



Housing Associations Act 1985

1985 CHAPTER 69

PART I

REGULATION OF HOUSING ASSOCIATIONS

Disposal of land

^{F1}8

Textual Amendments

^{F1} S. 8 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt.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)

[^{F3}9 **Control by [^{F2}Corporation] of dispositions of land by housing associations.**

^{F4}(1)

[Subject to section 10, the consent of the relevant Corporation is required for any ^{F5}(1A) disposition of grant-aided land (as defined in Schedule 1) by an unregistered housing association; and for this purpose “the relevant Corporation” means,—

- (a) if the land is in England, the Housing Corporation;
- (b) if the land is in Scotland, Scottish Homes; and
- (c) if the land is in Wales, [^{F6}the Secretary of State].]

(2) [^{F7}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;

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and may be given subject to conditions.

- (3) A disposition by a housing association which requires [^{F8}consent] under this section is valid in favour of a person claiming under the association notwithstanding that [^{F8}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).

^{F9}(4)

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

[References in this section to consent are references,—

- ^{F10}(6) (a) in the case of the Housing Corporation ^{F11}. . . , to consent given by order under the seal of the Corporation; and
(b) in the case of [^{F12}the Secretary of State or]Scottish Homes, to consent in writing.]

Textual Amendments

- F2** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 2**
- F3** S. 9 repealed (S.) (1.11.2001) by [2001 asp 10](#), s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, art. 2, **Sch.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)
- F4** 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.](#))
- F5** 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)**
- F6** Words in s. 9(1A)(c) substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 24(2)** (with ss. [139\(2\)](#), [143\(2\)](#)); S.I. 1998/2244, **art. 5**
- F7** Words in s. 9(2) substituted (1.10.1996) by S.I. 1996/2325, art. 15(1), **Sch. 2 para. 15(10)**
- F8** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 7(2)(a)(b)**
- F9** 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.](#))
- F10** S. 9(6) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 7(3)**
- F11** Words in s. 9(6)(a) repealed (1.11.1998) by [1998 c. 38](#), ss. 140, 152, [Sch. 16 para. 24\(3\)\(a\)](#), **Sch. 18 Pt. VI** (with ss. [137\(1\)](#), [139\(2\)](#), [141\(1\)](#), [143\(2\)](#)); S.I. 1998/2244, **art. 5**
- F12** Words in s. 9(6)(b) inserted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 24(3)(b)** (with ss. [139\(2\)](#), [143\(2\)](#)); S.I. 1998/2244, **art. 5**

Modifications etc. (not altering text)

- C1** S. 9: 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**.

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- 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))
- C5** S. 9(6)(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))

[^{F13}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 [^{F14}sections 36 and 38 of the Charities Act 1993] it cannot be made without an order of the court or the [^{F15}Charity Commission] ; but [^{F16}before making an order in such a case the [^{F15}Charity Commission] 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, [^{F17}the Secretary of State].]
- (2) A letting ^{F18} . . . 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 [^{F19}Schedule 1 to the Housing Act 1985] or [^{F20}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) [^{F21}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

- F13** 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)
- F14** Words in s. 10(1) substituted (1.8.1993) by [1993 c. 10](#), ss. 98(1), 99(1), **Sch. 6 para. 21(2)**.

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- F15** 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.
- F16** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(1)**
- F17** Words in s. 10(1)(c) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 25**; S.I. 1998/2244, **art. 5**
- F18** 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))
- F19** 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)**
- F20** 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)**
- F21** 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)**

Modifications etc. (not altering text)

- C6** 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))
- C7** 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))

F22¹¹

Textual Amendments

- F22** 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)

[^{F23}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

- F23** 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)

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