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Housing Act 1985

1985 CHAPTER 68

PART XVI

ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Supplementary provisions

571 Service of notices.

- (1) A notice or other document under this Part may be given to or served on a person, and an application or written request under this Part may be made to a person—
- (a) by delivering it to him or leaving it at his proper address, or
 - (b) by sending it to him by post,
- and also, where the person concerned is a body corporate, by giving or making it to or serving it on the secretary of that body.
- (2) For the purposes of this section, and of section 7 of the ^{M1}Interpretation Act 1978 as it applies for the purposes of this section, the proper address of a person is—
- (a) in the case of a body corporate or its secretary, the address of the principal office of the body,
 - (b) in any other case, his last known address,

and also, where an additional address for service has been specified by that person in a notice under section 548(2) (notice of intention to assume responsibility for repurchase), that address.

Marginal Citations

M1 1978 c. 30.

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572 Jurisdiction of county court.

- (1) The county court has jurisdiction—
 - (a) to determine any question arising under this Part notwithstanding that a declaration is the only relief sought, and
 - (b) to entertain any proceedings brought in connection with the performance or discharge of obligations arising under this Part, including proceedings for the recovery of damages in the event of the obligations not being performed.
- (2) Subsection (1) has effect subject to—
 - sections 528(6) and 559(6) (questions of designation to be decided by designating authority), and
 - section 551(3) and paragraph 9 of Schedule 20 (questions of valuation to be determined by district valuer).
- (3) Where an authority fail to extend or further extend a period when required to do so by—
 - (a) section 542(3) (reinstatement grant: period within which work is to be completed), or
 - (b) paragraph 2(2) or 6(2) of Schedule 20 (repurchase: period for service of request or notice by person entitled to assistance),
 the county court may by order extend or further extend that period until such date as may be specified in the order.
- (4) The Lord Chancellor may make such rules and give such directions as he thinks fit for the purpose of giving effect to this section.
- (5) The rules and directions may provide for the exercise by a registrar of the county court of any jurisdiction exercisable under this section.
- (6) Rules under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

573 Meaning of “public sector authority”.

- (1) In this Part “public sector authority” means—
 - a local authority (or a predecessor of a local authority),
 - a joint board of which every constituent member is, or is appointed by, a local authority (or a predecessor of a local authority),
 - [^{F1}a National Park authority (or a predecessor of such an authority),]
 - the Peak Park Joint Planning Board,
 - the Lake District Special Planning Board,
 - [^{F2}a Welsh planning board,]
 - [^{F3}the National Rivers Authority]
 - the [^{F4}Corporation],
 - a [^{F5}registered social landlord] other than a co-operative housing association (or a predecessor housing association of such [^{F5}a landlord]),
 - a new town corporation,
 - the Development Board for Rural Wales,
 - the [^{F6}British Coal Corporation][^{F7}, the Coal Authority], or
 - the United Kingdom Atomic Energy Authority,

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or a body corporate or housing association specified by order of the Secretary of State in accordance with the following provisions.

- [^{F8}(1A) For the purposes of subsection (1), “a Welsh planning board” means a board constituted under—
- (a) section 2(1B) of the Town and Country Planning Act 1990; or
 - (b) paragraph 3A of Schedule 17 to the Local Government Act 1972.]
- (2) The Secretary of State may provide that a body corporate shall be treated as a public sector authority if he is satisfied—
- (a) that the affairs of the body are managed by its members, and
 - (b) that its members hold office by virtue of appointment (to that or another office) by a Minister of the Crown under an enactment,
- or if he is satisfied that it is a subsidiary of such a body.
- (3) The Secretary of State may provide that a housing association shall be treated as a public sector authority if he is satisfied that the objects or powers of the association include the provision of housing accommodation for individuals employed at any time by a public sector authority or dependants of such individuals.
- (4) Where the Secretary of State is satisfied that a body or association met the requirements of subsection (2) or (3) during any period, he may, whether or not he makes an order in respect of the body or association under that subsection, provide that it shall be treated as having been a public sector authority during that period.
- (5) If the Secretary of State is satisfied that a body or association specified in an order under subsection (2) or (3) has ceased to meet the requirements of that subsection on any date, he may by order provide that it shall be treated as having ceased to be a public sector authority on that date.
- (6) An order under this section shall be made by statutory instrument.

Textual Amendments

- F1** Entry in s. 573(1) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 24(3)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**
- F2** Entry in s. 573(1) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 19** (with ss. 54(5)(7), 55(5)); S.I. 1996/396, **art. 3**
- F3** Words substituted by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), **Sch. 25 para. 74(1)**, **Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58**
- F4** Word substituted by **Housing Act 1988** (c. 50, SIF 61), s. 140(1), **Sch. 17 Pt. II para. 106**
- F5** Words in s. 573(1) substituted (1.10.1996) by S.I. 1996/2325, **art. 5(1)**, **Sch. 2 para. 14(29)**
- F6** Words substituted by **Coal Industry Act 1987** (c. 3, SIF 86), s. 1(2), **Sch. 1 para. 47**
- F7** Words in s. 573(1) inserted (31.10.1994) by 1994 c. 21, s. 67(1), **Sch. 9 para. 33** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F8** S. 573(1A) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 19** (with ss. 54(5)(7), 55(5)); S.I. 1996/396, **art. 3**

Modifications etc. (not altering text)

- C1** S. 573(1) explained by **Housing (Consequential Provisions) Act 1985** (c. 71, SIF 61), s. 5(1), **Sch. 3 para. 5(3)**

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574 Disposal of certain Crown interests in land treated as disposal by public sector authority.

References in this Part to a disposal of an interest in a dwelling by a public sector authority include a disposal of—

- (a) an interest belonging to Her Majesty in right of the Crown,
- (b) an interest belonging to, or held in trust for Her Majesty for the purposes of, a government department or Minister of the Crown, or
- (c) an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall.

575 Meaning of “dwelling” and “house”.

- (1) In this Part “dwelling” means any house, flat or other unit designed or adapted for living in.
- (2) For the purposes of this Part a building so designed or adapted is a “house” if it is a structure reasonably so called; so that where a building is divided into units so designed or adapted—
 - (a) if it is so divided horizontally, or a material part of a unit lies above or below another unit, the units are not houses (though the building as a whole may be), and
 - (b) if it is so divided vertically, the units may be houses.
- (3) Where a house which is divided into flats or other units is a defective dwelling in respect of which a person is eligible for assistance, the fact that it is so divided shall be disregarded for the purposes of section 538(1)(a) (first condition for assistance by way of reinstatement: that the dwelling is a house).

576 Meaning of “lending institution”.

In this Part “lending institution” means—

- a building society,
- a bank,
- a trustee savings bank, or
- an insurance company.

577 Index of defined expressions: Part XVI.

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

the agreement (in Part III of Schedule 20)	paragraph 11(1) of Schedule 20
appropriate percentage (in relation to reinstatement grant)	section 543(2)
associated arrangement	section 539(2)
[^{F9} assured agricultural occupancy]	[^{F9} section 622]
[^{F9} assured tenancy]	[^{F9} section 622]

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the authority (in Part III of Schedule 20)	paragraph 11(1) of Schedule 20
bank	section 622
building society	section 622
charge (in Part III of Schedule 20)	paragraph 11(2)(a) of Schedule 20
the conveyance (in Part III of Schedule 20)	paragraph 11(1) of Schedule 20
co-operative housing association	section 5(2)
[^{F10} the Corporation]	[^{F10} section 6A]
cut-off date	sections 528(2)(b) and 559(3)(b)
defective dwelling	sections 528(2) and 559(3)
development corporation	section 4(c)
disposal	section 532(1)
disposal for value	section 532(3)
district (of a local housing authority)	section 2(1)
district valuer	section 622
dwelling	section 575(1)
dwelling-house (in sections 553 to 557)	section 558(a)
eligible for assistance	sections 527 and 533
house	section 575(2)
housing association	section 5(1)
insurance company	section 622
the interest acquired (in Part III of Schedule 20)	paragraph 11(1) of Schedule 20
interest in a dwelling	section 530(4)
interest to be acquired (in relation to repurchase)	paragraph 1 of Schedule 20
lending institution	section 576
local authority	section 4(e)
local housing authority	section 1, 2(2)
new town corporation	section 4(b)
notice of determination	section 540(1)
occupier (in sections 553 to 557)	section 558(b)
person entitled to assistance (by way of reinstatement grant or repurchase)	section 540(5)
previous disposal	section 532(4)
protected tenancy	section 622

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public sector authority	section 573 (and see section 574)
the purchase price (in Part III of Schedule 20)	paragraph 11(1) of Schedule 20
purchasing authority	section 548(3)
qualifying defect	sections 528(2)(a) and 559(3)(a)
qualifying work	section 541(2)
[^{F11} registered social landlord]	[^{F11} section 5(4) and (5)]
reinstatement grant	section 541(1)
relevant charge (in Part III of Schedule 20)	paragraph 7(2) of Schedule 20
relevant interest	section 530(1)
the relevant time (in relation to valuation for repurchase)	paragraph 7(2) of Schedule 20
repurchase	section 547
secure tenancy	section 79 (and see section 558(c))
statutory tenancy and statutory tenant	section 622
subsidiary	section 622
time of disposal	section 532(2)
trustee savings bank	section 622
the vendor (in Part III of Schedule 20)	paragraph 11(1) of Schedule 20
work required to reinstate a defective dwelling	section 539(1)

Textual Amendments

- F9** Entries inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 62](#)
- F10** Entry inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 113](#)
- F11** Entry in the Table in s. 577 substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), [Sch. 2 para. 14\(30\)](#)

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