



Housing Act 1985

1985 CHAPTER 68

PART I

INTRODUCTORY PROVISIONS

Local housing authorities

1 Local housing authorities.

In this Act “local housing authority” means a district council, a London borough council, the Common Council of the City of London [^{F1}a Welsh county council or county borough council]or the Council of the Isles of Scilly.

Textual Amendments

F1 Words in s. 1 inserted (1.4.1996) by 1994 c. 19. s. 22(2), Sch. 8 para. 5(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

2 The district of a local housing authority

- (1) References in this Act to the district of a local housing authority are to the area of the council concerned, that is, to the district, London borough, the City of London [^{F2}the Welsh county or county borough,]or the Isles of Scilly, as the case may be.
- (2) References in this Act to “the local housing authority”, in relation to land, are to the local housing authority in whose district the land is situated.

Textual Amendments

F2 Words in s. 2(1) inserted (1.4.1996) by 1994 c. 19. s. 22(2), Sch. 8 para. 5(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Status: Point in time view as at 22/08/1996.

Changes to legislation: Housing Act 1985, PART I is up to date with all changes known to be in force on or before 06 July 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)

Modifications etc. (not altering text)

C1 S. 2 applied by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 92(1)(d)

3 Buildings situated in more than one district.

- (1) Where a building is situated partly in the district of one local housing authority and partly in the district of another, the authorities may agree that—
- (a) the building, or
 - (b) the building, its site and any yard, garden, outhouses and appurtenances belonging to the building or usually enjoyed with it,
- shall be treated for the purposes of the enactments relating to housing as situated in such one of the districts as is specified in the agreement.
- (2) Whilst the agreement is in force the enactments relating to housing have effect accordingly.

Other authorities and bodies

4 Other descriptions of authority.

In this Act—

- (a) “housing authority” means a local housing authority, a new town corporation or the Development Board for Rural Wales;
- (b) “new town corporation” means a development corporation or the Commission for the New Towns;
- (c) “development corporation” means a development corporation established by an order made, or having effect as if made, under the ^{M1}New Towns Act 1981;
- (d) “urban development corporation” means an urban development corporation established under Part XVI of the ^{M2}Local Government, Planning and Land Act 1980;
- (e) “local authority” means a county, [^{F3}county borough,]district or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly [^{F4}, in sections 43, 44 and 232 includes the Broads Authority][^{F5}, in sections 438, 441, 442, 443 and 458 includes the Broads Authority and a joint authority established by Part IV of the ^{M3}Local Government Act 1985], and in sections 45(2)(b), 50(2), 51(6), 80(1), 157(1), 171(2), ^{F6} . . . , 573(1), paragraph 2(1) of Schedule 1, grounds 7 and 12 in Schedule 2, ground 5 in Schedule 3, paragraph 7(1) of Schedule 4, paragraph 5(1)(b) of Schedule 5 and Schedule 16 includes . . . ^{F7}[^{F8M4}the Broads Authority][^{F5}, a police authority established under [^{F9}section 3 of the Police Act 1996] and] . . . ^{F7} a joint authority established by Part IV of the Local Government Act 1985.

[^{F10}(f) “housing action trust” means a housing action trust established under Part III of the Housing Act 1988]

Textual Amendments

F3 Words in s. 4(e) inserted (1.4.1996) by [1994 c. 19](#), s. 22(2), Sch. 8 para. 5(3) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); [S.I. 1996/396](#), art. 3, [Sch. 1](#)

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- F4** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 25(a)**
- F5** Words in s. 4(e) inserted (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 58(a)(c)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4, Sch.**
- F6** Words in s. 4(3) omitted (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by virtue of 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 58(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4, Sch.**; and repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3262, **art. 4, Sch.**
- F7** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F8** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 25(b)**
- F9** Words in s. 4(e) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(v)**
- F10** S. 4(f) added by Housing Act 1988 (c. 50, SIF 61), **s. 62(7)**

Modifications etc. (not altering text)

- C2** S. 4(e) extended by S.I. 1985/1884, **art. 10, Sch. 3 para. 4(x)**

Marginal Citations

- M1** 1981 c. 64.
M2 1980 c. 65.
M3 1985 c. 51.
M4 1985 c.51 (81:1).

5 Housing associations.

- (1) In this Act “housing association” means a society, body of trustees or company—
- which is established for the purpose of, or amongst whose objects or powers are included those of, providing, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, housing accommodation, and
 - which does not trade for profit or whose constitution or rules prohibit the issue of capital with interest or dividend exceeding such rate as may be prescribed by the Treasury, whether with or without differentiation as between share and loan capital.
- (2) In this Act “fully mutual”, in relation to a housing association, means that the rules of the association—
- restrict membership to persons who are tenants or prospective tenants of the association, and
 - preclude the granting or assignment of tenancies to persons other than members;
- and “co-operative housing association” means a fully mutual housing association which is a society registered under the ^{M5}Industrial and Provident Societies Act 1965.
- (3) In this Act “self-build society” means a housing association whose object is to provide, for sale to, or occupation by, its members, dwellings built or improved principally with the use of its members’ own labour.
- (4) References in this Act to registration in relation to a housing association are to registration under the ^{M6}Housing Associations Act 1985.

Marginal Citations

- M5** 1965 c. 12.

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M6 1985 c. 69.

6 Housing trusts.

In this Act “housing trust” means a corporation or body of persons which—

- (a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation, or
- (b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds for charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.

[^{F11}6A

In this Act “the Corporation” has the meaning assigned by section 2A of the Housing Associations Act 1985.]

Textual Amendments

F11 S. 6A inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 para. 107](#)

Supplementary provisions

7 Index of defined expressions: Part I.

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

district (of a local housing authority)	section 2(1)
local housing authority	section 1, 2(2)
tenancy and tenant	section 621

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