



Housing Act 1988

1988 CHAPTER 50

PART II

HOUSING ASSOCIATIONS

Miscellaneous and supplemental

56 Duty of Housing Corporation and Housing for Wales in relation to racial discrimination.

At the end of section 75 of the 1985 Act (general functions of the Corporation) there shall be added the following subsection—

“(5) Section 71 of the Race Relations Act 1976 (local authorities: general statutory duty) shall apply to the Corporation as it applies to a local authority.”

57 Delegation of certain functions.

The Secretary of State may delegate to the Corporation, to such extent and subject to such conditions as he may specify, any of his functions under—

- (a) section 54 or 55 above;
- (b) sections 53 (recoupment of surplus rental income), 54 to 57 (deficit grants) and 62 (grants for affording tax relief) of the 1985 Act, so far as continuing in force after the passing of this Act; and
- (c) Parts I and II of Schedule 5 to the 1985 Act (residual subsidies);

and where he does so, references to him in those provisions shall be construed accordingly.

[^{F1}58 Application of Housing Acts to certain transactions.

- (1) This section applies to any tenant of a publicly-funded house who, but for paragraph 1 of Schedule 5 to the ^{M1}Housing Act 1985 (no right to buy where landlord a charitable

Status: Point in time view as at 01/10/1996.

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housing trust or housing association), would have the right to buy under Part V of the Housing Act 1985.

- (2) A house is publicly-funded for the purposes of subsection (1) above if a grant under section 50 above, or a grant under section 41 of the 1985 Act or any enactment replaced by that section, has been paid in respect of a project which included—
- (a) the acquisition of the house;
 - (b) the acquisition of a building and the provision of the house by means of the conversion of the building; or
 - (c) the acquisition of land and the construction of the house on the land.
- (3) Where a registered housing association contracts for the acquisition of a house and, without taking the conveyance, grant or assignment, disposes of its interest at a discount to a tenant to whom this section applies, the provisions mentioned in subsection (4) below shall have effect as if the association first acquired the house and then disposed of it to the tenant.
- (4) The said provisions are—
- section 4 of the 1985 Act (eligibility for registration);
 - section 8 of that Act (disposal of land by registered housing associations);
 - section 9 of that Act (consent of Corporation to disposals);
 - section 79(2) of that Act (power of Corporation to lend to person acquiring interest from registered housing association);
 - Schedule 2 to that Act (covenants for repayments of discount on early disposal and restricting disposal of houses in National Parks etc.); and
 - section 130 of the ^{M2}Housing Act 1985 (reduction of discount on exercise of right to buy where previous discount given).]

Textual Amendments

F1 S. 58 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 51(4), 55, 227, 231(4)(b), Sch. 3 para. 10, **Sch. 19 Pt. I** (with s. 51(4)); S.I. 1996/2402, **art. 3** (subject to transitional provisions in Sch.)

Marginal Citations

M1 1985 c. 68.

M2 1985 c. 68.

59 Interpretation of Part II and amendments of Housing Associations Act 1985. **E**

+W

- (1) In this Part of this Act—
- (a) “the 1985 Act” means the ^{M3}Housing Associations Act 1985; and
 - (b) [^{F2}subject to subsections (1A) and (1B) below] expressions used in this Part have the same meaning as in the 1985 Act.

[^{F3}(1A) Expressions used in sections 50 to 55 and 57 above have the same meaning as in Part I of the Housing Act 1996, subject as follows.

- (1B) In those sections “housing activities” and “shared ownership lease”, in relation to times, circumstances and purposes before the commencement of section 1 of the Housing Act 1996 (the register of social landlords), have the same meaning as in the 1985 Act.]

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- (2) The 1985 Act shall have effect subject to the amendments in Schedule 6 to this Act, being amendments—
- (a) extending the supervisory powers conferred by Part I of the 1985 Act;
 - (b) making provision incidental to and consequential upon the establishment by this Part of this Act of Housing for Wales and the establishment by the ^{M4}Housing (Scotland) Act 1988 of Scottish Homes;
 - (c) making provision incidental to and consequential upon other provisions of this Part of this Act and the provisions of Part IV of this Act; and
 - (d) varying the grounds on which the Secretary of State may remove a member of the Housing Corporation from office.
- (3) In Schedule 6 to this Act,—
- (a) Part I contains amendments of Part I of the 1985 Act, including amendments which reproduce the effect of amendments made by Schedule 3 to the Housing (Scotland) Act 1988 with respect to Scottish Homes; and
 - (b) Parts II and III contain amendments of Parts II and III respectively of the 1985 Act.
- (4) Without prejudice to the operation of Schedule 3 to the Housing (Scotland) Act 1988 in relation to anything done before the day appointed for the coming into force of this section, for the purpose of giving effect to the amendments in Part I of Schedule 6 to this Act, the said Schedule 3 shall be deemed never to have come into force.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F2** Words in s. 59(1)(b) substituted (E.W.) (1.10.1996) by S.I. 1996/2325, art. 5(1), Sch. 2 para. 18(9)(b)
F3 S. 59(1A)(1B) inserted (E.W.) (1.10.1996) by S.I. 1996/2325, art. 5(1), Sch. 2 para. 18(9)(c)

Marginal Citations

- M3** 1985 c. 69.
M4 1988 c. 43.

59 Interpretation of Part II and amendments of Housing Associations Act 1985. **S**

- (1) In this Part of this Act—
- (a) “the 1985 Act” means the ^{M5}Housing Associations Act 1985; and
 - (b) except as provided in section 50(1) above, “the Corporation”^{F4} means Scottish Homes] and other expressions used in this Part have the same meaning as in the 1985 Act.
- (2) The 1985 Act shall have effect subject to the amendments in Schedule 6 to this Act, being amendments—
- (a) extending the supervisory powers conferred by Part I of the 1985 Act;
 - (b) making provision incidental to and consequential upon the establishment by this Part of this Act of Housing for Wales and the establishment by the ^{M6}Housing (Scotland) Act 1988 of Scottish Homes;

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- (c) making provision incidental to and consequential upon other provisions of this Part of this Act and the provisions of Part IV of this Act; and
 - (d) varying the grounds on which the Secretary of State may remove a member of the Housing Corporation from office.
- (3) In Schedule 6 to this Act,—
- (a) Part I contains amendments of Part I of the 1985 Act, including amendments which reproduce the effect of amendments made by Schedule 3 to the Housing (Scotland) Act 1988 with respect to Scottish Homes; and
 - (b) Parts II and III contain amendments of Parts II and III respectively of the 1985 Act.
- (4) Without prejudice to the operation of Schedule 3 to the Housing (Scotland) Act 1988 in relation to anything done before the day appointed for the coming into force of this section, for the purpose of giving effect to the amendments in Part I of Schedule 6 to this Act, the said Schedule 3 shall be deemed never to have come into force.

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F4 Words in s. 59(1)(b) inserted (S.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 19(9)(a)**

Marginal Citations

M5 1985 c. 69.

M6 1988 c. 43.

Status:

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