



# Housing Act 1985

## 1985 CHAPTER 68

### PART IV

#### SECURE TENANCIES AND RIGHTS OF SECURE TENANTS

##### *Provision of information and consultation*

#### **104 Provision of information about tenancies.**

- (1) Every body which lets dwelling-houses under secure tenancies shall from time to time publish information about its secure tenancies, in such form as it considers best suited to explain in simple terms, and so far as it considers it appropriate, the effect of—
- the express terms of its secure tenancies,
  - the provisions of this Part <sup>F1</sup> . . . , and
  - the provisions of sections 11 to 16 of the <sup>M1</sup>Landlord and Tenant Act 1985 (landlord's repairing obligations),

and shall ensure that so far as is reasonably practicable the information so published is kept up to date.

- (2) The landlord under a secure tenancy shall supply the tenant with—
- a copy of the information for secure tenants published by it under subsection (1), and
  - a written statement of the terms of the tenancy, so far as they are neither expressed in the lease or written tenancy agreement (if any) nor implied by law;

and the statement required by paragraph (b) shall be supplied [<sup>F2</sup>when the secure tenancy arises] or as soon as practicable afterwards.

- [<sup>F3</sup>(3) A local authority which is the landlord under a secure tenancy shall supply the tenant, at least once in every relevant year, with a copy of such information relating to the provisions mentioned in subsection (1)(b) and (c) as was last published by it; and in this subsection “relevant year” means any period of twelve months beginning with an anniversary of the date of such publication. ]

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#### Textual Amendments

- F1** Words in s. 104(1)(b) omitted (18.1.2005) by virtue of [Housing Act 2004 \(c. 34\)](#), [ss.189\(2\)](#), [270\(3\)\(a\)](#) and repealed (6.4.2006 (E.) and 16.6.2006 (W.)) by [Housing Act 2004 \(c. 34\)](#), [ss. 266](#), [270\(4\)\(5\)](#), [Sch. 16](#); [S.I. 2006/1060](#), [art. 2\(1\)\(e\)\(v\)](#); [S.I. 2006/1535](#), [art. 2\(c\)\(v\)](#)
- F2** Words in s. 104(2) substituted (4.2.1997) by [1996 c. 52](#), s. 141(1), [Sch. 14 para. 2](#); [S.I. 1997/66](#), [art. 2](#) (subject to savings in [Sch.](#))
- F3** S. 104(3) inserted (11.10.1993) by [1993 c. 28](#), s. 123; [S.I. 1993/2134](#), [arts 2](#), 4(a).

#### Marginal Citations

- M1** [1985 c. 70](#).

### 105 Consultation on matters of housing management.

- (1) A landlord authority shall maintain such arrangements as it considers appropriate to enable those of its secure tenants who are likely to be substantially affected by a matter of housing management to which this section applies—
- (a) to be informed of the authority’s proposals in respect of the matter, and
  - (b) to make their views known to the authority within a specified period;
- and the authority shall, before making any decision on the matter, consider any representations made to it in accordance with those arrangements.
- (2) For the purposes of this section, a matter is one of housing management if, in the opinion of the landlord authority, it relates to—
- (a) the management, maintenance, improvement or demolition of dwelling-houses let by the authority under secure tenancies, or
  - (b) the provision of services or amenities in connection with such dwelling-houses;
- but not so far as it relates to the rent payable under a secure tenancy or to charges for services or facilities provided by the authority.
- (3) This section applies to matters of housing management which, in the opinion of the landlord authority, represent—
- (a) a new programme of maintenance, improvement or demolition, or
  - (b) a change in the practice or policy of the authority,
- and are likely substantially to affect either its secure tenants as a whole or a group of them who form a distinct social group or occupy dwelling-houses which constitute a distinct class (whether by reference to the kind of dwelling-house, or the housing estate or other larger area in which they are situated).
- (4) In the case of a landlord authority which is a local housing authority, the reference in subsection (2) to the provision of services or amenities is a reference only to the provision of services or amenities by the authority acting in its capacity as landlord of the dwelling-houses concerned.
- (5) A landlord authority shall publish details of the arrangements which it makes under this section, and a copy of the documents published under this subsection shall—
- (a) be made available at the authority’s principal office for inspection at all reasonable hours, without charge, by members of the public, and
  - (b) be given, on payment of a reasonable fee, to any member of the public who asks for one.

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(6) A landlord authority which is [<sup>F4</sup>a private registered provider of social housing or] a [<sup>F5</sup>registered social landlord] shall, instead of complying with paragraph (a) of subsection (5), send a copy of any document published under that subsection—

- (a) to the [<sup>F6</sup>Relevant Authority], and
- (b) to the council of any district [<sup>F7</sup>, Welsh county or county borough] or London borough in which there are dwelling-houses let by the [<sup>F8</sup>landlord authority] under secure tenancies;

and a council to whom a copy is sent under this subsection shall make it available at its principal office for inspection at all reasonable hours, without charge, by members of the public.

[<sup>F9</sup>(7) For the purposes of this section—

- (a) secure tenants include demoted tenants within the meaning of section 143A of the Housing Act 1996;
- (b) secure tenancies include demoted tenancies within the meaning of that section.]

#### Textual Amendments

- F4** Words in s. 105(6) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 22](#) (with art. 6, Sch. 3)
- F5** Words in s. 105(6) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), [Sch. 2 para. 14\(10\)\(a\)](#)
- F6** Words in s. 105(6)(a) 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](#)
- F7** Words in s. 105(6)(b) inserted (1.4.1996) by [1994 c. 19, s. 22\(2\)](#), Sch. 8 para. 5(7) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); [S.I. 1996/396](#), art. 3, [Sch. 1](#)
- F8** Word in s. 105(6)(b) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), [Sch. 2 para. 14\(10\)\(b\)](#)
- F9** S. 105(7) inserted (30.6.2004 for E and 30.9.2004 for specified purposes for W. and 30.4.2005 otherwise for W.) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 14, 93(2), [Sch. 1 para. 2\(2\)](#); [S.I. 2004/1502](#), [art. 2\(a\)\(iii\)](#) (subject to Sch.); [S.I. 2004/2557](#), [art. 2\(a\)\(ii\)](#) (subject to Sch.); [S.I. 2005/1225](#), [art. 2\(b\)](#)

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

- C1** S. 105 excluded by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 84\(8\)](#)

## 106 Information about housing allocation.

- (1) A landlord authority shall publish a summary of its rules—
- (a) for determining priority as between applicants in the allocation of its housing accommodation, and
  - (b) governing cases where secure tenants wish to move (whether or not by way of exchange of dwelling-houses) to other dwelling-houses let under secure tenancies by that authority or another body.
- (2) A landlord authority shall—
- (a) maintain a set of the rules referred to in subsection (1) and of the rules which it has laid down governing the procedure to be followed in allocating its housing accommodation, and
  - (b) make them available at its principal office for inspection at all reasonable hours, without charge, by members of the public.

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- (3) A landlord authority which is <sup>F10</sup>a private registered provider of social housing or] a <sup>F11</sup>registered social landlord] shall, instead of complying with paragraph (b) of subsection (2), send a set of the rules referred to in paragraph (a) of that subsection—
- (a) to the <sup>F12</sup>Relevant Authority], and
  - (b) to the council of any district <sup>F13</sup>, Welsh county or county borough] or London borough in which there are dwelling-houses let or to be let by the <sup>F14</sup>landlord authority] under secure tenancies;
- and a council to whom a set of rules is sent under this subsection shall make it available at its principal office for inspection at all reasonable hours, without charge, by members of the public.
- (4) A copy of the summary published under subsection (1) shall be given without charge, and a copy of the set of rules maintained under subsection (2) shall be given on payment of a reasonable fee, to any member of the public who asks for one.
- (5) At the request of a person who has applied to it for housing accommodation, a landlord authority shall make available to him, at all reasonable times and without charge, details of the particulars which he has given to the authority about himself and his family and which the authority has recorded as being relevant to his application for accommodation.
- <sup>F15</sup>(6) The provisions of this section do not apply to a landlord authority which is a local housing authority so far as they impose requirements corresponding to those to which such an authority is subject under <sup>F16</sup>section] 168 of the Housing Act 1996 (provision of information about <sup>F17</sup>... allocation schemes).]

#### Textual Amendments

- F10** Words in s. 106(3) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 23** (with art. 6, Sch. 3)
- F11** Words in s. 106(3) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 14(1)(a)**
- F12** Words in s. 106(3)(a) 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**
- F13** Words in s. 106(3)(b) inserted (1.4.1996) by [1994 c. 19, s. 22\(2\)](#), Sch. 8 para. 5(7) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); [S.I. 1996/396](#), art. 3, **Sch. 1**
- F14** Word in s. 106(3) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 14(1)(b)**
- F15** S. 106(6) inserted (1.4.1997) by [1996 c. 52, s. 173](#), **Sch. 16 para. 1**; [S.I. 1996/2959](#), **art. 3** (subject to transitional provision in [Sch. para. 2](#))
- F16** Word in s. 106(6) substituted (27.1.2003 for W. and 31.1.2003 for E.) by [2002 c. 7, s. 18\(1\)](#), **Sch. 1 para. 1**; [S.I. 2002/1736](#), art. 2(2), **Sch. Pt. 2**; [S.I. 2002/3114](#), **art. 3**
- F17** Words in s. 106(6) repealed (27.1.2003 for W. and 31.1.2003 for E.) by [2002 c. 7, s. 20\(1\)](#), **Sch. 2**; [S.I. 2002/1736](#), art. 2(2), **Sch. Pt. 2**; [S.I. 2002/3114](#), **art. 3**

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

- C2** S. 106(5) excluded by [Access to Personal Files Act 1987 \(c. 37, SIF 106:1\)](#), **s. 1(3)(5)**

#### <sup>F18</sup>106A Consultation before disposal to private sector landlord.

- (1) The provisions of Schedule 3A have effect with respect to the duties of—
- (a) a local authority proposing to dispose of dwelling-houses subject to secure tenancies <sup>F19</sup>or introductory tenancies], and

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- (b) the Secretary of State in considering whether to give his consent to such a disposal,
- to have regard to the views of tenants liable as a result of the disposal to cease to be secure tenants [<sup>F20</sup>or introductory tenants].
- (2) In relation to a disposal to which that Schedule applies, the provisions of that Schedule apply in place of the provisions of section 105 (consultation on matters of housing management) [<sup>F21</sup>in the case of secure tenants and section 137 of the Housing Act 1996 (consultation on matters of housing management) in the case of introductory tenants.]
- <sup>F22</sup>[ That Schedule, and this section, do not apply in relation to any disposal of an interest ( 3 ) in land by a local authority if—
- (a) the interest has been acquired by the authority (whether compulsorily or otherwise) following the making of an order for compulsory purchase under any enactment, other than section 290 (acquisition of land for clearance),
- (b) the order provides that the interest is being acquired for the purpose of disposal to [<sup>F23</sup>a private registered provider of social housing or] a registered social landlord, and
- (c) such a disposal is made within one year of the acquisition.
- (4) In this section “registered social landlord” has the same meaning as in Part I of the Housing Act 1996.]]

#### Textual Amendments

- F18** S. 106A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 6(1)(3)
- F19** Words in s. 106A(1)(a) inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, [Sch. para. 3\(h\)\(i\)](#)
- F20** Words in s. 106A(1) inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, [Sch. para. 3\(h\)\(ii\)](#)
- F21** Words in s. 106A(2) inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, [Sch. para. 3\(h\)\(iii\)](#)
- F22** S. 106A(3)(4) inserted (1.10.1996) by [1996 c. 52](#), s. 222, [Sch. 18 para. 23](#); [S.I. 1996/2402](#), [art. 3](#) (subject to transitional provisions and to savings in [Sch.](#))
- F23** Words in s. 106A(3)(b) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 24](#) (with art. 6, [Sch. 3](#))

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