



Housing Act 1988

1988 CHAPTER 50

PART III

HOUSING ACTION TRUST AREAS

Secure tenancies and right to buy

83 Application of Parts IV and V of Housing Act 1985

- (1) Parts IV and V of the Housing Act 1985 (secure tenancies and the right to buy) shall be amended in accordance with this section.
- (2) In section 80(1) (which lists the landlords whose tenancies can qualify as secure tenancies), after the entry specifying a new town corporation there shall be inserted—

“a housing action trust”.
- (3) In section 108 (heating charges to secure tenants), in paragraph (a) of subsection (5) (the definition of “heating authority”) after the words “housing authority” there shall be inserted “or housing action trust”.
- (4) In section 114 (meaning of “landlord authority” for the purposes of that Part), in each of subsections (1) and (2), after the entry specifying a development corporation, there shall be inserted—

“a housing action trust”.
- (5) In section 171 (power to extend right to buy where certain bodies hold an interest in a dwelling-house), in subsection (2), after the entry specifying a new town corporation there shall be inserted—

“a housing action trust”.
- (6) In each of the following provisions (all of which relate to cases where premises are or were let to a person in consequence of employment), namely—
 - (a) paragraph 2(1) of Schedule 1 (tenancies which are not secure tenancies),

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- (b) Grounds 7 and 12 of Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies),
- (c) Ground 5 of Schedule 3 (grounds for withholding consent to assignment by way of exchange), and
- (d) paragraph 5 of Schedule 5 (exceptions to the right to buy),

after the entry specifying a new town corporation there shall be inserted—

“a housing action trust”.

- (7) In Schedule 4 (qualifying period for right to buy and discount), in paragraph 7 (the landlord condition) after the entry specifying a new town corporation there shall be inserted—

“a housing action trust”.

84 Provisions applicable to disposals of dwelling-houses subject to secure tenancies

- (1) The provisions of this section apply in any case where a housing action trust proposes to make a disposal of one or more houses let on secure tenancies which would result in a person who, before the disposal, is a secure tenant of the trust becoming, after the disposal, the tenant of another person.
- (2) Before applying to the Secretary of State for consent to the proposed disposal or serving notice under subsection (4) below, the housing action trust shall serve notice in writing—
 - (a) on any local housing authority in whose area any houses falling within subsection (1) above are situated, and
 - (b) if any such houses were transferred to the trust from another local housing authority or other local authority under section 74 above, on that authority,
 informing the authority of the proposed disposal, specifying the houses concerned, and requiring the authority within such period, being not less than 28 days, as may be specified in the notice, to serve on the trust a notice under subsection (3) below.
- (3) A notice by a local housing authority or other local authority under this subsection shall inform the housing action trust, with respect to each of the houses specified in the notice under subsection (2) above which is in the authority’s area or, as the case may be, which was transferred from the authority as mentioned in paragraph (b) of that subsection,—
 - (a) that the authority wishes to acquire the house or is considering its acquisition; or
 - (b) that the authority does not wish to acquire the house;
 and where the authority serves notice as mentioned in paragraph (a) above with respect to any house, the notice shall give information as to the likely consequences for the tenant if the house were to be acquired by the authority.
- (4) Before applying to the Secretary of State for consent to the proposed disposal, and after the expiry of the period specified in the notice under subsection (2) above, the housing action trust shall serve notice in writing on the secure tenant—
 - (a) informing him of the proposed disposal and of the name of the person to whom the disposal is to be made;
 - (b) containing such other details of the disposal as seem to the trust to be appropriate;

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- (c) informing him of the likely consequences of the disposal on his position as a secure tenant and, if appropriate, of the effect of sections 171A to 171H of the Housing Act 1985 (preservation of right to buy on disposal to private sector landlord);
 - (d) informing him, with respect to the house of which he is tenant, of the wishes of the local housing authority and of any other authority which has served a notice under subsection (3) above;
 - (e) if an authority has served notice under paragraph (a) of subsection (3) above with respect to that house, informing him (in accordance with the information given in the notice) of the likely consequences for him if the house were to be acquired by that authority and also, if he wishes to become a tenant of that authority, of his right to make representations to that effect under paragraph (f) below; and
 - (f) informing him of his right to make representations to the trust with respect to the proposed disposal within such period, being not less than 28 days, as may be specified in the notice.
- (5) The housing action trust shall consider any representations made to it in accordance with subsection (4)(f) above and, if it considers it appropriate having regard to—
- (a) any representations so made, and
 - (b) any further information which may be provided by an authority which served a notice under subsection (3)(a) above that it was considering the acquisition of a house,
- the trust may amend its proposals with respect to the disposal and, in such a case, shall serve a further notice under subsection (4) above (in relation to which this subsection will again apply).
- (6) When applying to the Secretary of State for consent to the proposed disposal (as amended, where appropriate, by virtue of subsection (5) above) the housing action trust shall furnish to him—
- (a) a copy of any notice served on it under subsection (3) above or served by it under subsection (4) above;
 - (b) a copy of any representations received by the trust; and
 - (c) a statement of the consideration given by the trust to those representations.
- (7) Without prejudice to the generality of section 72 above, where an application is made to the Secretary of State for consent to a disposal to which this section applies, the Secretary of State may, by a direction under that section, require the housing action trust—
- (a) to carry out such further consultation with respect to the proposed disposal as may be specified in the direction; and
 - (b) to furnish to him such information as may be so specified with respect to the results of that consultation.
- (8) Notwithstanding the application to a housing action trust of Part IV of the Housing Act 1985 (secure tenancies) a disposal falling within subsection (1) above shall be treated as not being a matter of housing management to which section 105 of that Act applies.