



# Housing Associations Act 1985

## 1985 CHAPTER 69

### PART I

#### REGULATION OF HOUSING ASSOCIATIONS

##### *Introductory*

### 1 Meaning of “housing association” and related expressions.

- (1) In this Act “housing association” means a society, body of trustees or company—
- which is established for the purpose of, or amongst whose objects or powers are included those of, providing, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, housing accommodation, and
  - which does not trade for profit or whose constitution or rules prohibit the issue of capital with interest or dividend exceeding such rate as may be prescribed by the Treasury, whether with or without differentiation as between share and loan capital [<sup>F1</sup>;

[<sup>F2</sup>[<sup>F3</sup>but does not include Scottish Homes.]]

- (2) In this Act “fully mutual”, in relation to a housing association, means that the rules of the association—
- restrict membership to persons who are tenants or prospective tenants of the association, and
  - preclude the granting or assignment of tenancies to persons other than members;

and “co-operative housing association” means a fully mutual housing association which is a society registered under the <sup>M1</sup>Industrial and Provident Societies Act 1965 [<sup>F4</sup>(in this part referred to as “the 1965 Act”)] .

- (3) In this Act “self-build society” means a housing association whose object is to provide, for sale to, or occupation by, its members, dwellings built or improved principally with the use of its members’ own labour.

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*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

#### Textual Amendments

- F1** Words added by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 1, 3(3), [Sch. 2 para. 6](#)
- F2** Words in [s. 1\(1\)](#) repealed (S.) (1.11.2001) by [2001 asp 10, s. 112](#), [Sch. 10 para. 11\(2\)](#); [S.S.I. 2001/336, art. 2\(3\)](#) (with transitional provisions and savings in [art. 3](#))
- F3** Words added by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 1, 3(3), [Sch. 2 para. 6](#)
- F4** Words in [s. 1\(2\)](#) repealed (E.W.) (1.10.1996) by [S.I. 1996/2325, art. 4\(1\)](#), [Sch. 1 Pt. I](#) (with [art. 4\(2\)\(3\)](#))

#### Marginal Citations

- M1** [1965 c. 12.](#)

## 2 Meaning of “housing trust”.

In this Act “housing trust” means a corporation or body of persons which—

- (a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation, or
- (b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.

<sup>F5</sup>2A .....

#### Textual Amendments

- F5** [S. 2A](#) repealed (1.10.1996) by [S.I. 1996/2325, art. 4\(1\)](#), [Sch. 1 Pts. I, II](#) (with [art. 4\(2\)\(3\)](#))

## [<sup>F6</sup>2B Meaning of “registered housing association”, “registered social landlord” etc.

In this Act, unless the context otherwise requires—

“registered housing association” means a housing association registered in the register [<sup>F7</sup>of social landlords maintained under section 57 of the Housing (Scotland) Act 2001 (asp 10)],

[<sup>F8</sup>“registered social landlord” has the same meaning as in Part I of the Housing Act 1996, and]

“unregistered”, in relation to a housing association, means neither registered in the register [<sup>F9</sup>of social landlords maintained under section 57 of the Housing (Scotland) Act 2001 (asp 10)].]

#### Textual Amendments

- F6** [S. 2B](#) inserted (1.10.1996) by [S.I. 1996/2325, art. 5\(1\)](#), [Sch. 2 para. 15\(2\)](#)
- F7** Words in [s. 2B](#) substituted (S.) (1.11.2001) by [2001 asp. 10, s. 112](#), [Sch. 10 para. 11\(3\)\(c\)](#), [S.I. 2001/336, art. 2\(2\)](#), [Sch. Pt. II Table](#) (with transitional provisions and savings in [art. 3](#))

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- F8** Words in s. 2B repealed (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(b), [S.I. 2001/336, art. 2\(2\)](#), [Sch. Pt. II Table](#) (with transitional provisions and savings in art. 3)
- F9** Words in s. 2B substituted (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(a), [S.I. 2001/336, art. 2\(2\)](#), [Sch. Pt. II Table](#) (with transitional provisions and savings in art. 3)

### Registration

**F10**<sup>3</sup> .....

#### Textual Amendments

- F10** [S. 3](#) repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, [Sch. 19 Pt. I](#); [S.I. 1996/2402, art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, [Sch. 10 para. 11\(4\)](#); [S.S.I. 2001/336, art. 2\(3\)](#), [Sch. Pt. II Table](#) (subject to transitional provisions and savings in art. 3)

**F11**<sup>4</sup> .....

#### Textual Amendments

- F11** [S. 4](#) repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, [Sch. 19 Pt. I](#); [S.I. 1996/2402, art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, [Sch. 10 para. 11\(4\)](#); [S.S.I. 2001/336, art. 2\(3\)](#), [Sch. Pt. II Table](#) (subject to transitional provisions and savings in art. 3)

**F12**<sup>5</sup> .....

#### Textual Amendments

- F12** [S. 5](#) repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, [Sch. 19 Pt. I](#); [S.I. 1996/2402, art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, [Sch. 10 para. 11\(4\)](#); [S.S.I. 2001/336, art. 2\(3\)](#), [Sch. Pt. II Table](#) (subject to transitional provisions and savings in art. 3)

**F13**<sup>6</sup> .....

#### Textual Amendments

- F13** [S. 6](#) repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, [Sch. 19 Pt. I](#); [S.I. 1996/2402, art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, [Sch. 10 para. 11\(4\)](#); [S.S.I. 2001/336, art. 2\(3\)](#), [Sch. Pt. II Table](#) (subject to transitional provisions and savings in art. 3)

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F147 .....

**Textual Amendments**

**F14** S. 7 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

*Disposal of land*

F158 .....

**Textual Amendments**

**F15** S. 8 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**[F179 Control by [F16Corporation] of dispositions of land by housing associations.**

F18(1) .....

[ Subject to section 10, the consent of the relevant Corporation is required for any F19(1A) disposition of grant-aided land (as defined in Schedule 1) by an unregistered housing association; and for this purpose “the relevant Corporation” means,—

- (a) if the land is in England, the Housing Corporation;
- (b) if the land is in Scotland, Scottish Homes; and
- (c) if the land is in Wales, [F20the Secretary of State].]

(2) [F21Consent under this section] may be so given—

- (a) generally to all housing associations or to a particular housing association or description of association;
- (b) in relation to particular land or in relation to a particular description of land; and may be given subject to conditions.

(3) A disposition by a housing association which requires [F22consent] under this section is valid in favour of a person claiming under the association notwithstanding that [F22that consent] has not been given; and a person dealing with the association, or with a person claiming under the association, shall not be concerned to see or inquire whether any such consent has been given.

This subsection has effect subject to section 12 (avoidance of certain dispositions of houses without consent).

F23(4) .....

(5) For the purposes of this section “disposition” means sale, lease, mortgage, charge or any other disposal.

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- [ References in this section to consent are references,—
- <sup>F24</sup>(6) (a) in the case of the Housing Corporation <sup>F25</sup>. . . , to consent given by order under the seal of the Corporation; and
- (b) in the case of [<sup>F26</sup>the Secretary of State or]Scottish Homes, to consent in writing.]

#### Textual Amendments

- F16** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. I para. 2](#)
- F17** S. 9 repealed (S.) (1.11.2001) by [2001 asp 10](#), s. 112, [Sch. 10 para. 11\(4\)](#), S.S.I. 2001/336, art. 2, [Sch. Pt. II](#) (subject to transitional provisions and savings in art. 3)
- F18** S. 9(1) repealed (E.W.) (1.10.1996) by [1996 c. 52](#), s. 227, [Sch. 19 Pt. I](#); S.I. 1996/2402, [art. 3](#) (with transitional provisions and savings in [Sch.](#))
- F19** S. 9(1A) substituted for s. 9(1) by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. I para. 7\(1\)](#)
- F20** Words in s. 9(1A)(c) substituted (1.11.1998) by [1998 c. 38](#), s. 140, [Sch. 16 para. 24\(2\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)
- F21** Words in s. 9(2) substituted (1.10.1996) by S.I. 1996/2325, art. 15(1), [Sch. 2 para. 15\(10\)](#)
- F22** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. I para. 7\(2\)\(a\)\(b\)](#)
- F23** S. 9(4) repealed (E.W.) (1.10.1996) by [1996 c. 52](#), s. 227, [Sch. 19 Pt. I](#); S.I. 1996/2402, [art. 3](#) (with transitional provisions and savings in [Sch.](#))
- F24** S. 9(6) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. I para. 7\(3\)](#)
- F25** Words in s. 9(6)(a) repealed (1.11.1998) by [1998 c. 38](#), ss. 140, 152, [Sch. 16 para. 24\(3\)\(a\)](#), [Sch. 18 Pt. VI](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, [art. 5](#)
- F26** Words in s. 9(6)(b) inserted (1.11.1998) by [1998 c. 38](#), s. 140, [Sch. 16 para. 24\(3\)\(b\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)

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

- C1** S. 9 amended by (E.W.) [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 173\(6\)\(7\)](#); [Housing Act 1988 \(c. 50, SIF 61\)](#), [s.81\(7\)](#); modified by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 58\(3\)\(4\)](#); excluded by (E.W.) [Housing Act 1988 \(c. 50, SIF 61\)](#) s. 105(6), s 133(6)(7); (Scotland) [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), [s. 63\(3\)](#)
- C2** S. 9(1)(1A) excluded (E.W.) (1.11.1993) by [1993 c. 28](#), s. 37, [Sch. 10 para. 1\(2\)\(b\)](#) (with ss. 56(6), 94(2), 95); S.I. 1993/2134, [art. 5](#).

#### [<sup>F27</sup>10 Dispositions excepted from s. 9.

- (1) A disposition by an unregistered housing association which is a charity is not within section 9 if by virtue of [<sup>F28</sup>sections 36 and 38 of the Charities Act 1993] it cannot be made without an order of the court or the Charity Commissioners; but [<sup>F29</sup>before making an order in such a case the Charity Commissioners shall consult,—
- (a) in the case of dispositions of land in England, the Housing Corporation;
- (b) in the case of dispositions of land in Scotland, Scottish Homes; and
- (c) in the case of dispositions of land in Wales, [<sup>F30</sup>the Secretary of State].]
- (2) A letting <sup>F31</sup>. . . by an unregistered housing association which is a housing trust, is not within section 9 if it is—
- (a) a letting of land under a secure tenancy, or
- (b) a letting of land under what would be a secure tenancy but for any of paragraphs 2 to 12 of [<sup>F32</sup>Schedule 1 to the Housing Act 1985] or

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[<sup>F33</sup>paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987] (tenancies excepted from being secure tenancies for reasons other than that they are long leases) [<sup>F34</sup>or

- (c) a letting of land under an assured tenancy or an assured agricultural occupancy, or
  - (d) a letting of land in England or Wales under what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8 of Schedule 1 to the Housing Act 1988, or
  - (e) a letting of land in Scotland under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of Schedule 4 to the Housing (Scotland) Act 1988.]
- (3) The grant by an unregistered housing association which does not satisfy the landlord condition in section 80 of the Housing Act 1985 (bodies which are capable of granting secure tenancies) of a lease for a term ending within the period of seven years and three months beginning on the date of the grant is not within section 9 unless—
- (a) there is conferred on the lessee (by the lease or otherwise) an option for renewal for a term which, together with the original term, would expire outside that period, or
  - (b) the lease is granted wholly or partly in consideration of a fine.
- (4) In subsection (3) the expression “lease” includes an agreement for a lease and a licence to occupy, and the expressions “grant” and “term” shall be construed accordingly.]

**Textual Amendments**

- F27** S. 10 repealed (S.) (1.11.2001) by 2001 asp 10, ss. 112, 113, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)
- F28** Words in s. 10(1) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 21(2)**.
- F29** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(1)**
- F30** Words in s. 10(1)(c) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 25**; S.I. 1998/2244, **art. 5**
- F31** Words in s. 10(2) repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F32** Words beginning “Schedule 1” substituted (E.W.) (*retrospectively*1.4.1986) by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(1), **Sch. 5 Pt. I para. 10(6)(9)**
- F33** Words “1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987” substituted by Housing (Scotland) Act 1988 (c. 43, SIF 61), s. 72, **Sch. 9 para. 6(a)** and “paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987” substituted (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(2)**
- F34** Words in s. 10(2) inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(2)**

<sup>F35</sup>**11** .....

**Textual Amendments**

- F35** S. 11 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

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**[<sup>F36</sup>12 Avoidance of certain disposals of houses without consent.**

A disposal of a house by a housing association made without the consent required by section 9 is void unless—

- (a) the disposal is to an individual (or to two or more individuals), and
- (b) the disposal does not extend to any other house.]

**Textual Amendments**

**F36** S. 12 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

*Control of payments to members, etc.*

**[<sup>F37</sup>13 .....**

**Textual Amendments**

**F37** S. 13 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**[<sup>F38</sup>14 .....**

**Textual Amendments**

**F38** S. 14 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**[<sup>F39</sup>15 .....**

**Textual Amendments**

**F39** S. 15 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**[<sup>F40</sup>15A .....**

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**Textual Amendments**

**F40** S. 15A repealed (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

*Constitution, change of rules, amalgamation and dissolution*

<sup>F41</sup>**16** .....

**Textual Amendments**

**F41** S. 16 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

<sup>F42</sup>**17** .....

**Textual Amendments**

**F42** S. 17 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

<sup>F43</sup>**18** .....

**Textual Amendments**

**F43** S. 18 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

<sup>F44</sup>**19** .....

**Textual Amendments**

**F44** S. 19 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)



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F45 **20** .....

**Textual Amendments**

**F45** S. 20 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3).

F46 **21** .....

**Textual Amendments**

**F46** S. 21 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F47 **22** .....

**Textual Amendments**

**F47** S. 22 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F48 **23** .....

**Textual Amendments**

**F48** S. 23 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

*Accounts and audit*

F49 **24** .....

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**Textual Amendments**

**F49** S. 24 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

<sup>F50</sup>**25** .....

**Textual Amendments**

**F50** S. 25 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

<sup>F51</sup>**26** .....

**Textual Amendments**

**F51** S. 26 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

<sup>F52</sup>**27** .....

**Textual Amendments**

**F52** S. 27 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

<sup>F53</sup>**27A** .....

**Textual Amendments**

**F53** S. 27A repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

### *Inquiries into affairs of housing associations*

F<sup>54</sup>28 .....

#### **Textual Amendments**

**F54** S. 28 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F<sup>55</sup>29 .....

#### **Textual Amendments**

**F55** S. 29 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F<sup>56</sup>30 .....

#### **Textual Amendments**

**F56** S. 30 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F<sup>57</sup>31 .....

#### **Textual Amendments**

**F57** S. 31 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)S

F<sup>58</sup>32 .....

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

#### Textual Amendments

**F58** S. 32 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

#### *Miscellaneous*

**F59** **33** .....

#### Textual Amendments

**F59** S. 33 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

#### **[F60] 33A Provision of services between the Corporations.**

Any of the [F61 following [F62, that is to say, the Housing Corporation, the Secretary of State] or Scottish Homes,] may enter into an agreement with the others or either of them for the provision of services of any description by the one to the other or others on such terms, as to payment or otherwise, as the parties to the agreement consider appropriate.]

#### Textual Amendments

**F60** S. 33A inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 24**

**F61** Words in s. 33A substituted (1.10.1996) by S.I. 1996/2325, **art. 5(1)**, **Sch. 2 para. 15(19)**

**F62** Words in s. 33A substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 26** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

#### **34 Provision of land by county councils.**

- (1) Where a housing association wishes to erect houses [F63 in England] which in the opinion of the Secretary of State are required and the local housing authority in whose district the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing it to the association, the county council, on the application of the association, may acquire land for that purpose.
- (2) For that purpose the county council may exercise all the powers of a local housing authority under Part II of the <sup>M2</sup>Housing Act 1985 (provision of housing) in regard to the acquisition and disposal of land; and the provisions of that Act as to the acquisition of land by local housing authorities for the purposes of that Part apply accordingly.

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

#### Textual Amendments

**F63** Words in s. 34(1) inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 6(1)** (with ss. 54(4)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

#### Marginal Citations

**M2** 1985 c. 68.

### 35 Housing trusts: power to transfer housing to local housing authority.

- (1) A housing trust may—
  - (a) sell or lease to the local housing authority the houses provided by the trust, or
  - (b) make over to the authority the management of the houses.
- (2) So far as subsection (1) confers power to dispose of land—
  - <sup>F64</sup>(a) it does not apply to registered social landlords (on whom power to dispose of land is conferred by section 8 of the Housing Act 1996);
  - (b) it has effect subject to section 9 (dispositions requiring consent of <sup>F65</sup>Corporation) where the housing trust is an unregistered housing association and the land is grant-aided land (as defined in Schedule 1); and
  - (c) it has effect subject to <sup>F66</sup><sup>F67</sup>section 36 of the Charities Act 1993 (restrictions on dispositions of charity land) where the housing trust is a charity.

#### Textual Amendments

**F64** S. 35(2)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(20)**

**F65** Word substituted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 2**

**F66** Words in s. 35(2)(c) substituted (1.1.1993) by **Charities Act 1992 (c. 41)**, s. 78(2), **Sch. 6 para. 13(3)**; S.I. 1992/1900, **art. 2 Sch. 3**.

**F67** Words in s. 35(2)(c) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 21(4)**.

### 36 Housing trusts: functions of Secretary of State with respect to legal proceedings.

- (1) If it appears to the Secretary of State—
  - (a) that the institution of legal proceedings is requisite or desirable with respect to any property belonging to a housing trust, or
  - (b) that the expediting of any such legal proceedings is requisite or desirable,he may certify the case to the Attorney-General who may institute legal proceedings or intervene in legal proceedings already instituted in such manner as he thinks proper in the circumstances.
- (2) Before preparing a scheme with reference to property belonging to a housing trust, the court or body which is responsible for making the scheme shall communicate with the Secretary of State and consider any recommendations made by him with reference to the proposed scheme.

<sup>F68</sup>**36A** .....

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

**Textual Amendments**

**F68** S. 36A repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and repealed (S.) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

*Supplementary*

<sup>F69</sup>**37** .....

**Textual Amendments**

**F69** S. 37 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, **art. 4(1)**, **Sch. 1 Pt. I** (with **art. 4(2)(3)**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[<sup>F70</sup>**38** **Definitions relating to charities.**

In this Part—

(a) “charity” has the same meaning as in [<sup>F71</sup>the Charities Act 1993]; and

<sup>F72</sup> .....

**Textual Amendments**

**F70** By 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3), it is provided that **ss. 36A-40** be repealed (S.) (1.11.2001)

**F71** Words in **s. 38(a)(b)** substituted (1.8.1993) by 1993 c. 10, **ss. 98(1), 99(1)**, **Sch. 6 para. 21(5)(a)(b)**.

**F72** S. 38(b) repealed (1.10.1996) by S.I. 1996/2325, **art. 4(1)**, **Sch. 1 Pt. I** (with **art. 4(2)(3)**)

[<sup>F73</sup>**39** **Minor definitions.**

In this Part—

[<sup>F74</sup>“assured tenancy” has, in England and Wales, the same meaning as in Part I of the Housing Act 1988 and, in Scotland, the same meaning as in Part II of the Housing (Scotland) Act 1988;

“assured agricultural occupancy” has the same meaning as in Part I of the Housing Act 1988.]

[<sup>F75</sup>“mental disorder” has the same meaning as in [<sup>F76</sup>the <sup>M3</sup>Mental Health Act 1983 or] the <sup>M4</sup>Mental Health (Scotland) Act 1984;]

“secure tenancy” has the same meaning as in section 79 of the <sup>M5</sup>Housing Act 1985 or [<sup>F77</sup>44 of the Housing (Scotland) Act 1987];]

<sup>F78</sup> .....

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

### Textual Amendments

- F73** S. 39 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)
- F74** Definitions inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 25**
- F75** S. 39: definition of “mental disorder”repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F76** S. 39: words in definition of “mental disorder”repealed (S.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)(3))
- F77** S. 39: by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 31(3)** it is provided that in the definition of “secure tenancy” for the words “10 of the Tenants’; Rights, Etc. (Scotland) Act 1980” there shall be substituted (S.) the words “44 of the Housing (Scotland) Act 1987” and by **Housing (Scotland) Act 1988 (c. 43, SIF 61)**, s. 72, **Sch. 9 para. 8** it is provided that in s. 39, in the definition of “secure tenancy” for the words “section 10 of the Tenants’; Rights Etc. (Scotland) Act 1980” there shall be substituted the words “44 of the Housing (Scotland) Act 1987”
- F78** S. 39: definition repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Gp. 2.

### Marginal Citations

- M3** 1983 c. 20.  
**M4** 1984 c. 36.  
**M5** 1985 c. 68.

## [<sup>F79</sup>40] Index of defined expressions: Part I.

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

[ <sup>F80</sup> appropriate registrar (in relation to a society registered under the 1965 Act).	section 37]
[ <sup>F81</sup> assured agricultural occupancy]	[ <sup>F81</sup> section 39]
[ <sup>F81</sup> assured tenancy]	[ <sup>F81</sup> section 39]
[ <sup>F80</sup> bank	section 106]
charge (in relation to Scotland)	section 106
charity	section 38(a)
[ <sup>F80</sup> committee (in relation to a society registered under the 1965 Act)	section 37]
[ <sup>F80</sup> compulsory disposal (in Schedule 2)	paragraph 6 of that Schedule]
co-operative housing association	section 1(2)
[ <sup>F80</sup> co-opted member (in relation to the committee of a society registered under the 1965 Act)	section 37]
[ <sup>F80</sup> the Companies Act	section 106]
<b>F82</b> ...	<b>F82</b> ...

*Status: Point in time view as at 01/12/2001.*

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[ <sup>F80</sup> dissolved under the 1965 Act (in relation to a society registered under that Act)	section 37]
district (of a local housing authority)	section 104(2)
[ <sup>F80</sup> dwelling	section 106]
[ <sup>F80</sup> eligible for registration (in relation to a housing association)	section 4]
[ <sup>F80</sup> exempted disposal (in Schedule 2)	paragraph 5 of that Schedule]
[ <sup>F80</sup> friendly society	section 106]
fully mutual (in relation to a housing association)	section 1(2)
[ <sup>F80</sup> hostel	section 106]
house	section 106
[ <sup>F80</sup> housing activities	section 106]
housing association	section 1(1)
... <sup>F83</sup>	... <sup>F83</sup>
housing trust	section 2
[ <sup>F80</sup> insurance company	section 106]
local housing authority	section 104
[ <sup>F80</sup> member of family	section 105]
[ <sup>F80</sup> mental disorder	section 39]
mortgage (in relation to Scotland)	section 106
[ <sup>F80</sup> the 1965 Act	section 37]
[ <sup>F80</sup> register, registered, registration and unregistered (in relation to a housing association)	section [ <sup>F84</sup> 3]]
[ <sup>F80</sup> registered charity	section 38(b)]
[ <sup>F85</sup> registered social landlord	section 2B]
[ <sup>F80</sup> relevant disposal (in Schedule 2)	paragraph 4 of that Schedule]
... <sup>F83</sup>	... <sup>F83</sup>
secure tenancy	section 39
[ <sup>F80</sup> shared ownership lease	section 106]
[ <sup>F86</sup> shared ownership agreement (in relation to Scotland)]	[ <sup>F86</sup> section 106]
[ <sup>F80</sup> standard scale	section 39]
[ <sup>F80</sup> trustee savings bank	section 106]
[ <sup>F87</sup> unregistered (in relation to a housing association)	section 2B]]



*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

**Textual Amendments**

- F79** S. 40 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)
- F80** S. 40: entries repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F81** Entries inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(a)**
- F82** S. 40: definition of “the Corporation” repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pts. I, II** (with art. 4(2)(3))
- F83** Entry repealed by **Housing Act 1988 (c. 50, SIF 61)**, s. 140(2), **Sch. 18**
- F84** Figure substituted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(c)**
- F85** S. 40: entry inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 21(a)**
- F86** Entry inserted (S.) by **Housing (Scotland) Act 1986 (c. 65, SIF 61)**, s. 25(1), **Sch. 2 para. 4(4)**
- F87** S. 40: entry inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 21(b)**

**PART II**

HOUSING ASSOCIATION FINANCE

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

- C3** Pt. II (ss. 41–73) excluded (S.) by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 199, 335, **Sch. 12 para. 1(7)**
- C4** Pt. II (ss. 41–73): power to apply certain functions conferred (E.W.) by **Housing Act 1988 (c. 50, SIF 61)**, s. 65(2)(b)(4)

41— ..... **F88**  
51.

**Textual Amendments**

- F88** Ss. 41–51, 75(1)(d) repealed by **Housing Act 1988 (c. 50, SIF 61)**, s. 140(2), **Sch. 18**

52 ..... **F89**

**Textual Amendments**

- F89** S. 52 repealed (with a saving in S.I. 1989/404, **art. 3(a)**) by **Housing Act 1988 (c. 50, SIF 61)**, s. 140(2), **Sch. 18**, and as to s. 52(3) repealed (S.) by **Housing (Scotland) Act 1986 (c. 65, SIF 61)**, s. 25(2), **Sch. 3**, and s. 52(4) repealed by **Land Registration Act 1988 (c. 3, SIF 98:2)**, ss. 1(e), 2, **Sch.**

53 ..... **F90**

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

**Textual Amendments**

**F90** S. 53 repealed (with a saving in S.I. 1989/404, **art. 3(b)** ) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

*Deficit grants*

**54** ..... <sup>F91</sup>

**Textual Amendments**

**F91** S. 54 repealed (with a saving in S.I. 1989/404, **art. 3(c)** ) by Housing Act 1988 (c.50, SIF 61), s. 140(2), **Sch. 18**

<sup>F92</sup> **55** .....

**Textual Amendments**

**F92** Ss. 55-57 repealed (1.4.1991) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**; S.I. 1989/404, **art. 2** and S.I. 1991/954, arts,2, 3 (by art. 3 it is provided that the repeal shall not apply in relation to hostel deficit grants payable to an association for a period which expires before 1.4.1991)

**56** <sup>F93</sup> .....

**Textual Amendments**

**F93** Ss. 55-57 repealed (1.4.1991) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**; S.I. 1989/404, **art. 2** and S.I. 1991/954, **arts.2, 3** (by art. 3 it is provided that the repeal shall not apply in relation to hostel deficit grants payable to an association for a period which expires before 1.4.1991)

**57** <sup>F94</sup> .....

**Textual Amendments**

**F94** Ss. 55-57 repealed (1.4.1991) by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**; S.I. 1989/404, **art. 2** and S.I. 1991/954, **arts.2, 3** (by art. 3 it is provided that the repeal shall not apply in relation to hostel deficit grants payable to an association for a period which expires before 1.4.1991)

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

### *Arrangements with local authorities*

#### [<sup>F95</sup>58 Powers of local authorities to promote and assist housing associations: England and Wales.

- (1) A local authority may promote the formation or extension of a housing association.
- (2) A local authority may for the assistance of a housing association subscribe for share or loan capital of the association.
- (3) A local authority may make a loan to an unregistered self-build society for the purpose of enabling it to meet the whole or part of the expenditure incurred, or to be incurred by it, in carrying out its objects.
- (4) This section does not apply where the housing association is a registered social landlord (for which corresponding provision is made by section 22 of the Housing Act 1996)..]

#### **Textual Amendments**

**F95** S. 58 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), Sch. 2 para. 15(22)

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

**C5** S. 58 excluded (1.10.1996) by 1985 c. 69, s. 58(4) (as substituted by S.I. 1996/2325, art. 5(1), Sch. 2 para. 15(22))

#### [<sup>F96</sup>59 Powers of local authorities to promote and assist housing associations: Scotland.

- (1) A local authority <sup>F97</sup> . . . may promote the formation or extension of or, subject to section 60 (assistance restricted to registered housing associations), assist a housing association whose objects include the erection, improvement or management of housing accommodation.
- (2) A local authority <sup>F97</sup> . . . may, with the consent of and subject to any regulations or conditions made or imposed by the Secretary of State, for the assistance of such an association—
  - (a) make grants or loans to the association,
  - (b) subscribe for share or loan capital of the association, or
  - (c) guarantee or join in guaranteeing the payment of the principal of, and interest on, money borrowed by the association (including money borrowed by the issue of loan capital) or of interest on share capital issued by the association, on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority <sup>F97</sup> . . . think fit.
- (3) A term of an agreement for such a grant or loan is void if it purports to relate to the rent payable in respect of a house to which the agreement relates or the contributions payable towards the cost of maintaining such a house.
- (4) Regulations 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.

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

[ Sections 6, 15, 320 and 329 of the Housing (Scotland) Act 1987 (general provisions <sup>F98</sup>(5) with respect to housing functions of local authorities etc.) apply in relation to this section and section 61, as they apply in relation to the provisions of that Act.]]

**Textual Amendments**

- F96** S. 59 repealed (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)
- F97** Words in s. 59(1)(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 143(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F98** S. 59(5) added by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(7)**

<sup>F99</sup>60 .....

**Textual Amendments**

- F99** S. 60 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3)) and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[<sup>F100</sup>61 **Power of local housing authority to supply furniture to housing association tenants.**

- (1) A local housing authority may sell, or supply under a hire-purchase agreement, furniture to the occupants of houses provided by a housing association under arrangements made with the authority, and may buy furniture for this purpose.
- (2) In this section “hire-purchase agreement” means a hire-purchase agreement or conditional sale agreement within the meaning of the <sup>M6</sup>Consumer Credit Act 1974.

[ This section does not apply where the housing association is a registered social <sup>F101</sup>(3) landlord (for which corresponding provision is made by section 22 of the Housing Act 1996).]]

**Textual Amendments**

- F100** S. 61 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)
- F101** S. 61(3) inserted (E.W.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(23)**

**Marginal Citations**

- M6** 1974 c. 39.

62 ..... <sup>F102</sup>

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

**Textual Amendments**

**F102** S. 62 repealed (with saving) by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18: S.I. 1989/404, art. 3(d)**

**63**— ..... **F103**  
**66.**

**Textual Amendments**

**F103** Ss. 63–66 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), ss. 54(3)(a)(5), 119(5), 120(1)(2), **Sch. 18 Pt. I para. 19(2)**, **Sch. 19 Pt. I** (and s. 64(4) is also expressed to be repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV Gp. 2**).

*Loans by Public Works Loan Commissioners*

**F104** **67** .....

**Textual Amendments**

**F104** S. 67 repealed (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. I; S.I. 1996/2402, art. 3](#) (subject to transitional provisions and savings in [Sch.](#))

**68 Loans by Public Works Loan Commissioners: Scotland.**

- (1) The Public Works Loan Commissioners may lend money to a [<sup>F105</sup>registered housing association]—
  - (a) for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses,
  - (b) for the purchase of houses, and
  - (c) for the purchase and development of land.
- (2) A loan for any of those purposes shall be secured with interest by a heritable security over—
  - (a) the land in respect of which that purpose is to be carried out, and
  - (b) such other land, if any, as may be offered as security for the loan;and the money lent shall not exceed three-quarters (or, if the payment of the principal of and interest on the loan is guaranteed by a local authority, nine-tenths) of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in the land proposed to be burdened.
- (3) Loans may be made by instalments as the building of houses or other work on the land burdened under subsection (2) progresses (so, however, that the total loans do not at any time exceed the amount specified in that subsection); and the heritable security may be granted accordingly to secure such loans so to be made.
- (4) If the loan exceeds two-thirds of the value referred to in subsection (2), and is not guaranteed as to principal and interest by a local authority, the Public Works Loan

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Commissioners shall require, in addition to such a heritable security as is mentioned in that subsection, such further security as they may think fit.

- (5) Subject to subsection (6), the period for repayment of a loan under this section shall not exceed 40 years, and no money shall be lent on the security of any land unless the estate or interest proposed to be burdened is either ownership or a lease of which a period of not less than 50 years remains unexpired at the date of the loan.
- (6) Where a loan under this section is made for the purposes of carrying out a scheme for the provision of houses approved by the Secretary of State, the maximum period for the repayment of the loan is 50 instead of 40 years, and money may be lent on heritable security over a lease recorded under the <sup>M7</sup>Registration of Leases (Scotland) Act 1857 of which a period of not less than ten years in excess of the period fixed for the repayment of the loan remains unexpired at the date of the loan.

#### Textual Amendments

**F105** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), [Sch. 5 Pt. I para. 13\(b\)](#)

#### Marginal Citations

**M7** 1857 c. 26.

### Miscellaneous

#### 69 Power to vary or terminate certain agreements with housing associations.

- (1) This section applies to agreements of the following descriptions—
- (a) an agreement for a loan to a housing association by the Housing Corporation under section 2 of the <sup>M8</sup>Housing Act 1964 [<sup>F106</sup>(including such an agreement under which rights and obligations have been transferred to Housing for Wales)] [<sup>F107</sup>and then to the Secretary of State];
  - (b) an agreement which continues in force under Part I of Schedule 4 (arrangements with local authority for the provision or improvement of housing);
  - (c) an agreement to which Part II of Schedule 4 applies (subsidy agreements with local authorities);
  - (d) an agreement which continues in force under Part III of Schedule 4 (special arrangements with the Secretary of State);
  - <sup>F108</sup>(e) an agreement for a loan or grant to a housing association under section 58(2) or 59(2) (financial assistance by local authorities);
  - (f) a scheme which continues in force under Part V of Schedule 5 (schemes for unification of grant conditions).
  - <sup>F109</sup>  
<sup>F110</sup>(g) an agreement for a loan or grant to a registered housing association under section 24 of the Local Government Act 1988 (power to provide financial assistance for privately let housing accommodation).]]
- (2) [<sup>F111</sup>If any person (other than the Secretary of State) who is a party to an agreement to which this section applies makes an application to the Secretary of State, he] may, if he thinks fit, direct—
- (a) that the agreement shall have effect with such variations, determined by him or agreed by the parties, as may be specified in the direction, or

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(b) that the agreement shall be terminated.

[<sup>F112</sup>and where the Secretary of State is a party to such an agreement, he may agree that it shall have effect with any variations or that it shall be terminated.]

[<sup>F113</sup>(2A) In the case of an agreement under which rights and obligations have been transferred to Housing for Wales [<sup>F114</sup>and then to the Secretary of State], the reference to a party to the agreement includes a reference to [<sup>F115</sup>the Secretary of State].]

(3) No variation shall be directed under subsection (2) which would have the effect of including in an agreement a term—

- (a) limiting the aggregate amount of rents payable in respect of dwellings to which the agreement relates or contributions towards the cost of maintaining such dwellings, or
- (b) specifying a limit which the rent of a dwelling is not to exceed.

This subsection does not extend to Scotland.

(4) No variation shall be directed under subsection (2) which would have the effect of including in an agreement a term relating to the rent payable in respect of a house to which the agreement relates or contributions towards the cost of maintaining such a house.

This subsection extends to Scotland only.

#### Textual Amendments

- F106** Words added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(b), [Sch. 6 Pt. II para. 28\(1\)](#)
- F107** Words in s. 69(1)(a) inserted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 27\(2\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)
- F108** S. 69(1)(e) repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 55(1), 227, Sch. 3 para. 4, [Sch. 19 Pt. I](#); S.I. 1996/2402, [art. 3](#) (subject to transitional provisions and savings in Sch.)
- F109** S. 69(1)(g) repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 55(1), 227, Sch. 3 para. 4, [Sch. 19 Pt. I](#); S.I. 1996/2402, [art. 3](#) (subject to transitional provisions and savings in Sch.)
- F110** S. 69(1)(g) inserted by [Local Government Act 1988 \(c. 9, SIF 81:1\)](#), s. 24(5)(c)
- F111** Words in s. 69(2) substituted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 27\(3\)\(a\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)
- F112** Words in s. 69(2) inserted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 27\(3\)\(b\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)
- F113** S. 69(2A) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(b), [Sch. 6 Pt. II para. 28\(2\)](#)
- F114** Words in s. 69(2A) inserted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 27\(4\)\(a\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)
- F115** Words in s. 69(2A) substituted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 27\(4\)\(b\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)

#### Marginal Citations

- M8** 1964 c. 56.

#### [<sup>F116</sup>69A Land subject to housing management agreement.

A housing association is not entitled to a [<sup>F117</sup>grant under section 50 (housing association grant) or section 51 (revenue deficit grant) of the Housing Act 1988] in respect of land comprised in—

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- (a) a management agreement within the meaning of the Housing Act 1985 (see sections 27(2) and 27B(4) of that Act: delegation of housing management functions by certain authorities), or
- (b) an agreement to which section [F11822 of the Housing (Scotland) Act 1987] applies (agreements for exercise by housing co-operatives of certain local authority housing functions).]

**Textual Amendments**

- F116** S. 69A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(2), **Sch. 5 Pt. II para. 42**
- F117** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), **Sch. 6 Pt. II para. 29** (which substitution has a saving in [S.I. 1989/404, arts. 3\(c\)\(ii\), 4](#))
- F118** Words “22 of the Housing (Scotland) Act 1987” substituted (S.) for “5 of the Housing Rents and Subsidies (Scotland) Act 1975” by [Housing \(Scotland\) Act 1987 \(c.26, SIF 61\)](#), ss. 335, 339(2), **Sch. 23 para. 31(8)**

**70 Continuation of arrangements under repealed enactments.**

The provisions of Schedule 4 have effect in relation to certain arrangements affecting housing associations which continue in force despite the repeal of the enactments under or by reference to which they were made, as follows—

- Part I —Arrangements with local authorities for the provision or improvement of housing.
- Part II —Subsidy agreements with local authorities.
- Part III —Special arrangements with the Secretary of State in Scotland.

**71 Superseded contributions, subsidies and grants.**

The provisions of Schedule 5 have effect with respect to superseded subsidies, contributions and grants, as follows—

- Part I —Residual subsidies: England and Wales.
- Part II —Residual subsidies: Scotland.
- Part III—Contributions and grants under arrangements with local authorities.
- Part IV—Contributions under arrangements with the Secretary of State in Scotland.
- Part V —Schemes for the unification of grant conditions.
- Part VI—New building subsidy and improvement subsidy.
- Part VII—Payments in respect of hostels under pre-1974 enactments.

*Supplementary provisions*

[F11972 **Minor definitions.**

In this Part—

- ..... F120
- ..... F120
- ..... F120

“registered charity” has the same meaning as in Part I.]



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### Textual Amendments

**F119** S. 72 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

**F120** Definitions repealed by **Building Societies Act 1986 (c. 53, SIF 16)**, **ss. 54(3)(a)(5)**, 120(1)(2), Sch. 18 Pt. I para. 19(2), Sch. 19 Pt. I

## 73 Index of defined expressions: Part II.

The following Table shows provisions defining or explaining expressions used in this Part (other than provisions defining or explaining an expression in the same section);

F121	F121
F122	F122
F122	F122
co-operative housing association	section 1(2)
dwelling	section 106
[ <sup>F123</sup> fully mutual (in relation to a housing association)]	[ <sup>F123</sup> section 1(2)]
[ <sup>F123</sup> heritable security]	[ <sup>F123</sup> section 106]
hostel	section 106
F124	F124
house	section 106
[ <sup>F123</sup> housing activities]	[ <sup>F123</sup> section 106]
housing association	section 1(1)
F124	F124
F124	F124
local authority	section 106
local housing authority	section 104
F125	F125
F126	...
...	...
[ <sup>F123</sup> registered charity]	[ <sup>F123</sup> section 72]
[ <sup>F127</sup> registered housing association]	section 2B]

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[ <sup>F128</sup> registered social landlord	section 2B]
· · ·	· · ·
self-build society	section 1(3)
· · ·	· · ·
· · ·	· · ·
[ <sup>F130</sup> unregistered (in relation to a housing association)	section 2B]

#### Textual Amendments

- F121** Entry repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**
- F122** Entries repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), **ss. 54(3)(a)(5)**, 120(1)(2), Sch. 18 Pt. I para. 19(2), Sch. 19 Pt. I
- F123** [S. 73](#): definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F124** Entries repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**
- F125** Entry repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), **ss. 54(3)(a)**, 120(1)(2), Sch. 18 Pt. I para. 19(2), Sch. 19 Pt. I
- F126** [S. 73](#): definition repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), Sch. 1 Pts. I, II (with savings in art. 4(2)(3))
- F127** [S. 73](#): definition inserted (S.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 24(a)**
- F128** [S. 73](#): definition inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 24(b)**
- F129** By [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), **Sch. 5 Pt. I para. 8(2)** an entry relating to shared ownership agreement was inserted in s. 73 at the appropriate place and by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18** that entry was repealed
- F130** [S. 73](#): definition inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 24(c)**

## PART III

### THE HOUSING CORPORATION

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

- C6** Pt. III (ss. 74-102) excluded (E.W.) (1.10.1996) by 1996 c. 52, s. 7, **Sch. 1 para. 15(6)**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

#### *Constitution and other general matters*

#### 74 The Housing Corporation. **E+W**

(1) This Part has effect with respect to the Housing Corporation [<sup>F131</sup>and the Secretary of State

(1A) Each of them] is referred to in this part as “the [<sup>F132</sup>Relevant Authority]”.

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*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

- (2) The provisions of Schedule 6 have effect with respect to the constitution and proceedings of, and other matters relating to, [F133the Housing Corporation].
- [F134(3) The functions conferred by this Part in relation to registered social landlords are exercisable by the [F132Relevant Authority] in whose register they are registered.
- As to which [F132Relevant Authority] that is, see section 56 of the Housing Act 1996.]
- [F135(4) In this Part,—
- (a) in relation to land in Wales held by an unregistered housing association, “the [F132Relevant Authority]” means [F136the Secretary of State]; and
  - (b) in relation to land outside Wales held by such an association, “the [F132Relevant Authority]” means the Housing Corporation.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F131** Words in s. 74(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 29(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F132** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F133** Words substituted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. III para. 31(2)**
- F134** S. 74(3) substituted (1.10.1996) by S.I. 1996/2325, **art. 5(1)**, **Sch. 2 para. 15(25)**
- F135** S. 74(4) inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. III para. 31(3)**
- F136** Words in s. 74(4)(a) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 29(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

## 75 General functions of the [F137Relevant Authority]. **E+W**

- (1) The [F137Relevant Authority] has the following general functions—
- [F138(a) to facilitate the proper performance of the functions of registered social landlords;
  - (b) to maintain a register of social landlords and to exercise supervision and control over such persons;
  - (c) to promote and assist the development of self-build societies (other than registered social landlords) and to facilitate the proper performance of the functions, and to publicise the aims and principles, of such societies;]
  - (d) .....
  - (e) to undertake, to such extent as the [F137Relevant Authority] considers necessary, the provision (by construction, acquisition, conversion, improvement or otherwise) of dwellings for letting or for sale and of hostels, and the management of dwellings or hostels so provided.
- [F140(f) to provide on request, to such extent as the Relevant Authority considers appropriate, advice and assistance to the Audit Commission for Local Authorities and the National Health Service in England and Wales in relation to the Commission’s functions under Part I of the Local Government Act 1999 (best value).]

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- (2) The [<sup>F137</sup>Relevant Authority] shall exercise its general functions subject to and in accordance with the provisions of this Act [<sup>F141</sup>and Part I of the Housing Act 1996].
- (3) Subsection (1) is without prejudice to specific functions conferred on the [<sup>F137</sup>Relevant Authority] by or under this Act [<sup>F142</sup>or Part I of the Housing Act 1996].
- (4) The [<sup>F137</sup>Relevant Authority] may do such things and enter into such transactions as are incidental to or conducive to the exercise of any of its functions, general or specific, under this Act [<sup>F142</sup>or Part I of the Housing Act 1996].

<sup>F143</sup>(5) .....

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F137** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F138** S. 75(1)(a)-(c) substituted (1.10.1996) by 1996 c. 52, s. 55(1), **Sch. 3 para. 5**; S.I. 1996/2402, **art. 3** (with transitional provisions and savings in Sch.)
- F139** Ss. 41-51, 75(1)(d) repealed by **Housing Act 1988** (c. 50, SIF 61), s. 140(2), **Sch. 18**
- F140** S. 75(1)(f) inserted (27.9.1999 for E. for certain purposes and 1.10.1999 for W. otherwise 27.7.2000) by 1999 c. 27, **ss. 22(7), 27(2)**; S.I. 1999/2169, art. 3(2), **Sch. 2**; S.I. 1999/2815, **art. 2**
- F141** Words in s. 75(2) inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(26)(a)**
- F142** Words in s. 75(3)(4) inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(26)(b)**
- F143** S. 75(5) repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)), S.I. 2001/566, **art. 2**

## 76 Directions by the Secretary of State.

- (1) The Secretary of State may give directions to the [<sup>F144</sup>Housing Corporation] as to the exercise of its functions.
- (2) A direction as to the terms of loans made under section 79 (lending powers of [<sup>F144</sup>Housing Corporation]) requires the consent of the Treasury.
- (3) Directions may be of a general or particular character and may be varied or revoked by subsequent directions.
- (4) Non-compliance with a direction does not invalidate a transaction between a person and the [<sup>F144</sup>Housing Corporation] unless the person had actual notice of the direction.

#### Textual Amendments

- F144** Words in s. 76(1)(2)(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 31** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

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*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

## [<sup>F145</sup>76A Realisation of value of [<sup>F146</sup>Housing Corporation’s] loans portfolio.

- (1) The [<sup>F147</sup>Housing Corporation] may, and if so directed by the Secretary of State (under section 76) shall, enter into arrangements of a description approved by the Secretary of State for the purpose of realising the value of the whole or part of its loans portfolio.
- (2) The arrangements may provide for—
  - (a) the transfer of any estate or interest of the [<sup>F147</sup>Housing Corporation], or
  - (b) the creation or disposal of economic interests not involving a transfer of an estate or interest,and may extend to such incidental or ancillary matters as the [<sup>F147</sup>Housing Corporation] or the Secretary of State considers appropriate.
- (3) In this section the [<sup>F146</sup>Housing Corporation’s]“loans portfolio” means the [<sup>F146</sup>Housing Corporation’s] rights and obligations in relation to any loans or related securities.
- (4) Nothing in the terms of any loan or related transaction entered into by the [<sup>F147</sup>Housing Corporation] shall be construed as impliedly prohibiting or restricting the [<sup>F147</sup>Housing Corporation] from dealing with its loans portfolio in accordance with arrangements under this section.]

### Textual Amendments

**F145** S. 76A inserted (E.W.) (1.10.1996) by 1996 c. 52, s. 55(1), **Sch. 3 para. 6**; S.I. 1996/2402, **art. 3** (with transitional provisions and savings in **Sch.**)

**F146** Words in s. 76A heading substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 32(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F147** Words in s. 76A(1)(2)(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 32(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

## 77 **Advisory service.** **E+W+S**

- (1) The [<sup>F148</sup>Relevant Authority] may provide an advisory service for the purpose of giving advice on legal, architectural and other technical matters to [<sup>F149</sup>registered social landlords or unregistered housing associations] and to persons who are forming a housing association or are interested in the possibility of doing so.
- (2) The [<sup>F148</sup>Relevant Authority] may make charges for the service.
- [<sup>F150</sup>(3) The powers conferred on the [<sup>F148</sup>Relevant Authority] by subsections (1) and (2) may be exercised by the Housing Corporation and [<sup>F151</sup>the Secretary of State] acting jointly]

### Extent Information

**E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

### Textual Amendments

**F148** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F149** Words in s. 77(1) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(27)**

**F150** S. 77(3) added by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. III para. 33**

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*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

**F151** Words in s. 77(3) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 33** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

## 78 Annual report.

- (1) The [<sup>F152</sup>Housing Corporation] shall, as soon as possible after the end of each financial year, make a report to the Secretary of State on the exercise of its functions during the year.
- (2) It shall include in the report a copy of its audited accounts and shall set out in the report any directions given to it by the Secretary of State during the year.
- (3) The Secretary of State shall lay a copy of the report before each House of Parliament.

### Textual Amendments

**F152** Words in s. 78(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 34** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

### Modifications etc. (not altering text)

**C7** S. 78(1)(2) modified (1.11.1998) by 1998 c. 38, s. 142(2) (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**C8** S. 78(3) applied (1.11.1998) by 1998 c. 38, s. 142(4) (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

*[<sup>F153</sup>Relevant Authority's] powers with respect to grants and loans*

### Textual Amendments

**F153** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

## 79 Lending powers.

- (1) [<sup>F154</sup>The Relevant Authority may lend to a registered social landlord or an unregistered self-build society, and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest, for the purpose of enabling the body to meet the whole or part of expenditure incurred or to be incurred by it in carrying out its objects.
- (2) The Relevant Authority may lend to an individual for the purpose of enabling him to acquire from—
  - (a) the Relevant Authority, or
  - (b) any body to which the Relevant Authority may lend under subsection (1), a legal estate or interest in a dwelling which he intends to occupy.]
- (3) A loan under this section may be by way of temporary loan or otherwise, and the terms of a loan made under subsection (1) may include (though the terms of a loan made under subsection (2) may not) terms for preventing repayment of the loan or part of it before a specified date without the consent of the [<sup>F155</sup>Relevant Authority].

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

- (4) The terms of a loan under this section shall, subject to subsection (3) and [F156(in the case of a loan by the Housing Corporation)]to any direction under section 76 (general power of Secretary of State to give directions), be such as the [F155Relevant Authority] may determine, either generally or in a particular case.

#### Textual Amendments

- F154** S. 79(1)(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 35(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F155** Words in Pt. III (ss 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F156** Words in s. 79(4) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 35(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

## 80 Security for loans to unregistered self-build societies.

- (1) Where the [F157Relevant Authority]—
- makes a loan to an unregistered self-build society under section 79(1); and
  - under a mortgage or heritable security entered into by the society to secure the loan has an interest as mortgagee or creditor in land belonging to the society,
- it may <sup>F158</sup> . . . give the society directions with respect to the disposal of the land.
- (2) The society shall comply with directions so given so long as the [F157Relevant Authority] continues to have such an interest in the land.
- (3) Directions so given may be varied or revoked by subsequent directions <sup>F159</sup> . . .
- [F160(3A) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.]
- (4) The Secretary of State shall not [F161give directions under this section requiring a society to transfer its interest in land to him or any other person, and shall not consent to the Housing Corporation’s giving such directions requiring a society to transfer its interest in land to the Housing Corporation or] any other person, unless he is satisfied that arrangements have been made which will secure that the members of the society receive fair treatment in connection with the transfer.

#### Textual Amendments

- F157** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F158** Words in s. 80(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 36(2), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F159** Words in s. 80(3) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 36(3), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F160** S. 80(3A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 36(4)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F161** Words in s. 80(5) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 36(5)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**



*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

## 81 Further advances in case of disposal on shared ownership lease.

Where—

- (a) a lease of a dwelling, granted otherwise than in pursuance of the provisions of Part V of the <sup>M9</sup>Housing Act 1985 (the right to buy) relating to shared ownership leases, contains a provision to the like effect as that required by paragraph 1 of Schedule 8 to that Act (terms of shared ownership lease: right of tenant to acquire additional shares), and
- (b) the [<sup>F162</sup>Relevant Authority] has, in exercise of any of its powers, left outstanding or advanced any amount on the security of the dwelling,

that power includes power to advance further amounts for the purpose of assisting the tenant to make payments in pursuance of that provision.

### Textual Amendments

**F162** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

### Marginal Citations

**M9** 1985 c. 68.

## 82 Loans made under s. 2 of the Housing Act 1964.

Schedule 7 (further powers of [<sup>F163</sup>Relevant Authority] with respect to land of certain housing associations) applies where a loan has been made to a housing association under section 2 of the <sup>M10</sup>Housing Act 1964 and the loan has not been repaid.

### Textual Amendments

**F163** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

### Marginal Citations

**M10** 1964 c. 56.

## 83 Power to guarantee loans.

[<sup>F164</sup>(1) The Relevant Authority may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by registered social landlords or unregistered self-build societies; and the Housing Corporation may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by other bodies in which it holds an interest.]

[<sup>F165</sup>(1A) The consent of the Secretary of State given with the approval of the Treasury is required for the giving of a guarantee by the Housing Corporation and the approval of the Treasury is required for the giving of a guarantee by the Secretary of State.]

(2) Where the Corporation gives such a guarantee, it may impose such terms and conditions as it thinks fit.

(3) The aggregate amount outstanding in respect of—



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- (a) loans for which [<sup>F166</sup>the Housing Corporation] has given a guarantee under this section, and
- (b) payments made by [<sup>F166</sup>the Housing Corporation] in meeting an obligation arising by virtue of such a guarantee and not repaid to [<sup>F166</sup>the Housing Corporation],

shall not exceed £300 million or such greater sum not exceeding £500 million as the Secretary of State may specify by order made with the approval of the Treasury.

[<sup>F167</sup>(3A) The aggregate amount outstanding in respect of—

- (a) loans for which [<sup>F168</sup>the Secretary of State (or Housing for Wales)] has given a guarantee under this section, and
- (b) payments made by [<sup>F168</sup>the Secretary of State (or Housing for Wales)] in meeting an obligation arising by virtue of such a guarantee and not repaid to [<sup>F168</sup>the Secretary of State (or Housing for Wales)],

shall not exceed £30 million or such greater sum not exceeding £50 million as the Secretary of State may specify by order made with the approval of the Treasury]

- (4) An order under subsection (3) [<sup>F169</sup>or subsection (3A)] shall be made by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by the House of Commons.

#### Textual Amendments

**F164** S. 83(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 37(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F165** S. 83(1A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 37(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F166** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. III para. 34(1)**

**F167** S. 83(3A) inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. III para. 34(2)**

**F168** Words in s. 83(3A) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 37(4)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F169** Words inserted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. III para. 34(3)**

## 84 Agreements to indemnify certain lenders: England and Wales.

- (1) The [<sup>F170</sup>Relevant Authority] may [<sup>F171</sup> . . . enter into an agreement with—
  - (a) a building society lending on the security of a house, or
  - (b) a recognised body making a relevant advance on the security of a house,whereby, in the event of default by the mortgagor, and in circumstances and subject to conditions specified in the agreement, the [<sup>F170</sup>Relevant Authority] binds itself to indemnify the society or body in respect of the whole or part of the mortgagor's outstanding indebtedness and any loss or expense falling on the society or body in consequence of the mortgagor's default.
- (2) The agreement may also, if the mortgagor is made party to it, enable or require the [<sup>F170</sup>Relevant Authority] in specified circumstances to take a transfer of the mortgage and assume rights and liabilities under it, the building society or recognised body being then discharged in respect of them.
- (3) The transfer may be made to take effect—

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- (a) on terms provided for by the agreement (including terms involving substitution of a new mortgage agreement or modification of the existing one), and
- (b) so that the [<sup>F170</sup>Relevant Authority] is treated as acquiring (for and in relation to the purposes of the mortgage) the benefit and burden of all preceding acts, omissions and events.
- (4) The [<sup>F172</sup>Housing Corporation may not enter into an agreement without the approval of the Secretary of State who] may approve particular agreements or give notice that particular forms of agreement have his approval, and in either case may make his approval subject to conditions.
- (5) The Secretary of State shall, before giving notice that a particular form of agreement has his approval [<sup>F173</sup>and before himself entering into an agreement in a form about which he has not previously consulted under this subsection], consult—
- (a) in the case of a form of agreement with a building society, the [<sup>F174</sup>Financial Services Authority] and such organisations representative of building societies and local authorities as he thinks expedient, and
- (b) in the case of a form of agreement with a recognised body, such organisations representative of such bodies and local authorities as he thinks expedient.

<sup>F175</sup>(6) .....

#### Textual Amendments

- F170** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F171** Words in s. 84(1) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 38(2), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F172** Words in s. 84(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 38(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F173** Words in s. 84(5) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 38(4)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F174** Words in s. 85(5)(a) substituted (1.12.2001) by S.I. 2001/3649, **art. 301**
- F175** S. 84(6) repealed (1.3.2000) by S.I. 2000/311, **art. 16**

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

- C9** Ss. 84(5)(b), 85(4) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 paras. 22, 23 as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**
- Ss. 84(5)(b), 85(4) extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 20(1)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- Ss. 84(5)(b), 85(4) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 9**

## 85 Meaning of “recognised body” and “relevant advance”.

- (1) The expressions “recognised body” and “relevant advance” in section 84 (agreements to indemnify certain lenders) shall be construed in accordance with the following provisions.
- (2) A “recognised body” means a body specified, or of a class or description specified, in an order made by statutory instrument by the Secretary of State <sup>F176</sup> . . . .

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- (3) Before making such an order varying or revoking an order previously made, the Secretary of State shall give an opportunity for representations to be made on behalf of a recognised body which, if the order were made, would cease to be such a body.
- (4) A “relevant advance” means an advance made to a person whose interest in the dwelling is or was acquired by virtue of a conveyance of the freehold or an assignment of a long lease, or a grant of a long lease by—
- a local authority,
  - a new town corporation,
  - an urban development corporation,
  - <sup>F177</sup> . . .
  - the [<sup>F178</sup>Housing Corporation], or
  - a [<sup>F179</sup>registered social landlord].<sup>F180</sup> or an advance made to such a person by the Secretary of State if the conveyance, assignment or grant was made under section 90.]
- (5) In subsection (4) “long lease” has the same meaning as in Part V of the <sup>M11</sup>Housing Act 1985 (the right to buy).

#### Textual Amendments

- F176** Words in s. 85(2) repealed (1.10.1996) by 1996 c. 52, ss. 222, 227, Sch. 18 Pt. IV para. 22(1)(d), Sch. 19 Pt. XIII; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.)
- F177** Words in s. 85(4) repealed (1.11.1998) by 1998 c. 38, s. 152, Sch. 18 Pt. IV (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 5
- F178** Words in s. 85(4) substituted (1.11.1998) by 1998 c. 38, s. 140, Sch. 16 para. 39(a) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 5
- F179** Words in s. 85(4) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), Sch. 2 para. 15(30)
- F180** Words in s. 85(4) inserted (1.11.1998) by 1998 c. 38, s. 140, Sch. 16 para. 39(b) (with ss. 139(2), 143(2)); S.I. 1998/2244, art. 5

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

- C10** Ss. 84(5)(b), 85(4) amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), Sch. 13 paras. 22, 23 as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, Sch. 2 para. 61
- Ss. 84(5)(b), 85(4) extended (5.7.1994) by 1994 c. 19, s. 39, Sch. 13 para. 20(1) (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- Ss. 84(5)(b), 85(4) modified (1.4.1995) by S.I. 1995/401, art. 18, Sch. para. 9
- C11** S. 85(4) explained by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 5(1), Sch. 3 para. 5(3)

#### Marginal Citations

- M11** 1985 c. 68.

## 86 Agreements to indemnify building societies: Scotland.

- (1) [<sup>F181</sup>Scottish Homes] may, with the approval of the Secretary of State, enter into an agreement with a building society [<sup>F182</sup>or recognised body] under which [<sup>F181</sup>Scottish Homes] binds itself to indemnify the building society [<sup>F182</sup>or recognised body] in respect of—
- (a) the whole or part of any outstanding indebtedness of a borrower; and

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- (b) loss or expense to the building society [<sup>F182</sup>or recognised body] resulting from the failure of the borrower duly to perform any obligation imposed on him by [<sup>F183</sup>a] heritable security.
- (2) The agreement may also, where the borrower is made party to it, enable or require [<sup>F181</sup>Scottish Homes] in specified circumstances to take an assignation of the rights and liabilities of the building society [<sup>F184</sup>or recognised body] under the heritable security.
- (3) Approval of the Secretary of State under subsection (1) may be given generally in relation to agreements which satisfy specified requirements, or in relation to individual agreements, and with or without conditions, as he thinks fit, and such approval may be withdrawn at any time on one month's notice.
- (4) Before issuing any general approval under subsection (1) the Secretary of State shall consult with such bodies as appear to him to be representative of islands and district councils, and of building societies, and also with [<sup>F181</sup>Scottish Homes] and with the [<sup>F185</sup>Financial Services Authority].
- <sup>F186</sup>(5) .....
- [<sup>F187</sup>(6) In this section, “recognised body” means a body designated, or of a class or description designated, in an order made under this subsection by statutory instrument by the Secretary of State with the consent of the Treasury.
- (7) Before making an order under subsection (6) above varying or revoking an order previously so made, the Secretary of State shall give an opportunity for representations to be made on behalf of a recognised body which, if the order were made, would cease to be such a body.]

#### Textual Amendments

- F181** Words in s. 86(1)(2)(4) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(6)**
- F182** Words inserted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(1), **Sch. 2 para. 4(6)(a)(i)**
- F183** “a” substituted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(1), **Sch. 2 para. 4(6)(a)(ii)**
- F184** Words inserted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(1), **Sch. 2 para. 4(6)(b)**
- F185** Words in s. 86(4) substituted (1.12.2001) by S.I. 2001/3649, **art. 302**
- F186** S. 86(5) repealed (1.3.2000) by S.I. 2000/311, **art. 16**
- F187** S. 86(6)(7) added by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(1), **Sch. 2 para. 4(6)(d)**

#### [<sup>F188</sup>87 **Financial assistance with respect to formation, management, etc. of certain housing associations.** **E+W**

- [ The [<sup>F190</sup>Relevant Authority] may give financial assistance to any person to facilitate
- <sup>F189</sup>(1) the proper performance of the functions of registered social landlords or co-operative housing associations.]
- (2) Assistance under this section may be in the form of grants, loans, guarantees or incurring expenditure for the benefit of the person assisted or in such other way as the [<sup>F190</sup>Relevant Authority] considers appropriate, except that the may not, in giving any form of financial assistance [<sup>F191</sup>under this section], purchase loan or share capital in a company.
- (3) With respect to financial assistance under this section, the following—
- (a) the procedure to be followed in relation to applications for assistance,

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- (b) the circumstances in which assistance is or is not to be given,
  - (c) the method for calculating, and any limitations on, the amount of assistance, and
  - (d) the manner in which, and the time or times at which, assistance is to be given,
- shall be such as may be specified by the [<sup>F190</sup>Relevant Authority], acting in accordance with such principles as it may from time to time determine.
- (4) In giving assistance under this section, the may provide that the assistance is conditional upon compliance by the person to whom the assistance is given with such conditions as it may specify.
- (5) Where assistance under this section is given in the form of a grant, subsections (1), (2) and (7) to (9) of section 52 of the Housing Act 1988 (recovery, etc. of grants) shall apply as they apply in relation to a grant to which that section applies, but with the substitution, for any reference in those subsections to the [<sup>F192</sup>registered] housing association to which the grant has been given, of a reference to the person to whom assistance is given under this section.
- (6) Section 53 of the Housing Act 1988 (determinations under Part II) shall apply in relation to a determination under this section as it applies to a determination under sections 50 to 52 of that Act.]

#### Extent Information

- E4** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F188** S. 87 substituted by Local Government and Housing Act 1989 (c. 42 SIF 61), s.183
- F189** S. 87(1) substituted (1.10.1996) by 1996 c. 52, s. 55(1), **Sch. 3 para. 7**; S.I. 1996/2402 art. 3 (with transitional provisions and savings in Sch.)
- F190** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F191** Words in s. 87(2) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 40** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F192** Word in s. 87(5) repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

*[<sup>F193</sup>Relevant Authority's] powers with respect to land and works*

#### Textual Amendments

- F193** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

## 88 Acquisition of land. **E+W**

- (1) The [<sup>F194</sup>Relevant Authority] may acquire land by agreement for the purpose of—
- (a) selling or leasing it to a [<sup>F195</sup>registered social landlord] or an unregistered self-build society, or
  - (b) providing dwellings (for letting or for sale) or hostels,

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and [<sup>F196</sup>the Housing Corporation may be authorised by the Secretary of State to, and the Secretary of State may,] acquire land compulsorily for any such purpose.

- (2) Land may be so acquired by the [<sup>F194</sup>Relevant Authority] notwithstanding that it is not immediately required for any such purpose.
- (3) In relation to a compulsory purchase of land by the [<sup>F194</sup>Relevant Authority] under this section—
- (a) in England and Wales, the <sup>M12</sup>Acquisition of Land Act 1981 applies;
  - (b) in Scotland, the <sup>M13</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 applies as if the [<sup>F194</sup>Relevant Authority] were a local authority and as if this section were contained in an Act in force immediately before the commencement of that Act.
- (4) For the purposes of the purchase of land in Scotland by agreement by the [<sup>F194</sup>Relevant Authority]—
- (a) the Lands Clauses Acts (except so much of them as relates to the acquisition of land otherwise than by agreement, the provisions relating to access to the special Act and section 120 to 125 of the <sup>M14</sup>Lands Clauses Consolidation (Scotland) Act 1845), and
  - (b) sections 6 and 70 to 78 of the <sup>M15</sup>Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the <sup>M16</sup>Mines (Working Facilities and Support) Act 1923),

are hereby incorporated with this section, and in construing those Acts for the purposes of this section this section shall be deemed to be the special Act and the [<sup>F194</sup>Relevant Authority] shall be deemed to be the promoters of the undertaking or company, as the case may require.

- (5) In Scotland the [<sup>F194</sup>Relevant Authority] may (without prejudice to their own power to acquire land compulsorily) request the Scottish Special Housing Association to acquire land compulsorily on its behalf (as provided in section [<sup>F197</sup>23 of the Housing (Scotland) Act 1987]) for any purpose for which the [<sup>F194</sup>Relevant Authority] may purchase land compulsorily.

#### Extent Information

- E5** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F194** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F195** Words in s. 88(1) substituted (1.10.1996) by S.I. 1996/2325, **art. 5(1)**, **Sch. 2 para. 15(31)**
- F196** Words in s. 88(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 41** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F197** Words “23 of the Housing (Scotland) Act 1987” substituted (S.) for “175(2) of the Housing (Scotland) Act 1966” by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 31(9)**

#### Marginal Citations

- M12** 1981 c. 67.  
**M13** 1947 c. 42.  
**M14** 1845 c. 19.  
**M15** 1845 c. 33.



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M16 1923 c. 20.

## 89 Provision of dwellings or hostels and clearance, management and development of land. **E+W**

- (1) The [<sup>F198</sup>Relevant Authority] may provide or improve dwellings or hostels on land belonging to it.
- (2) The [<sup>F198</sup>Relevant Authority] may clear land belonging to it and carry out other work on the land to prepare it as a building site or estate, including—
  - (a) the laying out and construction of streets or roads and open spaces, and
  - (b) the provision of sewerage facilities and supplies of gas, electricity and water.
- (3) The [<sup>F198</sup>Relevant Authority] may repair, maintain and insure buildings or works on land belonging to it, may generally deal in the proper course of management with such land and buildings or works on it, and may charge for the tenancy or occupation of such land, buildings or works.
- (4) The [<sup>F198</sup>Relevant Authority] may carry out such operations on, and do such other things in relation to, land belonging to it as appear to it to be conducive to facilitating the provision or improvement of dwellings or hostels on the land—
  - (a) by the [<sup>F198</sup>Relevant Authority] itself, or
  - (b) by a [<sup>F199</sup>registered social landlord] or unregistered self-build society.
- (5) In the exercise of its powers under subsection (4) the [<sup>F198</sup>Relevant Authority] may carry out any development ancillary to or in connection with the provision of dwellings or hostels, including development which makes provision for buildings or land to be used for commercial, recreational or other non-domestic purposes.

### Extent Information

**E6** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

### Textual Amendments

**F198** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16** para. (with ss. 139(2), 143(2)); **S.I. 1998/2244, art. 5**

**F199** Words in s. 89(4)(b) substituted (1.10.1996) by **S.I. 1996/2325, art. 5(1), Sch. para. 15(32)**

## 90 Disposal of land. **E+W**

- (1) The [<sup>F200</sup>Relevant Authority] may dispose of land in respect of which it has not exercised its powers under section 89(1) (provision or improvement of dwellings or hostels) and on which it has not carried out any such development as is mentioned in section 89(5) [<sup>F201</sup>(ancillary development) to a registered social landlord or an unregistered self-build society; and the Housing Corporation may dispose of such land to any of its subsidiaries or to any other body in which it holds an interest.]
- (2) The [<sup>F200</sup>Relevant Authority] may dispose of land on which dwellings or hostels have been provided or improved in exercise of its powers under section 89 to—
  - a [<sup>F202</sup>registered social landlord],
  - a local authority,

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

- a new town corporation [F203], or  
Scottish Homes;  
and the Housing Corporation may dispose of any such land to any of its subsidiaries.]
- (3) The [F200Relevant Authority] may sell or lease individual dwellings to persons for their own occupation; but where the dwelling concerned was acquired [F204by the Housing Corporation]by compulsory purchase under section 88(1), it shall not be disposed of under this subsection without the written consent of the Secretary of State.
- (4) The [F200Relevant Authority]may dispose of a building or land intended for use for commercial, recreational or other non-domestic purposes in respect of which development has been carried out by virtue of section 89; but no such building or land shall be disposed of [F205by the Housing Corporation]for less than the best consideration it commands except with the written consent of the Secretary of State.
- (5) The [F200Relevant Authority] may dispose of land which is not required for the purposes for which it was acquired; but where the land—
- (a) was acquired compulsorily by, or on behalf of, the [F206Housing Corporation]or by a local housing authority who transferred it to the [F206Housing Corporation], or
  - (b) is disposed of [F207by the Housing Corporation](otherwise than for use as, or in connection with, a highway or street) for less than the best consideration it commands,
- the [F206Housing Corporation] shall not dispose of the land except with the written consent of the Secretary of State.
- (6) The [F208Housing Corporation] may not dispose of land except in accordance with the provisions of this section.

#### Extent Information

- E7** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F200** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 28(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F201** Words in s. 90(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F202** Words in s. 90(2) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(33)**
- F203** Words in s. 90(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F204** Words in s. 90(3) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(4)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F205** Words in s. 90(4) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(5)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F206** Words in s. 90(5)(a) and in the words following (b) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(6)(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F207** Words in s. 90(6)(b) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(6)(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F208** Words in s. 90(6) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 42(7)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**



*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

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

- C12** Reference to "Scottish Homes" substituted for the reference to "Scottish Special Housing Association" by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), [ss. 1, 3\(3\)](#) Sch. 2 para. 1

### 91 Protection of persons deriving title under transactions requiring consent.

Where the [<sup>F209</sup>Housing Corporation]purport to acquire or dispose of land—

- (a) in favour of a person claiming under the [<sup>F209</sup>Housing Corporation]the transaction is not invalid by reason that any consent of the Secretary of State which is required has not been given, and
- (b) a person dealing with the [<sup>F209</sup>Housing Corporation], or with a person claiming under the [<sup>F209</sup>Housing Corporation], shall not be concerned to see or inquire whether any such consent has been given.

#### Textual Amendments

- F209** Words in s. 91 substituted (1.11.1998) by [1998 c. 38, s. 140](#), [Sch. 16 para. 43](#) (with [ss. 139\(2\), 143\(2\)](#)); [S.I. 1998/2244](#), [art. 5](#)

*The [<sup>F210</sup>Relevant Authority's]finances*

#### Textual Amendments

- F210** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by [1998 c. 38, s. 140](#), [Sch. 16 para. 28\(b\)](#) (with [ss. 139\(2\), 143\(2\)](#)); [S.I. 1998/2244](#), [art. 5](#)

### 92 Borrowing powers.

- (1) The [<sup>F211</sup>Housing Corporation] may borrow from the Secretary of State, and the Secretary of State may lend to the [<sup>F211</sup>Housing Corporation], by way of temporary loan or otherwise, such sums in sterling as the [<sup>F211</sup>Housing Corporation] may require.
- (2) The [<sup>F211</sup>Housing Corporation]may, with the consent of the Secretary of State or in accordance with a general authorisation given by him, borrow temporarily by overdraft or otherwise such sums in sterling as the [<sup>F211</sup>Housing Corporation]may require.
- (3) The [<sup>F211</sup>Housing Corporation]may, with the consent of the Secretary of State, borrow—
  - (a) from the European Investment Bank or the Commission of the European Communities, sums in any currency, and
  - (b) from any other person, sums in a currency other than sterling.
- (4) A loan made to the [<sup>F211</sup>Housing Corporation] by the Secretary of State shall be repaid to him at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as he may from time to time determine.
- (5) The Treasury may issue to the Secretary of State out of the National Loans Fund such sums as are necessary to enable him to make loans to the [<sup>F211</sup>Housing Corporation]in pursuance of this section; and sums received by the Secretary of State in pursuance of subsection (4) shall be paid into that Fund.

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

- (6) The Secretary of State may act under this section only with the approval of the Treasury.

#### Textual Amendments

**F211** Words in s. 92 substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 44** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

### 93 Limit on borrowing.

- (1) The [<sup>F212</sup>Housing Corporation] has only the borrowing powers conferred by section 92 and those powers are exercisable subject to the following limit.
- (2) The aggregate amount outstanding by way of principal of—
- advances made to the [<sup>F213</sup>Housing Corporation] under section 9 of the <sup>M17</sup>Housing Act 1964 before 18th September 1974 (when that section was repealed),
  - advances made to housing associations before 1st April 1975 in respect of which the rights and obligations of the Secretary of State were then transferred to the [<sup>F213</sup>Housing Corporation] by section 34 of the <sup>M18</sup>Housing Act 1974,
  - money borrowed by the [<sup>F213</sup>Housing Corporation] under section 92, and
  - money borrowed by a subsidiary of the [<sup>F213</sup>Housing Corporation] otherwise than from the [<sup>F213</sup>Housing Corporation],

[<sup>F214</sup>shall not exceed the limit [<sup>F215</sup>specified] under subsection (2A)].

[<sup>F216</sup>(2A) The limit referred to in subsection (2) is,—

- <sup>F217</sup> . . . £2,000 million or such greater sum not exceeding £3,000 million as the Secretary of State may specify by order made with the consent of the Treasury;

<sup>F218</sup> . . . . .]

- An order under subsection [<sup>F219</sup>(2A)] shall be made by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by the House of Commons.
- In ascertaining the limit imposed by subsection [<sup>F219</sup>(2A)], interest payable on a loan made by the Secretary of State to the [<sup>F212</sup>Housing Corporation] which, with the approval of the Treasury, is deferred and treated as part of the loan, shall, so far as outstanding, be treated as outstanding by way of principal.
- The power of the [<sup>F212</sup>Housing Corporation] to borrow from a subsidiary of the [<sup>F212</sup>Housing Corporation] is not affected by subsection (1) and borrowing from such a subsidiary shall be left out of account for the purposes of subsection [<sup>F219</sup>(2A)].

#### Textual Amendments

**F212** Words in s. 93(1)(4)(5) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 45(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F213** Words in s. 93(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 45(3)(a)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

- F214** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. III para. 35\(1\)](#)
- F215** Word in s. 93(2) substituted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 45\(3\)\(b\)](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)
- F216** S. 93(2A) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. III para. 35\(2\)](#)
- F217** Words in s. 93(2A)(a) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 45(4)(a), [Sch. 18 Pt. VI](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, [art. 5](#)
- F218** S. 93(2A)(b) and the word preceding it repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 45(4)(b), [Sch. 18 Pt. VI](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, [art. 5](#)
- F219** “2A” substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. III para. 35\(3\)](#)

#### Marginal Citations

- M17** 1964 c. 56.  
**M18** 1974 c. 44.

## 94 Treasury guarantees of borrowing.

- (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on and the discharge of any other financial obligation in connection with sums which the [<sup>F220</sup>Housing Corporation] borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given the Treasury shall lay a statement of the guarantee before each House of Parliament.
- (3) Any sums required by the Treasury for fulfilling the guarantee shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are so issued, the [<sup>F220</sup>Housing Corporation] shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct—
  - (a) payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued, and
  - (b) payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Sums received by the Treasury in pursuance of subsection (4) shall be paid into the Consolidated Fund.
- (6) Where a sum is issued for fulfilling a guarantee given under this section, the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged, lay before each House of Parliament a statement relating to the sum.

#### Textual Amendments

- F220** Words in s. 94(1)(4) substituted (1.11.1998) by 1998 c. 38, s. 140, [Sch. 16 para. 46](#) (with ss. 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

## 95 Grants to the [<sup>F221</sup>Housing Corporation].

- (1) The Secretary of State may make such grants to the [<sup>F221</sup>Housing Corporation] as appear to him to be required to enable the [<sup>F221</sup>Housing Corporation] to meet the expenses incurred by it in the exercise of its functions.
- (2) A grant may be made subject to such conditions as the Secretary of State may determine.
- (3) The Secretary of State may act under this section only with the consent of the Treasury.

### Textual Amendments

**F221** Words in s. 95(1) and sidenote substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 47** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

## 96 General financial provisions.

- (1) The [<sup>F222</sup>Housing Corporation] may turn its resources to account so far as they are not required for the exercise of its functions.
- (2) If for an accounting year the revenues of the [<sup>F222</sup>Housing Corporation] exceed the total sums properly chargeable to revenue account, the [<sup>F222</sup>Housing Corporation] shall apply the excess in such manner as the Secretary of State may, after consultation with the [<sup>F222</sup>Housing Corporation], direct; and the Secretary of State may direct that the whole or part of the excess be paid to him.
- (3) The Secretary of State may give directions to the [<sup>F222</sup>Housing Corporation] as to matters relating to—
  - (a) the establishment or management of reserves,
  - (b) the carrying of sums to the credit of reserves, or
  - (c) the application of reserves for the purposes of the [<sup>F223</sup>Housing Corporation's] functions.
- (4) The Secretary of State may, after consultation with the [<sup>F222</sup>Housing Corporation], direct the [<sup>F222</sup>Housing Corporation] to pay to him the whole or part of any sums for the time being standing to the credit of reserves of the [<sup>F222</sup>Housing Corporation] or being of a capital nature and not required for the exercise of the [<sup>F223</sup>Housing Corporation's] functions.
- (5) The Secretary of State may act under this section only with the approval of the Treasury.

### Textual Amendments

**F222** Words in s. 96(1)-(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 48(2)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F223** Words in s. 96(3)(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 48(3)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

## 97 Accounts and audit.

- (1) The [<sup>F224</sup>Housing Corporation] shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each financial year annual accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (2) The accounts of the [<sup>F224</sup>Housing Corporation] for each financial year shall be audited by a qualified accountant appointed for the purpose by the Secretary of State.
- (3) As soon as the annual accounts of the [<sup>F224</sup>Housing Corporation] for a financial year have been audited, the [<sup>F224</sup>Housing Corporation] shall send to the Secretary of State a copy of the accounts prepared by it for the year in accordance with this section, together with a copy of any report made on them by the auditor.
- (4) The Secretary of State shall prepare in respect of each financial year, in such form and manner as the Treasury may direct, an account of—
  - (a) the sums issued to him and lent to the [<sup>F224</sup>Housing Corporation], and
  - (b) sums received by him from the [<sup>F224</sup>Housing Corporation] and paid into the National Loans Fund in respect of the principal and interest on sums so lent, or on sums advanced to the [Housing Corporation] under section 9 of the <sup>M19</sup>Housing Act 1964,and shall transmit the accounts so prepared by him to the Comptroller and Auditor General on or before 30th November in the following financial year.
- (5) The Comptroller and Auditor General shall examine and certify the accounts prepared by the Secretary of State and lay before each House of Parliament copies of the accounts together with his report on them.

[<sup>F225</sup>(6) In this section “qualified accountant” means a person who is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]

### Textual Amendments

**F224** Words in s. 97(1)-(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 49** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F225** S. 97(6) substituted (01.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 59(2)** (with reg. 4).

### Modifications etc. (not altering text)

**C13** S. 97(1)-(3) modified (1.11.1998) by 1998 c. 38, s. 142(2) (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**C14** S. 97(4) applied (with modifications) (1.11.1998) by 1998 c. 38, s. 142(5) (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

### Marginal Citations

**M19** 1964 c. 56.

## *Acquisition of securities and control of subsidiaries*

## 98 Acquisition of securities and promotion of body corporate.

- (1) The [<sup>F226</sup>Housing Corporation] may with the consent of the Secretary of State—

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

- (a) subscribe for or acquire securities of a body corporate, and
  - (b) promote or participate in the promotion of a body corporate.
- (2) In the section “securities” means shares, stock, debenture stock and other securities of a like nature.

#### Textual Amendments

**F226** Words in s. 98(1) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 50** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

### 99 Control of subsidiaries.

- (1) The [<sup>F227</sup>Housing Corporation] shall exercise its control over its subsidiaries so as to secure that no subsidiary—
- (a) engages in an activity which the [<sup>F227</sup>Housing Corporation] is not empowered to carry on, or
  - (b) engages in an activity in a manner in which the [<sup>F227</sup>Housing Corporation] itself could not engage by reason of a direction given to it under section 76 (directions by Secretary of State).
- (2) The [<sup>F227</sup>Housing Corporation] shall also exercise its control over its subsidiaries so as to secure that no subsidiary of its—
- (a) borrows money from a person other than the [<sup>F227</sup>Housing Corporation], or
  - (b) raises money by the issue of shares or stock to a person other than the [<sup>F227</sup>Housing Corporation],
- without the consent of the Secretary of State.

#### Textual Amendments

**F227** Words in s. 99(1)(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 51** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**

### *Supplementary provisions*

### [<sup>F228</sup>100 Scottish Special Housing Association may act as agents for [<sup>F229</sup>Relevant Authority]in Scotland.

The [<sup>F229</sup>Relevant Authority] may, on such terms and conditions as may be agreed between it and the Scottish Special Housing Association, authorise the Association to act in Scotland as the agents of the [<sup>F229</sup>Relevant Authority] for the purpose of carrying out any of the functions vested in the [<sup>F229</sup>Relevant Authority] under—

- (a) section 77 (advisory service),
- (b) sections 88 and 89 (powers with respect to land and works), or
- (c) paragraph 5 of Schedule 7 (schemes for provision of housing accommodation in place of a housing association).]

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

#### Textual Amendments

**F228** S. 100 repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(2), Sch. 3

**F229** Words in Pt. III (ss. 74-102) substituted (1.11.1998) by [1998 c. 38, s. 140](#), [Sch. 16 para. 28\(a\)](#) (with ss. 139(2), 143(2)); [S.I. 1998/2244](#), art. 5

### 101 Minor definitions.

In this Part—

[<sup>F230</sup>“building society” means a building society within the meaning of the Building Societies Act 1986;]

“financial year” means the period of 12 months ending with the 31st March;

“highway”, in relation to Scotland, includes a public right of way;

“subsidiary” has [<sup>F231</sup>the meaning given by section 736 of] the Companies Act.

#### Textual Amendments

**F230** Definition substituted by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), ss. 54(3)(a)(5), 120(1), Sch. 18 Pt. I para. 19(4)

**F231** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. 144(4), [Sch. 18 para. 41](#)

### 102 Index of defined expressions: Part III. **E+W+S**

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

building society	section 101
the Companies Act	section 106
dwelling	section 106
financial year	section 101
heritable security	section 106
highway (in relation to Scotland)	section 101
hostel	section 106
housing association	section 1(1)
local authority	section 106
local housing authority	section 104
new town corporation	section 106
recognised body	section 85(2)
registered (in relation to a housing association)	section 3(2)
relevant advance	section 85(4)

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*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

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self-build society	section 1(3)
subsidiary	section 101
unregistered (in relation to a housing association)	section 3(2)
urban development corporation	section 106

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## 102 Index of defined expressions: Part III. **S**

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

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building society	section 101
the Companies Act	section 106
dwelling	section 106
financial year	section 101
heritable security	section 106
highway (in relation to Scotland)	section 101
hostel	section 106
housing association	section 1(1)
local authority	section 106
local housing authority	section 104
new town corporation	section 106
recognised body	section 85(2)
registered (in relation to a housing association)	section 3(2)
relevant advance	section 85(4)
self-build society	section 1(3)
subsidiary	section 101
unregistered (in relation to a housing association)	section 3(2)
urban development corporation	section 106

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### Extent Information

- E8** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only



*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

## PART IV

### GENERAL PROVISIONS

#### *General provisions*

#### **103 Application to 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.

#### **104 Local housing authorities.**

- (1) In this Act “local housing authority”—
  - (a) in relation to England and Wales, has the meaning given by section 1 of the <sup>M20</sup>Housing Act 1985, and
  - (b) in relation to Scotland, means [<sup>F232</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (2) References in this Act to the district of a local housing authority—
  - (a) in England and Wales shall be construed in accordance with section 2 of the Housing Act 1985, and
  - (b) in Scotland are to the [<sup>F233</sup>area of a council mentioned in subsection (1)(b) above].

#### **Textual Amendments**

**F232** Words in s. 104(1)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(3)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**

**F233** Words in s. 104(2)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(3)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**

#### **Marginal Citations**

**M20** 1985 c. 68.

<sup>F234</sup>**105** .....

#### **Textual Amendments**

**F234** S. 105 repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with savings in art. 4(2)(3))

#### **106 Minor definitions — general.**

- (1) In the application of this Act in England and Wales—
  - [<sup>F235</sup>“bank” means—  
[ an institution authorised under the Banking Act 1987, or]

*Status: Point in time view as at 01/12/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985. (See end of Document for details)*

<sup>F236</sup>(a)

- (b) a company as to which the Secretary of State was satisfied immediately before the repeal of the <sup>M21</sup>Protection of Depositors Act 1963 that it ought to be treated as a banking company or discount company for the purposes of that Act;]

[<sup>F235</sup>“the Companies Act” means the <sup>M22</sup>Companies Act 1985;]

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

[<sup>F235</sup>“friendly society” means a friendly society or branch of a friendly society registered under the <sup>M23</sup>Friendly Societies Act 1974 or earlier legislation;]

“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;

“house” includes—

- (a) any part of a building which is occupied or intended to be occupied as a separate dwelling;
- (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it;

[<sup>F237</sup>[<sup>F238</sup>“housing activities”, in relation to a registered housing association, means all its activities in pursuance of such of its purposes, objects or powers as are of a description mentioned in section 1(1)(a) or subsections (2) to (4) of section 4.]]

[<sup>F235</sup>“insurance company” means an insurance company to which Part II of the <sup>M24</sup>Insurance Companies Act 1982 applies;]

“local authority” means a county, [<sup>F239</sup>county borough,]district, or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly and in [<sup>F240</sup>section 84(5)]includes . . . <sup>F241</sup>a joint authority established by Part IV of the <sup>M25</sup>Local Government Act 1985 [<sup>F242</sup>and the London Fire and Emergency Planning Authority][<sup>F243</sup>and in section 85(4) includes such a joint authority [<sup>F242</sup>the London Fire and Planning Authority] and a police authority established under [<sup>F244</sup>section 3 of the <sup>M26</sup>Police Act 1996][<sup>F245</sup>the Metropolitan Police Authority][<sup>F246</sup>and the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service];

“new town corporation” means the Commission for the New Towns or a development corporation within the meaning of the <sup>M27</sup>New Towns Act 1981;

“shared ownership lease” means a lease—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the house or 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 house or dwelling;

[<sup>F235</sup>“trustee savings bank” means a trustee savings bank registered under the <sup>M28</sup>Trustee Savings Bank Act 1981 or earlier legislation;]

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“urban development corporation” means an urban development corporation established under Part XVI of the <sup>M29</sup>Local Government, Planning and Land Act 1980.

(2) In the application of this Act in Scotland—

[<sup>F247</sup>“bank” has the same meaning as in subsection (1);]

“charge” includes a heritable security;

[<sup>F247</sup>“the Companies Act” has the same meaning as in subsection (1);]

“dwelling” means a house;

[<sup>F247</sup>“friendly society” has the same meaning as in subsection (1);]

[<sup>F248</sup>“heritable security” means any security capable of being constituted over any interest in land by disposition or assignation of that interest in security of any debt and of being recorded in the Register of Sasines or, as the case may be, registered in the Land Register of Scotland and which includes a security constituted by an ex facie absolute disposition or assignation or by a standard security;]

“hostel” means—

(a) in relation to a building provided or converted before 3rd January 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained dwellings) and board, and

(b) in relation to a building provided or converted on or after that date, a building in which is provided for persons generally or for any class or classes of persons, residential accommodation (otherwise than in houses) and either board or common facilities for the preparation of adequate food to the needs of those persons, or both;

“house” includes—

(a) any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling, and in particular includes a flat, and

(b) includes also any yard, garden, outhouses and pertinents belonging to the house or usually enjoyed with it;

[<sup>F249</sup>“housing activities” has the same meaning as in subsection (1);]

[<sup>F247</sup>“insurance company” has the same meaning as in subsection (1);]

“local authority” means [<sup>F250</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“mortgage” means a heritable security and “mortgagee” means a creditor in such a security;

“new town corporation” means a development corporation within the meaning of the <sup>M30</sup>New Towns (Scotland) Act 1968;

[<sup>F251</sup>“shared ownership lease” has the same meaning as in subsection (1);]

[<sup>F251</sup>[<sup>F252</sup>“shared ownership agreement” means an agreement whereby—

(a) a pro indiviso right in a dwelling is sold to a person and the remaining pro indiviso rights therein are leased to him subject to his being entitled, from time to time, to purchase those remaining rights until he has purchased the entire dwelling; or

(b) pro indiviso rights in dwellings are conveyed to trustees to hold on behalf of persons each of whom, by purchasing a share in those dwellings, becomes entitled to exclusive occupancy of one of the dwellings but with any such

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person who wishes to sell or otherwise dispose of his share being required to do so through the agency of the trustees,

or such other agreement as may be approved whereby a person acquires a pro indiviso right in a dwelling or dwellings and thereby becomes entitled to exclusive occupancy of the dwelling or, as the case may be, one of the dwellings;]]

[<sup>F247</sup>“trustee savings bank” has the same meaning as in subsection (1).]

[<sup>F253</sup>(3) In the definition of “shared ownership agreement” in subsection (2) above, “approved” means approved by the Secretary of State after consultation with [<sup>F254</sup>Scottish Homes].]

### Textual Amendments

- F235** S. 106(1): definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F236** Words substituted by **Banking Act 1987** (c. 22, SIF 10), s. 108(1), **Sch. 6 para. 22**
- F237** S. 106(1): definition of “housing activities” repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)-(4))
- F238** Definition substituted by **Housing Act 1988** (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. III para. 36**
- F239** S. 106(1): words in definition of “local authority” inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 6(2)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F240** S. 106(1): words in definition of “local authority” substituted (1.10.1994 for specified purposes, 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 59(a)**; S.I. 1994/2025, art. 6(2)(e); S.I. 1994/3262, art. 4(1), **Sch.**
- F241** Words repealed by **Education Reform Act 1988** (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F242** S. 106(1): words in definition of “local authority” inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 43** (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(h)
- F243** S. 106(1): words in definition of “local authority” added (1.10.1994 for specified purposes, 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 59(b)**; S.I. 1994/2025, art. 6(2)(e); S.I. 1994/3262, art. 4(1), **Sch.**
- F244** S. 106(1): words in definition of “local authority” substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(w)**
- F245** Words in s. 106 inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 52**, (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F246** Words in s. 106(1) in the definition of “local authority” inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 50**; S.I. 1997/2390, art. 2(1)(2)(u) (subject to transitional provisions in arts. 3-7)
- F247** S. 106(1): definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)(3))
- F248** Definition repealed (S.) by **Housing (Scotland) Act 1986** (c. 65, SIF 61), s. 25(2), **Sch. 3**
- F249** S. 106(1): definition of “housing activities” repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)-(4))
- F250** S. 106(2): words in definition of “local authority” substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(4)**; S.I. 1996/323, art. 4(1)(b)(c)
- F251** Definition beginning “shared ownership agreement” substituted (S.) for definition beginning “shared ownership lease” by virtue of **Housing (Scotland) Act 1986** (c. 65, SIF 61), s. 13(2) and **Housing (Scotland) Act 1988** (c. 43, SIF 61), s. 72(2), **Sch. 9 para. 9**
- F252** Words in s. 106(2) repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2, **Sch. Pt. II** (subject to transitional provisions and savings in art. 3)
- F253** S. 106(3) repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2, **Sch. Pt. II** (subject to transitional provisions and savings in art. 3)
- F254** Words in s. 106(3) substituted (S.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(35)**

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

- C15** S. 106(1) amended (1.1.1993) by S.I. 1992/3218, reg. 82(1), **Sch. 10 Pt. I para. 20**.  
S. 106(1) amended (1.7.1994) by S.I. 1994/1696, reg. 68(1), **Sch. 8 Pt. I para. 11**

**Marginal Citations**

- M21** 1963 c. 16.  
**M22** 1985 c. 6.  
**M23** 1974 c. 46.  
**M24** 1982 c. 50.  
**M25** 1985 c. 51.  
**M26** 1964 c. 48.  
**M27** 1981 c. 64.  
**M28** 1981 c. 65.  
**M29** 1980 c. 65.  
**M30** 1968 c. 16.

*Final provisions*

**107 Short title, commencement and extent.**

- (1) This Act may be cited as the Housing Associations Act 1985.
- (2) This Act comes into force on 1st April 1986.
- (3) The following provisions of this Act apply to England and Wales only—
  - section 2,  
..... **F255**
  - section 8(2) and (3),
  - sections 11 and 12,
  - section [**F256**17(4)],
  - section 18,
  - section 20,
  - section 31,
  - sections 34 to 36,
  - section 38,  
..... **F257**
  - ..... **F257**
  - section 58,
  - section 67,
  - section 69(3),
  - section 81,
  - sections 84 and 85,
  - section 103,
  - [**F258**section 105,]
  - Schedules 2 and 3,
  - In Schedule 4, Part I,
  - In Schedule 5, Part I, paragraphs 1 and 2 of Part III and paragraph 1 of Part V.

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(4) The following provisions of this Act apply to Scotland only—

[<sup>F259</sup> ..... <sup>F260</sup>  
 section 15A]  
 section 59,  
 section 66,  
 section 68,  
 section 69(4),  
 section 86,  
 In Schedule 4, Part III,  
 In Schedule 5, Part II, paragraphs 3 and 4 of Part III, Part IV and Part VII.

(5) This Act does not extend to Northern Ireland.

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**Textual Amendments**

**F255** Entry repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 18**

**F256** “17(4)” repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(2), **Sch. 3**

**F257** Entry repealed by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140(2), **Sch. 18**

**F258** Words repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(2), **Sch. 3**

**F259** Words inserted (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(1), **Sch. 2 para. 4(8)(b)**

**F260** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**

**Status:**

Point in time view as at 01/12/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing Associations Act 1985.