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## SCHEDULES

### SCHEDULE 5

Section 24(1),(2).

#### HOUSING: MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART I

##### MINOR AMENDMENTS

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

- 1 (1) In section 36 of the <sup>M1</sup>Housing Act 1985 (charge to secure repayment of discount given on voluntary disposal), after subsection (3) insert—
- “(3A) The covenant required by section 35 (covenant for repayment of discount) does not, by virtue of its binding successors in title of the purchaser, bind a person exercising rights under a charge having priority over the charge taking effect by virtue of this section, or a person deriving title under him; and a provision of the conveyance, grant or assignment, or of a collateral agreement, is void in so far as it purports to authorise a forfeiture, or to impose a penalty or disability, in the event of any such person failing to comply with the covenant.”.
- (2) In section 156 of the Housing Act 1985 (charge to secure repayment of discount given on exercise of right to buy), after subsection (3) insert—
- “(3A) The covenant required by section 155 (covenant for repayment of discount) does not, by virtue of its binding successors in title of the tenant, bind a person exercising rights under a charge having priority over the charge taking effect by virtue of this section, or a person deriving title under him; and a provision of the conveyance or grant, or of a collateral agreement, is void in so far as it purports to authorise a forfeiture, or to impose a penalty or disability, in the event of any such person failing to comply with that covenant.”.
- (3) In section 158 of the Housing Act 1985 (consideration for reconveyance or surrender of dwelling-house in National Park, etc. acquired in pursuance of right to buy) in subsection (3) (reduction of consideration where discount to be repaid or outstanding share to be paid for) after “shall be reduced” insert “, subject to subsection (4),”, and after that subsection insert—
- “(4) Where there is a charge on the dwelling-house having priority over the charge to secure payment of the sum due under the covenant mentioned in subsection (2), the consideration shall not be reduced under subsection (3) below the amount necessary to discharge the outstanding sum secured by the first-mentioned charge at the date of the offer to reconvey or surrender.”.

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- (4) In paragraph 2 of Schedule 2 to the <sup>M2</sup>Housing Associations Act 1985 (charge to secure repayment of discount given on voluntary disposal by housing association), after sub-paragraph (3) insert—

“(3A) The covenant required by paragraph 1 (covenant for repayment of discount) does not, by virtue of its binding successors in title of the purchaser, bind a person exercising rights under a charge having priority over the charge taking effect by virtue of this paragraph, or a person deriving title under him; and a provision of the conveyance, grant or assignment, or of a collateral agreement, is void in so far as it purports to authorise a forfeiture, or to impose a penalty or disability, in the event of any such person failing to comply with that covenant.”.

- (5) The above amendments apply to covenants entered into before as well as after the commencement of this paragraph.

**Marginal Citations**

**M1** 1985 c. 68.

**M2** 1985 c. 69.

*Acquisition of dwelling-house subject to statutory tenancy*

- 2 In Part IV of the <sup>M3</sup>Housing Act 1985 (secure tenancies), before section 110 under the heading “Supplementary provisions” insert—

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

“109A Where an authority or body within section 80 (the landlord condition for secure tenancies) becomes the landlord of a dwelling-house subject to a statutory tenancy, the tenancy shall be treated for all purposes as if it were a contractual tenancy on the same terms, and the provisions of this Part apply accordingly.”.

**Marginal Citations**

**M3** 1985 c. 68.

*Landlord’s notice to mention any structural defect*

- 3 In section 125 of the Housing Act 1985 (exercise of right to buy: landlord’s notice of purchase price and certain other matters), after subsection (4) insert—

“(4A) The notice shall contain a description of any structural defect known to the landlord affecting the dwelling-house or the building in which it is situated or any other building over which the tenant will have rights under the conveyance or lease.”.

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*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 landlord after notice claiming right to buy or right to a mortgage) is amended as follows.
- (2) Make the existing provision subsection (1) and in it after “all parties shall” insert “, subject to subsection (2),”.
- (3) After that subsection insert—
- “(2) If the circumstances after the disposal differ in any material respect, as for example where—
- (a) the interest of the disponee in the dwelling-house after the disposal differs from that of the disponent before the disposal, or
  - (b) the right to a mortgage becomes exercisable against the Housing Corporation rather than the landlord, or *vice versa*, or
  - (c) any of the provisions of Schedule 5 (exceptions to the right to buy) becomes or ceases to be applicable,
- all those concerned shall, as soon as practicable after the disposal, take all such steps (whether by way of amending or withdrawing and re-serving any notice or extending any period or otherwise) as may be requisite for the purpose of securing that all parties are, as nearly as may be, in the same position as they would have been if those circumstances had obtained before the disposal.”.

*Deferment of completion in pursuance of right to buy*

- 5 (1) In sections 140(3)(c) and 152(3) of the <sup>M4</sup>Housing Act 1985 (period before notice to complete can be served where tenant entitled to defer completion) for “two years” substitute “three years”.
- (2) In sections 142(1)(c), (2) and (5) and 151(3) of that Act for “£100” (the amount which the tenant must deposit in order to be entitled to defer completion) substitute “£150”.
- (3) The above amendments apply where notice under section 142(1) of that Act claiming to be entitled to defer completion is served after the commencement of this paragraph.
- (4) The above amendments to sections 140(3)(c), 142(5), 151(3) and 152(3) also apply where notice under section 142(1) of that Act claiming to be entitled to defer completion was served before the commencement of this paragraph if the tenant—
- (a) serves a further notice on the landlord claiming the benefit of the longer period, and
  - (b) at the same time deposits with the landlord an additional £50;
- and section 142(5) applies to the sum so deposited as if it had been deposited in pursuance of a notice under that section.
- (5) No such further notice may be served if the landlord has already served a notice under section 140 or 152 of the Housing Act 1985 (landlord’s first notice to complete).
- (6) The following provisions of the Housing Act 1985 apply, as to provisions of Part V of that Act, to the provisions of this paragraph relating to a further notice or deposit—
- section 170 (assistance in connection with legal proceedings),
  - section 176 (form and service of notices),

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section 177 (errors and omissions in notices),  
section 180 (statutory declarations),  
section 181 (jurisdiction of county court).

**Marginal Citations**

M4 1985 c. 68.

*Penalty for voting on certain housing matters*

- 6 (1) In section 618(4) of the Housing Act 1985 (penalty for member of Common Council or committee voting on housing matter relating to land in which he is interested), for “level 2 on the standard scale” substitute “level 4 on the standard scale”.
- (2) The above amendment does not apply to offences committed before the commencement of this paragraph.

*Grounds for withholding consent to assignment of secure tenancy*

- 7 In Schedule 3 to the <sup>M5</sup>Housing Act 1985 (grounds for withholding consent to assignment by way of exchange), after Ground 9 add—

*“ Ground 10*

The dwelling-house is the subject of a management agreement under which the manager is a housing association of which at least half the members are tenants of dwelling-houses subject to the agreement, at least half the tenants of the dwelling-houses are members of the association and the proposed assignee is not, and is not willing to become, a member of the association.”

**Marginal Citations**

M5 1985 c. 68.

- 8 ..... F1

**Textual Amendments**

F1 Sch. 5 para. 8 repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), Sch. 18 (with a saving for para. 8(1) in S.I. 1989/404, art. 3(d))

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

- 9 (1) In the Landlord and Tenant Act 1985, after section 20 insert—

**“20A Limitation of service charges: grant-aided works.**

Where relevant costs are incurred or to be incurred on the carrying out of works in respect of which a grant has been or is to be paid under Part XV of the Housing Act 1985 (grants for works of improvement, repair or

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conversion), the amount of the grant shall be deducted from the costs and the amount of the service charge payable shall be reduced accordingly.”.

(2) In section 21 of the Landlord and Tenant Act 1985 (request for summary of relevant costs), in subsection (5) (contents of summary) after “shall” insert “state whether any of the costs relate to works in respect of which a grant has been or is to be paid under Part XV of the Housing Act 1985 (grants for works of improvement, repair or conversion) and”.

(3) In section 47 of the Housing Act 1985 (limitation on service charges payable after disposal of house by public sector authority), after subsection (3) add—

“(4) Where relevant costs are incurred or to be incurred on the carrying out of works in respect of which a grant has been or is to be paid under Part XV (grants for works of improvement, repair or conversion), the amount of the grant shall be deducted from the costs and the amount of the service charge payable shall be reduced accordingly.”.

(4) In section 48 of the <sup>M6</sup>Housing Act 1985 (request for summary of relevant costs), after subsection (3) (contents of summary) insert—

“(3A) The summary shall also state whether any of the costs relate to works in respect of which a grant has been or is to be paid under Part XV (grants for works of improvement, repair or conversion).”.

#### Marginal Citations

M6 1985 c. 68.

#### Miscellaneous corrections

- 10 (1) ..... F2
- (2) In sections 207 and 322 of the Housing Act 1985, in the definition of “person having control” for “house” substitute “premises”.
- (3) In section 251(5)(b) of the Housing Act 1985 after “housing action” insert “area”.
- (4) In section 256(4)(b) of the Housing Act 1985 for “to the local planning authority” substitute “of the local planning authority”.
- (5) ..... F2
- (6) In section 10(2)(b) of the <sup>M7</sup>Housing Associations Act 1985, for “Schedule 3 to the Housing Act 1985” substitute “Schedule 1 to the Housing Act 1985”.
- (7) In paragraph 27 of Schedule 2 to the <sup>M8</sup>Housing (Consequential Provisions) Act 1985 for “(4)”, in both places where it occurs, substitute “(6)”.
- (8) In Schedule 3 to the Housing (Consequential Provisions) Act 1985, after paragraph 2 insert—
- “(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

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regulations under section 614 of the Housing Act 1985 (general power to prescribe forms, etc. by regulations).”.

(9) The above amendments have effect from 1st April 1986.

**Textual Amendments**

**F2** Sch. 5 para. 10(1)(5) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61, 81:1\)](#), s. 194(4), **Sch. 12 Pt. II**

**Marginal Citations**

**M7** 1985 c. 69.  
**M8** 1985 c. 71.

11 (1) In sections 80(1)(a) and 81(1)(a), (3)(b) and (4)(b) of the <sup>M9</sup>Building Act 1984 (service of notices in respect of proposed demolition), after “demolition order” insert “or obstructive building order”.

(2) The above amendment to section 80 of the Building Act 1984 has effect from 1st April 1986.

**Marginal Citations**

**M9** 1984 c. 55.

12 In paragraph 14(2) of Schedule 11 and paragraph 8(2) of Schedule 22 to the <sup>M10</sup>Housing Act 1985 (procedure after compulsory purchase order has become operative), for “a copy of the notice” substitute “a copy of the order”.

**Marginal Citations**

**M10** 1985 c. 68.

13 In Part II of the <sup>M11</sup>Housing Associations Act 1985 (housing association finance)—

(a) in section 67(1) (loans by Public Works Loan Commissioners: England and Wales), and

(b) in section 68(1) (loans by Public Works Loan Commissioners: Scotland),

for “housing association” substitute “registered housing association”.

**Marginal Citations**

**M11** 1985 c. 69.

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## PART II

### CONSEQUENTIAL AMENDMENTS

14 ..... F3

#### Textual Amendments

**F3** Sch. 5 paras. 14, 17 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), Sch. 24

#### *Rent Act 1977*

15 In section 16 of the <sup>M12</sup>Rent Act 1977 (tenancy not protected if interest of landlord belongs to housing co-operative) for the words from “within the meaning of section 27” to the end substitute “within the meaning of section 27B of the Housing Act 1985 (agreements with housing co-operatives under certain superseded provisions) and the dwelling-house is comprised in a housing co-operative agreement within the meaning of that section”.

#### Marginal Citations

**M12** 1977 c. 42.

#### PROSPECTIVE

16 (1) Schedule 12 to the Rent Act 1977 (procedure on application for certificate of fair rent) is amended as follows.

(2) In paragraph (1)(c)—

(a) after “section 69(1)(a)” insert “or (1A)(b)”;

(b) after “improvement” insert “or repair”;

(c) after “regulated” insert “or secure”.

(3) In paragraph 3, after “If,” insert—

“in the case of—

(a) an application under section 69(1) of this Act where the dwelling-house is not subject to a regulated tenancy, or

(b) an application under section 69(1A) of this Act where the dwelling-house is not subject to a secure tenancy;”

and omit “unless the dwelling-house is subject to a regulated tenancy”.

(4) In paragraph 4, for the words from “an application” to “regulated tenancy” substitute “—

(a) an application under section 69(1) of this Act where the dwelling-house is not subject to a regulated tenancy and which does not fall within paragraph 3 above, or

(b) an application under section 69(1A) of this Act and which does not fall within paragraph 3 above and where the dwelling-house is not subject to a secure tenancy;”.

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(5) In paragraph 5(1), for “Where the dwelling-house is subject to a regulated tenancy” substitute

“In the case of—

- (a) an application under section 69(1) of this Act where the dwelling-house is subject to a regulated tenancy, or
- (b) an application under section 69(1A) of this Act where the dwelling-house is subject to a secure tenancy.”.

(6) In paragraphs 8(2) and 11, after “regulated” insert “or secure”.

(7) After paragraph 11 add—

“12 In this Schedule “secure tenancy” has the same meaning as in Part IV of the Housing Act 1985, but does not include such a tenancy where the landlord is the Housing Corporation, a housing association or a housing trust which is a charity.

In this paragraph “housing association”, “housing trust” and “charity” have the same meaning as in Part IV of the Housing Act 1985.”

17 ..... F4

**Textual Amendments**  
F4 Sch. 5 paras. 14, 17 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), Sch. 24

*Finance Act 1981*

18 In section 107 of the <sup>M13</sup>Finance Act 1981 (stamp duty payable on disposal of dwelling-house at a discount by certain authorities), after subsection (3A) insert—

“(3B) This section also applies to a conveyance or transfer on sale (including the grant of a lease) by a person against whom the right by buy under Part V of the Housing Act 1985 is exercisable by virtue of section 171A of that Act (preservation of right to buy on disposal to private sector landlord) to a person who is the qualifying person for the purposes of the preserved right to buy and in relation to whom that dwelling-house is the qualifying dwelling-house.”

**Commencement Information**  
I1 Sch. 5 para. 18 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).  
**Marginal Citations**  
M13 1981 c. 35.

*Local Government Act 1985*

19 In paragraph 22 of Schedule 13 to the <sup>M14</sup>Local Government Act 1985 (provisions of Housing Act 1985 applying to residuary bodies) after “444,” insert “450A to 450C,”.



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**Commencement Information**

**I2** Sch. 5 para. 19 wholly in force at 17.8.1992 see s. 57(2) and S.I. 1992/1753, art. 2(2).

**Marginal Citations**

**M14** 1985 c. 51.

*Housing Act 1985*

- 20 In section 4(e) of the <sup>M15</sup>Housing Act 1985 (general definition of “local authority” for the Act) for “444(4), 452(2), 453(2)” substitute “458”.

**Commencement Information**

**I3** Sch. 5 para. 20 wholly in force at 17.8.1992 see s. 57(2) and S.I. 1992/1753, art. 2(2).

**Marginal Citations**

**M15** 1985 c. 68.

- 21 In section 20 of the Housing Act 1985 (houses of local authority to which management provisions apply), for “down to section 26” substitute “down to section 27B”.
- 22 In section 21 of the Housing Act 1985 (management powers to be exercised by local housing authority), in subsection (2) (general proposition subject to section 27), for “(agreements for exercise of housing management functions by co operative)” substitute “(management agreements)”.
- 23 In section 30 of the Housing Act 1985 (application of housing management provisions to new town corporations and the Development Board for Rural Wales), omit subsection (2) (which relates to section 27: management agreements).
- 24 Omit section 46 of the Housing Act 1985 (definition of “service charge” for the purposes of certain provisions of Part II).
- 25 In section 57 of the Housing Act 1985 (the index to Part II), in the entries relating to the expressions “payee and payer”, “relevant costs” and “service charge” for “section 46” substitute “section 621A”.
- 26 In section 80 of the Housing Act 1985 (the landlord condition for secure tenancies), for subsection (4) (housing co-operatives to which the section applies) substitute—  
“(4) This section applies to a housing co-operative within the meaning of section 27B (agreements under certain superseded provisions) where the dwelling-house is comprised in a housing co-operative agreement within the meaning of that section.”.
- 27 In section 117 of the Housing Act 1985 (the index to Part IV) at the appropriate places insert—

“consent (in Schedule 3A)

paragraph 2(3) of that Schedule”

“landlord (in Part V of Schedule 2)

paragraph 5 of that Part”

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“management agreement and manager sections 27(2) and 27B(4)”.

#### Commencement Information

- I4** Sch. 5 para. 27 partly in force; Sch. 5 para. 27 not in force at Royal Assent see s. 57; Sch. 5 para. 27 partly in force at 17.8.1992 see S.I. 1992/1753, art. 2(2).

28 In section 127(1) of the Housing Act 1985, omit the word “and” at the end of paragraph (a).

29 In section 130 of the <sup>M16</sup>Housing Act 1985 (reduction of discount where previous discount given), in subsection (2) (meaning of “previous discount”) in paragraph (a) after “7” insert “or 7A” and after that paragraph insert—

“(aa) on conveyance of the freehold, or a grant or assignment of a long lease of a dwelling-house by a person against whom the right to buy was exercisable by virtue of section 171A (preservation of right to buy on disposal to private sector landlord) to a person who was a qualifying person for the purposes of the preserved right to buy and in relation to whom that dwelling-house was the qualifying dwelling-house, or”.

#### Modifications etc. (not altering text)

- C1** Sch. 5 para. 29 restricted (11.7.1992) by S.I. 1992/1753, art. 2(2), Sch. para. 2.

#### Commencement Information

- I5** Sch. 5 para. 29 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

#### Marginal Citations

- M16** 1985 c. 68.

30 (1) Section 187 of the Housing Act 1985 (minor definitions for purposes of Part V (the right to buy)) is amended as follows.

(2) In the definition of “improvement”—

- (a) after “means” insert “, in relation to a dwelling-house,”,
- (b) for “a dwelling-house”, in both places, substitute “the dwelling-house”, and
- (c) at the end (full-out after paragraph (c)) insert “and shall be similarly construed in relation to any other building or land;”.

(3) At the appropriate place insert—

““improvement contribution” means an amount payable by a tenant of a flat in respect of improvements to the flat, the building in which it is situated or any other building or land, other than works carried out in discharge of any such obligations as are referred to in paragraph 16A(1) of Schedule 6 (obligations to repair, reinstate, etc.);”.

31 In section 188 of the Housing Act 1985 (the index to Part V) at the appropriate places insert—

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“disposal and instrument effecting disposal (in Schedule 9A)	paragraph 10 of that Schedule”
“former landlord and former secure tenant (in relation to a qualifying disposal)	section 171A(2)(c)”
“improvement contribution	section 187”
“preserved right to buy	section 171A(2)(a)”
“qualifying disposal (in relation to the preserved right to buy)	section 171A(2)(b)”
“qualifying dwelling-house and qualifying person (in relation to the preserved right to buy)	section 171B(1)”
“reference period (for purposes of s.125A or 125B)	section 125C”
“service charge	section 621A”.

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#### Commencement Information

**I6** Sch. 5 para. 31 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

32 In Part XIII of the <sup>M17</sup>Housing Act 1985 (general financial provisions), after section 427 insert—

**“427A Entitlement to subsidy in case of land subject to management agreement.**

The fact that a local housing authority or other body has entered into a management agreement, and any letting of land in connection with such an agreement—

- (a) shall be disregarded in determining that authority or body’s reckonable income or expenditure for the purposes of housing subsidy, and
- (b) shall not be regarded as a ground for recovering, withholding or reducing any sum under section 427 (recoupment of housing subsidy).”.

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#### Marginal Citations

**M17** 1985 c. 68.

33 In section 434 of the Housing Act 1985 (the index to Part XIII) at the appropriate place insert—

“management agreement sections 27(2) and 27B(4)”.

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- 34 In section 444(4) of the Housing Act 1985 (advances relevant to certain powers of local authority to give assistance), for the words from “by” to the end substitute “a housing authority”.

**Modifications etc. (not altering text)**

C2 Sch. 5 para. 34 restricted (11.7.1992) by S.I. 1992/1753, art. 2(2), Sch. para. 3.

**Commencement Information**

I7 Sch. 5 para. 34 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

- 35 In section 452 of the Housing Act 1985 (vesting of house in authority entitled to exercise power of sale), in subsection (2) omit the definition of “housing authority”.

**Modifications etc. (not altering text)**

C3 Sch. 5 para. 35 restricted (11.7.1992) by S.I. 1992/1753, art. 2(2), Sch. para. 4.

**Commencement Information**

I8 Sch. 5 para. 35 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

- 36 In section 453 of the Housing Act 1985 (power of authority which has granted shared ownership lease to make further advances), omit subsection (2) (which defines “housing authority”).

**Modifications etc. (not altering text)**

C4 Sch. 5 para. 36 restricted (11.7.1992) by S.I. 1992/1753, art. 2(2), Sch. para. 4.

**Commencement Information**

I9 Sch. 5 para. 36 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

- 37 In section 458 of the Housing Act 1985 (minor definitions), at the appropriate place insert—

““housing authority” includes any local authority, an urban development corporation, the Housing Corporation and a registered housing association;”.

**Modifications etc. (not altering text)**

C5 Sch. 5 para. 37 restricted (11.7.1992) by S.I. 1992/1753, art. 2(2), Sch. para. 4.

**Commencement Information**

I10 Sch. 5 para. 37 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

- 38 In section 459 of the Housing Act 1985 (the index to Part XIV), at the appropriate places insert—

“housing authority	sections 4(a) and 458”
“service charge	section 621 A”.

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**Modifications etc. (not altering text)**

C6 Sch. 5 para. 38 restricted (11.7.1992) by S.I. 1992/1753, art. 2(2), Sch. para. 4.

**Commencement Information**

I11 Sch. 5 para. 38 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

39 After section 621 of the Housing Act 1985 insert—

**“621A Meaning of “service charge” and related expressions.**

- (1) In this Act “service charge” means an amount payable by a purchaser or lessee of premises—
  - (a) which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the vendor’s or lessor’s costs of management, and
  - (b) the whole or part of which varies or may vary according to the relevant costs.
- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the payee, or (in the case of a lease) a superior landlord, in connection with the matters for which the service charge is payable.
- (3) For this purpose—
  - (a) “costs” includes overheads, and
  - (b) costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.
- (4) In relation to a service charge—
  - (a) the “payee” means the person entitled to enforce payment of the charge, and
  - (b) the “payer” means the person liable to pay it.”.

40 (1) Schedule 4 to the <sup>M18</sup>Housing Act 1985 (the qualifying period for the right to buy) is amended as follows.

(2) After paragraph 5 insert—

*“ Periods during which right to buy is preserved*

- 5A A period qualifies under this paragraph if it is a period during which, before the relevant time—
- (a) the secure tenant, or
  - (b) his spouse (if they are living together at the relevant time), or
  - (c) a deceased spouse of his (if they were living together at the time of the death),
- was a qualifying person for the purposes of the preserved right to buy or was the spouse of such a person and occupied the qualifying dwelling-house as his only or principal home.”.

(3) In paragraph 7 (the landlord condition for qualifying period)—

*Status: Point in time view as at 17/08/1992. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Housing and Planning Act 1986, SCHEDULE 5 is up to date with all changes known to be in force on or before 25 August 2023. 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)*

- (a) in sub-paragraph (1), in the opening words, after “subject to” insert “paragraph 7A and to”, and omit the words from “a housing co-operative” to “management functions”;
- (b) in sub-paragraph (2), omit the words from “a housing co-operative” to “1975”.

(4) After paragraph 7 insert—

“7A (1) The landlord condition shall be treated as having been satisfied in the case of a dwelling-house comprised in a housing co-operative agreement made—

- (a) in England and Wales, by a local housing authority, new town corporation or the Development Board for Rural Wales, or
- (b) in Scotland, by an islands or district council,

if the interest of the landlord belonged to the housing co-operative.

(2) In sub-paragraph (1) “housing co-operative agreement” and “housing co-operative”—

- (a) as regards England and Wales have the same meaning as in section 27B (agreements with housing co-operatives under superseded provisions), and
- (b) as regards Scotland mean an agreement made under section 5 of the Housing Rents and Subsidies (Scotland) Act 1975 and a housing co-operative within the meaning of that section.”.

**Modifications etc. (not altering text)**

**C7** Sch. 5 para. 40(2)(3)(4) restricted (11.7.1992) by S.I. 1992/1753, art. 2(2), Sch. para. 5.

**Commencement Information**

**I12** Sch. 5 para. 40 wholly in force at 17.8.1992 see s. 57 and S.I. 1992/1753, art. 2(2).

**Marginal Citations**

**M18** 1985 c. 68.

41 (1) Paragraph 14 of Schedule 6 to the <sup>M19</sup>Housing Act 1985 (terms of lease granted in pursuance of right to buy: implied covenants by landlord) is amended as follows.

(2) In sub-paragraph (2), omit the words following paragraph (c).

(3) In sub-paragraph (3), for the words from the beginning to “requirement” insert “There is an implied covenant”.

(4) After sub-paragraph (3) insert—

“(3A) Sub-paragraphs (2) and (3) have effect subject to paragraph 15(3) (certain obligations not to be imposed, where landlord’s title is leasehold, by reason of provisions of superior lease).”.

**Marginal Citations**

**M19** 1985 c. 68.

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**Status:** Point in time view as at 17/08/1992. This version of this schedule contains provisions that are prospective.

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### *Housing Associations Act 1985*

42 In Part II of the <sup>M20</sup>Housing Associations Act 1985 (financial provisions), after section 69 insert—

**“69A Land subject to housing management agreement.**

A housing association is not entitled to a housing association grant, revenue deficit grant or hostel deficit grant in respect of land comprised in—

- (a) a management agreement within the meaning of the Housing Act 1985 (see sections 27(2) and 27B(4) of that Act; delegation of housing management functions by certain authorities), or
- (b) an agreement to which section 5 of the Housing Rents and Subsidies (Scotland) Act 1975 applies (agreements for exercise by housing co-operatives of certain local authority housing functions).”.

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**Marginal Citations**

M20 1985 c. 69.

**Status:**

Point in time view as at 17/08/1992. This version of this schedule contains provisions that are prospective.

**Changes to legislation:**

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