



Housing Act 1985

1985 CHAPTER 68

PART XVIII

MISCELLANEOUS AND GENERAL PROVISIONS

General provisions

612 Exclusion of Rent Act protection.

Nothing in the Rent Acts [^{F1}or Part I of the Housing Act 1988] prevents possession being obtained of a [^{F2}dwelling-house] of which possession is required for the purpose of enabling a local housing authority to exercise their powers under any enactment relating to housing.

Textual Amendments

F1 Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 63](#)

F2 Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 89](#)

613 Liability of directors, &c. in case of offence by body corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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614 Power to prescribe forms &c.

- (1) The Secretary of State may by regulations prescribe—
 - (a) anything which by this Act is to be prescribed; or
 - (b) the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this Act.
- (2) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power conferred by this section is not exercisable where specific provision for prescribing a thing, or the form of a document, is made elsewhere.

615 Dispensation with advertisements and notices.

- (1) The Secretary of State may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act if he is satisfied that there is reasonable cause for dispensing with the publication or service.
- (2) A dispensation may be given by the Secretary of State—
 - (a) either before or after the time at which the advertisement is required to be published or the notice is required to be served, and
 - (b) either unconditionally or upon such conditions, as to the publication of other advertisements or the service of other notices or otherwise, as the Secretary of State thinks fit,due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.

616 Local inquiries.

For the purposes of the execution of his powers and duties under this Act, the Secretary of State may cause such local inquiries to be held as he may think fit.

617 Service of notices.

- (1) Where under any provision of this Act it is the duty of a local housing authority to serve a document on a person who is to the knowledge of the authority—
 - (a) a person having control of premises, however defined, or
 - (b) a person managing premises, however defined, or
 - (c) a person having an estate or interest in premises, whether or not restricted to persons who are owners or lessees or mortgagees or to any other class of those having an estate or interest in premises,the authority shall take reasonable steps to identify the person or persons coming within the description in that provision.
- (2) A person having an estate or interest in premises may for the purposes of any provision to which subsection (1) applies give notice to the local housing authority of his interest in the premises and they shall enter the notice in their records.
- (3) A document required or authorised by this Act to be served on a person as being a person having control of premises (however defined) may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served by—

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- (a) addressing it to him by the description of “person having control of” the premises (naming them) to which it relates, and
 - (b) delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (4) Where under any provision of this Act a document is to be served on—
- (a) the person having control of premises, however defined, or
 - (b) the person managing premises, however defined, or
 - (c) the owner of premises, however defined,
- and more than one person comes within the description in the enactment, the document may be served on more than one of those persons.

Modifications etc. (not altering text)

C1 S. 617 applied (17.12.1996) by 1996 c. 53, s. 82(5); S.I. 1996/2842, art. 3

618 The Common Council of the City of London.

- (1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act or the ^{M1}Housing Associations Act 1985 which in their opinion may be better regulated and managed by means of a committee.
- (2) A committee so appointed—
- (a) shall consist as to a majority of its members of members of the Common Council, and
 - (b) shall not be authorised to borrow money or to make a rate,
- and shall be subject to any regulations and restrictions which may be imposed by the Common Council.
- (3) A person is not, by reason only of the fact that he occupies a house at a rental from the Common Council, disqualified from being elected or being a member of that Council or any committee of that Council; but no person shall vote as a member of that Council, or any such committee, on a resolution or question which is proposed or arises in pursuance of this Act or the Housing Associations Act 1985 and relates to land in which he is beneficially interested.
- (4) A person who votes in contravention of subsection (3) commits a summary offence and is liable on conviction to a fine not exceeding [^{F3}level 4 on the standard scale]; but the fact of his giving the vote does not invalidate any resolution or proceeding of the authority.

Textual Amendments

F3 Words substituted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(1), Sch. 5 Pt. I para. 6(1) (2)

Modifications etc. (not altering text)

C2 S. 618 applied (18.1.2005) by Housing Act 2004 (c. 34), ss. 261(7), 270(3)(a)

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Marginal Citations

M1 1985 c. 69.

619 The Inner and Middle Temples.

^{F4}(1)

- (2) [^{F5}The provisions of Parts I to XI and XIII to XVIII of this Act] are among those for which provision may be made by Order in Council under section 94 of the Local Government Act 1985 (general power to provide for exercise of local authority functions as respects the Temples).

Textual Amendments

F4 S. 619(1) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

F5 Words in s. 619(2) substituted (3.3.1997) by 1996 c. 52, s. 80(2); S.I. 1997/350, art. 2

620 The Isles of Scilly.

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

621 Meaning of “lease” and “tenancy” and related expressions.

- (1) In this Act “lease” and “tenancy” have the same meaning.
- (2) Both expressions include—
- (a) a sub-lease or sub-tenancy, and
 - (b) an agreement for a lease or tenancy (or sub-lease or sub-tenancy).
- (3) The expressions “lessor” and “lessee” and “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or terms, shall be construed accordingly.

[^{F6}621A Meaning of “service charge” and related expressions.

- (1) In this Act “service charge” means an amount payable by a purchaser or lessee of premises—
- (a) which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the vendor’s or lessor’s costs of management, and
 - (b) the whole or part of which varies or may vary according to the relevant costs.
- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the payee, or (in the case of a lease) a superior landlord, in connection with the matters for which the service charge is payable.
- (3) For this purpose—
- (a) “costs” includes overheads, and

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(b) costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.

(4) In relation to a service charge—

- (a) the “payee” means the person entitled to enforce payment of the charge, and
- (b) the “payer” means the person liable to pay it.]

[^{F7}(5) But this section does not apply in relation to Part 14.]

Textual Amendments

- F6** S. 621A inserted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(2), Sch. 5 Pt. II para. 39
- F7** S. 621A(5) inserted (30.9.2003 for E and 30.3.2004 for W.) by 2002 c. 15, ss. 150, 181(1), Sch. 9 para. 6; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i), Sch. 2

622 Minor definitions: general.

[^{F8}(1)] In this Act—

[^{F9}“assured tenancy” has the same meaning as in Part I of the Housing Act 1988;

“assured agricultural occupancy” has the same meaning as in Part I of the Housing Act 1988]

[^{F10}“authorised deposit taker” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph [^{F11}12]of that Schedule) to accept deposits;

“authorised insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph [^{F12}12]of that Schedule) to effect or carry out contracts of insurance;]

[^{F13}“authorised mortgage lender” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to enter into a regulated mortgage contract as lender,
- (b) an EEA firm of the kind mentioned in paragraph (5)(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to enter into a regulated mortgage contract as lender, or
- (c) a Treaty firm within the meaning of Schedule 4 to that Act who has permission under paragraph 4 of that Schedule (as a result of qualifying for authorisation under paragraph 2 of that Schedule) to enter into a regulated mortgage contract as lender;]

^{F14}

.....
“building regulations” means—

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- (a) building regulations made under Part I of the Building Act 1984,
- (b) ^{F15}
- (c) any provision of a local Act, or of a byelaw made under a local Act, dealing with the construction and drainage of new buildings and the laying out and construction of new streets;

^{F14}

“cemetery” has the same meaning as in section 214 of the Local Government Act 1972;

“charity” has the same meaning as in the ^{F16}the Charities Act 1993];

^{F17}“district valuer”, in relation to any land in the district of a local housing authority, means an officer of the Commissioners of Inland Revenue appointed by them for the purpose of exercising, in relation to that district, the functions of the district valuer under this Act;]

“friendly society” means a friendly society, or a branch of a friendly society, registered under the Friendly Societies Act 1974 or earlier legislation;

“general rate fund” means—

- (a) in relation to the Council of the Isles of Scilly, the general fund of that council;
- (b) in relation to the Common Council of the City of London, that council’s general rate;

“hostel” means a building in which is provided, for persons generally or for a class or classes of persons—

- (a) residential accommodation otherwise than in separate and self-contained sets of premises, and
- (b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

^{F14}

“protected occupancy” and “protected occupier” have the same meaning as in the Rent (Agriculture) Act 1976;

“protected tenancy” has the same meaning as in Rent Act 1977;

^{F18} “regular armed forces of the Crown” means the regular forces as defined by section 374 of the Armed Forces Act 2006;]

“the Rent Acts” means the Rent Act 1977 and the Rent (Agriculture) Act 1976;

“restricted contract” has the same meaning as in the Rent Act 1977;

“shared ownership lease” means a lease—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it, or
- (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling;

^{F19}

^{F19}

“statutory tenancy” and “statutory tenant” means a statutory tenancy or statutory tenant within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976;

“street” includes any court, alley, passage, square or row of houses, whether a thoroughfare or not;

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“subsidiary” has ^{F20}the meaning given by ^{F21}section 1159 of the Companies Act 2006];

^{F14}

^{F22}(2) The definitions of “authorised deposit taker”^{F23}, “authorised insurer and” and “authorised mortgage lender”] in subsection (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

Textual Amendments

- F8** S. 622 renumbered as s. 622(1) (1.12.2001) by S.I. 2001/3649, **arts. 1, 300(2)**
- F9** Definitions inserted by **Housing Act 1988 (c. 50, SIF 61), s. 140(1), Sch. 17 Pt. I para. 64**
- F10** S. 622(1): definitions inserted (1.12.2001) after definition of “assured agricultural tenancy” by S.I. 2001/3649, **arts. 1, 300(4)**
- F11** Word in s. 622(1) substituted (7.9.2009) by **Housing and Regeneration Act 2008 (c. 17), ss. 316(a), 325; S.I. 2009/2096, art. 2(3)** (subject to art. 3(3))
- F12** Word in s. 622(1) substituted (7.9.2009) by **Housing and Regeneration Act 2008 (c. 17), ss. 316(b), 325; S.I. 2009/2096, art. 2(3)** (subject to art. 3(3))
- F13** S. 622(1): definition inserted (22.9.2008) by **Housing and Regeneration Act 2008 (c. 17), ss. 307(2), 325**
- F14** S. 622(1): definitions of “bank”, “building society”, “insurance company” and “trustee savings bank” repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 300(3)**
- F15** S. 622: in definition of “building regulations” para. (b) repealed (25.9.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 84(6), Sch. 19 Pt. V** (with s. 84(5)); S.I. 1991/2067, **art. 3**
- F16** Words in s. 622 substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 30**.
- F17** Entry substituted by S.I. 1990/434, **reg. 2, Sch. para. 23**
- F18** S. 622(1): definition substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by **Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), Sch. 16 para. 108; S.I. 2009/812, art. 3** (with transitional provisions (24.4.2009) in {S.I. 2009/1059}); S.I. 2009/1167, **art. 4**
- F19** S. 622: definitions of “standard scale” and “statutory maximum” repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV Group 2**
- F20** Words substituted by **Companies Act 1989 (c. 40, SIF 27), s. 144(4), Sch. 18 para. 40**
- F21** S. 622(1): words in definition of “subsidiary” substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order (S.I. 2009/1941), art. 2(1), {Sch. 1 para. 62(6)} (with art. 10)
- F22** S. 622(2) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1, 300(5)**
- F23** Words in s. 622(2) substituted (22.9.2008) by **Housing and Regeneration Act 2008 (c. 17), ss. 307(3), 325**

Modifications etc. (not altering text)

- C3** S. 622 extended (1.1.1993) by S.I. 1992/3218, **reg. 82(1), Sch. 10 Pt. I para. 19**
S. 622 amended (1.7.1994) by S.I. 1994/1696, **reg. 68, Sch. 8 Pt. I para. 10**

623 Minor definitions: Part XVIII

In this Part—

^{F24}“dwelling-house” ^{F25}. . . shall be construed in accordance with subsection (2);

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^{F26}]

“owner”, in relation to premises—

- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple absolute in the premises, whether in possession or in reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years.

[^{F27}(2) For the purposes of this Part, “dwelling-house” includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it and section 183 shall have effect to determine whether a dwelling-house is a flat.]

Textual Amendments

- F24** Definitions substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 90\(1\)](#)
- F25** [S. 623](#): words in "section 623(1)" repealed (6.4.2006 for E. and 16.6.2006 for W.) by virtue of [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); [S.I. 2006/1060](#), [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(c\)\(v\)](#) (with [Sch.](#))
- F26** [S. 623](#): definitions in "section 623(1)" repealed (6.4.2006 for E. and 16.6.2006 for W.) by virtue of [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); [S.I. 2006/1060](#), [art. 2\(1\)\(v\)\(e\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(c\)\(v\)](#) (with [Sch.](#))
- F27** [S. 623\(2\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 90\(2\)](#)

624 Index of defined expressions: Part XVIII.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section):—

clearance area	section 289
district (of a local housing authority)	section 2(1)
[^{F28} dwelling-house]	[^{F28} section 623]
^{F29}	^{F29}
.
^{F29}	^{F29}
.
^{F29}	^{F29}
.
^{F30}	^{F30}
lease and let	section 621
local housing authority	section 1, 2(2)
owner	section 623
Rent Acts	section 622

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standard scale (in reference to the maximum fine on summary conviction)	section 622
street	section 622
unfit for human habitation	section 604

Textual Amendments

- F28** Entries inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), **Sch. 9 Pt. V para. 91(b)**
- F29** Entries in s. 624 repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), **Sch. 16**; S.I. 2006/1060, **art. 2(1)(e)(v)** (with Sch.); S.I. 2006/1535, **art. 2(c)(v)** (with Sch.)
- F30** Entry repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(e), 194(4), Sch. 9 Pt. V para. 91(a), **Sch. 12 Pt. II**

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