



# Housing Act 1988

## 1988 CHAPTER 50

### PART II

#### HOUSING ASSOCIATIONS

##### *Miscellaneous and supplemental*

<sup>F1</sup>56 .....

#### Textual Amendments

<sup>F1</sup> S. 56 repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3; S.I. 2001/566, art. 2

#### 57 Delegation of certain functions. **E+W**

The Secretary of State may delegate to the [<sup>F2</sup>Housing Corporation], to such extent and subject to such conditions as he may specify, any of his functions [<sup>F3</sup>, so far as they relate to English registered social landlords,] under—

- (a) section 54 <sup>F4</sup>. . . 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.

[<sup>F5</sup>In this section “English registered social landlords” means social landlords registered in the register maintained by the Housing Corporation under section 1 of the <sup>M1</sup>Housing Act 1996.]

*Status: Point in time view as at 06/04/2006.*

*Changes to legislation: Housing Act 1988, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### 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. 57 substituted (E.W.) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 66(a)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F3** Words in s. 57 inserted (E.W.) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 66(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F4** Words in s. 57(a) repealed (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 266, 270, **Sch. 16**; S.I. 2006/1060, **art. 2(1)(e)(ix)** (with Sch.); S.I. 2006/1535, **art. 2(c)(ix)** (with Sch.)
- F5** Definition of "English registered social landlords" in s. 57 inserted (E.W.) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 66(c)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

#### Marginal Citations

- M1** 1996 c. 52.

## 57 Delegation of certain function. **S**

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.

#### Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

## [<sup>F6</sup>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 <sup>M2</sup>Housing Act 1985 (no right to buy where landlord a charitable 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.

*Status: Point in time view as at 06/04/2006.*

*Changes to legislation: Housing Act 1988, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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 <sup>M3</sup>Housing Act 1985 (reduction of discount on exercise of right to buy where previous discount given).]

#### Textual Amendments

**F6** 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

**M2** 1985 c. 68.

**M3** 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 <sup>M4</sup>Housing Associations Act 1985; and
  - (b) [<sup>F7</sup>subject to subsections (1A) and (1B) below] expressions used in this Part have the same meaning as in the 1985 Act.

[<sup>F8</sup>(1A) Expressions used in sections 50 to [<sup>F9</sup>54] 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.]

- (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 <sup>F10</sup>. . . the establishment by the Housing (Scotland) Act 1988 of Scottish Homes;
  - (c) making provision incidental to and consequential upon [<sup>F11</sup>the] provisions of this Part of this Act and the provisions of Part IV of this Act; and

*Status: Point in time view as at 06/04/2006.*

*Changes to legislation: Housing Act 1988, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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 England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F7** 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)**
- F8** S. 59(1A)(1B) inserted (E.W.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 18(9)(c)**
- F9** Word in s. 59(1A) substituted (E.W.) (18.1.2005) by **Housing Act 2004 (c. 34), ss. 218, 270, Sch. 11 para. 6**
- F10** Words in s. 59(2)(b) repealed (E.W.) (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 67(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F11** Word in s. 59(2)(c) substituted (E.W.) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 67(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

#### Marginal Citations

- M4** 1985 c. 69.

## 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 <sup>M5</sup>Housing Associations Act 1985; and
- (b) except as provided in section 50(1) above, “the Corporation”<sup>F12</sup> means <sup>F13</sup>the Scottish Ministers]] 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;
- <sup>F14</sup>(b) .....
- (c) making provision incidental to and consequential upon <sup>F15</sup>the] 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,—

*Status: Point in time view as at 06/04/2006.*

*Changes to legislation: Housing Act 1988, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F12** 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)**
- F13** Words in s. 59(1)(b) substituted (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(6)(a)**; S.S.I. 2001/397, art. 2(2), **Sch.** Table (subject to transitional provisions and savings in arts. 3-6)
- F14** S. 59(2)(b) repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(6)(b)**; S.S.I. 2001/397, art. 2(2), **Sch.** Table (subject to transitional provisions and savings in arts. 3-6)
- F15** Word in s. 59(2)(c) substituted (S.) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 67(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**

#### Marginal Citations

- M5** 1985 c. 69.

**Status:**

Point in time view as at 06/04/2006.

**Changes to legislation:**

Housing Act 1988, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.