



Housing Act 1985

1985 CHAPTER 68

PART I **E+W**

INTRODUCTORY PROVISIONS

Local housing authorities

1 **Local housing authorities.** **E+W**

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** **E+W**

- (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**

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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. E+W

- (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. E+W

[^{F3}(1)] In this Act—

- (a) “housing authority” means a local housing authority [^{F4}or a new town corporation];
- (b) “new town corporation” means a development corporation or the [^{F5}new towns residuary body];
- (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, [^{F6}county borough,] district or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly [^{F7}, in sections 43, 44 and 232 includes the Broads Authority][^{F8}, in sections 438, 441, 442, 443 and 458 includes the Broads Authority [^{F9}, a joint authority established by Part 4 of the Local Government Act 1985, [^{F10}an economic prosperity board, a combined authority]^{F11}...][^{F12}and the London Fire and Emergency Planning Authority], and in sections 45(2)(b), 50(2), 51(6), 80(1), 157(1), 171(2), ^{F13}... , 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 ^{F14}... [^{F15}the Broads Authority][^{F8}, a [^{F16}police and crime commissioner] Act 1996,]. ^{F17}... ^{F18}... ^{F14}... [^{F19}, a joint authority established by Part 4 of the Local Government Act 1985, [^{F10}an economic prosperity board, a combined authority,]^{F11}...][^{F12}and the London Fire and Emergency Planning Authority].
- [^{F20}(f) “ housing action trust ” means a housing action trust established under Part III of the Housing Act 1988]
- [^{F21}(g) “ new towns residuary body ” means—

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- (i) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008^[F22] or the Greater London Authority so far as exercising its new towns and urban development functions]; and
- (ii) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a) (i) to (iii) of the New Towns Act 1981.]

^[F23](2) In this section—

“ combined authority ” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

“ economic prosperity board ” means an economic prosperity board established under section 88 of that Act;

^{F24}
...]

Textual Amendments

- F3** S. 4 renumbered (1.4.2008) as s. 4(1) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 41(1)**; S.I. 2008/917, **art. 2(o)(p)**
- F4** Words in s. 4(1)(a) substituted (1.10.1998) by 1998 c. 38, s. 129, **Sch. 15 para. 7** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F5** Words in s. 4(1)(b) substituted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), arts. 1(2)(3), 4, **Sch. 1 para. 3(a)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F6** Words in s. 4(1)(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**
- F7** Words in s. 4(1)(e) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 25(a)**
- F8** Words in s. 4(1)(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.**
- F9** Words in s. 4(1)(e) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 41(2)(a)**; S.I. 2008/917, **art. 2(o)(p)**
- F10** Words in s. 4(1)(e) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 146(3), 148(6), **Sch. 6 para. 68(2)**; S.I. 2009/3318, **art. 2**
- F11** Words in s. 4(1)(e) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(19)(a)**; S.I. 2015/994, art. 6(g)
- F12** Words in s. 4(1)(e) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 42** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(h)**
- F13** Words in s. 4(1)(e) 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.**
- F14** Words in s. 4(1)(e) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F15** Words in s. 4(1)(e) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 25(b)**
- F16** Words in s. 4(1)(e) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 168**; S.I. 2012/2892, art. 2(i)
- F17** Words in s. 4(1)(e) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, Sch. 6 Pt. 3 para. 67, **Sch. 7 Pt. 5**; S.I. 2002/344, **art. 3(k)(m)** (with transitional provisions in art. 4)

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- F18** Word in s. 4(1)(e) repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. VIII** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(1)**
- F19** Words in s. 4(1)(e) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 41(2)(b)**; S.I. 2008/917, **art. 2(o)(p)**
- F20** S. 4(1)(f) added by Housing Act 1988 (c. 50, SIF 61), **s. 62(7)**
- F21** S. 4(1)(g) inserted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), arts. 1(2)(3), 4, **Sch. 1 para. 3(b)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F22** Words in s. 4(1)(g)(i) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 11**; S.I. 2012/628, **art. 6(i)** (with arts. 9, 11, 14, 15, 17)
- F23** S. 4(2) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 146(3), 148(6), **Sch. 6 para. 68(3)**; S.I. 2009/3318, **art. 2**
- F24** Words in s. 4(2) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(19)(b)**; S.I. 2015/994, **art. 6(g)**

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.

5 Housing associations. E+W

- (1) In this Act “housing association” means a society, body of trustees or company—
- (a) 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
 - (b) 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—
- (a) restrict membership to persons who are tenants or prospective tenants of the association, and
 - (b) 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 [^{F25}registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014].
- (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.
- [^{F26}[^{F27}(4) In this Act “registered social landlord” means a housing association registered in the register maintained under section 1 of the Housing Act 1996, subject as follows.]

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- (5) References to registered social landlords include, where the context so permits, references to housing associations registered in the register maintained by Scottish Homes under section 3 of the Housing Associations Act 1985 (Scottish registered housing associations).]

Textual Amendments

- F25** Words in s. 5(2) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 33](#) (with Sch. 5)
- F26** S. 5(4)(5) substituted for s. 5(4) (1.10.1996) by [S.I. 1996/2325, art. 5\(1\), Sch. 2 para. 14\(2\)](#)
- F27** S. 5(4) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\), art. 1\(2\), Sch. 2 para. 16](#) (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C3** S. 5(4) modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), art. 3, Sch. para. 2\(1\)](#) (with art. 6); [S.I. 2008/3068, arts. 1\(2\), 2\(1\)\(b\)](#) (with arts. 6-13)

6 Housing trusts. **E+W**

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.

[^{F28} 6A The Corporation **E+W**

- (1) In this Act “the [^{F29}Relevant Authority]” means the [^{F30}Regulator of Social Housing], [^{F31}the Secretary of State] or Scottish Homes, subject as follows.
- (2) In relation to a housing association which is—
 - (a) a registered charity which has its address for the purposes of registration by the [^{F32}Charity Commission] in Wales,
 - (b) a [^{F33}registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014] which has its registered office for the purposes of that Act in Wales, or
 - (c) a company [^{F34}registered under the Companies Act 2006] which has its registered office for the purposes of that Act in Wales,“the [^{F29}Relevant Authority]” means [^{F31}the Secretary of State].
- (3) In relation to a housing association which is a [^{F33} registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014] which has its registered office for the purposes of that Act in Scotland, “the [^{F29}Relevant Authority]” means Scottish Homes.
- (4) In relation to any other housing association which is a registered charity, a [^{F33}registered society within the meaning of the Co-operative and Community Benefit

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Societies Act 2014] or a company [^{F34}registered under the Companies Act 2006], “the [^{F29}Relevant Authority]” means the [^{F35}Regulator of Social Housing].

^{F36}(4A) [This section is subject to any provision made elsewhere in this Act.]

(5) In this section “registered charity” means a charity which is registered [^{F37}in accordance with section 30 of the Charities Act 2011]^{F38}]

Textual Amendments

- F28** S. 6A substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(3)**
- F29** Words in s. 6A substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 5** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F30** Words in s. 6A(1) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 17** (with art. 6, Sch. 3)
- F31** Words in s. 6A(1)(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 7** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F32** Words in s. 6A(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), ss. 75(1), 79(2), **Sch. 8 para. 77(2)**; S.I. 2007/309, **art. 2, Sch.** (subject to arts. 4-13)
- F33** Words in s. 6A(2)(b) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 34** (with Sch. 5)
- F34** Words in s. 6A(2)(c)(4) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order (S.I. 2009/1941), art. 2(1), {Sch. 1 para. 62(2)} (with art. 10)
- F35** Words in s. 6A(4) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 17** (with art. 6, Sch. 3)
- F36** S. 6A(4A) inserted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 4, **Sch. 1 para. 4** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F37** Words in s. 6A(5) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 43** (with s. 20(2), Sch. 8)
- F38** Words in s. 6A(5) repealed (31.1.2009) by Charities Act 2006 (c. 50), ss. 75(1)(2), 79(2), Sch. 8 para. 77(3)(b), **Sch. 9**; S.I. 2008/3267, **art. 2, Sch.** (with arts. 3-17) (as amended (29.9.2009) by S.I. 2009/2648, **art. 3**)

Modifications etc. (not altering text)

- C4** S. 6A modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), art. 3, **Sch. para. 2(1)** (with art. 6); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)

Supplementary provisions

7 Index of defined expressions: Part I. **E+W**

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)

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tenancy and tenant

section 621

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