule 4 to the Housing Act 1985 (the qualifying...
- 41 (1) Paragraph 14 of Schedule 6 to the Housing Act...

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*Housing Associations Act 1985*

42 In Part II of the Housing Associations Act 1985 (financial...

SCHEDULE 6 — Simplified Planning Zones: Further Provisions

Parts I and II — . . .

Part III

Schedule 6A — Simplified Planning Zone Schemes

Part IV

- 1 At the end of subsection (2) of section 31 of...
- 2 In section 38 of the Town and Country Planning (Scotland)...
- 3 In section 51(1) of the Town and Country Planning (Scotland)...
- 4 After subsection (1)(a) of section 231 of the Town and...
- 5 In section 232 of the Town and Country Planning (Scotland)...
- 6 In section 273 of the Town and Country Planning (Scotland)...
- 7 In section 275(1) of the Town and Country Planning (Scotland)...

SCHEDULE 7 — Hazardous Substances: Consequential Amendments

Part I — . . .

Part II

*Radioactive Substances Act 1960 (c. 34)*

1 .....

*Town and Country Planning (Scotland) Act 1972 (c.52)*

- 2 In subsection (3) (action on the part of the Secretary...
- 3 In subsection (2)(a) of section 253 of that Act (orders,...
- 4 The following section shall be inserted after section 257 of...
- 5 In section 265 of that Act (rights of entry)—
- 6 In section 275(1) of that Act (interpretation)—

*Town and Country Planning Act 1984 (c.10)*

7 In section 1 of the Town and Country Planning Act...

*Gas Act 1986 (c. 44)*

8 In sub-paragraph (1)(xxv) of paragraph 2 of Schedule 7 to...

SCHEDULE 8 — Opencast Coal — Miscellaneous Amendments

Part I — THE 1958 ACT

- 1 .....
- 2 (1) In section 4(1), for the words “the land comprised...
- 3 In section 5(5)— (a) for the word “authorisation” there shall...
- 4 .....
- 5 The following sections shall be substituted for section 14— Provisions...
- 6 The following sections shall be substituted for section 15—  
Suspension...
- 7 In section 16— (a) in subsections (1) and (2), for...
- 8 .....
- 9 In section 38— (a) in paragraph (a)—
- 10 In section 39(3)— (a) in paragraph (a), for the words...

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- 11 In the proviso to section 39(5), for the words “any...
- 12 In section 45(2)— (a) for the words from “an” to...
- 13 In section 51(1)— (a) the following definition shall be inserted...
- 14 In section 52(2), the following definition shall be inserted after...
- 15 In paragraph 5(1) of Part I of Schedule 2 (compulsory...
- 16 In Schedule 6, in paragraph 18(2)(c), for the words from...
- 17 In Schedule 7, in paragraph 24(3)(a)— (a) for the word...
- Part II — ACQUISITION OF LAND ACT 1981 (C. 67)
- 18 In section 29— (a) in subsection (6)—

SCHEDULE 9 — Listed Buildings And Conservation Areas  
Part I — ENGLAND AND WALES

1—5 . . . . .

*Dangerous structure orders in respect of listed buildings*

6 (1) . . . . .  
7—12 . . . . .

Part II

*Free-standing objects and structures within curtilage of listed building*

13 (1) In section 52(7) of the Town and Country Planning...

*Late application for listed building consent*

14 (1) In subsection (1) of section 53 (control of works...

*Defence to proceedings under section 53*

15 (1) In section 53 of the Town and Country Planning...

*Grant of listed building consent subject to subsequent approval of detail*

16 (1) In section 54 of the Town and Country Planning...

*Application to modify or discharge conditions attached to listed building consent*

17 After section 54C of the Town and Country Planning (Scotland)...

*Extent of exemption accorded to ecclesiastical buildings*

18 (1) After section 56 of the Town and Country Planning...

*Effect of listed building enforcement notice*

19 After section 95 of the Town and Country Planning (Scotland)...

*Works for preservation of buildings*

20 For section 97 of the Town and Country Planning (Scotland)...

*Control of demolition in conservation areas*

21 Section 262A(8) of the Town and Country Planning (Scotland) Act...

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*Form of application for listed building consent*

22 For paragraph 1(1) of Schedule 10 of the Town and...

*Calling in of application for listed building consent*

23 In paragraph 5(2) of Schedule 10 to the Town and...

*Application to planning authorities of provisions relating to listed buildings*

24 In Part IV of Schedule 19 to the Town and...

SCHEDULE 10 — . . .

SCHEDULE 11 — Planning: Minor and Consequential Amendments

Part I — ENGLAND AND WALES

1—21 . . . . .

*Consequential amendments of other enactments*

22—24 . . . . .

25 (1) The Industrial Development Act 1982 is amended as follows....

26, 27 . . . . .

Part II — SCOTLAND

*Directions as to modifications of local plans*

28 . . . . .

*Operation of Use Classes Order on subdivision of planning unit*

29 . . . . .

*Development orders*

30 . . . . .

*Applications to vary or revoke conditions attached to planning permission*

31 . . . . .

*Land adversely affecting amenity of neighbourhood*

32 . . . . .

33 . . . . .

*Appeals against notices under section 63A*

34 . . . . .

*Purchase notices : transmission of documents to the Secretary of State*

35 . . . . .

*Purchase notice relating to land where use restricted by virtue of previous planning permission*

36 . . . . .



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	<i>Consideration of purchase notice concurrently with related planning appeal</i>
37	.....
	<i>National Scenic Areas</i>
38	.....
	<i>Recovery of expenses of local inquiry</i>
39	.....
	<i>Orders as to expenses of parties where no local inquiry held</i>
40	.....
	<i>Procedure on applications and appeals disposed of without inquiry or hearing</i>
41	.....
	<i>Power to return appeal for determination by appointed person</i>
42	.....
	<i>Appointment of assessors</i>
43	.....
	<i>Increase of daily penalties for offences</i>
44	.....
	<i>Other minor amendments of the Town and Country Planning (Scotland) Act 1972</i>
45	.....
46	.....
47	.....
48	.....
49	.....
50	.....
51	.....
52	.....
53	.....
	<i>Consequential amendments of the Town and Country Planning (Scotland) Act 1972</i>
54	.....
55	.....
56	.....
57	.....
58	.....
59	.....
60	.....
	<i>Consequential amendments of other enactments</i>
61	In subsection (5) of section 179 (reference of applications to...
62	.....

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SCHEDULE 12 — Repeals

Part I — HOUSING

*Repeals coming into force on passing of Act*

*Repeals coming into force on appointed day*

Part II — OPENCAST COAL

Part III — MISCELLANEOUS (ENGLAND AND WALES)

Part IV — MISCELLANEOUS (SCOTLAND)

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**Changes and effects yet to be applied to :**

- s. 15 repealed by [1989 c. 42 Sch. 12 Pt. 2](#)
- s. 20 repealed by [1989 c. 42 Sch. 12 Pt. 2](#)
- Sch. 3 repealed by [1989 c. 42 Sch. 12 Pt. 2](#)
- Sch. 5 para. 9(2) repealed by [2002 c. 15 Sch. 14](#)