



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—
- (a) 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
 - (b) 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 [^{F1}];
- [^{F2}[^{F3}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—
- (a) restrict membership to persons who are tenants or prospective tenants of the association, and
 - (b) 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 ^{M1}Industrial and Provident Societies Act 1965 [^{F4}(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.

Status: Point in time view as at 14/03/2012.

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- F2** Words in [s. 1\(1\)](#) repealed (S.) (1.11.2001) by [2001 asp 10](#), s. 112, [Sch. 10 para. 11\(2\)](#); S.S.I. 2001/336, [art. 2\(3\)](#) (with transitional provisions and savings in [art.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- F4** Words in [s. 1\(2\)](#) repealed (E.W.) (1.10.1996) by [S.I. 1996/2325](#), art. 4(1), [Sch. 1 Pt.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.

^{F5}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\(2\)\(3\)](#))

[^{F6}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 [^{F7}of social landlords maintained under section 57 of the Housing (Scotland) Act 2001 (asp 10)],

[^{F8}“registered social landlord” has the same meaning as in Part I of the Housing Act 1996, and]

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

[^{F9}“unregistered”, in relation to a housing association, means—

- (a) not registered as a provider of social housing under Part 2 of the Housing and Regeneration Act 2008,
- (b) not registered as a social landlord under Part 1 of the Housing Act 1996, and
- (c) not registered as a social landlord under Part 3 of the Housing (Scotland) Act 2001 (asp 10).]

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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)
- 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 (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), [art. 1\(2\)](#), [Sch. 2 para. 40](#) (with art. 6, Sch. 3)

Registration

F10³

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)

F11⁴

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)

F12⁵

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)

F13⁶

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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)

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 [F16Control of disposals by unregistered housing associations]

F18(1)

F19(1A) [Subject to section 10, the consent of **[F20**the relevant regulator] is required for any disposition of grant-aided land (as defined in Schedule 1) by an unregistered housing association; and for this purpose “**[F20**the relevant regulator]” means,—

- [F21**(a) if the land is in England, the Regulator of Social Housing, and
- (b) if the land is in Wales, the Welsh Ministers.]]

(2) **[F22**Consent 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 **[F23**consent] under this section is valid in favour of a person claiming under the association notwithstanding that **[F23**that consent] has not been given; and a person dealing with the association, or with a person

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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).

^{F24}(4)

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

[^{F25}(6) Consent under this section must be in writing.]]

Textual Amendments

- F16** S. 9 heading substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(4)**; S.I. 2010/862, art. 2 (with Sch.)
- 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) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(2)(a)**; S.I. 2010/862, art. 2 (with Sch.)
- F21** S. 9(1A)(a)(b) substituted for s. 9(1A)(a)-(c) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(2)(b)**; S.I. 2010/862, art. 2 (with Sch.)
- F22** Words in s. 9(2) substituted (1.10.1996) by S.I. 1996/2325, art. 15(1), **Sch. 2 para. 15(10)**
- F23** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 7(2)(a)(b)**
- F24** 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.)
- F25** S. 9(6) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 9(3)**; S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

- C1** S. 9: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))
- C2** 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)**
- C3** 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**.
- C4** S. 9(1A)(a) modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

[^{F26}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 [^{F27}sections 117 to 121 and 124 of the Charities Act 2011]

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- it cannot be made without an order of the court or the [^{F28}Charity Commission]; but [^{F29}before making an order in such a case the [^{F28}Charity Commission] shall consult,—
- [^{F30}(a) in the case of dispositions of land in England, the Regulator of Social Housing, and
- (b) in the case of dispositions of land in Wales, the Welsh Ministers.]]
- (2) A letting ^{F31}... 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 [^{F32}Schedule 1 to the Housing Act 1985] or [^{F33}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) [^{F34}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, ^{F35}...
- ^{F35}(e)]
- (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

- F26** 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)
- F27** Words in s. 10(1) substituted (14.3.2012) by **Charities Act 2011 (c. 25)**, s. 355, **Sch. 7 para. 45** (with s. 20(2), Sch. 8)
- F28** Words in s. 10(1) substituted (27.2.2007) by **Charities Act 2006 (c. 50)**, s. 79(2), **Sch. 8 para. 78**; S.I. 2007/309, art. 2, Sch.
- F29** Words substituted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(1)**
- F30** S. 10(1)(a)(b) substituted for s. 10(1)(a)-(c) (1.4.2010) by **Housing and Regeneration Act 2008 (c. 17)**, s. 325(1), **Sch. 9 para. 10(2)**; S.I. 2010/862, art. 2 (with Sch.)
- 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)**

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- 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\(2\)](#)
F35 S. 10(2)(e) and preceding word repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 10\(3\)](#), [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with Sch.)

Modifications etc. (not altering text)

- C5** S. 10: transfer of functions (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 2 (see S.I. 2008/3068, art. 2(1)(b))
C6 S. 10(1)(a) modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, [Sch. para. 3](#) (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

^{F36}**11**

Textual Amendments

- F36** 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)

[^{F37}**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

- F37** 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.

^{F38}**13**

Textual Amendments

- F38** 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)

^{F39}**14**

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Textual Amendments

F39 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)

^{F40} **15**

Textual Amendments

F40 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)

^{F41} **15A**

Textual Amendments

F41 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

^{F42} **16**

Textual Amendments

F42 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)

^{F43} **17**

Textual Amendments

F43 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)

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F44 **18**

Textual Amendments

F44 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)

F45 **19**

Textual Amendments

F45 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)

F46 **20**

Textual Amendments

F46 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).

F47 **21**

Textual Amendments

F47 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)

F48 **22**

Textual Amendments

F48 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**

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para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

^{F49}**23**

Textual Amendments

F49 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

^{F50}**24**

Textual Amendments

F50 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)

^{F51}**25**

Textual Amendments

F51 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)

^{F52}**26**

Textual Amendments

F52 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)

^{F53}**27**

Status: Point in time view as at 14/03/2012.

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

Textual Amendments

F53 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)

^{F54}**27A**

Textual Amendments

F54 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)

Inquiries into affairs of housing associations

^{F55}**28**

Textual Amendments

F55 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)

^{F56}**29**

Textual Amendments

F56 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)

^{F57}**30**

Textual Amendments

F57 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**

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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)

para. 11(4); S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

^{F58}**31**

Textual Amendments

F58 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

^{F59}**32**

Textual Amendments

F59 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

^{F60}**33**

Textual Amendments

F60 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)

^{F61}**33A Provision of services between the Corporations.**

.....

Textual Amendments

F61 S. 33A repealed (1.4.2010) by **Housing and Regeneration Act 2008 (c. 17)**, ss. 64(3), 325(1), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with **Sch.**)

34 Provision of land by county councils.

- (1) Where a housing association wishes to erect houses [^{F62}in England]which in the opinion of the Secretary of State are required and the local housing authority in whose

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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 ^{M2}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.

Textual Amendments

F62 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—
- [^{F63}(za) it does not apply to private registered providers of social housing (on whom power to dispose of land is conferred by section 171 of the Housing and Regeneration Act 2008);]
 - [^{F64}(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 [^{F65}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 [^{F66}sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land)] where the housing trust is a charity.

Textual Amendments

F63 S. 35(2)(za) inserted (1.4.2010) by **The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010** (S.I. 2010/866), art. 1(2), **Sch. 2 para. 41** (with art. 6, Sch. 3)

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 (14.3.2012) by **Charities Act 2011** (c. 25), s. 355, **Sch. 7 para. 46** (with s. 20(2), Sch. 8)

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

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(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.

^{F67}**36A**

Textual Amendments

F67 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

^{F68}**37**

Textual Amendments

F68 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)

^{F69}**38** **Definitions relating to charities.**
.....

Textual Amendments

F69 S. 38 omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of **The Charities (Pre-consolidation Amendments) Order 2011** (S.I. 2011/1396), **art. 1**, **Sch. para. 41**

[^{F70}**39** **Minor definitions.**

In this Part—

[^{F71}“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.]

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[^{F72}“mental disorder” has the same meaning as in [^{F73}the ^{M3}Mental Health Act 1983 or] the ^{M4}Mental Health (Scotland) Act 1984;]

“secure tenancy” has the same meaning as in section 79 of the ^{M5}Housing Act 1985 or [^{F74}44 of the Housing (Scotland) Act 1987];]

^{F75}
. . .

Textual Amendments

- F70** 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)
- F71** Definitions inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 25**
- F72** 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))
- F73** 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))
- F74** 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”
- F75** 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.

[^{F76}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):—

[^{F77} appropriate registrar (in relation to a society registered under the 1965 Act).	section 37]
[^{F78} assured agricultural occupancy]	[^{F78} section 39]
[^{F78} assured tenancy]	[^{F78} section 39]
[^{F77} bank	section 106]
charge (in relation to Scotland)	section 106
charity	section 38(a)
[^{F77} committee (in relation to a society registered under the 1965 Act)	section 37]
[^{F77} compulsory disposal (in Schedule 2)	paragraph 6 of that Schedule]
co-operative housing association	section 1(2)

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[^{F77} co-opted member (in relation to the committee of a society registered under the 1965 Act)	section 37]
[^{F77} the Companies Act	section 106]
^{F79} . . .	^{F79} . . .
[^{F77} 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)
[^{F77} dwelling	section 106]
[^{F77} eligible for registration (in relation to a housing association)	section 4]
[^{F77} exempted disposal (in Schedule 2)	paragraph 5 of that Schedule]
[^{F77} friendly society	section 106]
fully mutual (in relation to a housing association)	section 1(2)
[^{F77} hostel	section 106]
house	section 106
[^{F77} housing activities	section 106]
housing association	section 1(1)
. . . ^{F80}	. . . ^{F80}
housing trust	section 2
[^{F77} insurance company	section 106]
local housing authority	section 104
[^{F77} member of family	section 105]
[^{F77} mental disorder	section 39]
mortgage (in relation to Scotland)	section 106
[^{F77} the 1965 Act	section 37]
[^{F77} register, registered, registration and unregistered (in relation to a housing association)	section [^{F81} 3]]
[^{F77} registered charity	section 38(b)]
[^{F82} registered social landlord	section 2B]
[^{F77} relevant disposal (in Schedule 2)	paragraph 4 of that Schedule]
. . . ^{F80}	. . . ^{F80}
secure tenancy	section 39
[^{F77} shared ownership lease	section 106]

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[^{F83} shared ownership agreement (in relation to Scotland)]	[^{F83} section 106]
[^{F77} standard scale	section 39]
[^{F77} trustee savings bank	section 106]
[^{F84} unregistered (in relation to a housing association)]	section 2B]]

Textual Amendments

- F76** 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)
- F77** 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))
- F78** Entries inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(a)**
- F79** 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))
- F80** Entry repealed by **Housing Act 1988 (c. 50, SIF 61)**, s. 140(2), **Sch. 18**
- F81** Figure substituted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(c)**
- F82** S. 40: entry inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 21(a)**
- F83** Entry inserted (S.) by **Housing (Scotland) Act 1986 (c. 65, SIF 61)**, s. 25(1), **Sch. 2 para. 4(4)**
- F84** 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)

- C7** Pt. II (ss. 41–73) excluded (S.) by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 199, 335, **Sch. 12 para. 1(7)**
- C8** 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— ^{F85}
51.

Textual Amendments

- F85** Ss. 41–51, 75(1)(d) repealed by **Housing Act 1988 (c. 50, SIF 61)**, s. 140(2), **Sch. 18**

52 ^{F86}

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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

F86 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 **F87**

Textual Amendments

F87 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 **F88**

Textual Amendments

F88 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**

F89 **55**

Textual Amendments

F89 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 ^{F90}

Textual Amendments

F90 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 ^{F91}

Status: Point in time view as at 14/03/2012.

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

Textual Amendments

- F91** 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)

Arrangements with local authorities

[^{F92}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 [^{F93}—
 - (a) a private registered provider of social housing, or
 - (b) a registered social landlord (for which corresponding provision is made by section 22 of the Housing Act 1996).]

Textual Amendments

- F92** S. 58 substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), [Sch. 2 para. 15\(22\)](#)
- F93** Words in s. 58(4) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 42](#) (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C9** 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\(22\)](#))

[^{F94}59 Powers of local authorities to promote and assist housing associations: Scotland.

- (1) A local authority ^{F95}. . . 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 ^{F95}. . . 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,

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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)

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority^{F95} . . . 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.

[Sections 6, 15, 320 and 329 of the Housing (Scotland) Act 1987 (general provisions^{F96}(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

- F94** 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)
- F95** 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**
- F96** S. 59(5) added by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(7)**

^{F97}**60**

Textual Amendments

- F97** 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)

[^{F98}**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^{M6}Consumer Credit Act 1974.

[This section does not apply where the housing association is [^{F100}—

- ^{F99}(3) (a) a private registered provider of social housing, or
(b) a registered social landlord (for which corresponding provision is made by section 22 of the Housing Act 1996).]]

Textual Amendments

- F98** 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)
- F99** S. 61(3) inserted (E.W.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(23)**

Status: Point in time view as at 14/03/2012.

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

F100 Words in s. 61(3) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 43** (with art. 6, Sch. 3)

Marginal Citations

M6 1974 c. 39.

62 **F101**

Textual Amendments

F101 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— **F102**
66.

Textual Amendments

F102 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

F103 **67**

Textual Amendments

F103 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 [^{F104}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;

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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 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 ^{M7}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

F104 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 ^{M8}Housing Act 1964 [^{F105}[^{F106}(including such an agreement under which rights and obligations have been transferred to Housing for Wales [^{F107} and then to the Secretary of State)]];]^{F105} under which rights and obligations have been transferred to the Regulator of Social Housing;]
 - (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);

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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)

- [^{F108}(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).
- [^{F109}[^{F110}(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) [^{F111}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
- (b) that the agreement shall be terminated.
- [^{F112}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.]
- [^{F113}[^{F114}(2A) In the case of an agreement under which rights and obligations have been transferred to Housing for Wales [^{F115}and then to the Secretary of State], the reference to a party to the agreement includes a reference to [^{F116}the Secretary of State].]]
- [^{F117}(2B) In the case of an agreement under which rights and obligations have been transferred to the Regulator of Social Housing, the reference to a party to the agreement includes a reference to the Regulator of Social Housing.]
- (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

- F105** Words in s. 69(1)(a) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 44(2)** (with art. 6, Sch. 3)
- 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.)

Status: Point in time view as at 14/03/2012.

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

- 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** S. 69(2A) repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 2 para. 44(3), **Sch. 4** (with art. 6, Sch. 3)
- F115** 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**
- F116** 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**
- F117** S. 69(2B) inserted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 44(4)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C10** S. 69 modified (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))
- C11** S. 69: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 2 (see S.I. 2008/3068, art. 2(1)(b))

Marginal Citations

- M8** 1964 c. 56.

[^{F118}[^{F119}6A] and subject to housing management agreement.

A housing association is not entitled to a [^{F120}grant under section 50 (housing association grant) or section 51 (revenue deficit grant) of the Housing Act 1988] in respect of land comprised in—

- (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 [^{F121}22 of the Housing (Scotland) Act 1987] applies (agreements for exercise by housing co-operatives of certain local authority housing functions).]]

Textual Amendments

- F118** S. 69A inserted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(2), **Sch. 5 Pt. II para. 42**
- F119** S. 69A repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 1 para. 5, **Sch. 4** (with art. 6, Sch. 3)
- F120** 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**)
- F121** 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)**

Status: Point in time view as at 14/03/2012.

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

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

[^{F122}72 Minor definitions.

In this Part—

..... F123
..... F123
..... F123

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

Textual Amendments

F122 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))

F123 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);

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F124

F124

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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)

F125	F125
̄̄̄̄̄̄	̄̄̄̄̄̄
co-operative housing association	section 1(2)
dwelling	section 106
[^{F126} fully mutual (in relation to a housing association)]	[^{F126} section 1(2)]
[^{F126} heritable security]	[^{F126} section 106]
hostel	section 106
̄̄̄̄̄̄	̄̄̄̄̄̄
house	section 106
[^{F126} housing activities]	[^{F126} section 106]
housing association	section 1(1)
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̄̄̄̄̄̄	̄̄̄̄̄̄
local authority	section 106
local housing authority	section 104
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F129	. . .
. . .	
[^{F126} registered charity]	[^{F126} section 72]
[^{F130} registered housing association]	section 2B]
[^{F131} registered social landlord]	section 2B]
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self-build society	section 1(3)
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̄̄̄̄̄̄	̄̄̄̄̄̄
[^{F133} unregistered (in relation to a housing association)]	section 2B]

Textual Amendments

F124 Entry repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**

Status: Point in time view as at 14/03/2012.

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

- F125** 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
- F126** [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))
- F127** Entries repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**
- F128** 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
- F129** [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))
- F130** [S. 73](#): definition inserted (S.) (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 24(a)**
- F131** [S. 73](#): definition inserted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 24(b)**
- F132** By [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), **Sch. 5 Pt. 1 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
- F133** [S. 73](#): definition inserted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 24(c)**

PART III

[^{F134} THE HOUSING CORPORATION][^{F134} SOCIAL HOUSING IN WALES]

Textual Amendments

- F134** Pt. III heading substituted (E.W.) 1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 45** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C12** 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.](#))

[^{F135} *Functions of the Welsh Ministers*] and other general matters

Textual Amendments

- F135** Words in s. 74 heading substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 46** (with art. 6, Sch. 3)

74 The [^{F136} Welsh Ministers]

[^{F137}(1) This Part has effect with respect to the Welsh Ministers.]

^{F138}(2)

^{F139}(3)

[^{F140}(4) The functions in this Part exercisable by the Welsh Ministers may only be exercised in relation to Wales.]

Status: Point in time view as at 14/03/2012.

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

Textual Amendments

- F136** Words in s. 74 heading substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 47(d)** (with art. 6, Sch. 3)
- F137** S. 74(1) substituted for s. 74(1)(1A) (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 47(a) (with art. 6, Sch. 3)
- F138** S. 74(2) repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 2, **Sch. 2** (with Sch. 1 para. 12)
- F139** S. 74(3) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 47(b), **Sch. 4** (with art. 6, Sch. 3)
- F140** S. 74(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 47(c)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C13** S. 74 modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 3** (with art. 6, Sch. para. 3(4)) (see S.I. 2008/3068, art. 2(1)(b))

75 ^{F141}**General functions**

- (1) The ^{F142}Welsh Ministers^{F143} have the following general functions—
 - ^{F144}(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 ^{F145}Welsh Ministers consider 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.
 - ^{F147}(f)

^{F148}(1A)

^{F149}(1B)

- (2) The ^{F150}Welsh Ministers shall exercise ^{F151}their general functions subject to and in accordance with the provisions of this Act ^{F152}and Part I of the Housing Act 1996].
- (3) Subsection (1) is without prejudice to specific functions conferred on the ^{F153}Welsh Ministers] by or under this Act ^{F154}or Part I of the Housing Act 1996].
- (4) The ^{F155}Welsh Ministers] may do such things and enter into such transactions as are incidental to or conducive to the exercise of any of ^{F156}their] functions, general or specific, under this Act ^{F154}or Part I of the Housing Act 1996].

^{F157}(5)

^{F158}(6)

Status: Point in time view as at 14/03/2012.

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

Textual Amendments

- F141** S. 75 heading substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(8)** (with art. 6, Sch. 3)
- F142** Words in s. 75(1) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(2)(a)** (with art. 6, Sch. 3)
- F143** Word in s. 75(1) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(2)(b)** (with art. 6, Sch. 3)
- F144** 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.)
- F145** Ss. 41–51, 75(1)(d) repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**
- F146** Words in s. 75(1)(e) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(2)(c)** (with art. 6, Sch. 3)
- F147** S. 75(1)(f) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), s. 73, Sch. 2 para. 5(2), **Sch. 4**; S.I. 2005/558, art. 2, Sch. 1
- F148** S. 75(1A) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 48(3), **Sch. 4** (with art. 6, Sch. 3)
- F149** S. 75(1B) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 48(3), **Sch. 4** (with art. 6, Sch. 3)
- F150** Words in s. 75(2)-(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(4)** (with art. 6, Sch. 3)
- F151** Word in s. 75(2) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(5)** (with art. 6, Sch. 3)
- F152** Words in s. 75(2) inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(26)(a)**
- F153** Words in s. 75(2)-(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(4)** (with art. 6, Sch. 3)
- F154** Words in s. 75(3)(4) inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(26)(b)**
- F155** Words in s. 75(2)-(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(4)** (with art. 6, Sch. 3)
- F156** Word in s. 75(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 48(6)** (with art. 6, Sch. 3)
- F157** 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**
- F158** S. 75(6) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 48(7), **Sch. 4** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C14** S. 75: transfer of functions (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))

Status: Point in time view as at 14/03/2012.

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

F159 76 Directions by the Secretary of State.

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Textual Amendments

F159 S. 76 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 49, **Sch. 4** (with art. 6, Sch. 3)

76A Realisation of value of Housing Corporation’s loans portfolio.

F160

Textual Amendments

F160 S. 76A repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 4, **Sch. 2** (with Sch. 1 para. 12)

77 Advisory service.

- (1) The [^{F161}Welsh Ministers] may provide an advisory service for the purpose of giving advice on legal, architectural and other technical matters to [^{F162}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 [^{F163}Welsh Ministers] may make charges for the service.
- [^{F164}(3) The powers conferred on the Welsh Ministers by subsections (1) and (2) may be exercised by the Welsh Ministers acting jointly with the Regulator of Social Housing.]

Textual Amendments

F161 Words in s. 77(1) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 50(2)** (with art. 6, Sch. 3)

F162 Words in s. 77(1) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 15(27)**

F163 Words in s. 77(2) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 50(2)** (with art. 6, Sch. 3)

F164 S. 77(3) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 50(3)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

C15 S. 77 modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see [S.I. 2008/3068](#), art. 2(1)(b))

C16 S. 77: transfer of functions (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), **2** (see [S.I. 2008/3068](#), art. 2(1)(b))

Status: Point in time view as at 14/03/2012.

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

F165 78 Annual report.

Textual Amendments

F165 S. 78 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 5, **Sch. 2** (with Sch. 1 para. 12)

[^{F166}Relevant Authority's] powers with respect to grants and loans

Textual Amendments

F166 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.

- [^{F167}(1) The [^{F168}Welsh Ministers] may lend to a registered social landlord or an unregistered self-build society^{F169}... 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 [^{F170}Welsh Ministers] may lend to an individual for the purpose of enabling him to acquire from—
- (a) the [^{F171}Welsh Ministers], or
 - (b) [^{F172}a registered social landlord or an unregistered self-build society,]
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 [^{F173}Welsh Ministers].
- [^{F174}(4) Subject to that, the terms of a loan under this section shall be such as the Welsh Ministers determine either generally or in a particular case.]

Textual Amendments

F167 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**

F168 Words in s. 79(1) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 51(2)(a)** (with art. 6, Sch. 3)

F169 Words in s. 79(1) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 51(2)(b), **Sch. 4** (with art. 6, Sch. 3)

F170 Words in s. 79(2) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 51(3)(a)** (with art. 6, Sch. 3)

Status: Point in time view as at 14/03/2012.

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

- F171** Words in s. 79(2)(a) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 51(3)(b)** (with art. 6, Sch. 3)
- F172** S. 79(2)(b) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 51(3)(c)** (with art. 6, Sch. 3)
- F173** Words in s. 79(3) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 51(4)** (with art. 6, Sch. 3)
- F174** S. 79(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 51(5)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C17** S. 79: transfer of functions (E.W.) (1.12.2008 for specified purposes) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 2 (see S.I. 2008/3068, art. 2(1)(b))
- C18** S. 79 modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

80 Security for loans to unregistered self-build societies.

- (1) Where the ^{F175}Welsh Ministers]—
- (a) ^{F176}make] a loan to an unregistered self-build society under section 79(1); and
 - (b) under a mortgage ^{F177}... entered into by the society to secure the loan ^{F178}have] an interest as mortgagee or creditor in land belonging to the society, ^{F179}they may] ^{F180}... 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 ^{F181}Welsh Ministers continue] to have such an interest in the land.
- (3) Directions so given may be varied or revoked by subsequent directions ^{F182}... .
- ^{F183}(3A)
- (4) ^{F184}The Welsh Ministers shall not give directions under this section requiring a society to transfer its interest in land to them or any other person unless they are 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

- F175** Words in s. 80(1) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 52(2)(a)** (with art. 6, Sch. 3)
- F176** Word in s. 80(1)(a) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 52(2)(b)** (with art. 6, Sch. 3)
- F177** Words in s. 80(1)(b) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 52(2)(c)(i), **Sch. 4** (with art. 6, Sch. 3)

Status: Point in time view as at 14/03/2012.

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

- F178** Word in s. 80(1)(b) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 52(2)(c)(ii)** (with art. 6, Sch. 3)
- F179** Words in s. 80(1) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 52(2)(d)** (with art. 6, Sch. 3)
- F180** 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**
- F181** Words in s. 80(2) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 52(3)** (with art. 6, Sch. 3)
- F182** 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**
- F183** S. 80(3A) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 52(4), **Sch. 4** (with art. 6, Sch. 3)
- F184** Words in s. 80(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 52(5)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C19** S. 80: transfer of functions (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), **2** (see S.I. 2008/3068, art. 2(1)(b))
- C20** S. 80 modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

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 ^{M9}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 [^{F185}Welsh Ministers have], in exercise of any of [^{F186}their] 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

- F185** Words in s. 81(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 53(a)** (with art. 6, Sch. 3)
- F186** Word in s. 81(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 53(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C21** S. 81 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

Status: Point in time view as at 14/03/2012.

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

C22 S. 81: transfer of functions (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 2 (see S.I. 2008/3068, art. 2(1)(b))

Marginal Citations

M9 [1985 c. 68.](#)

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

Schedule 7 (further powers of [^{F187}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 ^{M10}Housing Act 1964 and the loan has not been repaid.

Textual Amendments

F187 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.

[^{F188}(1) The Welsh Ministers 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.

(2) A guarantee may be subject to terms and conditions.]

[^{F189}(3A) The aggregate amount outstanding in respect of—

(a) loans for [^{F190}which the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) have] given a guarantee under this section, and

(b) payments made [^{F191}by the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales) in] meeting an obligation arising by virtue of such a guarantee and not repaid [^{F192}to the Welsh Ministers (or National Assembly for Wales, Secretary of State or Housing for Wales)],

shall not exceed £30 million or such greater sum not exceeding £50 million [^{F193}as the Welsh Ministers may specify by order].]

[^{F194}(4) An order under subsection (3A)—

(a) shall be made by statutory instrument, and

(b) shall not be made unless, a draft of the order has been laid before, and approved by a resolution of, the National Assembly for Wales.]

Textual Amendments

F188 S. 83(1)(2) substituted for s. 83(1)-(3) (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 54\(2\)](#) (with art. 6, Sch. 3)

F189 S. 83(3A) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. III para. 34\(2\)](#)

Status: Point in time view as at 14/03/2012.

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

- F190** Words in s. 83(3A)(a) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 54(3)(a)** (with art. 6, Sch. 3)
- F191** Words in s. 83(3A)(b) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 54(3)(b)(i)** (with art. 6, Sch. 3)
- F192** Words in s. 83(3A)(b) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 54(3)(b)(ii)** (with art. 6, Sch. 3)
- F193** Words in s. 83(3A) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 54(3)(c)** (with art. 6, Sch. 3)
- F194** S. 83(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 54(4)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C23** S. 83 modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))
- C24** S. 83: transfer of functions (E.W.) (1.12.2008 for specified purposes) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 2 (see S.I. 2008/3068, art. 2(1)(b))

84 [^{F195}**Agreements to indemnify certain lenders**]

- (1) The [^{F196}Welsh Ministers] may ^{F197}. . . 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 [^{F196}Welsh Ministers][^{F198}bind themselves] 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 [^{F196}Welsh Ministers] 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—
- (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 [^{F196}Welsh Ministers][^{F199}are] treated as acquiring (for and in relation to the purposes of the mortgage) the benefit and burden of all preceding acts, omissions and events.
- ^{F200}(4)
- (5) [^{F201}The Welsh Ministers shall, before entering into an agreement in a form about which they have not] previously consulted under this subsection, consult—

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- (a) in the case of a form of agreement with a building society, the [^{F202}Financial Services Authority] and such organisations representative of building societies and local authorities as [^{F203}they think] 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 [^{F203}they think] expedient.

^{F204}(6)

Textual Amendments

- F195** S. 84 heading substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(7)** (with Sch. 1 para. 12)
- F196** Words in s. 84 substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(2)** (with Sch. 1 para. 12)
- F197** 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**
- F198** Words in s. 84(1) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(3)** (with Sch. 1 para. 12)
- F199** Word in s. 84(3)(b) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(4)** (with Sch. 1 para. 12)
- F200** S. 84(4) repealed (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), Sch. 1 para. 6(5), **Sch. 2** (with Sch. 1 para. 12)
- F201** Words in s. 84(5) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(6)(a)** (with Sch. 1 para. 12)
- F202** Words in s. 85(5)(a) substituted (1.12.2001) by S.I. 2001/3649, **art. 301**
- F203** Words in s. 84(5)(a)(b) substituted (1.4.2009) by The Housing Corporation (Dissolution) Order 2009 (S.I. 2009/484), art. 1(3), **Sch. 1 para. 6(6)(b)** (with Sch. 1 para. 12)
- F204** S. 84(6) repealed (1.3.2000) by S.I. 2000/311, **art. 16**

Modifications etc. (not altering text)

- C25** 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 [^{F205}Welsh Ministers]^{F206} . . .
- (3) Before making such an order varying or revoking an order previously made, the [^{F205}Welsh Ministers] 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.

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- (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,
 - [^{F207}the Welsh Ministers so far as they are or were exercising functions in relation to property transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981,]
 - an urban development corporation,
 - ^{F208}
 - ^{F209}, or
 - a [^{F210}registered social landlord]. [^{F211} or an advance made to such a person by the [^{F205}Welsh Ministers] 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 ^{M11}Housing Act 1985 (the right to buy).

Textual Amendments

- F205** Words in s. 85(2)(3)(4) substituted (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 7(2)** (with Sch. 1 para. 12)
- F206** 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.)
- F207** Words in s. 85(4) inserted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 1(2), **Sch. 1 para. 34** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))
- F208** 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
- F209** Words in s. 85(4) omitted (1.4.2009) by virtue of [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 7(3), **Sch. 2** (with Sch. 1 para. 12)
- F210** Words in s. 85(4) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(30)**
- F211** 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)

- C26** 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**
- C27** 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.

Status: Point in time view as at 14/03/2012.

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

86 Agreements to indemnify building societies: Scotland.

- (1) [^{F212}Scottish Homes] may, with the approval of the Secretary of State, enter into an agreement with a building society [^{F213}or recognised body] under which [^{F212}Scottish Homes] binds itself to indemnify the building society [^{F213}or recognised body] in respect of—
- (a) the whole or part of any outstanding indebtedness of a borrower; and
 - (b) loss or expense to the building society [^{F213}or recognised body] resulting from the failure of the borrower duly to perform any obligation imposed on him by [^{F214}a] heritable security.
- (2) The agreement may also, where the borrower is made party to it, enable or require [^{F212}Scottish Homes] in specified circumstances to take an assignation of the rights and liabilities of the building society [^{F215}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 [^{F212}Scottish Homes] and with the [^{F216}Financial Services Authority].
- ^{F217}(5)
- [^{F218}(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

- F212** Words in s. 86(1)(2)(4) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(6)**
- F213** Words inserted by [Housing \(Scotland\) Act 1986](#) (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)(a)(i)**
- F214** “a” substituted by [Housing \(Scotland\) Act 1986](#) (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)(a)(ii)**
- F215** Words inserted by [Housing \(Scotland\) Act 1986](#) (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)(b)**
- F216** Words in s. 86(4) substituted (1.12.2001) by S.I. 2001/3649, **art. 302**
- F217** S. 86(5) repealed (1.3.2000) by S.I. 2000/311, **art. 16**
- F218** S. 86(6)(7) added by [Housing \(Scotland\) Act 1986](#) (c. 65, SIF 61), s. 25(1), **Sch. 2 para. 4(6)(d)**

[^{F219}87 Financial assistance with respect to formation, management, etc. of certain housing associations.

- [The [^{F221}Welsh Ministers] may give financial assistance to any person to facilitate
- ^{F220}(1) the proper performance of the functions of registered social landlords or co-operative housing associations.]

Status: Point in time view as at 14/03/2012.

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

- (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 [^{F222}Welsh Ministers consider appropriate, except that they] may not, in giving any form of financial assistance [^{F223}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,
 - (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 [^{F224}Welsh Ministers]^{F225}
- (4) In giving assistance under this section, the [^{F226}Welsh Ministers] may provide that the assistance is conditional upon compliance by the person to whom the assistance is given with such conditions as [^{F227}they] 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 [^{F228}registered][^{F229}relevant housing association] to which the grant has been given, of a reference to the person to whom assistance is given under this section.

^{F230}(6)]

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

- F219** S. 87 substituted by Local Government and Housing Act 1989 (c. 42 SIF 61), s.183
- F220** 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.)
- F221** Words in s. 87(1) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 55(2)** (with art. 6, Sch. 3)
- F222** Words in s. 87(2) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 55(3)** (with art. 6, Sch. 3)
- F223** 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**
- F224** Words in s. 87(3) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 55(4)** (with art. 6, Sch. 3)
- F225** Words in s. 87(3) repealed (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), s. 270(3)(b), Sch. 11 para. 1(a), **Sch. 16**
- F226** Words in s. 87(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 55(5)(a)** (with art. 6, Sch. 3)

Status: Point in time view as at 14/03/2012.

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

- F227** Word in s. 87(4) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 55(5)(b)** (with art. 6, Sch. 3)
- F228** 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))
- F229** Words in s. 87(5) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 55(6)** (with art. 6, Sch. 3)
- F230** S. 87(6) repealed (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), s. 270(3)(c), Sch. 11 para. 1(b), **Sch. 16**

Modifications etc. (not altering text)

- C28** S. 87: transfer of functions (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 2 (see [S.I. 2008/3068](#), art. 2(1)(b))

[^{F231}Relevant Authority's] powers with respect to land and works

Textual Amendments

- F231** 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.

- (1) The [^{F232}Welsh Ministers] may acquire land by agreement for the purpose of—
- (a) selling or leasing it to a [^{F233}registered social landlord] or an unregistered self-build society, or
 - (b) providing dwellings (for letting or for sale) or hostels,
- [^{F234}and the Welsh Ministers may acquire land compulsorily for any such purpose.]

- (2) Land may be so acquired by the [^{F235}Welsh Ministers] notwithstanding that it is not immediately required for any such purpose.

- [^{F236}(3) The Acquisition of Land Act 1981 applies to the compulsory purchase of land under this section.]

^{F237}(4)

^{F237}(5)

Textual Amendments

- F232** Words in s. 88(1) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 8(2)(a)** (with Sch. 1 para. 12)
- F233** Words in s. 88(1) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 15(31)**
- F234** Words in s. 88(1) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 8(2)(b)** (with Sch. 1 para. 12)
- F235** Words in s. 88(2) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 8(3)** (with Sch. 1 para. 12)
- F236** S. 88(3) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 8(4)** (with Sch. 1 para. 12)

Status: Point in time view as at 14/03/2012.

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

F237 S. 88(4)(5) repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 8(5), **Sch. 2** (with Sch. 1 para. 12)

89 Provision of dwellings or hostels and clearance, management and development of land.

- (1) The [^{F238}Welsh Ministers] may provide or improve dwellings or hostels on land belonging [^{F239}to them].
- (2) The [^{F238}Welsh Ministers] may clear land belonging [^{F239}to them] 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 [^{F238}Welsh Ministers] may repair, maintain and insure buildings or works on land belonging [^{F239}to them], 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 [^{F238}Welsh Ministers] may carry out such operations on, and do such other things in relation to, land belonging [^{F239}to them] as appear [^{F239}to them] to be conducive to facilitating the provision or improvement of dwellings or hostels on the land—
 - (a) by the [^{F238}Welsh Ministers][^{F240}themselves], or
 - (b) by a [^{F241}registered social landlord] or unregistered self-build society.
- (5) In the exercise of [^{F242}their] powers under subsection (4) the [^{F238}Welsh Ministers] 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.

Textual Amendments

- F238** Words in s. 89 substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 9(2)** (with Sch. 1 para. 12)
- F239** Words in s. 89 substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 9(3)** (with Sch. 1 para. 12)
- F240** Word in s. 89(4)(a) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 9(4)** (with Sch. 1 para. 12)
- F241** Words in s. 89(4)(b) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. para. 15(32)**
- F242** Word in s. 89(5) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 9(5)** (with Sch. 1 para. 12)

90 Disposal of land.

- (1) The [^{F243}Welsh Ministers] may dispose of land in respect of which [^{F244}they have] not exercised [^{F245}their powers] under section 89(1) (provision or improvement of dwellings or hostels) and on which [^{F244}they have] not carried out any such development as is mentioned in section 89(5) [^{F246}(ancillary development)] to a registered social landlord or an unregistered self-build society [^{F247}....]
- (2) The [^{F248}Welsh Ministers] may dispose of land on which dwellings or hostels have been provided or improved in exercise of [^{F249}their powers] under section 89 to—

Status: Point in time view as at 14/03/2012.

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

a [^{F250}registered social landlord],
 a local authority,
 a new town corporation^{F251}, or
 Scottish Homes;
^{F252}

[^{F253}(3) The Welsh Ministers may sell or lease individual dwellings to persons for those persons to occupy.]

[^{F253}(4) The Welsh Ministers 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.]

[^{F253}(5) The Welsh Ministers may dispose of land which is not required for the purposes for which it was acquired.]

Textual Amendments

F243 Words in s. 90(1) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(2)(a)** (with Sch. 1 para. 12)

F244 Words in s. 90(1) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(2)(b)** (with Sch. 1 para. 12)

F245 Words in s. 90(1) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(2)(c)** (with Sch. 1 para. 12)

F246 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**

F247 Words in s. 90(1) omitted (E.W.) (1.4.2009) by virtue of [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(2)(d)** (with Sch. 1 para. 12)

F248 Words in s. 90(2) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(3)(a)** (with Sch. 1 para. 12)

F249 Words in s. 90(2) substituted (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(3)(b)** (with Sch. 1 para. 12)

F250 Words in s. 90(2) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 15(33)**

F251 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**

F252 Words in s. 90(2) omitted (E.W.) (1.4.2009) by virtue of [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(3)(c)**, **Sch. 2** (with Sch. 1 para. 12)

F253 S.90(3)-(5) substituted for s. 90(3)-(6) (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 10(4)** (with Sch. 1 para. 12)

^{F254}91 Protection of persons deriving title under transactions requiring consent.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), **Sch. 1 para. 11**, **Sch. 2** (with Sch. 1 para. 12)

Status: Point in time view as at 14/03/2012.

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

The ^{F255}Relevant Authority's] finances

Textual Amendments

F255 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**

^{F254}92 Borrowing powers.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by **The Housing Corporation (Dissolution) Order 2009** (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

^{F254}93 Limit on borrowing.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by **The Housing Corporation (Dissolution) Order 2009** (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

^{F254}94 Treasury guarantees of borrowing.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by **The Housing Corporation (Dissolution) Order 2009** (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

^{F254}95 Grants to the Housing Corporation.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by **The Housing Corporation (Dissolution) Order 2009** (S.I. 2009/484), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

^{F254}96 General financial provisions.

.....

Status: Point in time view as at 14/03/2012.

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

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F254 97 Accounts and audit.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

Acquisition of securities and control of subsidiaries

F254 98 Acquisition of securities and promotion of body corporate.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F254 99 Control of subsidiaries.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

Supplementary provisions

F256 F254 100 Scottish Special Housing Association may act as agents for Relevant Authority in Scotland.

.....

Textual Amendments

F254 Ss. 91-100 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 1(3), Sch. 1 para. 11, **Sch. 2** (with Sch. 1 para. 12)

F256 S. 100 repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. **25(2)**, Sch. 3

Status: Point in time view as at 14/03/2012.

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

101 Minor definitions.

In this Part—

[^{F257}“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 the meaning given by [^{F258}section 1159 of the Companies Act 2006].

Textual Amendments

F257 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)

F258 Words in s. 101 substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 63(2)** (with art. 10)

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

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
^{F259}	^{F259}
.
[^{F260} co-operative housing association	section 1]
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)
[^{F261} registered social landlord	section 2B]
relevant advance	section 85(4)
self-build society	section 1(3)
subsidiary	section 101

Status: Point in time view as at 14/03/2012.

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

[^{F262}unregistered (in relation to a housing association) section 2B]

urban development corporation section 106

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

F259 S. 102 entry omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 63(3)** (with art. 10)

F260 S. 102: definition inserted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 34(a)**

F261 S. 102: definition substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 34(b)**

F262 S. 102: definition substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 34(c)**

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):—

building society	section 101
^{F259}	^{F259}
...	...
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

Status: Point in time view as at 14/03/2012.

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

unregistered (in relation to a housing association) section 3(2)

urban development corporation section 106

Extent Information

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

Textual Amendments

F259 S. 102 entry omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 63(3)** (with art. 10)

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 ^{M12}Housing Act 1985, and
 - (b) in relation to Scotland, means [^{F263}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 [^{F264}area of a council mentioned in subsection (1)(b) above].

Textual Amendments

F263 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)**

F264 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)**

Status: Point in time view as at 14/03/2012.

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

Marginal Citations

M12 1985 c. 68.

105 Members of a persons family

- [^{F265}(1) A person is a member of another's family if—
- (a) he is the spouse [^{F266}or civil partner] of that person, or he and that person live together as husband and wife, [^{F267}or in a relationship which has the characteristics of the relationship between civil partners] or
 - (b) he is that person's parent, grandparent, child, grand- child, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purposes of subsection (1)(b)—
- (a) a relationship by marriage [^{F268} or civil partnership] shall be treated as a relation- ship by blood,
 - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
 - (c) the stepchild of a person shall be treated as his child, and
 - (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.]

Textual Amendments

- F265** S. 105 repealed (E.W.) (1.10.1996) by [S.I. 1996/2325](#), art. 4(1), Sch. 1 Pt. I (with savings in art. 4(2)(3))
- F266** Words in s. 105(1)(a) inserted (S.) (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 52\(2\)\(a\)](#); [S.S.I. 2005/604](#), arts. 2(c), 4
- F267** Words in s. 105(1)(a) inserted (S.) (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 52\(2\)\(b\)](#); [S.S.I. 2005/604](#), arts. 2(c), 4
- F268** Words in s. 105(2)(a) inserted (S.) (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 52\(3\)](#); [S.S.I. 2005/604](#), arts. 2(c), 4

106 Minor definitions — general.

- (1) In the application of this Act in England and Wales—
- [^{F269}“bank” means—
 - (a) [^{F270}an institution authorised under the Banking Act 1987, or]
 - (b) a company as to which the Secretary of State was satisfied immediately before the repeal of the ^{M13}Protection of Depositors Act 1963 that it ought to be treated as a banking company or discount company for the purposes of that Act;]
 - [^{F269}“the Companies Act” means the ^{M14}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;
 - [^{F269}“friendly society” means a friendly society or branch of a friendly society registered under the ^{M15}Friendly Societies Act 1974 or earlier legislation;]

Status: Point in time view as at 14/03/2012.

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

“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;

^{F271}

[^{F269}“insurance company” means an insurance company to which Part II of the ^{M16}Insurance Companies Act 1982 applies;]

“local authority” means a county, [^{F272}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 [^{F273}section 84(5)] includes ^{F274}... a joint authority established by Part IV of the ^{M17}Local Government Act 1985 [^{F275}, an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act][^{F276} and the London Fire and Emergency Planning Authority][^{F277}and in section 85(4) includes such a joint authority]^{F278}such an economic prosperity board, such a combined authority,][^{F276}the London Fire and Planning Authority][^{F279}, a police and crime commissioner and the Mayor's Office for Policing and Crime];

“new town corporation” means [^{F280}the Commission for the New Towns or] a development corporation within the meaning of the ^{M18}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;

[^{F269}“trustee savings bank” means a trustee savings bank registered under the ^{M19}Trustee Savings Bank Act 1981 or earlier legislation;]

“urban development corporation” means an urban development corporation established under Part XVI of the ^{M20}Local Government, Planning and Land Act 1980.

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

[^{F281}“bank” has the same meaning as in subsection (1);]

“charge” includes a heritable security;

^{F282}

“dwelling” means a house;

[^{F281}“friendly society” has the same meaning as in subsection (1);]

[^{F283}“heritable security” means any security capable of being constituted over any [^{F284}land, or real right in land, by disposition of the land, or assignation of the real right,] 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

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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;

[^{F285}“housing activities” has the same meaning as in subsection (1);]

[^{F281}“insurance company” has the same meaning as in subsection (1);]

“local authority” means [^{F286}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 ^{M21}New Towns (Scotland) Act 1968;

^{F287}

[^{F281}“trustee savings bank” has the same meaning as in subsection (1).]

^{F288}(3)

Textual Amendments

F269 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))

F270 Words substituted by **Banking Act 1987** (c. 22, SIF 10), s. 108(1), **Sch. 6 para. 22**

F271 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))

F272 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**

F273 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.**

F274 Words repealed by **Education Reform Act 1988** (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

F275 Words in s. 106 inserted (17.12.2009) by **Local Democracy, Economic Development and Construction Act 2009** (c. 20), s. 148(6), **Sch. 6 para. 69(a)**; S.I. 2009/3318, art. 2(c)

F276 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)**

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- F277** 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.**
- F278** Words in s. 106 inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 69(b)**; S.I. 2009/3318, **art. 2(c)**
- F279** Words in s. 106(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 169**; S.I. 2011/3019, **art. 3**, **Sch. 1** (with **Sch. 2 para. 48**)
- F280** Words in s. 106(1) omitted (E.W.) (1.12.2008) by virtue of The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), **art. 1(2)**, **Sch. 1 para. 35**, **Sch. 3** (with **Sch. 2**) (see S.I. 2008/3068, **art. 2(1)(b)**)
- F281** 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)**)
- F282** Words in s. 106(2) omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), **art. 1(2)**, **Sch. 1 para. 63(4)** (with **art. 10**)
- F283** Definition repealed (S.) by Housing (Scotland) Act 1986 (c. 65, SIF 61), s. 25(2), **Sch. 3**
- F284** Words in s. 106(2) substituted (S.) (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), **sch. 12 para. 47** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F285** 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)**)
- F286** 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)**
- F287** Definition 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**)
- F288** 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**)

Modifications etc. (not altering text)

- C29** 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

- M13** 1963 c. 16.
M14 1985 c. 6.
M15 1974 c. 46.
M16 1982 c. 50.
M17 1985 c. 51.
M18 1981 c. 64.
M19 1981 c. 65.
M20 1980 c. 65.
M21 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,

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F289

.....
 section 8(2) and (3),
 sections 11 and 12,
 section [F290 17(4)],
 section 18,
 section 20,
 section 31,
 sections 34 to 36,
 section 38,

F291

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.....
 section 58,
 section 67,
 section 69(3),
 section 81,
 sections 84 and 85,
 section 103,
 [F292 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.

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

[F293 F294
 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.

Textual Amendments

F289 Entry repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 18**

F290 “17(4)” repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(2), **Sch. 3**

F291 Entry repealed by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140(2), **Sch. 18**

F292 Words repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(2), **Sch. 3**

F293 Words inserted (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(1), **Sch. 2 para. 4(8)(b)**

F294 Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**

Status:

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Changes to legislation:

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