



# Housing Act 1985

## 1985 CHAPTER 68

### PART II

#### PROVISION OF HOUSING ACCOMMODATION

##### *Main powers and duties of local housing authorities*

#### **8 Periodical review of housing needs.**

- (1) Every local housing authority shall consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation.
- (2) For that purpose the authority shall review any information which has been brought to their notice, including in particular information brought to their notice as a result of [<sup>F1</sup>the consideration of the housing conditions in their district under [<sup>F2</sup>section 3 of the Housing Act 2004]].
- [<sup>F3</sup>(3) In the case of a local housing authority in England, the duty under subsection (1) includes a duty to consider the needs of people residing in or resorting to their district with respect to the provision of—
  - (a) sites on which caravans can be stationed, or
  - (b) places on inland waterways where houseboats can be moored.
- (4) In subsection (3)—

“caravan” has the meaning given by section 29 of the Caravan Sites and Control of Development Act 1960;

“houseboat” means a boat or similar structure designed or adapted for use as a place to live.]

#### **Textual Amendments**

- F1** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 62](#)

*Status: Point in time view as at 12/07/2016.*

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- F2** Words in s. 8(2) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), [Sch. 15 para. 11](#); S.I. 2006/1060, {art. (2)(1)(d)} (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with art. 3, Sch.)
- F3** S. 8(3)(4) inserted (12.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 124\(1\)](#), 216(2)(a)

**Modifications etc. (not altering text)**

- C1** S. 8(1) functions made exercisable concurrently (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, 10, [Sch. 3 para. 2](#)
- C2** S. 8(1) functions made exercisable concurrently (1.4.2014) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 \(S.I. 2014/863\)](#), art. 1, [Sch. 2 para. 3](#)
- C3** S. 8(1) functions made exercisable concurrently (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\)](#), art. 1, [Sch. 2 para. 5](#) (with art. 8(4))

## 9 Provisions of housing accommodation.

- (1) A local housing authority may provide housing accommodation—
  - (a) by erecting houses, or converting buildings into houses, on land acquired by them for the purposes of this Part, or
  - (b) by acquiring houses.
- (2) The authority may alter, enlarge, repair or improve a house so erected, converted or acquired.
- (3) These powers may equally be exercised in relation to land acquired for the purpose—
  - (a) of disposing of houses provided, or to be provided, on the land, or
  - (b) of disposing of the land to a person who intends to provide housing accommodation on it.
- (4) A local housing authority may not under this Part provide a cottage with a garden of more than one acre.
- [<sup>F4</sup>(5) Nothing in this Act shall be taken to require (or to have at any time required) a local housing authority itself to acquire or hold any houses or other land for the purposes of this Part.]

**Textual Amendments**

- F4** S. 9(5) added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 161\(1\)](#)

## 10 Provision of furnishings and fittings.

- (1) A local housing authority may fit out, furnish and supply a house provided by them under this Part with all requisite furniture, fittings and conveniences.
- (2) A local housing authority may sell, or supply under a hire-purchase agreement or a conditional sale agreement, furniture to the occupants of houses so provided, and may for that purpose buy furniture.
- (3) In subsection (2) “conditional sale agreement” and “hire-purchase agreement” have the same meaning as in the <sup>M1</sup>Consumer Credit Act 1974.

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#### Marginal Citations

M1 1974 c. 39.

### 11 Provision of board and laundry facilities.

(1) A local housing authority may provide in connection with the provision of housing accommodation by them under this Part—

- (a) facilities for obtaining meals and refreshments, and
- (b) facilities for doing laundry and laundry services,

such as accord with the needs of the persons for whom the housing accommodation is provided.

(2) The authority may make reasonable charges for meals and refreshments provided by virtue of this section and for the use of laundry facilities or laundry services so provided.

[<sup>F5</sup>(3) Where a premises licence under Part 3 of the Licensing Act 2003 authorises the sale by retail of alcohol in connection with the provision of facilities of the kind mentioned in subsection (1)(a), then, notwithstanding the terms of that licence, it does not have effect so as to authorise the sale by retail of alcohol for consumption otherwise than with a meal.]

(4) A local housing authority in carrying on activities under this section is subject to all relevant enactments and rules of law, including enactments relating to the sale of intoxicating liquor [<sup>F6</sup>“or the sale by retail of alcohol”], in the same manner as other persons carrying on such activities.

[<sup>F7</sup>(5) An expression used in this section and in the Licensing Act 2003 has the same meaning in this section as in that Act.]

#### Textual Amendments

F5 S. 11(3) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, Sch. 6 para. 103(a) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2

F6 Words in s. 11(4) inserted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, Sch. 6 para. 103(b) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(1)

F7 S. 11(5) inserted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, Sch. 6 para. 103(c) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(1)

### [<sup>F8</sup>11A Provision of welfare services.

(1) A local housing authority may provide in connection with the provision of housing accommodation by them (whether or not under this Part) such welfare services, that is to say, services for promoting the welfare of the persons for whom the accommodation is so provided, as accord with the needs of those persons.

(2) The authority may make reasonable charges for welfare services provided by virtue of this section.

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- (3) In this section “welfare services” does not include the repair, maintenance, supervision or management of houses or other property.

<sup>F9</sup>(4) . . . . .]

**Textual Amendments**

- F8** S. 11A inserted (*retrospectively to 1.4.1990*) by 1993 c. 28, s. 126  
**F9** S. 11A(4) repealed (18.10.2000 with application in relation to England only and otherwise 9.4.2001) by 2000 c. 22, s. 107, **Sch. 6**; S.I. 2000/2836, **art. 2(b)(iii)**; S.I. 2001/1471, **art. 2**

**12 Provision of shops, recreation grounds, etc.**

- (1) A local housing authority may, with the consent of the Secretary of State, provide and maintain in connection with housing accommodation provided by them under this Part—
- (a) buildings adapted for use as shops,
  - (b) recreation grounds, and
  - (c) other buildings or land which, in the opinion of the Secretary of State, will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

- (2) The Secretary of State may, in giving his consent, by order apply, with any necessary modifications, any statutory provisions which would have been applicable if the land or buildings had been provided under any enactment giving a local authority powers for the purpose.

- (3) The power conferred by subsection (1) may be exercised either by the local housing authority themselves or jointly with another person.

[<sup>F10</sup>(4) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.]

**Textual Amendments**

- F10** S. 12(4) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 2 para. 4**

**13 Provision of streets, roads and open spaces and development generally.**

- (1) A local housing authority may lay out and construct public streets or roads and open spaces on land acquired by them for the purposes of this Part.
- (2) Where they dispose of land to a person who intends to provide housing accommodation on it, they may contribute towards the expenses of the development of the land and the laying out and construction of streets on it, subject to the condition that the streets are dedicated to the public.

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## 14 Exercise of powers by authority outside district.

- (1) A local housing authority may, for supplying the needs of their district, exercise outside their district the powers conferred by sections 9 to 13 (provision of housing accommodation and related powers).
- (2) A district council shall before doing so give notice of their intention—
  - (a) to the council of the county in which their district is situated, and
  - (b) if they propose to exercise the power outside that county [<sup>F11</sup>but in England], to the council of the county in which they propose to exercise the power;but failure to give notice does not invalidate the exercise of the power.
- [<sup>F12</sup>(2A) Where a Welsh county council or county borough council propose to exercise the power in England they shall before doing so give notice of their intention to the council of the county in which they propose to exercise the power, but failure to give notice does not invalidate the exercise of the power.]
- (3) Where housing operations under this Part are being carried out by a local housing authority outside their own district, the authority's power to execute works necessary for the purposes of, or incidental to the carrying out of, the operations, is subject to entering into an agreement with the council of the county, [<sup>F13</sup>county borough,] London borough or district in which the operations are being carried out, as to the terms and conditions on which the works are to be executed.
- (4) Where housing operations under this Part have been carried out by a local housing authority outside their own district, and for the purposes of the operations public streets or roads have been constructed and completed by the authority, the liability to maintain the streets or roads vests in the council which is the local highway authority for the area in which the operations were carried out unless that council are satisfied that the streets or roads have not been properly constructed.
- (5) Where a local housing authority carry out housing operations outside their own district, any difference arising between that authority and any authority in whose area the operations are carried out may be referred by either authority to the Secretary of State whose decision shall be final and binding on them.

### Textual Amendments

- F11** Words in s. 14(2)(b) inserted (1.4.1996) by 1994 c. 19. s. 22(2), Sch. 8 para. 5(4) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1
- F12** S. 14(2A) inserted (1.4.1996) by 1994 c. 19. s. 22(2), Sch. 8 para. 5(4) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch. 1
- F13** Words in s. 14(3) inserted (1.4.1996) by 1994 c. 19. s. 22(2), Sch. 8 para. 5(4) (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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