STATUTORY INSTRUMENTS

# 1980 No. 1706 (C.73)

## HOUSING, ENGLAND AND WALES

## The Housing Act 1980 (Commencement No. 5) Order 1980

*Made - - - - - 7th November* 1980

The Secretary of State, in exercise of the powers conferred on him by section 153(4) and section 151(1) of the Housing Act 1980(**a**) and of all other powers enabling him in that behalf, hereby makes the following order:—

**1.** This order may be cited as the Housing Act 1980 (Commencement No. 5) Order 1980.

**2.** The provisions of the Housing Act 1980 specified in the Schedule to this order shall come into operation on 28th November 1980.

SCHEDULE

1. Part II (in so far as not already in operation) with the exception of section 59(3).

2. Section 149.

3. Section 152(1) in so far as it relates to paragraphs 1—3, 17, 32, 33, 35, and 37—60 of Schedule 25.

4. Section 152(3) in so far as it relates to the repeals specified in the table below:

TABLE

REPEALS

| Chapter | Short title | Extent of repeal |
|---|---|---|
| 1927 c. 36. | The Landlord and Tenant Act 1927. | In section 16, the words "and shall be so recoverable notwithstanding anything in Part II of the Rent Act 1977". |
| 1951 c. 65. | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. | In section 16(2)(*c*) the words from "and that" to the end.<br>Section 19(5). |
| 1954 c. 56. | The Landlord and Tenant Act 1954. | Section 43(1)(*c*). |
| 1964 c. 56. | The Housing Act 1964. | In Schedule 4, paragraph 2. |
| 1971 c. 62. | The Tribunals and Inquiries Act 1971. | In section 7(3) the words "28(*a*)" and the words from "but" onwards.<br>In section 13(1) the words "(*a*) or".<br>In Schedule 1 paragraph 28(*a*). |

(**a**) 1980 c. 51.

REPEALS *contd.*

| Chapter | Short title | Extent of repeal |
|---|---|---|
| 1976 c. 80. | The Rent (Agriculture) Act 1976. | In Schedule 4, in Case X, the words "Part II", where they first occur.<br>In Schedule 6, in paragraph 1 the definition of "specified sum" and sub-paragraphs (2) and (3) and paragraph 7. |
| 1977 c. 42. | The Rent Act 1977. | In section 5(1), the words "subject to section 17(2) of this Act".<br>In section 15, in subsection (1) the words from "in respect" to "is fulfilled" and subsections (4) and (6).<br>Section 17.<br>In section 18, in subsection (1) the words from "which" to the end and subsections (3) and (4).<br>In section 19(5)(*b*), the words "or of the Duchy of Lancaster or to the Duchy of Cornwall".<br>In section 24, subsections (1) and (2).<br>Sections 27 to 43.<br>In section 44(1), the words "Schedule 9".<br>In section 45(2), the words "paragraph 8(4) of Schedule 9".<br>Sections 48 and 50.<br>In section 51(3), paragraph (*b*) and the word "and" immediately before it.<br>Section 53.<br>In section 54, in subsection (1) the words "52(6) or 53", and subsections (4) and (5).<br>Section 56.<br>In section 61(1), the definition of "improvement".<br>Section 67(6).<br>Section 68(6).<br>In section 69(4) the words "Subject to section 67(6) of this Act" and paragraph (*b*).<br>In section 70, in subsection (3), paragraphs (*c*) and (*d*) and subsection (5).<br>In section 71(3)(*a*), the words from "subject to" to "this Act".<br>Section 76.<br>In section 77(1) the words "for the district in question".<br>In section 78(2) the words "and the local authority".<br>Section 79(4).<br>Section 84(*a*) and (*b*).<br>Section 86(5).<br>In section 87, subsections (3) to (5).<br>Sections 90 and 91.<br>In section 92, in subsection (1), the words "in such form as may be prescribed", in subsection (5) the definition of "prescribed" and the word "and" immediately before it, and subsections (6) and (7).<br>Section 93(3).<br>Section 96(1) and (2).<br>Sections 108 to 115. |

REPEALS *contd.*

| Chapter | Short title | Extent of repeal |
|---|---|---|
| | | In section 116, in subsection (5) the words "sections 4(4) or 10 of the Housing Act 1969 or".<br>Section 117.<br>In section 118, in subsection (1) the words from "prescribed" to the end, and subsection (2).<br>Section 130.<br>In section 131(1), the words "but which is not a controlled mortgage".<br>Sections 133 to 135.<br>In section 141, subsections (1)(*c*), (2) and (5)(*a*) and in subsection (1) (*a*) the words from "or whether a mortgage" to "of this Act".<br>In section 150, the words from "(other" to "31(9))".<br>In section 152(1), the definition of "controlled tenancy".<br>Section 155(1).<br>In Schedule 1, paragraph 8.<br>In Schedule 2, paragraph (1)(*c*)(i).<br>Schedules 3, 4 and 6.<br>In Schedule 7, paragraph 4.<br>In Schedule 8, in paragraph 1 the definition of "specified sum" and sub-paragraphs (5) and (6) and paragraph 8.<br>Schedule 9.<br>In Schedule 10, in paragraph 2 the words from "and, if the Secretary of State" to the end and paragraph 10.<br>In Schedule 11, paragraphs 13, 14 and 15 to 25.<br>In Schedule 12, in paragraph 1(*c*) the words from "(but" to"Act)", in paragraph 3 the words from "in the case" to "111(1) of this Act".<br>Schedule 13.<br>In Schedule 14, paragraph 6.<br>In Schedule 15, in Case 6 paragraph (*a*), Case 7 and in Case 10 the words "Part II or, as the case may be".<br>In Schedule 17, paragraphs 3, 4, 10 and 11.<br>Schedule 19.<br>In Schedule 20, in paragraph 1(1) the words "or controlled" and sub-paragraphs (6) and (7), in paragraph 3(2)(*c*) the words "or, as the case may be, Schedule 9", paragraph 4 and in paragraph 5 the definitions of "dwelling", "notice of increase" and "rent limit".<br>Schedules 21 and 22.<br>In Schedule 23, paragraph 1, in paragraph 4 sub-paragraphs (*g*) to (*i*) and paragraphs 37, 38 and 56(*a*). |

Signed by authority of
The Secretary of State
7th November 1980

*John Stanley,*
Minister for Housing and Construction,
Department of the Environment.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order brings into operation on 28th November 1980 the provisions of the 1980 Act relating to protected and statutory tenancies and to housing association rents under the Rent Act 1977 (c.42) in so far as they are not already in force. Briefly, the provisions brought into force include:

(1) the introduction of protected shorthold tenancies;

(2) faster repossession procedures for resident landlord and other restricted contract lettings;

(3) the bringing of controlled tenancies into the fair rent system;

(4) a reduction in the period before which further applications can be made for the registration of rents;

(5) corresponding changes in the phasing of rent increases, including special transitional arrangements for housing associations;

(6) changes in the date from which decisions of Rent Officers and Rent Assessment Committees are effective;

(7) a requirement whereby applications for rents including the cost of services must be accompanied by details of the cost of those services;

(8) owners of non-tenanted properties being able to apply for the cancellation of rents registered in respect of them;

(9) tenancies granted by the Crown Estate Commissioners and the Duchies of Lancaster and Cornwall being made subject to the Rent Act 1977 and associated legislation;

(10) tenancies of housing associations falling within section 15(3)(*d*) of the 1977 Act (other than co-ownership tenancies) being made subject to the fair rent system;

(11) widening of the circumstances in which temporarily-absent owner-occupiers and the owners of retirement homes and their successors can regain possession;

(12) an additional mandatory ground for possession under the Rent Act 1977 to enable servicemen to recover possession for their own use of a house they have let;

(13) strengthening of the provisions in the Rent Act 1977 regarding the imposition by the Court of conditions about the payment of rent and arrears;

(14) the amalgamation of the arrangements for appointing Rent Tribunals with those for Rent Assessment Committees.

The order also brings into force on 28th November 1980 section 149 of the Housing Act 1980 which extends section 9 of the Housing Act 1957 (c.56) by enabling local authorities to require the repair of houses which, though not unfit for human habitation, are in such condition as to interfere materially with the personal comfort of occupying tenants.

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