



Housing Associations Act 1985

1985 CHAPTER 69

PART I

REGULATION OF HOUSING ASSOCIATIONS

Miscellaneous

^{F1}33

Textual Amendments

F1 S. 33 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt.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)

^{F2}33A **Provision of services between the Corporations.**

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Textual Amendments

F2 S. 33A repealed (1.4.2010) by **Housing and Regeneration Act 2008** (c. 17), ss. 64(3), 325(1), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with **Sch.**)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 [^{F3}in England] which in the opinion of the Secretary of State are required and the local housing authority in whose district the houses are proposed to be built are unwilling to acquire land with a view to selling

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

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 ^{M1}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

F3 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

M1 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—
- [^{F4}(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);]
 - [^{F5}(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 [^{F6}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 [^{F7}sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land)] where the housing trust is a charity.

Textual Amendments

F4 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)

F5 S. 35(2)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(20)**

F6 Word substituted by [Housing Act 1988](#) (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 2**

F7 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
 - (b) that the expediting of any such legal proceedings is requisite or desirable,

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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.

^{F8}**36A**

Textual Amendments

F8 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)

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