



Housing Associations Act 1985

CHAPTER 69

HOUSING ASSOCIATIONS ACT 1985

PART I

REGULATION OF HOUSING ASSOCIATIONS

Introductory

- 1 Meaning of “housing association” and related expressions.
- 2 Meaning of “housing trust”.
- 2A The Corporation.
- 2B Meaning of “registered housing association”, “registered social landlord” etc.

Registration

- 3 The register.
- 4 Eligibility for registration.
- 5 Registration.
- 6 Removal from the register.
- 7 Appeal against removal.

Disposal of land

- 8 Power of registered housing associations to dispose of land.
- 9 Control of disposals by unregistered housing associations
- 10 Dispositions excepted from s. 9.
- 11 Further provisions as to certain disposals of houses.
- 12 Avoidance of certain disposals of houses without consent.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)

Control of payments to members, etc.

- 13 Payments by way of gift, dividend or bonus.
- 14 Maximum amounts payable by way of fees, expenses, etc.
- 15 Payments and benefits to committee members, etc.
- 15A Payments etc. in community-based housing associations in Scotland.

Constitution, change of rules, amalgamation and dissolution

- 16 General power to remove committee member.
- 17 Power to appoint new committee member.
- 18 Exercise of powers under ss. 16 and 17 in relation to registered charities.
- 19 Change of rules under the 1965 Act.
- 20 Change of objects by certain charities.
- 21 Amalgamation and dissolution under the 1965 Act.
- 22 Corporation's power to petition for winding up.
- 23 Transfer of net assets on dissolution.

Accounts and audit

- 24 General requirements as to accounts and audit.
- 25 Appointment of auditors by associations registered under the 1965 Act.
- 26 Accounting requirements for registered housing associations not within the 1965 Act.
- 27 Responsibility for securing compliance with accounting requirements
- 27A Power of Corporation to monitor associations.

Inquiries into affairs of housing associations

- 28 Inquiry.
- 29 Extraordinary audit for purposes of inquiry.
- 30 General powers exercisable as a result of inquiry or audit.
- 31 Exercise of powers under ss. 28 to 30 in relation to registered charities.
- 32 Power to direct transfer of land to another housing association or the Corporation.

Miscellaneous

- 33 Recognition of central association.
- 33A Provision of services between the Corporations.
- 34 Provision of land by county councils.
- 35 Housing trusts: power to transfer housing to local housing authority.
- 36 Housing trusts: functions of Secretary of State with respect to legal proceedings.
- 36A Issue of guidance by the Corporation.

Supplementary

- 37 Definitions relating to the 1965 Act and societies registered under it.
- 38 Definitions relating to charities.
- 39 Minor definitions.
- 40 Index of defined expressions: Part I.

Changes to legislation: There are currently no known outstanding effects
for the Housing Associations Act 1985. (See end of Document for details)

PART II

HOUSING ASSOCIATION FINANCE

41—51
52
53

Deficit grants

54
55	Hostel deficit grants.
56	Applications for deficit grants.
57	Payment of deficit grants.

Arrangements with local authorities

58	Powers of local authorities to promote and assist housing associations: England and Wales.
59	Powers of local authorities to promote and assist housing associations: Scotland.
60	Certain assistance restricted to registered housing associations.
61	Power of local housing authority to supply furniture to housing association tenants.
62
63—66

Loans by Public Works Loan Commissioners

67	Loans by Public Works Loan Commissioners: England and Wales.
68	Local loans made by the Treasury: Scotland.

Miscellaneous

69	Power to vary or terminate certain agreements with housing associations.
69A	Land subject to housing management agreement.
70	Continuation of arrangements under repealed enactments.
71	Superseded contributions, subsidies and grants.

Supplementary provisions

72	Minor definitions.
73	Index of defined expressions: Part II.

PART III

SOCIAL HOUSING IN WALES

Functions of the Welsh Ministers and other general matters

74	The Welsh Ministers
75	General functions
76	Directions by the Secretary of State.
76A	Realisation of value of Housing Corporation's loans portfolio.
77	Advisory service.
78	Annual report.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)

Relevant Authority's powers with respect to grants and loans

- 79 Lending powers.
- 80 Security for loans to unregistered self-build societies.
- 81 Further advances in case of disposal on shared ownership lease.
- 82 Loans made under s. 2 of the Housing Act 1964.
- 83 Power to guarantee loans.
- 84 Agreements to indemnify certain lenders
- 85 Meaning of “recognised body” and “relevant advance”.
- 86 Agreements to indemnify building societies: Scotland.
- 87 Financial assistance with respect to formation, management, etc. of certain housing associations.

Relevant Authority's powers with respect to land and works

- 88 Acquisition of land.
- 89 Provision of dwellings or hostels and clearance, management and development of land.
- 90 Disposal of land.
- 91 Protection of persons deriving title under transactions requiring consent.

The Relevant Authority's finances

- 92 Borrowing powers.
- 93 Limit on borrowing.
- 94 Treasury guarantees of borrowing.
- 95 Grants to the Housing Corporation.
- 96 General financial provisions.
- 97 Accounts and audit.

Acquisition of securities and control of subsidiaries

- 98 Acquisition of securities and promotion of body corporate.
- 99 Control of subsidiaries.

Supplementary provisions

- 100 Scottish Special Housing Association may act as agents for Relevant Authority in Scotland.
- 101 Minor definitions.
- 102 Index of defined expressions: Part III.

PART IV

GENERAL PROVISIONS

General provisions

- 103 Application to Isles of Scilly.
- 104 Local housing authorities.
- 105 Members of a person's family.
- 106 Minor definitions — general.

Final provisions

- 107 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Grant-Aided Land

Definition of “grant-aided land”

1 For the purposes of section 9(1A) (control

Payments

2 The payments referred to in paragraph 1(a) are—

Loans

3 The loans referred to in paragraph 1(b) are—

SCHEDULE 2 —

Repayment of discount on early disposal

1 (1) This paragraph applies where, on a disposal of a...

Liability to repay is a charge on the premises

2 (1) The liability that may arise under the covenant required...

Restriction on disposal of houses in National Parks, etc.

3 (1) Where a conveyance, grant or assignment executed under section...

Relevant disposals

4 (1) A disposal, whether of the whole or part of...

Exempted disposals

5 (1) A disposal is an exempted disposal for the purposes...

Meaning of “compulsory disposal”

6 In this Schedule a “compulsory disposal” means a disposal of...

Exempted disposals which end liability under covenants

7 Where there is a relevant disposal which is an exempted...

Treatment of options

8 (1) For the purposes of this Schedule the grant of...

SCHEDULE 3 —

Books of account, &c.

1 (1) The association shall in respect of its housing activities—...

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)

Accounts and balance sheets

- 2 (1) The association shall for each period of account prepare—...

Appointment of auditor

- 3 (1) The association shall in each period of account appoint...

Auditor's report

- 4 (1) The association's auditor appointed under this Schedule shall make...

Duties of auditor

- 5 The auditor in preparing his report shall carry out such...

Auditor's right of access to books, etc.

- 6 The auditor— (a) has a right of access at all...

Periods of account

- 7 A period of account for the purposes of this Schedule...

SCHEDULE 4 — Housing Associations: Continuation of Arrangements Under Repealed Enactments

Part I — ARRANGEMENTS WITH LOCAL AUTHORITIES FOR PROVISION OR IMPROVEMENT OF HOUSING

(ss. 120 and 121 of the Housing Act 1957)

- 1 Arrangements between a local authority and a housing association under...
2 Arrangements between a local authority and a housing association under...

Part II — SUBSIDY AGREEMENTS WITH LOCAL AUTHORITIES

(s. 79 of the Housing Finance Act 1972 and s. 59 of the Housing (Financial Provisions) (Scotland) Act 1972)

- 1 In this Part "subsidy agreement" means an agreement made between...
2 Where a subsidy agreement provides for the payment of greater...

Part III — SPECIAL ARRANGEMENTS WITH THE SECRETARY OF STATE IN SCOTLAND

(s.1(1)(d) of the Housing (Scotland) Act 1962; s.1(2)(d) of the Housing (Financial Provisions) (Scotland) Act 1968)

Arrangements made between the Secretary of State and a housing...

SCHEDULE 5 — Housing Association Finance: Superseded Subsidies, Contributions and Grants

Part I — RESIDUAL SUBSIDIES: ENGLAND AND WALES

(ss. 72 and 73 of the Housing Finance Act 1972) Entitlement to residual subsidies

- 1 (1) Basic residual subsidy is payable to a housing association...
2 (1) Special residual subsidy is payable to a housing association...

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)

3 No basic or special residual subsidy is payable to a...

Power to vary withdrawal factor or reduction factor

4 (1) This paragraph applies where a housing association, by furnishing...

Administrative provisions

5 (1) Payment of basic or special residual subsidy is subject...

Powers exercisable in case of disposal of dwellings by association

6 (1) The Secretary of State may reduce, suspend or discontinue...

Saving for financial years beginning before the commencement of this Act

7 (1) The preceding provisions apply in relation to the financial...

Part II — RESIDUAL SUBSIDIES: SCOTLAND

(ss. 52 and 53 of the Housing (Financial Provisions) (Scotland) Act 1972) Entitlement to residual subsidies

1 (1) Basic residual subsidy is payable to a housing association...

2 (1) Special residual subsidy is payable to a housing association...

3 No basic or special residual subsidy is payable to a...

Power to vary withdrawal factor or reduction factor

4 (1) This paragraph applies where a housing association, by furnishing...

Administrative provisions

5 (1) Payment of basic or special residual subsidy is subject...

Powers exercisable in case of disposal of houses by association

6 (1) The Secretary of State may reduce, suspend or discontinue...

Saving for financial years beginning before the commencement of this Act

7 (1) The preceding provisions apply in relation to the financial...

Part III — CONTRIBUTIONS AND GRANTS UNDER ARRANGEMENTS WITH LOCAL AUTHORITIES

(s. 12 of the Housing (Financial Provisions) Act 1958; s. 12 of the Housing Subsidies Act 1967; s. 21 of the Housing Act 1969)

1 (1) Contributions by the Secretary of State in connection with...

2 If the Secretary of State is satisfied, in the case...

(s. 17 of the Housing (Financial Provisions) (Scotland) Act 1968)

3 (1) Contributions by the Secretary of State under section 17...

4 (1) The Secretary of State may, in any of the...

Part IV — CONTRIBUTIONS UNDER ARRANGEMENTS WITH THE SECRETARY OF STATE IN SCOTLAND

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)

(s. 16 of the Housing (Financial Provisions) (Scotland) Act 1968)

- 1 (1) Contributions by the Secretary of State under section 16...
Part V — SCHEMES FOR THE UNIFICATION OF GRANT CONDITIONS

(s. 123 of the Housing Act 1957; s. 157 of the Housing (Scotland) Act 1966)

- 1 A scheme under section 123 of the Housing Act 1957...
- 2 A scheme under section 157 of the Housing (Scotland) Act...
Part VI — NEW BUILDING SUBSIDY AND IMPROVEMENT SUBSIDY

(s. 75 of the Housing Finance Act 1972; ss. 55 and 57 of the Housing (Financial Provisions) (Scotland) Act 1972)

- 1 (1) The following subsidies remain payable in respect of building...
- 2 (1) The Secretary of State may make reduced payments of...
- 3 (1) Where a housing association satisfies the Secretary of State,...
- 4 (1) Where before 1st April 1976 a registered housing association...
Part VII — PAYMENTS IN RESPECT OF HOSTELS UNDER PRE-1974 ENACTMENTS

(s. 21 of the Housing (Financial Provisions) (Scotland) Act 1968)

- 1 (1) Section 21 of the Housing (Financial Provisions) (Scotland) Act...

SCHEDULE 6 —

.....

SCHEDULE 7 — Powers Exercisable Where Loan Outstanding under Section 2 of The Housing Act 1964

Introductory

- 1 This Schedule applies where— (a) the Housing Corporation made a...

Directions as to disposal of land securing loan

- 2 (1) The Regulator of Social Housing may ... give the...
- 3 Where the Regulator of Social Housing proposes to give a...
- 4 (1) Where the Regulator of Social Housing proposes to give...

Schemes for Corporation to provide housing accommodation in place of association

- 5 (1) If it appears to the Regulator of Social Housing—...

— TABLE OF DERIVATIONS

- 1 The following abbreviations are used in this Table:— Acts of...

Changes to legislation:

There are currently no known outstanding effects for the Housing Associations Act 1985.