STATUTORY INSTRUMENTS

1975 No. 314

HOUSING, ENGLAND AND WALES

The Housing Associations (Prescribed Form of Notice to Tenants) Order 1975

Made - - - -	*4th March* 1975
Laid before Parliament	*11th March* 1975
Coming into Operation	*1st April* 1975

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 upon them by section 18(2) and (5) of the Housing Act 1974(**a**) and of all other powers enabling them in that behalf, hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Housing Associations (Prescribed Form of Notice to Tenants) Order 1975 and shall come into operation on 1st April 1975.

(2) The Interpretation Act 1889(**b**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(3) In this order any reference to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

Prescribed form of notice to tenants

2. The form in the Schedule hereto, or a form substantially to the same effect, shall be the form of notice to be given by a housing association to a tenant pursuant to section 18(2) of the Housing Act 1974 (which requires notice to be given to a tenant whose tenancy, by virtue of section 18(1) of that Act, ceases to be one to which Part VIII of the Housing Finance Act 1972(**c**) applies and becomes a protected tenancy for the purposes of the Rent Act 1968(**d**)).

(**a**) 1974 c. 44.
(**b**) 1889 c. 63.
(**c**) 1972 c. 47.
(**d**) 1968 c. 23.

SCHEDULE

HOUSING ACT 1974

Housing Act 1974: section 18(2)

NOTICE TO TENANT OF UNREGISTERED HOUSING ASSOCIATION THAT HIS TENANCY IS NO LONGER EXCLUDED FROM PROTECTION UNDER THE RENT ACT 1968

[Notes 1 to 3]

Date.....

To .....

.....

(Name and address of tenant)

This is to inform you that your tenancy is no longer excluded from protection under the Rent Act 1968. On ..... [Note 4] your tenancy became a regulated tenancy under that Act. This means that you have the benefit of the security of tenure provisions in that Act and that there is a maximum amount of rent which you can be charged [Note 5].

Signature of person authorised to give this notice

.....

Name of housing association

.....

[Registered office] [address] of housing association

.....

Strike out words in square brackets if they do not apply.

NOTES

1. This is the prescribed form of notice to be given by a housing association (subject to Note 2 below), which on or after 1st April 1975 is not registered in the register established and maintained by the Housing Corporation under section 13 of the Housing Act 1974, to a tenant whose tenancy, by virtue of section 18(1) of that Act, ceased to be one to which Part VIII of the Housing Finance Act 1972 applies and becomes a protected tenancy for the purposes of the Rent Act 1968.

2. No notice is to be given by an unregistered housing association if—

(*a*) the association is for the time being specified in an order made by the Secretary of State under section 80 of the Housing Finance Act 1972 or paragraph 23 of Schedule 1 to the Housing Rents and Subsidies Act 1975; or

(*b*) the association is a society registered under the Industrial and Provident Societies Act 1965 and its rules restrict membership to persons who are tenants or prospective tenants of the association and preclude the granting or assignment of tenancies to persons other than members; or

(*c*) the association has made an application for registration to the Housing Corporation before 1st April 1975 and the application has not been disposed of by the Corporation.

3. The notice is to be given to the tenant within the period of 21 days beginning on the day on which his tenancy becomes a protected tenancy (see Note 4 below). Failure, without reasonable excuse, to comply with this requirement will render the association and in some circumstances its officers liable on summary conviction to a fine not exceeding £100.

4. The date to be inserted here is the date on which, by virtue of section 18(1) of the Housing Act 1974, the tenancy becomes a protected tenancy for the purposes of the Rent Act 1968. It cannot be earlier than 1st April 1975.

5. The maximum amount of rent which you can be charged depends on the application to your tenancy of Parts III and IV of the Rent Act 1968, Schedule 3 to the Housing Act 1974 and section 7 of and Schedule 2 to the Housing Rents and Subsidies Act 1975. You may wish to obtain legal advice as to your rights and responsibilities under your tenancy. Information can be obtained from Rent Officers, Citizens' Advice Bureaux or a solicitor.

Anthony Crosland,
Secretary of State for the Environment.

4th March 1975.

John Morris,
Secretary of State for Wales.

4th March 1975.

EXPLANATORY NOTE

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

This Order, which applies to England and Wales, prescribes the form of notice required to be given under section 18(2) of the Housing Act 1974 by an unregistered housing association to a tenant whose tenancy by virtue of section 18(1) of the 1974 Act becomes a protected tenancy for the purposes of the Rent Act 1968.

SI 1975/314
ISBN 0-11-050314-7

