



Housing Act 1985

CHAPTER 68

HOUSING ACT 1985

PART I

INTRODUCTORY PROVISIONS

Local housing authorities

- 1 Local housing authorities.
- 2 The district of a local housing authority
- 3 Buildings situated in more than one district.

Other authorities and bodies

- 4 Other descriptions of authority.
- 5 Housing associations.
- 6 Housing trusts.
- 6A The Corporation

Supplementary provisions

- 7 Index of defined expressions: Part I.

PART II

PROVISION OF HOUSING ACCOMMODATION

Main powers and duties of local housing authorities

- 8 Periodical review of housing needs.
- 9 Provisions of housing accommodation.
- 10 Provision of furnishings and fittings.
- 11 Provision of board and laundry facilities.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 11A Provision of welfare services.
- 12 Provision of shops, recreation grounds, etc.
- 13 Provision of streets, roads and open spaces and development generally.
- 14 Exercise of powers by authority outside district.

Powers of authorities in London

- 15 Additional powers of authorities in London.
- 16 Exercise of powers outside Greater London.

Acquisition of land, etc.

- 17 Acquisition of land for housing purposes.
- 18 Duties with respect to buildings acquired for housing purposes.
- 19 Appropriation of land.

Housing management

- 20 Application of housing management provisions.
- 21 General powers of management.
- 22 Allocation of housing.
- 23 Byelaws.
- 24 Rents.
- 25 Increase of rent where tenancy not secure.
- 26 Financial assistance towards tenants' removal expenses.

Management agreements

- 27 Management agreements.
- 27A Consultation required before management agreement can be approved.
- 27AA Management agreements and compulsory competitive tendering.
- 27AB Management agreements with tenant management organisations.
- 27B Agreements with housing co-operatives under superseded provisions.

Consultation with respect to housing management

- 27BA Consultation with respect to management.

Proposals for co-operative management or ownership

- 27C Proposals for co-operative management or ownership.

Powers of county councils

- 28 Reserve powers to provide housing accommodation.
- 29 Provision of accommodation for employees of county councils.

Miscellaneous powers of other authorities and bodies

- 30 Application of provisions to new town corporations, etc.
- 31 Power of bodies corporate to sell or let land for housing purposes.

Disposal of land held for housing purposes

- 32 Power to dispose of land held for purposes of this Part.
- 33 Covenants and conditions which may be imposed.
- 34 Consents under ss. 32 and 33.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 34A Requirements to co-operate in relation to certain disposals
- 35 Repayment of discount on early disposal.
- 35A Increase in value of house attributable to home improvements
- 36 Liability to repay is a charge on the premises.
- 36A Right of first refusal for local authority
- 36B Consideration payable for disposal under section 36A
- 37 Restriction on disposal of dwelling-houses in National Parks, etc.
- 38 Relevant disposals.
- 39 Exempted disposals.
- 39A Treatment of deferred resale agreements for purposes of section 35
- 40 Meaning of “compulsory disposal”.
- 41 Exempted disposals which end liability under covenants.
- 42 Treatment of options.
- 43 Consent required for certain disposals not within s. 32.
- 44 Avoidance of certain disposals of houses without consent.

Restriction on service charges

- 45 Disposals in relation to which ss. 46 to 51 apply, etc. payable after disposal of house
- 46
- 47 Limitation of service charges.
- 48 Information as to relevant costs.
- 49
- 50 Offences.
- 51 Meaning of “qualified accountant”.

Miscellaneous

- 52 Compliance with minimum standards in erection of houses.
- 53 Prefabs deemed to be houses provided under this Part.

Supplementary provisions

- 54 Powers of entry.
- 55 Penalty for obstruction.
- 56 Minor definitions.
- 57 Index of defined expressions: Part II.

PART III

HOUSING THE HOMELESS

Main definitions

- 58 Homelessness and threatened homelessness.
- 59 Priority need for accommodation.
- 60 Becoming homeless intentionally.
- 61 Local connection.

Duties of local housing authorities with respect to homelessness and threatened homelessness

- 62 Inquiry into cases of possible homelessness or threatened homelessness.
- 63 Interim duty to accommodate in case of apparent priority need.
- 64 Notification of decision and reasons.
- 65 Duties to persons found to be homeless.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 66 Duties to persons found to be threatened with homelessness.
- 67 Referral of application to another local housing authority.
- 68 Duties to persons whose applications are referred.
- 69 Provisions supplementary to ss. 63, 65 and 68.
- 70 Protection of property of homeless persons and persons threatened with homelessness.

Administrative provisions

- 71 Guidance to authorities by the Secretary of State.
- 72 Co-operation between authorities.

Assistance for voluntary organisations

- 73 Financial and other assistance for voluntary organisations concerned with homelessness.

Supplementary provisions

- 74 False statements, withholding information and failure to disclose change of circumstances.
- 75 Meaning of accommodation available for occupation.
- 76 Application of this Part to cases arising in Scotland.
- 77 Minor definitions.
- 78 Index of defined expressions: Part III.

PART IV

SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

Security of tenure

- 79 Secure tenancies.
- 80 The landlord condition.
- 81 The tenant condition.
- 82 Security of tenure.
- 82A Demotion because of anti-social behaviour
- 83 Proceedings for possession or termination: notice requirements.
- 83A Additional requirements in relation to certain proceedings for possession.
- 84 Grounds and orders for possession.
- 85 Extended discretion of court in certain proceedings for possession.
- 85A Proceedings for possession: anti-social behaviour
- 86 Periodic tenancy arising on termination of fixed term.

Succession on death of tenant

- 87 Persons qualified to succeed tenant.
- 88 Cases where the tenant is a successor.
- 89 Succession to periodic tenancy.
- 90 Devolution of term certain.

Assignment, lodgers and subletting

- 91 Assignment in general prohibited.
- 92 Assignments by way of exchange.
- 93 Lodgers and subletting.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 94 Consent to subletting.
- 95 Assignment or subletting where tenant condition not satisfied.

Repairs and improvements

- 96 Right to have repairs carried out.
- 97 Tenant's improvements require consent.
- 98 Provisions as to consents required by s. 97.
- 99 Conditional consent to improvements.
- 99A Right to compensation for improvements.
- 99B Persons qualifying for compensation.
- 100 Power to reimburse cost of tenant's improvements.
- 101 Rent not to be increased on account of tenant's improvements.

Variation of terms of tenancy

- 102 Variation of terms of secure tenancy.
- 103 Notice of variation of periodic tenancy.

Provision of information and consultation

- 104 Provision of information about tenancies.
- 105 Consultation on matters of housing management.
- 106 Information about housing allocation.
- 106A Consultation before disposal to private sector landlord.

Miscellaneous

- 107
- 108 Heating charges
- 109 Provisions not applying to tenancies of co-operative housing associations.

Supplementary provisions

- 109A Acquisition of dwelling-house subject to statutory tenancy.
- 110 Jurisdiction of county court.
- 111 County court rules and directions.
- 111A Introductory tenancies
- 112 Meaning of "dwelling-house".
- 113 Members of a person's family.
- 114 Meaning of "landlord authority".
- 115 Meaning of "long tenancy".
- 115A Meaning of "introductory tenancy".
- 116 Minor definitions.
- 117 Index of defined expressions: Part IV

PART V

THE RIGHT TO BUY

The right to buy

- 118 The right to buy.
- 119 Qualifying period for right to buy.
- 120 Exceptions to the right to buy
- 121 Circumstances in which the right to buy cannot be exercised.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 121A Order suspending right to buy because of anti-social behaviour
- 121AA Information to help tenants decide whether to exercise right to buy etc.
- 121B Provision of information

Claim to exercise right to buy

- 122 Tenant's notice claiming to exercise right to buy.
- 123 Claim to share right to buy with members of family.
- 124 Landlord's notice admitting or denying right to buy.
- 125 Landlord's notice of purchase price and other matters.
- 125A Estimates and information about service charges.
- 125B Estimates and information about improvement contributions.
- 125C Reference period for purposes of ss. 125A and 125B.
- 125D Tenant's notice of intention.
- 125E Landlord's notice in default.

Purchase price

- 126 Purchase price.
- 127 Value of dwelling-house.
- 128 Determination of value by district valuer.
- 128A Determination of value: review notices
- 128B Review of determination of value
- 129 Discount.
- 130 Reduction of discount where previous discount given.
- 131 Limits on amount of discount

The right to a mortgage

- 132 The right to a mortgage.
- 133 The amount to be secured.
- 134 Tenant's notice claiming to exercise right to a mortgage.
- 135 Landlord's notice of amount and terms of mortgage.

Change of tenant or landlord after service of notice claiming right to buy

- 136 Change of secure tenant after notice claiming right to buy.
- 137 Change of landlord after notice claiming right to buy or right to a mortgage.

Completion of purchase in pursuance of right to buy

- 138 Duty of landlord to convey freehold or grant lease.
- 138A Effect of initial demolition notice served before completion
- 138B Effect of final demolition notice served before completion
- 138C Compensation where demolition notice served
- 139 Terms and effect of conveyance or grant and mortgage.
- 140 Landlord's first notice to complete.
- 141 Landlord's second notice to complete.
- 142 When tenant is entitled to defer completion,
- 142A Termination of the right to acquire on rent to mortgage terms

Right to acquire on rent to mortgage terms

- 143 Right to acquire on rent to mortgage terms.
- 143A Right excluded by entitlement to housing benefit.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 143B Right excluded if minimum initial payment exceeds maximum initial payment.
- 144 Tenant's notice claiming right.
- 145 Tenant's initial share.
- 146 Landlord's notice admitting or denying right.
- 146A Tenant's notice of intention.
- 146B Landlord's notice in default.
- 147 Notice of landlord's share and initial discount.
- 148 Determination of landlord's share, initial discount etc.
- 149 Change of landlord after notice claiming right.
- 150 Duty of landlord to convey freehold or grant lease.
- 151 Terms and effect of conveyance or grant: general.
- 151A Redemption of landlord's share.
- 151B Mortgage for securing redemption of landlord's share.
- 152 Landlord's first notice to complete.
- 153 Landlord's second notice to complete.

Tenant's sanction for landlord's delays

- 153A Tenant's notices of delay.
- 153B Payments of rent attributable to purchase price etc.

Registration of title

- 154 Registration of title.

Provisions affecting future disposals

- 155 Repayment of discount on early disposal.
- 155A Amount of discount which may be demanded by landlord: right to buy
- 155B Amount of discount which may be demanded by landlord: right to acquire on rent to mortgage terms
- 155C Increase attributable to home improvements
- 156 Liability to repay is a charge on the premises.
- 156A Right of first refusal for landlord etc.
- 157 Restriction on disposal of dwelling-houses in National Parks, etc.
- 158 Consideration for reconveyance or surrender under s. 157.
- 159 Relevant disposals.
- 160 Exempted disposals.
- 161 Meaning of "compulsory disposal".
- 162 Exempted disposals which end liability under covenants.
- 163 Treatment of options.
- 163A Treatment of deferred resale agreements for purposes of section 155

Powers of Secretary of State

- 164 Secretary of State's general power to intervene.
- 165 Vesting orders for purposes of s. 164.
- 166 Other provisions supplementary to s. 164.
- 167 Power to give directions as to covenants and conditions.
- 168 Effect of direction under s. 167 on existing covenants and conditions.
- 169 Power to obtain information, etc.
- 170 Power to give assistance in connection with legal proceedings.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Power to extend right to buy, etc.

171 Power to extend right to buy, etc.

Preservation of right to buy on disposal to private sector landlord

- 171A Cases in which right to buy is preserved.
- 171B Extent of preserved right: qualifying persons and dwelling-houses.
- 171C Modifications of this Part in relation to preserved right.
- 171D Subsequent dealings: disposal of landlord's interest in qualifying dwelling-house.
- 171E Subsequent dealings: termination of landlord's interest in qualifying dwelling-house.
- 171F Subsequent dealings: transfer of qualifying person to alternative accommodation.
- 171G Land registration and related matters.
- 171H Disposal after notice claiming to exercise right to buy, etc.

Modifications of Leasehold Reform Act 1967 in relation to leases granted under this Part

- 172 Exclusion of leases where landlord is housing association and freeholder is a charity.
- 173 Exclusion of shared ownership leases granted under this Part.
- 174 Leases granted under this Part to be treated as long leases at a low rent.
- 175 Determination of price payable.

Supplementary provisions

- 176 Notices.
- 177 Errors and omissions in notices.
- 178 Costs.
- 179 Provisions restricting right to buy, etc. of no effect.
- 180 Statutory declarations.
- 181 Jurisdiction of county court.
- 182 Power to repeal or amend local Acts.
- 183 Meaning of "house", "flat" and "dwelling-house".
- 184 Land let with or used for purposes of dwelling-house.
- 185 Meaning of "secure tenancy" and "secure tenant".
- 186 Members of a person's family.
- 187 Minor definitions.
- 188 Index of defined expressions: Part V

PART VI

REPAIR NOTICES

Repair Notices

- 189 Repair notice in respect of unfit dwelling-house.
- 190 Repair notice in respect of dwelling-house or house in multiple occupation in state of disrepair but not unfit.
- 190A Effect on section 189 of proposal to include premises in group repair scheme.
- 191 Appeals against repair notices.
- 191A Execution of works by local housing authority by agreement
- 192

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Enforcement

- 193 Power of local housing authority to execute works.
- 194 Notice of authority's intention to execute works.
- 195 Power of court to order occupier or owner to permit things to be done.
- 196 Power of court to authorise owner to execute works on default of another owner.
- 197 Powers of entry.
- 198 Penalty for obstruction.
- 198A Penalty for failure to execute works.

Provisions for protection of owner and others

- 199—
- 201
- 202 Owner not in receipt of rents, &c. to receive notice of proceedings.
- 203 Saving for rights arising from breach of covenant, &c.
- 204 Effect of approved proposals for re-development.

Supplementary provisions

- 205
- 206
- 207 Minor definitions.
- 208 Index of defined expressions: Part VI.

PART VII

- 209—
- 238

PART VIII

AREA IMPROVEMENT

Housing action areas

- 239 Declaration of housing action area.
- 240 Steps to be taken after declaration of housing action area.
- 241 Functions of Secretary of State with respect to declaration of housing action area.
- 242 Incorporation into housing action area of land comprised in general improvement area.
- 243 General powers of local housing authority.
- 244 Environmental works.
- 245 Contributions by Secretary of State.
- 246 Duty to publish information.
- 247 Changes of ownership or occupation of land to be notified to local housing authority.
- 248 Form and contents of notification under s. 247.
- 249 Penalty for failure to notify, &c.
- 250 Exclusion of land from, or termination of, housing action area.
- 251 Extension of duration of housing action area.
- 252 Meaning of "housing accommodation" and related expressions.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

General improvement areas

- 253 Declaration of general improvement area.
- 254 Steps to be taken after declaration.
- 255 General powers of local housing authority.
- 256 Power to apply for orders extinguishing right to use vehicles on highway.
- 257 Duty to publish information.
- 258 Exclusion of land from, or termination of, general improvement area.
- 259 Contributions by Secretary of State.

Supplementary provisions

- 259A Effect of resolutions relating to housing action area or general improvement area.
- 259B Effect of certain resolutions passed before commencement of s. 259A.
- 260 Powers of entry.
- 261 Penalty for obstruction.
- 262 Minor definitions.
- 263 Index of defined expressions: Part VIII

PART IX

SLUM CLEARANCE

Demolition or closing of unfit premises beyond repair at reasonable cost

- 264 Power to make closing order.
- 265 Power to make demolition order.
- 266
- 267 Content of demolition and closing orders.
- 268 Service of notice of order.
- 269 Right of appeal against order.
- 269A Appeals suggesting certain other courses of action

Demolition orders

- 270 Demolition orders: recovery of possession of building to be demolished.
- 271 Demolition orders: execution of order.
- 272 Demolition orders: expenses of local housing authority, &c.
- 273 Demolition orders: cleansing before demolition.
- 274 Demolition orders: power to permit reconstruction of condemned house.
- 274A Effect of certain enforcement action under the Housing Act 2004
- 275 Demolition orders: substitution of closing order to permit use otherwise than for human habitation.

Closing orders

- 276 Closing orders: recovery of possession of house.
- 277 Closing orders: enforcement.
- 278 Closing orders: determination of order on premises being rendered fit.
- 279 Closing orders: substitution of demolition order.
- 280—
- 282

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Demolition of obstructive buildings

- 283 Buildings liable to be demolished as “obstructive buildings”.
- 284 Obstructive building order.
- 285 Right of appeal against obstructive building order.
- 286 Obstructive building order: recovery of possession of building to be demolished.
- 287 Execution of obstructive building order.
- 288 Obstructive buildings: expenses of local housing authority, &c.

Clearance areas

- 289 Declaration of clearance area.
- 290 Acquisition of land for clearance.
- 291 Method of dealing with land acquired for clearance.
- 292 Power to discontinue proceedings if acquisition of land proves unnecessary.
- 293 Property belonging to the local housing authority.
- 294 Extinguishment of public rights of way over land acquired.
- 295 Extinguishment of other rights over land acquired.
- 296 Apparatus of statutory undertakers.
- 297 Procedure for removal or alteration of apparatus under s. 296.
- 298 Telecommunication apparatus.
- 299

Use of condemned houses for temporary housing accommodation

- 300 Purchase of houses liable to be demolished or closed.
- 301 Retention of houses acquired for clearance.
- 302 Management and repair of houses acquired under s. 300 or retained under s. 301

Listed buildings

- 303 Meaning of “listed building”.
- 304 Closing order to be made in respect of listed building subject to s. 265.
- 305 Building becoming listed when subject to compulsory purchase for clearance.
- 306 Building becoming listed when acquired by agreement for clearance.

Provisions for protection or assistance of owners

- 307 Saving for rights arising from breach of covenant, &c.
- 308 Approval of owner’s proposals for redevelopment.
- 309 Recovery of possession of premises for purposes of approved re-development.
- 310 Certificate of fitness resulting from owner’s improvements or alterations.
- 311 Consideration of proposals under s. 308 or s. 310 with respect to premises in clearance area.
- 312—
- 314

Miscellaneous

- 315 Power of court to order occupier or owner to permit things to be done.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 316 Power of court to authorise owner to demolish premises on default of another owner.
- 317 Power of court to determine lease where premises demolished or closed.
- 318 Power of court to authorise execution of works on unfit premises or for improvement.

Supplementary provisions

- 319 Powers of entry.
- 320 Penalty for obstruction.
- 321
- 322 Minor definitions.
- 323 Index of defined expressions: Part IX.

PART X

OVERCROWDING

Definition of overcrowding

- 324 Definition of overcrowding.
- 325 The room standard.
- 326 The space standard.

Responsibility of occupier

- 327 Penalty for occupier causing or permitting overcrowding.
- 328 Exception: children attaining age of 1 or 10.
- 329 Exception; visiting member of family.
- 330 Licence of local housing authority.

Responsibilities of landlord

- 331 Penalty for landlord causing or permitting overcrowding.
- 332 Information to be contained in rent book.
- 333 Duty to inform local housing authority of overcrowding.

Powers and duties of local housing authority

- 334 Duty to inspect, report and prepare proposals.
- 335 Power to require information about persons sleeping in dwelling.
- 336 Power to require production of rent book.
- 337 Power of entry to determine permitted number of persons.
- 338 Notice to abate overcrowding.

Supplementary provisions

- 339 Enforcement of this Part.
- 340 Powers of entry.
- 341 Penalty for obstruction.
- 342 Meaning of “suitable alternative accommodation”.
- 343 Minor definitions.
- 344 Index of defined expressions: Part X

PART XI

HOUSES IN MULTIPLE OCCUPATION

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Introductory

345 Meaning of “multiple occupation”.

Registration schemes

- 346 Registration schemes.
- 346A Contents of registration scheme.
- 346B Model schemes and confirmation of schemes.
- 347 Control provisions.
- 348 Control provisions: decisions on applications and appeals.
- 348A Control provisions: other decisions and appeals.
- 348B Special control provisions.
- 348C Special control provisions: general provisions as to decisions and appeals.
- 348D Special control provisions: occupancy directions.
- 348E Special control provisions: decisions and appeals relating to occupancy directions.
- 348F Special control provisions: “relevant management failure”.
- 348G Offences in connection with registration schemes.
- 349 Steps required to inform public about schemes.
- 350 Power to require information for purposes of scheme.
- 351 Proof of scheme and contents of register.

Fitness for the number of occupants

- 352 Power to require execution of works to render premises fit for number of occupants.
- 352A Recovery of expenses of notice under s.352.
- 353 Appeal against notice under s. 352.
- 354 Power to limit number of occupants of house.
- 355 Effect of direction under s. 354.
- 356 Power to require information about occupation of house.
- 357 Revocation or variation of direction under s. 354.

Overcrowding

- 358 Service of overcrowding notice.
- 359 Contents of overcrowding notice.
- 360 Requirement as to overcrowding generally.
- 361 Requirement as to new residents.
- 362 Appeal against overcrowding notice.
- 363 Revocation and variation of notice.
- 364 Power to require information where notice in force.
- 365 Means of escape from fire; general provisions as to exercise powers.
- 366, 367
- 368 Means of escape from fire: power to secure that part of house not used for human habitation.

Standards of management

- 369 The management code.
- 370, 371
- 372 Power to require execution of works to remedy neglect of management.
- 373 Appeal against notice under s. 372.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

374

Supplementary provisions as to works notices

- 375 Carrying out of works by local housing authority.
- 376 Penalty for failure to execute works.
- 377 Powers of court to facilitate execution of works, &c.
- 377A Works notices: improvement of enforcement procedures.
- 378 Provisions for protection of owners.
- 379 Making of control order.
- 380 Modification of control order where proprietor resides in part of house.
- 381 General effect of control order.
- 382 Effect of control order on persons occupying house.
- 383 Effect of control order in relation to furniture in case of furnished letting.
- 384 Appeal against control order.
- 385 General duties of local housing authority when control order is in force.
- 386 Duty to prepare management scheme.
- 387 Right of entry for inspection and carrying out of works.
- 388 Power to supply furniture and fittings.
- 389 Compensation payable to dispossessed proprietor.
- 390 Facilities to be afforded to dispossessed proprietor and others.
- 391 Power of court to modify or determine lease.
- 392 Expiry or revocation of control order.
- 393 Appeal against refusal to revoke control order.
- 394 Cessation of control order.

General supplementary provisions

- 395 Powers of entry.
- 395A Codes of practice.
- 396 Penalty for obstruction.
- 397 Warrant to authorise entry.
- 398 Meaning of “lessee”, “owner”, “person, having control” and similar expressions.
- 399 Minor definitions.
- 400 Index of defined expressions: Part XI.

PART XII

Introductory

- 401 Meaning of “common lodging house”.

Regulation of common lodging houses

- 402 No person to keep a common lodging house unless registered.
- 403 Register of common lodging house keepers and their houses.
- 404 Provisions with respect to registration.
- 405 Appeals against refusal of registration.
- 406 Byelaws as to common lodging houses.
- 407 Management and control of common lodging houses.
- 408 Offences.
- 409 Power of court on conviction to cancel registration and to disqualify for re-registration

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Enforcement

- 410 Duty of local housing authority to enforce this Part.
- 411 Powers of entry.
- 412 Penalty for obstruction.
- 413 Restriction on right to prosecute.

Supplementary provisions

- 414 Evidence in legal proceedings.
- 415 Power to apply provisions to Crown property
- 416 Index of defined expressions: Part XII.

PART XIII

GENERAL FINANCIAL PROVISIONS

- 417—
- 420

Housing subsidy

- 421 Housing subsidy.
- 422 Calculation of housing subsidy for local housing authorities.
- 423 The base amount.
- 424 The housing costs differential.
- 425 The local contribution differential.
- 426 Calculation of housing subsidy for Board.
- 427 Recoupment of subsidy in certain cases.
- 427A Entitlement to subsidy in case of land subject to management agreement.

Borrowing powers

- 428 Continuance of certain powers to borrow for housing purposes.

Miscellaneous

- 429 The improvement for sale scheme.
- 429A Housing management: financial assistance etc.
- 430 — . . .
- 431 Control of expenditure by housing authorities on works of conversion or improvement.
- 432 Superseded contributions, subsidies, grants, and other financial matters.

Supplementary

- 433 Minor definitions.
- 434 Index of defined expressions: Part XIII.

PART XIV

LOANS FOR ACQUISITION OR IMPROVEMENT OF HOUSING

Local authority mortgages

- 435 Power of local authorities to advance money.
- 436 Terms of advance.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 437 Power of local authority on disposal to leave amount outstanding on mortgage.
- 438 Local authority mortgage interest rates.
- 439 Requirements as to fitness of premises, &c.
- 440 Deposits in respect of maintenance or repair of mortgaged premises.
- 441 Waiver or reduction of payments in case of property requiring repair or improvement.

Local authority assistance in connection with mortgages

- 442 Agreement by local authority to indemnify mortgagee.
- 443 Local authority contributions to mortgage costs.
- 444 Relevant advances for the purposes of section 443.

Assistance for first-time buyers

- 445 Advances to recognised lending institutions to assist first-time buyers.
- 446 Forms of assistance and qualifying conditions.
- 447 Recognised lending institutions.
- 448 Recognised savings institutions.
- 449 Terms of advances and administration.
- 450 Modifications of building society law.

Loans in respect of service charges

- 450A Right to a loan in certain cases after exercise of right to buy.
- 450B Power to make loans in other cases.
- 450C Supplementary provisions as to regulations under s. 450A or 450B.

Other financial assistance in respect of service charges

- 450D Purchase of equitable interests

Miscellaneous

- 451 Loans by Public Works Loan Commissioners.
- 452 Vesting of house in authority entitled to exercise power of sale.
- 453 Further advances in case of disposal on shared ownership lease.
- 454 Exclusion of Restrictive Trade Practices Act: recommendations as to implementation of this Part.
- 455 Exclusion of Restrictive Trade Practices Act: agreements as to loans on security of new houses.
- 456 Advances under the Small Dwellings Acquisition Acts.

Supplementary provisions

- 457 Meaning of “house” and “house property”.
- 458 Minor definitions.
- 459 Index of defined expressions: Part XIV.

PART XV

GRANTS FOR WORKS OF IMPROVEMENT, REPAIR AND CONVERSION

- 460—
- 520
- 521, 522

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Miscellaneous

- 523 Assistance for provision of separate service pipe for water supply.
- 524 Contributions under superseded enactments.

General supplementary provisions

- 525 Minor definitions.
- 526 Index of defined expressions: Part XV

PART XVI

ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Eligibility for assistance

- 527 Eligibility for assistance.
- 528 Designation of defective dwellings by Secretary of State.
- 529 Variation or revocation of designation.
- 530 Meaning of “relevant interest”.
- 531 Conditions of eligibility: disposal by public sector authority, &c.
- 532 Construction of references to disposal, &c.
- 533 Exceptions to eligibility.

Determination of entitlement

- 534 Application for assistance.
- 535 Application not to be entertained where grant application pending or approved.
- 536 Determination of eligibility.
- 537 Determination of form of assistance to which applicant is entitled.
- 538 Conditions for assistance by way of reinstatement grant.
- 539 Meaning of “work required for reinstatement” and “associated arrangement”.
- 540 Notice of determination.

Assistance by way of reinstatement grant

- 541 Reinstatement grant.
- 542 Conditions of payment of reinstatement grant.
- 543 Amount of reinstatement grant.
- 544 Changes in work or expenditure.
- 545 Payment of reinstatement grant.
- 546 Repayment of grant for breach of condition.

Assistance by way of repurchase

- 547 Repurchase.
- 548 Repurchase by authority other than local housing authority.
- 549 Interest subject to right of pre-emption &c.
- 550 Compulsory purchase compensation to be made up to 95 per cent of defect-free value.
- 551 Supplementary provisions as to payments under s. 549 or 550.
- 552 Reimbursement of expenses incidental to repurchase.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Effect of repurchase on occupier

- 553 Effect of repurchase on certain existing tenancies.
- 554 Grant of tenancy to former owner-occupier.
- 555 Grant of tenancy to former statutory tenant.
- 556 Alternative accommodation under s. 554 or 555,
- 557 Request for tenancy under s. 554 or 555.
- 558 Interpretation of ss. 553 to 557.

Local schemes

- 559 Designation of defective dwellings under local schemes.
- 560 Variation or revocation of designation under local scheme.
- 561 Secretary of State’s control over designation, variation or revocation.

Miscellaneous

- 562 Duty of local housing authority to publicise availability of assistance.
- 563 Duties of public sector authority disposing of defective dwelling.
- 564 Reinstatement of defective dwelling by local housing authority.
- 565 Death of person eligible for assistance, &c.
- 566 Dwellings included in more than one designation.
- 567 Modifications of this Part in relation to shared ownership leases.
- 568 Extension of assistance to mortgagees.

Contributions by Secretary of State

- 569 Contributions by Secretary of State.
- 570 Power to vary relevant percentage.

Supplementary provisions

- 571 Service of notices.
- 572 Jurisdiction of county court.
- 573 Meaning of “public sector authority”.
- 574 Disposal of certain Crown interests in land treated as disposal by public sector authority.
- 575 Meaning of “dwelling” and “house”.
- 576 Meaning of “lending institution”.
- 577 Index of defined expressions: Part XVI.

PART XVII

COMPULSORY PURCHASE AND LAND COMPENSATION

Introductory

- 578 General enactments relating to compulsory purchase, &c., apply subject to this Part.
- 578A Modification of compulsory purchase order in case of acquisition of land for clearance.
- 579

Compulsory purchase

- 580—
- 581

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 582 Restriction on recovery of possession after making of compulsory purchase order.
- 583 Continuance of tenancies of houses compulsorily acquired and to be used for housing purposes.
- 584 Power to enter and determine short tenancies of land acquired or appropriated.
- 584A Compensation payable in case of closing and demolition orders.
- 584B Repayment on revocation of demolition or closing order.
- 585—
- 592

Other land Compensation Matters

- 593—
- 595
- 596 Power to compensate shop-keepers in areas affected by clearance.
- 597 Compensation payable on demolition of obstructive building.
- 598
- 599 Application of compensation due to another local authority.

Supplementary provisions

- 600 Powers of entry.
- 601 Penalty for obstruction.
- 602 Minor definitions.
- 603 Index of defined expressions: Part XVII.

PART XVIII

MISCELLANEOUS AND GENERAL PROVISIONS

General provisions relating to housing conditions

- 604 Fitness for human habitation.
- 604A Authority to consider guidance given by Secretary of State in deciding whether to take action under Section 189, Section 264, Section 265 or Section 289.
- 605 Consideration by local housing authority of housing conditions in their district.
- 606 Reports on particular houses or areas.

Environmental considerations

- 607 Local housing authority to have regard to environmental considerations.
- 608 Acquisition of ancient monuments, &c.

Enforceability of covenants, &c.

- 609 Enforcement of covenants against owner for the time being.
- 610 Power of court to authorise conversion of premises into flats.

Miscellaneous powers of local housing authorities

- 611 Removal or alteration of apparatus of statutory undertakers.

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

General provisions

- 612 Exclusion of Rent Act protection.
- 613 Liability of directors, &c. in case of offence by body corporate.
- 614 Power to prescribe forms &c.
- 615 Dispensation with advertisements and notices.
- 616 Local inquiries.
- 617 Service of notices.
- 618 The Common Council of the City of London.
- 619 The Inner and Middle Temples.
- 620 The Isles of Scilly.
- 621 Meaning of “lease” and “tenancy” and related expressions.
- 621A Meaning of “service charge” and related expressions.
- 622 Minor definitions: general.
- 623 Minor definitions: Part XVIII
- 624 Index of defined expressions: Part XVIII.

Final provisions

- 625 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Tenancies which are not Secure Tenancies

Long leases

- 1 A tenancy is not a secure tenancy if it is...

Introductory tenancies

- 1A A tenancy is not a secure tenancy if it is...
- 1B A tenancy is not a secure tenancy if it is...

Premises occupied in connection with employment

- 2 (1) Subject to sub-paragraph (4B) a tenancy is not a secure...

Land acquired for development

- 3 (1) A tenancy is not a secure tenancy if the...

Accommodation for homeless persons

- 4 A tenancy granted in pursuance of any function under Part...

Family intervention tenancies

- 4ZA (1) A tenancy is not a secure tenancy if it...

Accommodation for asylum-seekers

- 4A (1) A tenancy is not a secure tenancy if it...

Accommodation for persons with Temporary Protection

- 4B A tenancy is not a secure tenancy if it is...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Temporary accommodation for persons taking up employment

5 (1) Subject to sub-paragraphs (1A) and (1B), a tenancy is...

Short-term arrangements

6 A tenancy is not a secure tenancy if—

Temporary accommodation during works

7 A tenancy is not a secure tenancy if—

Agricultural holdings etc.

8 (1) A tenancy is not a secure tenancy if—

Licensed premises

9 A tenancy is not a secure tenancy if the dwelling-house...

Student lettings

10 (1) Subject to sub-paragraphs (2A) and (2B), a tenancy of...

1954 Act tenancies

11 A tenancy is not a secure tenancy if it is...

Almshouses

12 A licence to occupy a dwelling-house is not a secure...

SCHEDULE 2 — Grounds for Possession of Dwelling-Houses Let under Secure Tenancies

Part I — GROUNDS ON WHICH COURT MAY ORDER POSSESSION IF IT CONSIDERS IT REASONABLE

Ground 1

Ground 2

The tenant or a person residing in or visiting the...

Ground 2A

The dwelling-house was occupied (whether alone or with others) by...

Ground 3

Ground 4

Ground 5

The tenant is the person, or one of the persons,...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Ground 6

Ground 7

The dwelling-house forms part of, or is within the curtilage...

Ground 8

The dwelling-house was made available for occupation by the tenant...

Part II — GROUNDS ON WHICH THE COURT MAY ORDER POSSESSION IF
SUITABLE ALTERNATIVE ACCOMMODATION IS AVAILABLE

Ground 9

Ground 10

The landlord intends, within a reasonable time of obtaining possession...

Ground 10A

The dwelling-house is in an area which is the subject...

Ground 11

Part III — GROUNDS ON WHICH THE COURT MAY ORDER POSSESSION IF
IT CONSIDERS IT REASONABLE AND SUITABLE ALTERNATIVE
ACCOMMODATION IS AVAILABLE

Ground 12

The dwelling-house forms part of, or is within the curtilage...

Ground 13

The dwelling-house has features which are substantially different from
those...

Ground 14

The landlord is a housing association or housing trust which...

Ground 15

The dwelling-house is one of a group of dwelling-houses which...

Ground 16

The accommodation afforded by the dwelling-house is more extensive
than...

Part IV — SUITABILITY OF ACCOMMODATION

- 1 For the purposes of section 84(2)(b) and (c) (case in...
- 2 In determining whether the accommodation is reasonably suitable to
the...
- 3 Where possession of a dwelling-house is sought on ground 9...
- 4 (1) A certificate of the appropriate local housing authority that...

Part V — APPROVAL OF REDEVELOPMENT SCHEMES FOR PURPOSES OF
GROUND 10A

- 1 (1) The Secretary of State may, on the application of...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

- 2 (1) Where a landlord proposes to apply to the Secretary...
- 3 (1) In considering whether to give his approval to a...
- 4 The Secretary of State shall not approve a scheme or...
- 5 (1) Approval may be given subject to conditions and may...
- 6 Where the landlord is a social landlord registered in the...
- 7 In this Part of this Schedule references to the landlord...

SCHEDULE 3 — Grounds for Withholding Consent to Assignment by Way of Exchange

Ground 1

The tenant or the proposed assignee is obliged to give...

Ground 2

Proceedings have been begun for possession of the dwelling-house of...

Ground 2A

Either— a relevant order or suspended Ground 2 or 14...

Ground 3

The accommodation afforded by the dwelling-house is substantially more extensive...

Ground 4

The extent of the accommodation afforded by the dwelling-house is...

Ground 5

The dwelling-house— forms part of or is within the curtilage...

Ground 6

The landlord is a charity and the proposed assignee's occupation...

Ground 7

The dwelling-house has features which are substantially different from those...

Ground 8

The landlord is a housing association or housing trust which...

Ground 9

The dwelling-house is one of a group of dwelling-houses which...

Ground 10

The dwelling-house is the subject of a management agreement under...

SCHEDULE 3A — Consultation before Disposal to Private Sector Landlord

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Disposals to which this Schedule applies

- 1 (1) This Schedule applies to the disposal by a local...

Application for Secretary of State's consent

- 2 (1) The Secretary of State shall not entertain an application...

Requirements as to consultation

- 3 (1) The requirements as to consultation referred to above are...

Power to require further consultation

- 4 The Secretary of State may require the authority to carry...

Consent to be withheld if majority of tenants are opposed

- 5 (1) The Secretary of State shall not give his consent...

Guidance

- 5A (1) The appropriate person must give guidance to local authorities...

Protection of purchasers

- 6 The Secretary of State's consent to a disposal is not...

SCHEDULE 4 — Qualifying Period for Right to Buy and Discount

Introductory

- 1 The period to be taken into account—

Periods occupying accommodation subject to public sector tenancy

- 2 A period qualifies under this paragraph if it is a...
3 For the purposes of paragraph 2 a person who, as...
4 (1) This paragraph applies where the public sector tenant of...

Periods occupying forces accommodation

- 5 A period qualifies under this paragraph if it is a...

Periods during which right to buy is preserved

- 5A A period qualifies under this paragraph if it is a...

Meaning of "public sector tenant"

- 6 (1) In this Schedule a "public sector tenant" means a...

The landlord condition

- 7 (1) The landlord condition is, subject to paragraph 7A and...
7A (1) The landlord condition shall be treated as having been...
7B The landlord condition shall be treated as having been satisfied...
8 (1) The landlord condition shall also be treated as having...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

The tenant condition

- 9 The tenant condition is that the tenant was an individual...
- 9A The tenant condition is not met during any period when...

Application to certain housing association tenancies

- 10 For the purpose of determining whether at any time a...

SCHEDULE 5 — Exceptions to the Right to Buy

Charities

- 1 The right to buy does not arise if the landlord...

Certain housing associations

- 2 The right to buy does not arise if the landlord...
- 3 The right to buy does not arise if the landlord...

Landlord with insufficient interest in the property

- 4 The right to buy does not arise unless the landlord...

Dwelling-houses let in connection with employment

- 5 (1) The right to buy does not arise if the...

Certain dwelling-houses for the disabled

- 6
- 7 The right to buy does not arise if the dwelling-house...
- 8
- 9 (1) The right to buy does not arise if—

Certain dwelling-houses for persons of pensionable age

- 10 (1) The right to buy does not arise if the...
- 11 (1) The right to buy does not arise if the...

Dwelling-houses held on Crown tenancies

- 12 (1) The right to buy does not arise if the...

Dwelling-house due to be demolished within 24 months

- 13 (1) The right to buy does not arise if a...
- 14 (1) A final demolition notice may only be served for...
- 15 (1) The Secretary of State may, on an application by...
- 15A (1) This paragraph applies if— (a) a final demolition notice...
- 16 (1) Any notice under paragraph 13 or 15 may be...

SCHEDULE 5A — Initial demolition notices

Initial demolition notices

- 1 (1) For the purposes of this Schedule an “initial demolition...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Period of validity of initial demolition notice

- 2 (1) For the purposes of this Schedule an initial demolition...

Revocation or termination of initial demolition notices

- 3 (1) Paragraph 15(4) to (7) of Schedule 5 (revocation notices)...

Transfer of initial demolition notices

- 3A (1) This paragraph applies if— (a) an initial demolition notice...

Restriction on serving further demolition notices

- 4 (1) This paragraph applies where an initial demolition notice (“the...

Service of notices

- 5 Paragraph 16 of Schedule 13 (service of notices) applies in...

Interpretation

- 6 (1) In this Schedule any reference to the landlord, in...

SCHEDULE 6 — Conveyance of Freehold and Grant of Lease in Pursuance of
Right to Buy

Part I — COMMON PROVISIONS

Rights to be conveyed or granted—general

- 1 The conveyance or grant shall not exclude or restrict the...

Rights of support, passage of water, etc.

- 2 (1) The conveyance or grant shall, by virtue of this...

Rights of way

- 3 The conveyance or grant shall include— (a) such provisions (if...

Covenants and conditions

- 4A he conveyance or grant shall be expressed to be made...
4 The conveyance or grant shall include such provisions (if any)...
5 Subject to paragraph 6, and to Parts II and III...

No charge to be made for landlord’s consent or approval

- 6 A provision of the conveyance or lease is void in...

Meaning of “incumbrances” and “tenant’s incumbrance”

- 7 In this Schedule— “incumbrances” includes personal liabilities
attaching in respect...

Part II — CONVEYANCE OF FREEHOLD

General

- 8 The conveyance shall not exclude or restrict the all estate...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

9 (1) The conveyance shall be of an estate in fee...

Covenants

10
Part III — LEASES

General

11 A lease shall be for the appropriate term defined in...

The appropriate term

12 (1) If at the time the grant is made the...

Common use of premises and facilities

13 Where the dwelling house is a flat and the tenant...

Covenants by the landlord

14 (1) This paragraph applies where the dwelling-house is a flat....

15 (1) This paragraph applies where the landlord's interest in the...

Covenant by tenant

16 Unless otherwise agreed between the landlord and the tenant, there...

Service charges and other contributions payable by the tenant

16A (1) The lease may require the tenant to bear a...

16B (1) Where a lease of a flat requires the tenant...

16C (1) Where a lease of a flat requires the tenant...

16D (1) The Secretary of State may by order prescribe—

16E (1) Where a lease of a flat granted in pursuance...

Avoidance of certain provisions

17 (1) A provision of the lease, or of an agreement...

18 Where the dwelling-house is a flat, a provision of the...

19 A provision of the lease, or of an agreement collateral...

Part IV — CHARGES

Grant of lease

20 A charge (however created or arising) on the interest of...

Conveyance of freehold

21 (1) This paragraph applies to a charge (however created or...

Schedule 6A — REDEMPTION OF LANDLORD'S SHARE

Obligation to redeem landlord's share in certain circumstances

1 (1) The conveyance or grant shall contain a covenant binding...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Right to redeem landlord's share at any time

- 2 (1) The conveyance or grant shall include provision entitling the...

Value of landlord's share and amount of final payment

- 3 The value of the landlord's share shall be determined by...

Final discount

- 4 (1) Where a final payment is made by, or by...

Restrictions on and deductions from final discount

- 5 (1) Except where the Secretary of State so determines, a...

Right to make interim payment at any time

- 6 (1) The conveyance or grant shall include provision entitling the...

Landlord's reduced share and interim discount

- 7 The landlord's share after the making of an interim payment...

Value of dwelling-house

- 8 (1) For the purposes of the final payment or any...

Costs of independent valuation

- 9 The conveyance or grant shall include provision requiring any sums...

No charges to be made by landlord

- 10 A provision of the conveyance or grant is void in...

Other covenants and provisions

- 11 Subject to the provisions of this Schedule, the conveyance or...

Interpretation

- 12 (1) In this Schedule— "independent valuer" means an independent valuer...

SCHEDULE 7 — Mortgage in Pursuance of Right to a Mortgage

- 1 The deed shall provide for repayment of the amount secured...
2 (1) The period over which repayment is to be made...
3 (1) The Secretary of State may by order—
4 The deed may contain such other provisions as may be—...

SCHEDULE 8 — Terms of Shared Ownership Lease

Additional shares

- 1 (1) The lease shall state the tenant's initial share of...
2 (1) Where the dwelling-house is a house and the landlord...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Additional contributions

- 3 (1) The consideration for an additional share (referred to in...

Rent

- 4 (1) The lease shall provide that, for any period for...
5 The lease shall provide that, for any period for which...

Payment for outstanding share on disposal

- 6 (1) The lease shall contain a covenant binding on the...
7 The lease shall provide that, on the discharge of a...
8 (1) Where the dwelling-house is a house and the landlord...

No disposals of part while share outstanding

- 9 (1) The lease shall contain a covenant binding on the...

Applications of provisions after disposal

- 10 (1) The lease shall provide that in the event of...

Value of dwelling-house or part

- 11 (1) For the purposes of paragraph 3 (additional contributions) and...

SCHEDULE 9 — Right to Further Advances

Right to further advances

- 1 (1) The deed shall enable the tenant to require further...

Amount of further advance

- 2 The amount which a tenant exercising the right to a...
3 (1) The limit is that the aggregate of that amount...
4 (1) The Secretary of State may by regulations make provision...

Notice of amount and terms of further advance

- 5 As soon as practicable after the service on it of...

Terms of deed by which further mortgage is effected

- 6 Schedule 7 (terms of mortgage granted in pursuance of right...

Schedule 9A — Land Registration and Related Matters where Right to Buy Preserved

Statement to be contained in instrument effecting qualifying disposal

- 1 On a qualifying disposal, the disponor shall secure that the...

Registration of title on qualifying disposal

- 2 (1) Where on a qualifying disposal which takes the form...
3 Where a qualifying disposal takes the form of the grant...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Entries on register protecting preserved right to buy

4 (1) This paragraph applies where the Chief Land Registrar approves...

Change of qualifying dwelling-house

5 (1) This paragraph applies where by virtue of section 171B(6)...

Effect of non-registration

6 (1) The rights of a qualifying person under this Part...

Statement required on certain disposals on which right to buy ceases to be preserved

7 (1) A conveyance of the freehold or grant of a...

Removal of entries on land register

8 Where the registered title to land contains an entry made...

Liability to compensate or indemnify

9 (1) An action for breach of statutory duty lies where—...

Meaning of disposal and instrument effecting disposal

10 References in this Schedule to a disposal or to the...

SCHEDULE 10 — Recovery of Expenses incurred by Local Housing Authority

Introductory

1 The provisions of this Schedule have effect for enabling the...

Recovery of expenses

2 (1) The expenses are recoverable by the authority

Service of demand

3 (1) A demand for the expenses, together with interest in...

Interest

4 Expenses in respect of which a demand is served carry...

5

Appeals

6 (1) A person aggrieved by a demand for the recovery...

Expenses and interest recoverable from occupiers

6A (1) Where a demand becomes operative by virtue of paragraph...

Expenses and interest to be a charge on the premises

7 (1) The expenses recoverable by the authority, together with the...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Recovery of expenses and interest from other persons profiting from execution of works

8 (1) This paragraph applies only to notices under section 352,...

SCHEDULE 11 — . . .

SCHEDULE 12 — . . .

SCHEDULE 13 — Further Provisions Relating to Control Orders under Part XI
Part I — MANAGEMENT SCHEMES

Contents of management scheme

1 (1) The scheme shall give particulars of all works which,...

The estimate in the scheme of surpluses on revenue account

2 (1) References in this Schedule to the surpluses on revenue...

Appeal against scheme

3 (1) A person having an estate or interest in a...

Expenditure on works to be set against surpluses on revenue account

4 (1) An account shall be kept by the local housing...

Variation or review of surpluses on revenue account as settled by the scheme

5 The local housing authority may at any time vary a...

6 (1) The local housing authority, or a person having an...

Part II — COMPENSATION PAYABLE TO DISPOSSESSED PROPRIETOR

Rate of compensation

7 The compensation payable by the local housing authority to the...

Ascertainment of gross value of house

8 Subject to the following provisions, the gross value of a...

9 (1) If the house forms part only of a hereditament,...

10 If the house consists or forms part of more than...

11 (1) The gross value of a hereditament whose rateable value...

12 Where after the date on which the control order comes...

The appropriate multiplier

13 (1) The appropriate multiplier for the purposes of this Part...

Calculation of rental value

13A (1) The rental value of a house is an amount...

Apportionment of compensation between proprietors of different parts of house

14 (1) If different persons are the dispossessed proprietors of different...

Part III — CESSATION OF CONTROL ORDER

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

General consequences of cessation of control order

- 15 (1) On and after the date on which a control...
16 (1) When a control order ceases to have effect, a...

Revocation of order by county court on appeal against making of order

- 17 (1) The provisions of this paragraph apply where a control...
18 (1) If a control order is revoked by the county...
19 (1) The provisions of this paragraph have effect for the...

Revocation of control order on further appeal

- 20 (1) If on an appeal from a decision of the...

Revocation of control order by county court on appeal against refusal to revoke

- 21 (1) The provisions of this paragraph apply where a control...
Part IV — CONTROL ORDER FOLLOWED BY COMPULSORY PURCHASE
ORDER

Introductory

- 22 The provisions of this Part of this Schedule apply where...

Preparation and service of management scheme

- 23 (1) The local housing authority need not prepare or serve...

Control order ceases to have effect on acquisition of house

- 24 Where the compulsory purchase order is confirmed by the Secretary...

Balances payable to dispossessed proprietor

- 25 (1) Where a control order ceases to have effect by...

Recovery of capital expenditure incurred by local housing authority

- 26 (1) The provisions of this paragraph have effect for the...

SCHEDULE 14 — . . .

SCHEDULE 15 — Superseded Contributions, Grants, Subsidies, &c.
Part I — LOANS UNDER THE HOUSING (RURAL WORKERS) ACTS 1926 TO
1942
Part II — ANNUAL GRANTS FOR AGRICULTURAL HOUSING

(s. 46 of the Housing (Financial Provisions) Act 1958)

Annual grants by local housing authorities

- 1 (1) Annual grants shall, notwithstanding the abolition of exchequer
contributions...

Conditions of payment of annual grant

- 2 (1) It is a condition of the payment of a...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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 (1) In the case of a house completed on or...

Grants payable to owners by local housing authority

- 4 A grant shall not be made or shall be reduced,...

No further payments if house vests in local housing authority

- 5 Where a house which has been provided under arrangements under...

Commutation of future annual grant

- 6 (1) A local authority may make an offer in writing...

Part III — CONTRIBUTIONS FOR IMPROVEMENT OF DWELLINGS BY
HOUSING AUTHORITIES

*(s. 9 of the Housing (Financial Provisions) Act 1958;
s. 13 of the House Purchase and Housing Act 1959)*

- 1 (1) Subject to sub-paragraph (2), contributions by the Secretary of...

(ss. 17 to 20 of the Housing Act 1969)

- 2 (1) Contributions by the Secretary of State to a housing...

(s. 79 of the Housing Act 1974)

- 3 (1) Subject to sub-paragraph (2), contributions by the Secretary of...

Part IV — TOWN DEVELOPMENT SUBSIDY

(s. 9 of the Housing Finance Act 1972; s. 5 of the Housing Rents and Subsidies Act 1975)

Transitional town development subsidy

- 1 (1) Transitional town development subsidy is payable each year,
subject...

- 2 (1) The subsidy is payable by the Secretary of State...

Reduction or discontinuance of subsidy

- 3 (1) The Secretary of State may reduce or discontinue a...

Payments to receiving authority

- 4 (1) Where transitional town development subsidy is payable, the
sending...

Communication of subsidy and payments to receiving authority

- 5 (1) The Secretary of State may, with the agreement of...

Meaning of “receiving authority”

- 6 In this part of this Schedule “receiving authority” means the...

SCHEDULE 16 — Local Authority Mortgage Interest Rates

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

The rate of interest

- 1 (1) The rate of interest shall be whichever is for...

The standard national rate

- 2 The standard national rate is the rate for the time...

The local average rate

- 3 A local authority shall for every period of six months...
4 (1) The rate declared under paragraph 3(a) or (b) shall...

Variation of rate of interest

- 5 (1) Where on a change of the standard national rate...
6 (1) On a variation of the rate of interest, the...

Directions by Secretary of State

- 7 (1) The Secretary of State may by notice in writing...

SCHEDULE 17 — Vesting of Mortgaged House in Authority Entitled to Exercise Power of Sale

Vesting of house with leave of court

- 1 (1) The authority may, if the county court gives it...

Effect of vesting

- 2 (1) On the vesting of the house the authority's mortgage...

Compensation and accounting

- 3 (1) Where the authority has vested the house in itself...

Modifications in case of conveyance or grant before 8th August 1980

- 4 In a case to which this Schedule applies by virtue...

SCHEDULE 18 — Provisions with Respect to Advances under the Small Dwellings Acquisition Acts 1899 to 1923

Repayment of advance

- 1 (1) The advance shall be repaid with interest within such...

The statutory conditions

- 2 (1) The house of which the ownership was acquired by...

Condition as to residence may be dispensed with or suspended

- 3 (1) The statutory condition as to residence may at any...

Personal liability and powers of the proprietor

- 4 (1) The proprietor of the house of which the ownership...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Circumstances in which local authority may take possession or order sale

5 (1) Where default is made in complying with the statutory...

Recovery of possession and disposal of house

6 (1) Where a local authority take possession of a house,...

Procedure as to ordering sale

7 (1) Where a local authority order the sale of a...

List of advances and accounts to be kept

8 (1) A local authority shall keep at their offices a...

Meaning of “residence”, “ownership” and “proprietor”

9 (1) A person shall not be treated for the purposes...

Date of advance

10 For the purposes of this Schedule an advance shall be...

SCHEDULE 19 — Contributions Under Superseded Enactments

(Section 36 of the Housing (Financial Provisions) Act 1958)

1 (1) Contributions remain payable by the Secretary of State under...

(Section 16 of the Housing Act 1969)

2 (1) Contributions remain payable by the Secretary of State under...

SCHEDULE 20 — Assistance by Way of Repurchase

Part I — THE AGREEMENT TO REPURCHASE

The interest to be acquired

1 In this Schedule “the interest to be acquired” means the...

Request for notice of proposed terms of acquisition

2 (1) A person who is entitled to assistance by way...

Authority’s notice of proposed terms

3 The purchasing authority shall, within the period of three months...

Settlement of terms

4 Subject to the provisions of Part II of this Schedule...

Service of draft agreement

5 The authority shall, within three months of all the provisions...

Notice to enter into agreement

6 (1) The person entitled to assistance may, at any time...

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Part II — PRICE PAYABLE AND VALUATION

The price

- 7 (1) The price payable for the acquisition of an interest...

The value

- 8 (1) For the purposes of this Schedule, the value of...

Determination of value

- 9 (1) Any question arising under this Schedule as to the...

Service of amended draft agreement

- 10 Where the value of an interest is determined, or redetermined,...

Part III — SUPPLEMENTARY PROVISIONS

Introductory

- 11 (1) In this Part of this Schedule “the agreement” means...

Conveyance frees interest acquired from relevant charges

- 12 (1) The conveyance is effective— (a) to discharge the interest...

Application of purchase price in satisfaction of relevant charges

- 13 (1) The authority shall apply the purchase price in the...
14 If the authority do not apply an amount which under...

Power to make payment into court in case of difficulty

- 15 (1) Where a person is or may be entitled by...

Duty to pay into court in certain cases

- 16 (1) The authority shall pay the purchase price into court...

Registration of title

- 17 (1) Section 123 of the Land Registration Act 1925 (compulsory...

Interest acquired by local housing authority treated as acquired under Part II

- 18 If the authority are a local housing authority, the interest...

Certain grant conditions cease to have effect

- 19 (1) Where the interest acquired is or includes a dwelling...

Overreaching effect of conveyance

- 20 The conveyance has effect under section 2(1) of the Law...

SCHEDULE 21 — Dwellings Included in More Than One Designation

Status: Point in time view as at 07/09/2004.

Changes to legislation: Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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)

Introductory

- 1 This Schedule applies in relation to a defective dwelling where...

Cases in which later designation to be disregarded

- 2 Where a person is already eligible for assistance in respect...

In other cases any applicable designation may be relied on

- 3 Where a person is eligible for assistance in respect of...

Procedure to be followed where later designation comes into operation

- 4 The following provisions of this Schedule apply where—
 - 5 (1) The local housing authority shall, as soon as reasonably...
 - 6 (1) This paragraph applies where it appears to the authority...
 - 7 (1) This paragraph applies where a person entitled to assistance...

SCHEDULES 22—24. — . . .

— TABLE OF DERIVATIONS

- 1 The following abbreviations are used in this Table— Acts of...
- 2 The Table does not show the effect of Transfer of...
- 3 The letter R followed by a number indicates that the...
- 4 A reference followed by “passim” indicates that the provision of...
- 5 The entry “drafting” indicates a provision of a mechanical or...

Status:

Point in time view as at 07/09/2004.

Changes to legislation:

Housing Act 1985 is up to date with all changes known to be in force on or before 27 June 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.