



# Housing Act 1985

## 1985 CHAPTER 68

### PART XVIII

#### MISCELLANEOUS AND GENERAL PROVISIONS

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

- C1** Pt. XVIII (ss. 604–625): power to apply certain functions with modifications conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **65(6)**

#### *General provisions relating to housing conditions*

##### **[<sup>F1</sup>604 Fitness for human habitation.**

- (1) Subject to subsection (2) below, a dwelling-house is fit for human habitation for the purposes of this Act unless, in the opinion of the local housing authority, it fails to meet one or more of the requirements in paragraphs (a) to (i) below and, by reason of that failure, is not reasonably suitable for occupation,—
- (a) it is structurally stable;
  - (b) it is free from serious disrepair;
  - (c) it is free from dampness prejudicial to the health of the occupants (if any);
  - (d) it has adequate provision for lighting, heating and ventilation;
  - (e) it has an adequate piped supply of wholesome water;
  - (f) there are satisfactory facilities in the dwelling-house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
  - (g) it has a suitably located water-closet for the exclusive use of the occupants (if any);
  - (h) it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and
  - (i) it has, for the exclusive use of the occupants (if any), a suitably located

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- (i) it has an effective system for the draining of foul, waste and surface water; and any reference to a dwelling-house being unfit for human habitation shall be construed accordingly.
- (2) Whether or not a dwelling-house which is a flat satisfies the requirements in subsection (1), it is unfit for human habitation for the purposes of this Act if, in the opinion of the local housing authority, the building or a part of the building outside the flat fails to meet one or more of the requirements in paragraphs (a) to (e) below and, by reason of that failure, the flat is not reasonably suitable for occupation,—
- (a) the building or part is structurally stable;
  - (b) it is free from serious disrepair;
  - (c) it is free from dampness;
  - (d) it has adequate provision for ventilation; and
  - (e) it has an effective system for the draining of foul, waste and surface water.
- (3) Subsection (1) applies in relation to a house in multiple occupation with the substitution of a reference to the house for any reference to a dwelling-house.
- (4) Subsection (2) applies in relation to a flat in multiple occupation with the substitution for any reference to a dwelling-house which is a flat of a reference to the flat in multiple occupation.
- (5) The Secretary of State may by order amend the provisions of subsection (1) or subsection (2) in such manner and to such extent as he considers appropriate; and any such order—
    - (a) may contain such transitional and supplementary provisions as the Secretary of State considers expedient; and
    - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F1** S. 604 substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), **Sch. 9 Pt. V para. 83**

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

- C2** S. 604 applied by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. **112(6)**
- C3** S. 604 applied by [S.I. 1990/431](#), **art. 4 Sch. 1 para. 30**
- S. 604 applied (17.12.1996) by [1996 c. 53, s. 97\(1\)](#); [S.I. 1996/2842](#), **art. 3**

### [<sup>F2</sup>604A Authority to consider guidance given by Secretary of State in deciding whether to take action under Section 189, Section 264, Section 265 or Section 289.

- (1) In deciding for the purposes of sections 189, 264, 265 and 289 whether the most satisfactory course of action, in respect of any dwelling-house, house in multiple occupation or building, is, if applicable,—
- (a) serving notice under subsection (1) of section 189; or
  - (b) serving notice under subsection (1A) of that section; or
  - (c) making a closing order under subsection (1) of section 264; or
  - (d) making a closing order under subsection (2) of that section with respect to the whole or a part of the building concerned; or

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- (e) making a demolition order under subsection (1) of section 265; or
  - (f) making a demolition order under subsection (2) of that section; or
  - (g) declaring the area in which the dwelling-house, house in multiple occupation or building is situated to be a clearance area in accordance with section 289;
- the local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State.
- (2) The Secretary of State may give guidance under subsection (1) to authorities generally or may give different guidance to different descriptions of authority or to authorities in different areas; and, without prejudice to the matters in respect of which the Secretary of State may give guidance, he may, in particular, give guidance in respect of financial and social considerations to be taken into account by authorities.
- (3) Where the Secretary of State proposes to give guidance under subsection (1), or to revise guidance already given, he shall lay a draft of the proposed guidance or alterations before each House of Parliament and—
- (a) he shall not give the guidance or revise the guidance until after the expiration of the period of forty days beginning with the day on which the draft is laid (or, if copies are laid before each House of Parliament on different days, with the later of those days); and
  - (b) if within that period either House resolves that the guidance or alterations be withdrawn he shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).
- (4) In computing for the purposes of subsection (3) the period of forty days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.]

#### Textual Amendments

**F2** S. 604A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 84](#)

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

**C4** S. 604A(2)-(4) applied (11.9.1996 for specified purposes otherwise 17.12.1996) by [1996 c. 53, s. 85\(2\)](#); [S.I. 1996/2352, art. 2\(2\)](#); [S.I. 1996/2842, art. 3](#)  
S. 604A(2)-(4) applied (11.9.1996 for specified purposes otherwise 16.12.1997) by [1996 c. 53, ss. 131\(5\), 133\(4\)](#); [S.I. 1996/2352, art. 2\(2\)](#); [S.I. 1997/2846, art. 2](#)

### [<sup>F3</sup>605 **Consideration by local housing authority of housing conditions in their district.**

- (1) The local housing authority shall at least once in each year consider the housing conditions in their district with a view to determining what action to take in performance of their functions under—
- (a) Part VI (repair notices);
  - (b) Part IX (slum clearance);
  - (c) Part XI (houses in multiple occupation);
  - (d) Part VII of the Local Government and Housing Act 1989 (renewal areas); and
  - [<sup>F4</sup>(e) Part I of the Housing Grants, Construction and Regeneration Act 1996 (grants, &c. for renewal of private sector housing).]

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- (2) For the purposes of carrying out their duty under subsection (1), the authority and their officers shall comply with any directions the Secretary of State may give and shall keep such records and supply him with such information as he may specify.]

**Textual Amendments**

- F3** S. 605 substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 85](#)
- F4** S. 605(1)(e) substituted (17.12.1996) by [1996 c. 53, s. 103](#), [Sch. 1 para. 10](#); S.I. 1996/2842, [art. 3](#)

**606 Reports on particular houses or areas.**

- (1) The proper officer of the local housing authority shall make a report in writing to the authority whenever he is of the opinion—
- (a) that a [<sup>F5</sup>dwelling-house or house in multiple occupation] in their district is unfit for human habitation, or
  - (b) that an area in their district should be dealt with as a clearance area;
- and the authority shall take into consideration as soon as may be any such report made to them.
- (2) If a complaint in writing that a [<sup>F5</sup>dwelling-house or house in multiple occupation] is unfit for human habitation, or that an area should be dealt with as a clearance area, is made to the proper officer of the local housing authority by—
- (a) a justice of the peace having jurisdiction in any part of their district, or
  - (b) a parish or community council for a parish or community within their district,
- (2) the officer shall forthwith inspect the [<sup>F5</sup>dwelling-house or house in multiple occupation] or area and make a report to the authority stating the facts of the case and whether in his opinion the [<sup>F5</sup>dwelling-house or house in multiple occupation] is unfit for human habitation or the area should be dealt with as a clearance area.
- (3) The absence of a complaint under subsection (2) does not excuse the proper officer of the authority from inspecting a [<sup>F5</sup>dwelling-house or house in multiple occupation] or area or making a report on it under subsection (1)

**Textual Amendments**

- F5** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 86](#)

*Environmental considerations*

**607 Local housing authority to have regard to environmental considerations.**

A local housing authority in preparing any proposals for the provision of housing accommodation, or in taking any action under this Act, shall have regard to—

- (a) the beauty of the landscape or countryside,
- (b) the other amenities of the locality, and

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- (c) the desirability of preserving existing works of architectural, historic or artistic interest;

and they shall comply with such directions in that behalf as may be given to them by the Secretary of State.

#### **608 Acquisition of ancient monuments, &c.**

Land which is the site of an ancient monument or other object of archaeological interest—

- (a) may not be acquired for the purposes of . . . <sup>F6</sup> Part IX (slum clearance), and
- (b) may be acquired for the purposes of Part II (provision of housing) only by compulsory purchase order.

#### **Textual Amendments**

**F6** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(e), 194(4), [Sch. 9 Pt. V para. 87](#), [Sch. 12 Pt. II](#)

*Enforceability of covenants, &c.*

#### **609 Enforcement of covenants against owner for the time being.**

Where—

- (a) a local housing authority have disposed of land held by them for any of the purposes of this Act and the person to whom the disposal was made has entered into a covenant with the authority concerning the land, or
- (b) an owner of any land has entered into a covenant with the local housing authority concerning the land for the purposes of any of the provisions of this Act,

the authority may enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

#### **610 Power of court to authorise conversion of premises into flats.**

- (1) The local housing authority or a person interested in [<sup>F7</sup>any premises] may apply to the county court where—

- (a) owing to changes in the character of the neighbourhood in which the [<sup>F8</sup>premises][<sup>F9</sup>are situated, they] cannot readily be let as a single [<sup>F9</sup>dwelling-house] but could readily be let for occupation if converted into two or more [<sup>F9</sup>dwelling-houses], or
- (b) planning permission has been granted under Part III of [<sup>F10</sup>the Town and Country Planning Act 1990] (general planning control) for the use of the [<sup>F8</sup>premises] as converted into two or more separate dwelling-houses instead of as a single dwelling-house,

and the conversion is prohibited or restricted by the provisions of the lease of the [<sup>F8</sup>premises], or by a restrictive covenant affecting the [<sup>F8</sup>premises], or otherwise.

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- (2) The court may, after giving any person interested an opportunity of being heard, vary the terms of the lease or other instrument imposing the prohibition or restriction, subject to such conditions and upon such terms as the court may think just.

#### Textual Amendments

- F7** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 88](#)
- F8** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 88](#)
- F9** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 88](#)
- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\)](#), s. 4, [Sch. 2 para. 71\(5\)](#)

#### *Miscellaneous powers of local housing authorities*

### **611 Removal or alteration of apparatus of statutory undertakers.**

- (1) Where by reason of the stopping up, diversion or alteration of the level or width of a street by a local housing authority under powers exercisable by them by virtue of this Act—
- (a) the removal or alteration of apparatus belonging to statutory undertakers, or
  - (b) the execution of works for the provision of substituted apparatus, whether permanent or temporary,
- is reasonably necessary for the purposes of their undertaking, the statutory undertakers may by notice in writing served on the authority require them to remove or alter the apparatus or to execute the works.
- (2) Where such a requirement is made and not withdrawn, the authority shall give effect to it unless—
- (a) they serve notice in writing on the undertakers of their objection to the requirement within 28 days of the service of the notice upon them and
  - (b) the requirement is determined by arbitration to be unreasonable.
- (3) At least seven days before commencing any works which they are required under this section to execute, the authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention to do so; and if the undertakers so elect within seven days from the date of service of the notice on them, they shall themselves execute the works.
- (4) If the works are executed by the authority, they shall be executed at the authority's expense and under the superintendence (also at the authority's expense) and to the reasonable satisfaction of the undertakers; and if the works are executed by the undertakers, they shall be executed in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs of the works shall be repaid to the undertakers by the authority.
- (5) Any difference arising between statutory undertakers and a local housing authority under subsection (3) or (4), and any matter which by virtue of subsection (2)(b) is to

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be determined by arbitration, shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Secretary of State.

(6) In this section—

- (a) “statutory undertakers” means any persons authorised by an enactment, or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, . . . <sup>F11</sup>, . . . <sup>F12</sup> or other public undertaking;
- (b) “apparatus” means sewers, drains, culverts, watercourses, mains, pipes, valves, tubes, cables, wires, transformers and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps;
- (c) references to the alteration of apparatus include diversion and the alteration of position or level.

#### Textual Amendments

- F11** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F12** Word repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(2)(3), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

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

- C5** S. 611 extended by Airports Act 1986 (c. 31, SIF 9), s. 58, **Sch. 2 para. 1(1)**
- C6** S. 611 extended 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. 1(2)(xxxii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- C7** S. 611 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 2(4)(e)(9), Sch. 17 paras. 33, **35(1)**
- C8** S. 611 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1(2)(o)** (with s. 106); S.I. 2001/869, **art.2**

### General provisions

#### 612 Exclusion of Rent Act protection.

Nothing in the Rent Acts [<sup>F13</sup>or Part I of the Housing Act 1988] prevents possession being obtained of a [<sup>F14</sup>dwelling-house] of which possession is required for the purpose of enabling a local housing authority to exercise their powers under any enactment relating to housing.

#### Textual Amendments

- F13** Words inserted by Housing Act 1988 (c. 50, SIF 61), s. 140(1), **Sch. 17 Pt. I para. 63**
- F14** Word substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(e), **Sch. 9 Pt. V para. 89**

#### 613 Liability of directors, &c. in case of offence by body corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on

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the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **614 Power to prescribe forms &c.**

- (1) The Secretary of State may by regulations prescribe—
- (a) anything which by this Act is to be prescribed; or
  - (b) the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this Act.
- (2) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power conferred by this section is not exercisable where specific provision for prescribing a thing, or the form of a document, is made elsewhere.

#### **615 Dispensation with advertisements and notices.**

- (1) The Secretary of State may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act if he is satisfied that there is reasonable cause for dispensing with the publication or service.
- (2) A dispensation may be given by the Secretary of State—
- (a) either before or after the time at which the advertisement is required to be published or the notice is required to be served, and
  - (b) either unconditionally or upon such conditions, as to the publication of other advertisements or the service of other notices or otherwise, as the Secretary of State thinks fit,
- due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.

#### **616 Local inquiries.**

For the purposes of the execution of his powers and duties under this Act, the Secretary of State may cause such local inquiries to be held as he may think fit.

#### **617 Service of notices.**

- (1) Where under any provision of this Act it is the duty of a local housing authority to serve a document on a person who is to the knowledge of the authority—
- (a) a person having control of premises, however defined, or
  - (b) a person managing premises, however defined, or
  - (c) a person having an estate or interest in premises, whether or not restricted to persons who are owners or lessees or mortgagees or to any other class of those having an estate or interest in premises,



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the authority shall take reasonable steps to identify the person or persons coming within the description in that provision.

- (2) A person having an estate or interest in premises may for the purposes of any provision to which subsection (1) applies give notice to the local housing authority of his interest in the premises and they shall enter the notice in their records.
- (3) A document required or authorised by this Act to be served on a person as being a person having control of premises (however defined) may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served by—
  - (a) addressing it to him by the description of “person having control of” the premises (naming them) to which it relates, and
  - (b) delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (4) Where under any provision of this Act a document is to be served on—
  - (a) the person having control of premises, however defined, or
  - (b) the person managing premises, however defined, or
  - (c) the owner of premises, however defined,and more than one person comes within the description in the enactment, the document may be served on more than one of those persons.

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

C9 S. 617 applied (17.12.1996) by 1996 c. 53, s. 82(5); S.I. 1996/2842, art. 3

**618 The Common Council of the City of London.**

- (1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act or the <sup>M1</sup>Housing Associations Act 1985 which in their opinion may be better regulated and managed by means of a committee.
- (2) A committee so appointed—
  - (a) shall consist as to a majority of its members of members of the Common Council, and
  - (b) shall not be authorised to borrow money or to make a rate,and shall be subject to any regulations and restrictions which may be imposed by the Common Council.
- (3) A person is not, by reason only of the fact that he occupies a house at a rental from the Common Council, disqualified from being elected or being a member of that Council or any committee of that Council; but no person shall vote as a member of that Council, or any such committee, on a resolution or question which is proposed or arises in pursuance of this Act or the Housing Associations Act 1985 and relates to land in which he is beneficially interested.
- (4) A person who votes in contravention of subsection (3) commits a summary offence and is liable on conviction to a fine not exceeding [<sup>F15</sup>level 4 on the standard scale]; but the fact of his giving the vote does not invalidate any resolution or proceeding of the authority.

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**Textual Amendments**

**F15** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), **Sch. 5 Pt. I para. 6(1)(2)**

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

**C10** [S. 618](#) applied (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 261(7), 270(3)(a)**

**Marginal Citations**

**M1** [1985 c. 69](#).

**619 The Inner and Middle Temples.**

<sup>F16</sup>(1) . . . . .

(2) [<sup>F17</sup>The provisions of Parts I to XI and XIII to XVIII of this Act] are among those for which provision may be made by Order in Council under section 94 of the Local Government Act 1985 (general power to provide for exercise of local authority functions as respects the Temples).

**Textual Amendments**

**F16** [S. 619\(1\)](#) repealed (3.3.1997) by [1996 c. 52, s. 227, Sch. 19 Pt. II](#); [S.I. 1997/596, art. 2](#)

**F17** Words in [s. 619\(2\)](#) substituted (3.3.1997) by [1996 c. 52, s. 80\(2\)](#); [S.I. 1997/350, art. 2](#)

**620 The Isles of Scilly.**

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**621 Meaning of “lease” and “tenancy” and related expressions.**

- (1) In this Act “lease” and “tenancy” have the same meaning.
- (2) Both expressions include—
  - (a) a sub-lease or sub-tenancy, and
  - (b) an agreement for a lease or tenancy (or sub-lease or sub-tenancy).
- (3) The expressions “lessor” and “lessee” and “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or terms, shall be construed accordingly.

<sup>F18</sup>**621A Meaning of “service charge” and related expressions.**

- (1) In this Act “service charge” means an amount payable by a purchaser or lessee of premises—
  - (a) which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the vendor’s or lessor’s costs of management, and
  - (b) the whole or part of which varies or may vary according to the relevant costs.

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- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the payee, or (in the case of a lease) a superior landlord, in connection with the matters for which the service charge is payable.
- (3) For this purpose—
- (a) “costs” includes overheads, and
  - (b) costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.
- (4) In relation to a service charge—
- (a) the “payee” means the person entitled to enforce payment of the charge, and
  - (b) the “payer” means the person liable to pay it.]
- [<sup>F19</sup>(5) But this section does not apply in relation to Part 14.]

#### Textual Amendments

- F18** S. 621A inserted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(2), Sch. 5 Pt. II para. 39
- F19** S. 621A(5) inserted (30.9.2003 for E and 30.3.2004 for W.) by 2002 c. 15, ss. 150, 181(1), Sch. 9 para. 6; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i), Sch. 2

## 622 Minor definitions: general.

- [<sup>F20</sup>(1)] In this Act—
- [<sup>F21</sup>“assured tenancy” has the same meaning as in Part I of the Housing Act 1988;
  - “assured agricultural occupancy” has the same meaning as in Part I of the Housing Act 1988]
  - [<sup>F22</sup>“authorised deposit taker” means—
    - (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits, or
    - (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;  - “authorised insurer” means—
    - (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
    - (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to effect or carry out contracts of insurance;]  - <sup>F23</sup> .....
  - “building regulations” means—
    - (a) building regulations made under Part I of the Building Act 1984,
    - (b) <sup>F24</sup> .....

*Status: Point in time view as at 01/01/2005.*

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- (c) any provision of a local Act, or of a byelaw made under a local Act, dealing with the construction and drainage of new buildings and the laying out and construction of new streets;

F23 .....

“cemetery” has the same meaning as in section 214 of the Local Government Act 1972;

“charity” has the same meaning as in the [F25the Charities Act 1993];

[F26“district valuer”, in relation to any land in the district of a local housing authority, means an officer of the Commissioners of Inland Revenue appointed by them for the purpose of exercising, in relation to that district, the functions of the district valuer under this Act;]

“friendly society” means a friendly society, or a branch of a friendly society, registered under the Friendly Societies Act 1974 or earlier legislation;

“general rate fund” means—

- (a) in relation to the Council of the Isles of Scilly, the general fund of that council;
- (b) in relation to the Common Council of the City of London, that council’s general rate;

“hostel” means a building in which is provided, for persons generally or for a class or classes of persons—

- (a) residential accommodation otherwise than in separate and self-contained sets of premises, and
- (b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

F23 .....

“protected occupancy” and “protected occupier” have the same meaning as in the Rent (Agriculture) Act 1976;

“protected tenancy” has the same meaning as in Rent Act 1977;

“regular armed forces of the Crown” means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955 [F27or the regular air force as defined by section 223 of the Air Force Act 1955]

“the Rent Acts” means the Rent Act 1977 and the Rent (Agriculture) Act 1976;

“restricted contract” has the same meaning as in the Rent Act 1977;

“shared ownership lease” means a lease—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it, or
- (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling;

F28 .....

F28 .....

“statutory tenancy” and “statutory tenant” means a statutory tenancy or statutory tenant within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976;

“street” includes any court, alley, passage, square or row of houses, whether a thoroughfare or not;

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“subsidiary” has <sup>F29</sup>the meaning given by section 736 of the Companies Act 1985;

<sup>F23</sup>

<sup>F30</sup>(2) The definitions of “authorised deposit taker” and “authorised insurer” in subsection (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

#### Textual Amendments

- F20** S. 622 renumbered as s. 622(1) (1.12.2001) by S.I. 2001/3649, arts. 1, 300(2)
- F21** Definitions inserted by Housing Act 1988 (c. 50, SIF 61), s. 140(1), Sch. 17 Pt. I para. 64
- F22** S. 622(1): definitions inserted (1.12.2001) after definition of “assured agricultural tenancy” by S.I. 2001/3649, arts. 1, 300(4)
- F23** S. 622(1): definitions of “bank”, “building society”, “insurance company” and “trustee savings bank” repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 300(3)
- F24** S. 622: in definition of “building regulations” para. (b) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 84(6), Sch. 19 Pt. V (with s. 84(5)); S.I. 1991/2067, art. 3
- F25** Words in s. 622 substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), Sch. 6 para. 30.
- F26** Entry substituted by S.I. 1990/434, reg. 2, Sch. para. 23
- F27** Words in s. 622 substituted (11.5.2001) by 2001 c. 19, s. 34, Sch. 6 Pt. 5 para. 29
- F28** S. 622: definitions of “standard scale” and “statutory maximum” repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group 2
- F29** Words substituted by Companies Act 1989 (c. 40, SIF 27), s. 144(4), Sch. 18 para. 40
- F30** S. 622(2) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 300(5)

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

- C11** S. 622 extended (1.1.1993) by S.I. 1992/3218, reg. 82(1), Sch. 10 Pt. I para. 19  
S. 622 amended (1.7.1994) by S.I. 1994/1696, reg. 68, Sch. 8 Pt. I para. 10

## 623 Minor definitions: Part XVIII

In this Part—

<sup>F31</sup>“dwelling-house” and “flat”, except in the expression “flat in multiple occupation”, shall be construed in accordance with subsection (2);

“house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI;]

“owner”, in relation to premises—

- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple absolute in the premises, whether in possession or in reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years.

<sup>F32</sup>(2) For the purposes of this Part, “dwelling-house” includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it and section 183 shall have effect to determine whether a dwelling-house is a flat.]

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#### Textual Amendments

- F31** Definitions substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), **Sch. 9 Pt. V para. 90(1)**
- F32** [S. 623\(2\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), **Sch. 9 Pt. V para. 90(2)**

## 624 Index of defined expressions: Part XVIII.

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):—

clearance area	section 289
district (of a local housing authority)	section 2(1)
[ <sup>F33</sup> dwelling-house]	[ <sup>F33</sup> section 623]
[ <sup>F33</sup> flat]	[ <sup>F33</sup> section 623]
[ <sup>F33</sup> flat in multiple occupation]	[ <sup>F33</sup> section 623]
[ <sup>F33</sup> house in multiple occupation]	[ <sup>F33</sup> section623]
<sup>F34</sup>	<sup>F34</sup>
lease and let	section 621
local housing authority	section 1, 2(2)
owner	section 623
Rent Acts	section 622
standard scale (in reference to the maximum fine on summary conviction)	section 622
street	section 622
unfit for human habitation	section 604

#### Textual Amendments

- F33** Entries inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), **Sch. 9 Pt. V para. 91(b)**
- F34** Entry repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(e), 194(4), **Sch. 9 Pt. V para. 91(a), Sch. 12 Pt. II**

### *Final provisions*

## 625 Short title, commencement and extent.

- (1) This Act may be cited as the Housing Act 1985.

*Status: Point in time view as at 01/01/2005.*

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- (2) This Act comes into force on 1st April 1986.
- (3) This Act extends to England and Wales only.

**Status:**

Point in time view as at 01/01/2005.

**Changes to legislation:**

Housing Act 1985, PART XVIII is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.