



# Housing Associations Act 1985

## 1985 CHAPTER 69

### PART I

#### REGULATION OF HOUSING ASSOCIATIONS

##### *Disposal of land*

<sup>F1</sup>8 .....

#### Textual Amendments

<sup>F1</sup> S. 8 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt.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)

[<sup>F3</sup>9 [<sup>F2</sup>Control of disposals by unregistered housing associations]

<sup>F4</sup>(1) .....

[ Subject to section 10, the consent of [<sup>F6</sup>the relevant regulator] is required for any <sup>F5</sup>(1A) disposition of grant-aided land (as defined in Schedule 1) by an unregistered housing association; and for this purpose “[<sup>F6</sup>the relevant regulator]” means,—

- [<sup>F7</sup>(a) if the land is in England, the Regulator of Social Housing, and
- (b) if the land is in Wales, the Welsh Ministers.]]

(2) [<sup>F8</sup>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.

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*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)*

- (3) A disposition by a housing association which requires [<sup>F9</sup>consent] under this section is valid in favour of a person claiming under the association notwithstanding that [<sup>F9</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).

<sup>F10</sup>(4) . . . . .

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

[<sup>F11</sup>(6) Consent under this section must be in writing.]]

#### Textual Amendments

- F2** 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.)
- 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) 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.)
- F7** 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.)
- F8** Words in s. 9(2) substituted (1.10.1996) by S.I. 1996/2325, art. 15(1), **Sch. 2 para. 15(10)**
- F9** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 7(2)(a)(b)**
- F10** 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.)
- F11** 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))

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## [<sup>F12</sup>10 Dispositions excepted from s. 9.

- (1) A disposition by an unregistered housing association which is a charity is not within section 9 if by virtue of [<sup>F13</sup>sections 117 to 121 and 124 of the Charities Act 2011] it cannot be made without an order of the court or the [<sup>F14</sup>Charity Commission]; but [<sup>F15</sup>before making an order in such a case the [<sup>F14</sup>Charity Commission] shall consult,—
  - [<sup>F16</sup>(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 <sup>F17</sup>... by an unregistered housing association which is a housing trust, is not within section 9 if it is—
  - (a) a letting of land under a secure tenancy, or
  - (b) a letting of land under what would be a secure tenancy but for any of paragraphs 2 to 12 of [<sup>F18</sup>Schedule 1 to the Housing Act 1985] or [<sup>F19</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>F20</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, <sup>F21</sup>...
  - <sup>F21</sup>(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

- F12** 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)
- F13** 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)
- F14** 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.
- F15** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(1)**
- F16** 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.)
- F17** 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))
- F18** 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)**

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- F19** 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\(2\)](#)
- F20** 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\(2\)](#)
- F21** 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\(1\)\(b\)\)](#)

**F22** **11** .....

**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)

**[**<sup>F23</sup>**12** **Avoidance of certain disposals of houses without consent.**

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

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

**Textual Amendments**

- 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)

**Status:**

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