



# Housing Associations Act 1985

## 1985 CHAPTER 69

### PART I

#### REGULATION OF HOUSING ASSOCIATIONS

##### *Disposal of land*

#### **8 Power of registered housing associations to dispose of land.**

- (1) Without prejudice to the provisions of Part V of the <sup>M1</sup>Housing Act 1985 (the right to buy [<sup>F1</sup>and [<sup>F2</sup>Part III of the <sup>M2</sup>Housing (Scotland) Act 1987] (analogous Scottish provisions)]), every registered housing association has power, subject to section 9 (control by [<sup>F3</sup>Corporation] of land transactions), by virtue of this section but not otherwise, to dispose, in such manner as it thinks fit, of land held by it.
- (2) Section 39 of the <sup>M3</sup>Settled Land Act 1925 (disposal of land by trustees) does not apply to the disposal of land by a registered housing association; and accordingly the disposal need not be for the best consideration in money that can reasonably be obtained.
- (3) Nothing in subsection (2) shall be taken to authorise any action on the part of a charity which would conflict with the trusts of the charity.

#### **Textual Amendments**

- F1** Words inserted (S.) by [Housing \(Scotland\) Act 1986](#) (c. 65, SIF 61), s. 25(1), [Sch. 2 para. 4\(2\)](#)
- F2** Words substituted (S.) by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(2), [Sch. 23 para. 31\(1\)](#)
- F3** Words substituted by [Housing Act 1988](#) (c. 50, SIF 61), s. 59(2)(3)(4), [Sch. 6 Pt. 1 para. 2](#)

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

- C1** [Ss. 4, 8](#) modified by [Housing Act 1988](#) (c. 50, SIF 61), s. [58\(3\)\(4\)](#)

#### **Marginal Citations**

- M1** [1985 c.68 \(61\)](#).

*Status: Point in time view as at 01/02/1991.*

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

**M2** 1987 c.26 (61).

**M3** 1925 c. 18.

## 9 Control by [<sup>F4</sup>Corporation] of dispositions of land by housing associations.

[<sup>F5</sup>(1) Subject to section 10 and sections 81(7), 105(6), and 133(7) of the Housing Act 1988, the consent of the Corporation is required for any disposition of land by a registered housing association.

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

- (a) if the land is in England, the Housing Corporation;
- (b) if the land is in Scotland, Scottish Homes; and
- (c) if the land is in Wales, Housing for Wales.]

(2) The consent of the Corporation 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 [<sup>F6</sup>consent] under this section is valid in favour of a person claiming under the association notwithstanding that [<sup>F6</sup>that consent] has not been given; and a person dealing with the association, or with a person claiming under the association, shall not be concerned to see or inquire whether any such consent has been given.

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

(4) Where at the time of its removal from the register under section 6(2) (removal of bodies no longer eligible for registration or defunct) a body owns land, this section continues to apply to that land after the removal as if the body concerned continued to be a registered housing association.

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

[<sup>F7</sup>(6) References in this section to consent are references,—

- (a) in the case of the Housing Corporation or Housing for Wales, to consent given by order under the seal of the Corporation; and
- (b) in the case of Scottish Homes, to consent in writing.]

### Textual Amendments

**F4** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), Sch. 6 Pt. I para. 2

**F5** S. 9(1)(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)

**F6** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), Sch. 6 Pt. I para. 7(2)(a)(b)

**F7** S. 9(6) added by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), Sch. 6 Pt. I para. 7(3)

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

- 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.

## 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 section 29 of the <sup>M4</sup>Charities Act 1960 it cannot be made without an order of the court or the Charity Commissioners; but [<sup>F8</sup>before making an order in such a case the Charity Commissioners shall consult,—
- (a) in the case of dispositions of land in England, the Housing Corporation;
  - (b) in the case of dispositions of land in Scotland, Scottish Homes; and
  - (c) in the case of dispositions of land in Wales, Housing for Wales.]
- (2) A letting by a registered housing association, or by an unregistered housing association which is a housing trust, is not within section 9 if it is—
- (a) a letting of land under a secure tenancy, or
  - (b) a letting of land under what would be a secure tenancy but for any of paragraphs 2 to 12 of [<sup>F9</sup>Schedule 3 to the Housing Act 1985][<sup>F9</sup>Schedule 1 to the Housing Act 1985] or paragraphs [<sup>F10</sup>paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987](tenancies excepted from being secure tenancies for reasons other than that they are long leases) [<sup>F11</sup>or
  - (c) a letting of land under an assured tenancy or an assured agricultural occupancy, or
  - (d) a letting of land in England or Wales under what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8 of Schedule 1 to the Housing Act 1988, or
  - (e) a letting of land in Scotland under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of Schedule 4 to the Housing (Scotland) Act 1988.]
- (3) The grant by an unregistered housing association which does not satisfy the landlord condition in section 80 of the Housing Act 1985 (bodies which are capable of granting secure tenancies) of a lease for a term ending within the period of seven years and three months beginning on the date of the grant is not within section 9 unless—
- (a) there is conferred on the lessee (by the lease or otherwise) an option for renewal for a term which, together with the original term, would expire outside that period, or
  - (b) the lease is granted wholly or partly in consideration of a fine.
- (4) In subsection (3) the expression “lease” includes an agreement for a lease and a licence to occupy, and the expressions “grant” and “term” shall be construed accordingly.

#### Textual Amendments

- F8** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), Sch. 6 Pt. I para. 8(1)

*Status: Point in time view as at 01/02/1991.*

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

- F9** Words beginning “Schedule 1” substituted (E.W.) (*retrospectively* 1.4.1986) for words beginning “Schedule 3” by [Housing and Planning Act 1986 \(c. 63, SIF 61\), s. 24\(1\), Sch. 5 Pt. I para. 10\(6\)\(9\)](#)
- F10** Words “1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987” substituted (E.W.S) 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\(2\)](#)
- F11** “or” and s. 10(2)(c)–(e) inserted by [Housing Act 1988 \(c. 50, SIF 61\), s. 59\(2\)\(3\)\(4\), Sch. 6 Pt. I para. 8\(2\)](#)

**Marginal Citations**

**M4** [1960 c. 58.](#)

**11 Further provisions as to certain disposals of houses.**

Schedule 2 applies in relation to a disposal of a house under section 8 where—

- (a) a discount is given to the purchaser, or
- (b) the house is situated in a National Park, an area designated under section 87 of the National Parks and Access to the <sup>M5</sup>Countryside Act 1949 as an area of outstanding beauty, or an area designated as a rural area by order under section 157 of the <sup>M6</sup>Housing Act 1985.

**Marginal Citations**

**M5** [1949 c. 97.](#)

**M6** [1985 c. 68.](#)

**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.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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