



# Housing Associations Act 1985

## 1985 CHAPTER 69

### PART I

#### REGULATION OF HOUSING ASSOCIATIONS

##### *Registration*

### 3 The register.

- (1) A register of housing associations shall be maintained by <sup>[F1]</sup>each of the Corporations] and shall be open to inspection at the head office of the Corporation <sup>[F2]</sup>by which it is maintained] at all reasonable times.

<sup>[F3]</sup>(1A) In this Act “register”, in relation to the Corporation, means the register maintained by the Corporation under this section.]

- (2) In this Act “registered” and “unregistered”, and other references to registration, in relation to a housing association, refer to registration in the register . . . <sup>F4</sup>.

#### Textual Amendments

- F1** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. I para. 3\(1\)\(a\)](#)  
**F2** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. I para. 3\(1\)\(b\)](#)  
**F3** [S. 3\(1A\)](#) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. I para. 3\(2\)](#)  
**F4** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), ss. 59(2)(3)(4), 140(2), [Sch. 6 Pt. 1 para. 3\(3\)](#), [Sch. 18](#)

### 4 Eligibility for registration.

- (1) A housing association is eligible for registration if it is—  
(a) a registered charity, or  
(b) a society registered under the 1965 Act which fulfils the following conditions.

*Status: Point in time view as at 01/02/1991.*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: Registration. (See end of Document for details)*

- (2) The conditions are that the association does not trade for profit and is established for the purpose of, or has among its objects or powers, the provision, construction, improvement or management of—
- (a) houses to be kept available for letting, or
  - (b) houses for occupation by members of the association, where the rules of the association restrict membership to persons entitled or prospectively entitled (as tenants or otherwise) to occupy a house provided or managed by the association, or
  - (c) hostels,
- and that any additional purposes or objects are among the following.
- [<sup>F5</sup>(3) The permissible additional purposes or objects are—
- (a) providing land, amenities or services, or providing, constructing, repairing or improving buildings, for the benefit of the association’s residents, either exclusively or together with other persons;
  - (b) acquiring, or repairing and improving, or creating by the conversion of houses or other property, houses to be disposed of on sale, on lease or on shared ownership terms;
  - (c) constructing houses to be disposed of on shared ownership terms;
  - (d) managing houses which are held on leases or other lettings (not being houses falling within subsection (2)(a) or (b) ) or blocks of flats;
  - (e) providing services of any description for owners or occupiers of houses in arranging or carrying out works of maintenance, repair or improvement, or encouraging or facilitating the carrying out of such works;
  - (f) encouraging and giving advice on the formation of other housing associations or providing services for, and giving advice on the running of, such associations and other voluntary organisations concerned with housing, or matters connected with housing.
- (4) A housing association shall not be ineligible for registration by reason only that its powers include power—
- (a) to acquire commercial premises or businesses as an incidental part of a project or series of projects undertaken for purposes or objects falling within subsection (2) or (3);
  - (b) to repair, improve or convert any commercial premises acquired as mentioned in paragraph (a) or to carry on, for a limited period, any business so acquired;
  - (c) to repair or improve houses, or buildings in which houses are situated, after the tenants have exercised, or claimed to exercise, acquisition rights;
  - (d) to acquire houses to be disposed of at a discount to tenants to whom section 58 of the Housing Act 1988 applies (tenants of charitable housing associations etc.).
- (5) In this section—
- “acquisition right” means—
- (a) in England and Wales, the right to buy or the right to be granted a shared ownership lease under Part V of the Housing Act 1985;
  - (b) in Scotland, a right to purchase under section 61 of the Housing (Scotland) Act 1987;
- “block of flats” means a building—
- (a) containing two or more flats which are held on leases or other lettings; and

*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: Registration. (See end of Document for details)*

- (b) occupied or intended to be occupied wholly or mainly for residential purposes;  
“disposed of on shared ownership terms” means—
  - (a) in England and Wales, disposed of on a shared ownership lease;
  - (b) in Scotland, disposed of under a shared ownership agreement;
- “letting” includes the grant—
  - (a) in England and Wales, of a licence to occupy;
  - (b) in Scotland, of a right or permission to occupy;
- “residents”, in relation to a housing association, means the persons occupying the houses or hostels provided or managed by the association;
- “voluntary organisation” means an organisation whose activities are not carried on for profit.]

#### Textual Amendments

- F5** S. 4(3)–(5) substituted for s. 4(3)(4) (s. 4(4) having been inserted by [Landlord and Tenant Act 1987](#) (c. 31, SIF 75:1), **s. 45(3)** which section 45 was subsequently repealed by [Housing Act 1988](#) (c. 50, SIF 61), s. 140(2), **Sch. 18**) by [Housing Act 1988](#) (c. 50, SIF 61) s. 48(1)

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

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

## 5 Registration.

- (1) The [<sup>F6</sup>Corporation] register any housing association which is eligible for registration but—
  - (a) the Corporation shall establish criteria which should be satisfied by a housing association seeking registration, and
  - (b) in deciding whether to register an association the Corporation shall have regard to whether it satisfies those criteria.

[<sup>F7</sup>(2) Nothing in subsection (1) shall require the Corporations to establish the same criteria; and each of them may vary any criteria established by it under that subsection.]

- (3) As soon as may be after registering a housing association the Corporation shall give notice of the registration—
  - (a) if the association is a registered charity, to the Charity Commissioners, or
  - (b) if the association is a society registered under the 1965 Act, to the appropriate registrar,who shall record the registration.

[<sup>F8</sup>(4) Where at any time a body is, or was, on a register maintained under section 3, then, for all purposes other than rectification of that register, the body shall be conclusively presumed to be, or to have been, at that time a housing association eligible for registration in that register.]

#### Textual Amendments

- F6** Words substituted by [Housing Act 1988](#) (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 2**
- F7** S. 5(2) substituted by [Housing Act 1988](#) (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 4(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: Registration. (See end of Document for details)*

**F8** S. 5(4) substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 4(2)**

## 6 Removal from the register.

- (1) A body which has been registered shall not be removed from the register except in accordance with this section.
- (2) If it appears to the [<sup>F9</sup>Corporation] that a body which is on the register—
  - (a) is no longer a housing association eligible for registration, or
  - (b) has ceased to exist or does not operate,
 the Corporation shall, after giving the body at least 14 days' notice, remove it from the register.
- (3) In the case of a body which appears to the Corporation to have ceased to exist or not to operate, notice under subsection (2) shall be deemed to be given to the body if it is served at the address last known to the Corporation to be the principal place of business of the body.
- (4) A body which is registered may request the Corporation to remove it from the register if it has not at any time received—
  - [<sup>F10</sup>(a) a grant under section 41 (housing association grants),
  - (b) a grant under section 54 (revenue deficit grants),
  - (c) any such payment or loan as is mentioned in paragraph 2 or paragraph 3 of Schedule 1 (grant-aided land),
  - (d) a grant or a loan under section 2(2) of the Housing (Scotland) Act 1988,
  - (e) a grant under section 50 of the Housing Act 1988 (housing association grants), or
  - (f) a grant under section 51 of that Act (revenue deficit grants)]
 and the Corporation may, if it thinks fit, do so.
- (5) As soon as may be after removing a body from the register the Corporation shall give notice of the removal—
  - (a) if the body is a registered charity, to the Charity Commissioners,
  - (b) if the body is a society registered under the 1965 Act, to the appropriate registrar,
 who shall record the removal.

### Textual Amendments

**F9** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 2**

**F10** S. 6(4)(a)–(f) substituted for s. 6(a)–(c) by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 5**

## 7 Appeal against removal.

- (1) A body which is aggrieved by a decision of the [<sup>F11</sup>Corporation] to remove it from the register may appeal against the decision
  - [<sup>F12</sup>(a) where it is a decision of Scottish Homes, to the Court of Session; and
  - (b) in any other case, to the High Court].

---

*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: Registration. (See end of Document for details)*

---

- (2) If an appeal is brought the Corporation shall not remove the body concerned from the register until the appeal has been finally determined or is withdrawn.
- (3) As soon as may be after an appeal is brought the Corporation shall give notice of the appeal—
- (a) if the body concerned is a registered charity, to the Charity Commissioners, or
  - (b) if the body concerned is a society registered under the 1965 Act, to the appropriate registrar.

---

**Textual Amendments**

**F11** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. 1 para. 2](#)

**F12** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), [Sch. 6 Pt. 1 para. 6](#)

**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: Registration.