



Housing Act 1985

1985 CHAPTER 68

PART I

INTRODUCTORY PROVISIONS

Other authorities and bodies

4 Other descriptions of authority.

In this Act—

- (a) “housing authority” means a local housing authority [^{F1}or a new town corporation];
- (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, [^{F2}county borough,] district or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly [^{F3}, in sections 43, 44 and 232 includes the Broads Authority][^{F4}, 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][^{F5}and the London Fire and Emergency Planning Authority], 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} . . . [^{F8}the Broads Authority][^{F4}, a police authority established under [^{F9}section 3 of the Police Act 1996,][^{F10}the Metropolitan Police Authority]. . . ^{F11} . . . ^{F7} . . . a joint authority established by Part IV of the Local Government Act 1985 [^{F5}and the London Fire and Emergency Planning Authority].

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[^{F12}(f) “housing action trust” means a housing action trust established under Part III of the Housing Act 1988]

Textual Amendments

- F1** Words in s. 4(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**
- F2** 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**
- F3** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 25(a)**
- F4** 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.**
- F5** Words in s. 4(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)**
- 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** Words in s. 4(e) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 51** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F11** Word in s. 4(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)**
- F12** S. 4(f) added by Housing Act 1988 (c. 50, SIF 61), s. 62(7)

Modifications etc. (not altering text)

- C1** 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.

5 Housing associations.

- (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

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- (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 society registered under the ^{M4}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.
- [^{F13}(4) In this Act “registered social landlord” means—
- (a) a housing association registered in the register maintained by the Housing Corporation under section 1 of the Housing Act 1996, or
 - (b) a housing association registered in the register maintained by [^{F14}the Secretary of State]] under section 1 of the Housing Act 1996,
- subject as follows.
- (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

F13 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)**

F14 Words in s. 5(4)(b) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 6** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

Modifications etc. (not altering text)

C2 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)

Marginal Citations

M4 1965 c. 12.

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.

[^{F15}6A The Corporation

- (1) In this Act “the [^{F16}Relevant Authority]” means the Housing Corporation, [^{F17}the Secretary of State] or Scottish Homes, subject as follows.
- (2) In relation to a housing association which is—

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- (a) a registered charity which has its address for the purposes of registration by the Charity Commissioners in Wales,
- (b) a society registered under the Industrial and Provident Societies Act 1965 which has its registered office for the purposes of that Act in Wales, or
- (c) a company registered under the Companies Act 1985 which has its registered office for the purposes of that Act in Wales,
- “the [^{F16}Relevant Authority]” means [^{F17}the Secretary of State].
- (3) In relation to a housing association which is a society registered under the Industrial and Provident Societies Act 1965 which has its registered office for the purposes of that Act in Scotland, “the [^{F16}Relevant Authority]” means Scottish Homes.
- (4) In relation to any other housing association which is a registered charity, a society registered under the Industrial and Provident Societies Act 1965 or a company registered under the Companies Act 1985, “the [^{F16}Relevant Authority]” means the Housing Corporation.
- (5) In this section “registered charity” means a charity which is registered under section 3 of the Charities Act 1993 and is not an exempt charity within the meaning of that Act..

Textual Amendments

- F15** S. 6A substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(3)**
- F16** 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**
- F17** 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**

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