
Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Housing Act 1985 (c. 68) is up to date with all changes known to be in force on or before 23 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

SCHEDULES

SCHEDULE 21

MINOR AND CONSEQUENTIAL AMENDMENTS

Housing Act 1985 (c. 68)

- 10 In subsection (3) of section 101 of the Housing Act 1985 (rent not to be increased on account of tenant's improvements), for paragraph (a) there shall be substituted the following paragraph—
- “(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;”.
- 11 In subsection (2) of section 130 of that Act (reduction of discount where previous discount given), after paragraph (aa) there shall be inserted the following paragraph—
- “(ab) in pursuance of the provision required by paragraphs 3 to 5 or paragraph 7 of Schedule 6A (redemption of landlord's share), or”.
- 12 For subsection (3) of section 140 of that Act (landlord's first notice to complete) there shall be substituted the following subsection—
- “(3) A notice under this section shall not be served earlier than twelve months after—
- (a) the service of the landlord's notice under section 125 (notice of purchase price and other matters), or
- (b) where a notice has been served under section 146 (landlord's notice admitting or denying right to acquire on rent to mortgage terms), the service of that notice.”
- 13 (1) Immediately before section 153A of that Act (tenant's notices of delay) there shall be inserted the following italic cross heading—

“Tenant's sanction for landlord's delays”.

- (2) In subsection (1) of that section—
- (a) in paragraph (e), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”; and
- (b) for the words “any of the cases in paragraphs (a) to (d)” there shall be substituted the words “either of the cases in paragraphs (a) and (b)”.
- (3) In subsection (3) of that section—
- (a) for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”;

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- (b) for the words “any of the cases in paragraphs (a) to (d)” there shall be substituted the words “either of the cases in paragraphs (a) and (b)”; and
 - (c) for the words “section 125, section 146 or section 147” there shall be substituted the words “or section 125”.
- 14 (1) In subsection (1) of section 153B of that Act (payments of rent attributable to purchase price etc.), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- (2) In subsection (2) of that section, for the words “any of paragraphs (c) to (e)” there shall be substituted the words “paragraph (d) or (e)”.
- (3) In subsection (3) of that section, for the words “the tenant’s initial contribution for the grant of a shared ownership lease” there shall be substituted the words “the tenant’s initial payment”.
- 15 In subsection (2) of section 158 of that Act (consideration for reconveyance or surrender under section 157), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) any covenant required by paragraph 1 of Schedule 6A (obligation to redeem landlord’s share where conveyance or grant executed in pursuance of right to acquire on rent to mortgage terms), and”.
- 16 (1) In subsection (1) of section 164 of that Act (Secretary of State’s general power to intervene), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- (2) In subsection (4) of that section, for the words “the right to a mortgage or the right to be granted a shared ownership lease” there shall be substituted the words “or the right to acquire on rent to mortgage terms”.
- (3) In subsection (5) of that section, for the words “the right to a mortgage and the right to be granted a shared ownership lease” there shall be substituted the words “and the right to acquire on rent to mortgage terms”.
- 17 In subsection (1) of section 167 of that Act (power to give directions as to covenants and conditions), after paragraph (b) there shall be inserted the words “or
- (c) in the case of conveyances or grants executed in pursuance of the right to acquire on rent to mortgage terms, the conveyances or grants would not conform with Schedule 6A,”.
- 18 In subsection (2) of section 170 of that Act (power to give assistance in connection with legal proceedings), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- 19 In subsection (2) of section 171C of that Act (modifications of Part V in relation to preserved right), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- 20 (1) In subsection (2) of section 177 of that Act (errors and omissions in notices), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.
- (2) In subsection (3) of that section, for the entries relating to section 147 and paragraph 1(3) of Schedule 8 there shall be substituted the following entry—
- “section 146 (landlord’s notice admitting or denying right to acquire on rent to mortgage terms).”

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21 For section 178 of that Act there shall be substituted the following section—

“178 Costs.

An agreement between the landlord and a tenant claiming to exercise—

- (a) the right to buy,
- (b) the right to acquire on rent to mortgage terms, or
- (c) any such right as is mentioned in paragraph 2(1) or 6(1) of Schedule 6A (redemption of landlord’s share: right to make final or interim payment),

is void in so far as it purports to oblige the tenant to bear any part of the costs incurred by the landlord in connection with the tenant’s exercise of that right.”

22 In subsection (1) of section 179 of that Act (provisions restricting right to buy etc. of no effect), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.

23 In subsection (1) of section 181 of that Act (jurisdiction of county court), for the words “a shared ownership lease granted in pursuance of this Part” there shall be substituted the words “a conveyance or grant executed in pursuance of the right to acquire on rent to mortgage terms”.

24 (1) In subsection (2) of section 184 of that Act (land let with or used for purposes of dwelling-house), for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.

(2) In subsection (3) of that section, for the words “right to be granted a shared ownership lease” there shall be substituted the words “right to acquire on rent to mortgage terms”.

25 In section 188 of that Act (index of defined expressions: Part V), at the appropriate places in alphabetical order there shall be inserted the following entries—

“district valuer	section 622”
“final payment	paragraph 1 of Schedule 6A”
“initial payment and interim payment	section 143B and paragraph 6 of Schedule 6A”
“landlord’s share	section 148 and paragraph 7 of Schedule 6A”
“minimum initial payment and maximum initial payment	section 143B”
“prescribed	section 614”
“right to acquire on rent to mortgage terms	section 143”.

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

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

- s. 12A and cross-heading inserted by [2002 c. 15 s. 123\(1\)](#)
- s. 12A(3)(a)(b) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 12A(4)(a) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 12A(4)(c) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(5\)](#)
- s. 13(2ZA) inserted by [2002 c. 15 s. 121\(3\)](#)
- s. 13(2ZB) inserted by [2002 c. 15 s. 123\(2\)](#)
- s. 13(5A) inserted by [2002 c. 15 Sch. 8 para. 6\(3\)](#)
- s. 29(4A) inserted by [2002 c. 15 Sch. 8 para. 18\(2\)](#)
- s. 29(4A) words added by [S.I. 2003/2096 Sch. para. 20\(b\)](#)
- s. 29(4A)(a) words omitted by [S.I. 2003/2096 Sch. para. 20\(a\)](#)
- s. 29(4A)(d) words substituted by [S.I. 2009/1941 Sch. 1 para. 140\(6\)](#)
- s. 70(15) inserted by [2023 asc 3 Sch. 13 para. 166\(b\)](#)
- s. 78(5A)-(5C) inserted by [2008 c. 17 Sch. 12 para. 15\(3\)](#)
- s. 78(7) inserted by [2008 c. 17 Sch. 12 para. 15\(4\)](#)
- s. 79(2)(2A) substituted for s. 79(2) by [2002 c. 15 Sch. 10 para. 16\(3\)](#)
- s. 156(4) repealed by [2014 asp 14 sch. 2 para. 7](#)
- Sch. 20 para. 5(1A) inserted by [2008 c. 29 Sch. 9 para. 5\(2\)](#)