



# Housing Act 1985

## 1985 CHAPTER 68

### PART II

#### PROVISION OF HOUSING ACCOMMODATION

##### *Disposal of land held for housing purposes*

#### **43 Consent required for certain disposals not within s. 32.**

- (1) The consent of the Secretary of State is required for the disposal by a local authority, otherwise than in pursuance of Part V (the right to buy) [<sup>F1</sup>or Part IV of the Housing Act 1988 (change of landlord: secure tenants)], of a house belonging to the authority—
    - (a) which is let on a secure tenancy, or
    - (b) of which a lease has been granted in pursuance of Part V,but which has not been acquired or appropriated by the authority for the purposes of this Part.
  - (2) Consent may be given—
    - (a) either generally to all local authorities or to any particular local authority or description of authority, and
    - (b) either generally in relation to all houses or in relation to any particular house or description of house.
  - (3) Consent may be given subject to conditions.
  - (4) Consent may, in particular, be given subject to conditions as to the price, premium or rent to be obtained on a disposal of the house, including conditions as to the amount by which, on a disposal of the house by way of sale or by the grant or assignment of a lease at a premium, the price or premium is to be, or may be, discounted by the local authority.
- [<sup>F2</sup>(4A) The matters to which the Secretary of State may have regard in determining whether to give consent and, if so, to what conditions consent should be subject shall include—

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Housing Act 1985, Section 43 is up to date with all changes known to be in force on or before 24 June 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. (See end of Document for details)*

- (a) the extent (if any) to which the person to whom the proposed disposal is to be made (in this subsection referred to as “the intending purchaser”) is, or is likely to be, dependent upon, controlled by or subject to influence from the local authority making the disposal or any members or officers of that authority;
  - (b) the extent (if any) to which the proposed disposal would result in the intending purchaser becoming the predominant or a substantial owner in any area of housing accommodation let on tenancies or subject to licences;
  - (c) the terms of the proposed disposal; and
  - (d) any other matters whatsoever which he considers relevant.
- (4B) .....<sup>F3</sup>]
- (5) For the purposes of this section the grant of an option to purchase the freehold of, or any other interest in, a house to which this section applies is a disposal and a consent given under this section to such a disposal extends to a disposal made in pursuance of the option.

#### Textual Amendments

- F1** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 39**
- F2** [S. 43\(4A\)\(4B\)](#) inserted (*retrospectively* 9.6.1988) by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 132(1)(2)(8)**
- F3** [S. 43\(4B\)](#) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(2), **Sch. 12 Pt. I**

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

- C1** [Ss. 43, 44, 45](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 paras. 22 and 23** as substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 61**
- C2** [S. 43](#) extended (1.11.1993) by 1993 c. 28, s. 37, **Sch. 10 para. 1(2)(a)** (with ss. 56(6), 94(2), 95); S.I. 1993/2134, **arts. 2, 5(a)**.  
[Ss. 43, 44](#) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 21(a)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
- C3** [Ss. 43, 44](#) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 8(a)**
- C4** [S. 43\(1\)](#) excluded by [Local Government Act 1988 \(c. 9, SIF 81:1\)](#), **s. 26(5)(c)**
- C5** [S. 43\(2\)\(b\)\(3\)](#) extended by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s.133(3)(b)**
- C6** [S. 43\(4A\)](#) extended by [Housing Act 1988 \(c. 50, SIF 81:1\)](#), **s. 133(3)(b)**
- C7** [S. 43\(4A\)](#) modified by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 133(c)**
- C8** [S. 43\(5\)](#) applied by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 133(4)**

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

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