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STATUTORY INSTRUMENTS

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**1997 No. 74**

**HOUSING, ENGLAND AND WALES**

The Housing Act 1996 (Consequential  
Amendments) Order 1997

<i>Made</i>	- - - -	<i>16th January 1997</i>
<i>Laid before Parliament</i>		<i>22nd January 1997</i>
<i>Coming into force</i>	- -	<i>12th February 1997</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 141, 142 and 231(5) of the Housing Act 1996<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order—

**Citation and commencement**

1. This Order may be cited as the Housing Act 1996 (Consequential Amendments) Order 1997 and shall come into force on 12th February 1997.

**Amendments**

2. The enactments specified in the Schedule to this Order are amended as specified in that Schedule.

14th January 1997

*David Curry*  
Minister of State,  
Department of the Environment

16th January 1997

*William Hague*  
Secretary of State for Wales

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<sup>(1)</sup> 1996 c. 52.

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SCHEDULE

Article 2

AMENDMENTS

**Land Compensation Act 1973**

1. In section 29(4)(e) of the Land Compensation Act 1973 (right to home loss payment)(2) omit “or” at the end of sub-paragraph (ii) and insert at the end of sub-paragraph (iii)—

“, or

(iv) Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies) applies to the licence.”

**Matrimonial Homes Act 1983**

2. In the Matrimonial Homes Act 1983(3)—

(a) in section 1(6)(4) (rights concerning matrimonial home where one spouse has no estate etc.) after “secure tenancies” insert “and Chapter I of Part V of the Housing Act 1996 (introductory tenancies)”, and

(b) in Schedule 1 (transfers of certain tenancies on divorce etc.)—

(i) at the end of paragraph 1(1)(d)(5) insert—

“, or

(e) an introductory tenancy within the meaning of Chapter I of Part V of the Housing Act 1996,”;

(ii) in paragraph 1(2) “assured agricultural occupancy” insert “or an introductory tenancy”;

(iii) in paragraph 2(1)(6) after “Housing Act 1988” insert “or an introductory tenancy within the meaning of Chapter I of Part V of the Housing Act 1996”; and

(iv) after paragraph 2(3), insert—

“(3A) Where the spouse so entitled is a successor within the meaning of section 132 of the Housing Act 1996, his or her former spouse (or, in the case of judicial separation, his or her spouse) shall be deemed also to be a successor within the meaning of that section.”

**Housing Act 1985**

(a) (a) The Housing Act 1985(7) is amended in accordance with the following provisions of this paragraph.

(b) In section 25(1) (increase of rent where tenancy not secure) after “secure tenancy” insert “or an introductory tenancy”.

(2) 1973 c. 26. Paragraph (e) of section 29(4) was inserted by section 9(3) of the Housing and Planning Act 1986 (c. 63); and substituted by paragraph 22(4)(b) of Schedule 15 to the Planning and Compensation Act 1991 (c. 34).

(3) 1983. c. 19.

(4) Amended by paragraph 56 of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71) and paragraph 33 of Schedule 17 to the Housing Act 1988.

(5) Paragraph (d) was inserted by paragraph 34 of Schedule 17 to the Housing Act 1988.

(6) Amended by paragraph 56 of Schedule 2 to the Housing (Consequential Provision) Act 1985 and paragraph 34 of Schedule 17 to the Housing Act 1988.

(7) 1985. c. 68.

- (c) In section 27AB(7)(b)(8) (management agreements with tenant management organisations) omit “and” at the end of sub-paragraph (ii) and at the end of sub-paragraph (iii) insert—
  - “, and
  - (iv) in the case of introductory tenants, the provisions of section 137 of the Housing Act 1996 (consultation on matters of housing management).”
- (d) In section 32(3) (power to dispose of land held for the purposes of Part II of the 1985 Act)—
  - (i) after “secure tenancy” where it first occurs insert “or an introductory tenancy”; and
  - (ii) after “long leases” insert “and introductory tenancies”.
- (e) In section 43(1)(a) (consents required for certain disposals not within section 32 of the 1985 Act) after “secure tenancy” insert “or an introductory tenancy”.
- (f) In section 56 (minor definitions) after the definitions of “housing accommodation” and “house” insert ““introductory tenancy” has the same meaning as in Chapter I of Part V of the Housing Act 1996;”.
- (g) In section 57 (index of defined expressions: Part II) after the entry relating to “insurance company” insert

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“introductory tenancy

section 56”.

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- (h) In section 106A (consultation before disposal to private sector landlord)—
  - (i) in subsection (1)(a), after “secure tenancies” insert “or introductory tenancies”;
  - (ii) at the end of subsection (1), insert “or introductory tenants”; and
  - (iii) at the end of subsection (2), insert “in the case of secure tenants and section 137 of the Housing Act 1996 (consultation on matters of housing management) in the case of introductory tenants.”.
- (i) After section 111 (county court rules and directions) insert—

**“Introductory tenancies**

**111A.** Sections 102(1), (2) and (3)(a), 103 and 108 apply in relation to introductory tenancies as they apply in relation to secure tenancies.”

- (j) In section 127(4) (value of dwelling-house)—
  - (i) in paragraph (b) after “secure tenant” insert “or an introductory tenant”;
  - (ii) for paragraph (c) substitute—
    - “(c) any member of his family who, immediately before the secure tenancy was granted (or, where an introductory tenancy has become the secure tenancy, immediately before the introductory tenancy was granted), was a secure tenant or, an introductory tenant of the same dwelling-house under another tenancy;” and
    - (iii) in the words following paragraph (c) after “a secure tenant” insert “or an introductory tenant”.
- (k) After section 127(4) insert—
  - “(5) In this section “introductory tenant” and “introductory tenancy” have the same meaning as in Chapter I of Part V of the Housing Act 1996.”.

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(8) Section 27AB was inserted by section 132 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).

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- (l) In Schedule 3A (consultation before disposal to private sector landlord)—
  - (i) in paragraphs 1(1) and (2) after “secure tenant” insert “or an introductory tenant”;  
and
  - (ii) in paragraph (3)(2)(c) after “and” insert “, in the case of a secure tenant,”.

### **Local Government Act 1988**

**4.** In paragraph 9(3) of Schedule 1 to the Local Government Act 1988 (competition: housing management)(**9**)—

- (a) after the definition of “the 1987 Act” insert—

““introductory tenancy” has the same meaning as in Chapter 1 of Part V of the Housing Act 1996;”
- (b) in the definition of “tenancy”, after secure tenancy insert “and an introductory tenancy”;  
and
- (c) in the definition of “vacant property” after “secure tenancy” insert “or an introductory tenancy”.

### **Landlord and Tenant Act 1988**

**5.** In section 5(3) of the Landlord and Tenant Act 1988(**10**) (interpretation and application), at the end, insert “or to an introductory tenancy (within the meaning of Chapter I of Part V of the Housing Act 1996)”.

### **Housing Act 1988**

- 6.** In Part III of the Housing Act 1988(**11**) (housing action trust areas)—
- (a) in section 61(2) (consultation and publicity) after “secure tenants” insert “or introductory tenants”;
  - (b) in section 75(3) (supplementary provisions as to transfer orders) after “secure tenant” insert “or introductory tenant”;
  - (c) in section 79(2)(**12**) (disposal of land by housing action trust) after “secure tenancy” insert “or an introductory tenancy”;
  - (d) after section 79(5) insert—

“(5A) Subsection (2) above has effect as if the saving effected by paragraph 9 of the Schedule to the Housing Act 1996 (Commencement No. 3 and Transitional Provisions) Order 1996 related also to disposals of houses subject to introductory tenancies.”;
  - (e) in section 81(1) (consent required for certain subsequent disposals) after “secure tenancy” insert “or an introductory tenancy”;
  - (f) in section 82(1)(a) and (b) (power of Corporation to provide legal assistance to tenants after disposal) after “secure tenant” insert “or the introductory tenant”;

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(9) 1988 c. 9; paragraph 9 of Schedule 1 was added by Article 2(2) of the Local Government Act 1988 (Competition) (Defined Activities) (Housing Management) Order 1994 (S.I.1994/1671).

(10) 1988 c. 26.

(11) 1988 c. 50.

(12) Amended by section 124(1) and Schedule 22 to the Leasehold Reform, Housing and Urban Development Act 1993 and by paragraph 11 of Schedule 3 to the Housing Act 1996, subject to the provision in paragraph 9 in the Schedule to the Housing Act 1996 (Commencement No. 3 and Transitional Provisions) Order 1996 (S.I. 1996/2402).

- (g) in section 84 (provisions applicable to disposals of dwelling-houses subject to secure tenancies)(13)—
- (i) in subsection (1)(a)—
    - (1) after “secure tenancies” insert “or introductory tenancies”; and
    - (2) after “secure tenant” insert “or an introductory tenant”;
  - (ii) in subsection (4), after “secure tenant” where it first occurs insert “or, as the case may be, introductory tenant,”;
  - (iii) in subsection (4)(c), after “secure tenant” insert “or an introductory tenant”; and
  - (iv) for subsection (8) substitute—

“(8) Notwithstanding the application to a housing action trust of Part IV of the Housing Act 1985 (secure tenancies) of Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies), a disposal falling within subsection (1) above shall be treated as not being a matter of housing management to which section 105 of the Act of 1985 applies (in the case of secure tenants) or section 137 of the Act of 1996 applies (in the case of introductory tenants).”
- (h) in section 84A(6)(14) (transfer by order of certain dwelling houses let on secure tenancies) after “secure tenancy” insert “or an introductory tenancy”;
- (i) in section 84A(7) after “secure tenancies” insert “or introductory tenancies”;
- (j) in section 86(1) (increase of rent where tenancy not secure) after “secure tenancy” insert “or an introductory tenancy”; and
- (k) in section 92(1) (interpretation of Part III) after paragraph (c) insert—

“(ca) “introductory tenancy” has the same meaning as in Chapter I of Part V of the Housing Act 1996 and “introductory tenant” shall be construed accordingly;”.

### **Coal Mining Subsidence Act 1991**

7. In paragraph 1 (4)(d) of Schedule 4 to the Coal Mining Subsidence Act 1991(15) (home loss payments) after “(secure tenancies)” insert “or Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies)”.

### **Local Government Finance Act 1992**

8. In section 6 of the Local Government Finance Act 1992(16) (persons liable to pay council tax)—

- (a) in subsection (2)(c) for “or secure tenant” substitute “, secure or introductory tenant”; and
- (b) in subsection (6) insert before the definition of “material interest”—

““introductory tenant” means a tenant under an introductory tenancy within the meaning of Chapter I of Part V of the Housing Act 1996;”.

### **Leasehold Reform, Housing and Urban Development Act 1993**

9. In the Leasehold Reform, Housing and Urban Development Act 1993(17)—

- (a) in section 2 (acquisition of leasehold interests)—

(13) Section 84 was amended by sections 124 and 125 of the Leasehold Reform, Housing and Urban Development Act 1993.

(14) Section 84A was added by section 125(5) of the Leasehold Reform, Housing and Urban Development Act 1993.

(15) 1991 c. 45.

(16) 1992 c. 14.

(17) 1993 c. 28.

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- (i) in subsection (5), after “secure tenancy” insert “or an introductory tenancy”;
- (ii) in subsection (6)(a), after “secure tenancy” insert “or, as the case may be, the introductory tenancy”; and
- (iii) in subsection (6)(b) after “secure tenancy” (where those words first occur) insert “or, as the case may be, the introductory tenancy” and after “secure tenancy” (where those words occur for the second time) insert “or the introductory tenancy”;
- (b) in section 38(1) (interpretation), after the definition of “the initial notice” insert—
  - ““introductory tenancy” has the same meaning as in Chapter 1 of Part V of the Housing Act 1996,”;
- (c) in section 135(7) (programmes for disposal)—
  - (i) in paragraph (b), after “secure tenants” insert “and introductory tenants”; and
  - (ii) at the end insert “and “introductory tenant” has the same meaning as in Chapter I of Part V of the Housing Act 1996”;
- (d) in Schedule 9 (grant of leases back to former freeholder)—
  - (i) in paragraph 2(1) after “a secure tenancy” insert “or an introductory tenancy” and after “the secure tenancy” insert “or the introductory tenancy”;
  - (ii) in paragraph 2(2) after “secure tenancy” insert “or the introductory tenancy”; and
  - (iii) in paragraph 4(3) after “secure tenancy” insert “or introductory tenancy”; and
- (e) in Schedule 10 (acquisition of interests from local authorities etc.)—
  - (i) in paragraph 2(2), after “secure tenancy”, where it first occurs, insert “or an introductory tenancy” and, where it occurs for the second time, insert “or, as the case may be, the introductory tenancy”;
  - (ii) in paragraph (2)(3)(a) after “secure tenancy” insert “or an introductory tenancy”;
  - (iii) in paragraph 2(4) after “secure tenancy” in the first place where it occurs insert “or an introductory tenancy” and in the other two places where it occurs insert “or introductory tenancy”;
  - (iv) in paragraph 2(6)(a) after “secure tenancy” in both places where it occurs insert “or an introductory tenancy”; and
  - (v) in paragraph 2(7) at the end of the definition of “successor” insert “in relation to a secure tenancy and as in section 132 of the Housing Act 1996 in relation to an introductory tenancy.”.

## **Family Law Act 1996**

### **10. In the Family Law Act 1996(18)—**

- (a) in section 30(4)(b) (right to occupy matrimonial home) for “and Part I of the Housing Act 1988” substitute “, Part I of the Housing Act 1988 and Chapter I of Part V of the Housing Act 1996”; and
- (b) in Schedule 7 (transfer of certain tenancies on divorce etc. or on separation of cohabitants) —
  - (i) in paragraph 1, in the definition of “a relevant tenancy”, at the end of sub-paragraph (c) omit “or” and at the end of sub-paragraph (d) insert—

“or

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- (e) an introductory tenancy within the meaning of Chapter I of Part V of the Housing Act 1996;”
- (ii) in paragraph 7(1) for “or an assured tenancy” substitute “, an assured tenancy” and after “the Housing Act 1988” insert “or an introductory tenancy within the meaning of Chapter I of Part V of the Housing Act 1996”; and
- (iii) after paragraph 7(3) insert—
  - “(3A) If the Spouse or cohabitant so entitled is a successor within the meaning of section 132 of the Housing Act 1996, his former spouse or former cohabitant (or, if a separation order is in force, his spouse) shall be deemed also to be a successor within the meaning of that section.”.

### **The Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1993**

**11.** In paragraph 19 of Schedule 1 to the Rent Assessment Committee (England and Wales) (Leasehold Valuation Tribunal) Regulations 1993<sup>(19)</sup> after “secure tenant,” insert “introductory tenant,”.

### **The Council Tax (Liability for Owners) Regulations 1992**

- 12.** In regulation 1(2) of the Council Tax (Liability for Owners) Regulations 1992<sup>(20)</sup>—
- (a) after the definition of “the Act” insert—
    - ““Introductory tenant” means a tenant under an introductory tenancy within the meaning of Chapter I of Part V of the Housing Act 1996;”;
  - (b) for the definition of “tenant” substitute ““tenant” includes a secure tenant, an introductory tenant and a statutory tenant.”.

### **The Council Tax (Exempt Dwellings) Order 1992**

- 13.** In article 2(1) of the Council Tax (Exempt Dwellings) Order 1992<sup>(21)</sup>—
- (a) after the definition of “caravan” insert ““introductory tenant” means a tenant within the meaning of Chapter I of Part V of the Housing Act 1996;”;
  - (b) in the definition of “tenant”, in sub-paragraph (ii) after “secure” insert “, introductory”.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the legislation specified in the Schedule to the Order in consequence of the provisions on introductory tenancies in Chapter I of Part V of the Housing Act 1996. Most of the

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<sup>(19)</sup> S.I. 1993/2408.

<sup>(20)</sup> S.I. 1992/551, as amended by S.I. 1993/151.

<sup>(21)</sup> S.I. 1992/558, as amended by S.I. 1994/539.

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amendments are to housing legislation and add references to introductory tenancies where there are already references to secure tenancies.