



Housing Act 1988

1988 CHAPTER 50

PART III

HOUSING ACTION TRUST AREAS

Vesting and acquisition of land

76 Vesting by order in housing action trust.

- (1) Subject to subsections (2) and (3) below, the Secretary of State may by order provide that land specified in the order which is vested in statutory undertakers or any other public body or in a wholly-owned subsidiary of a public body shall vest in a housing action trust established or to be established for the designated area in which the land is situated.
 - (2) An order under this section may not specify land vested in statutory undertakers which is used for the purpose of carrying on their statutory undertakings or which is held for that purpose.
 - (3) In the case of land vested in statutory undertakers, the power to make an order under this section shall be exercisable by the Secretary of State and the appropriate Minister.
 - (4) Part I of Schedule 9 to this Act shall have effect for supplementing the preceding provisions of this section.
 - (5) An order under this section shall have the same effect as a declaration under the ^{M1}Compulsory Purchase (Vesting Declarations) Act 1981 except that, in relation to such an order, the enactments mentioned in Part II of Schedule 9 to this Act shall have effect subject to the modifications specified in that Part.
 - (6) Compensation under the ^{M2}Land Compensation Act 1961, as applied by subsection (5) above and Part II of Schedule 9 to this Act, shall be assessed by reference to values current on the date the order under this section comes into force.
- [(6A) No order shall be made under this section in relation to a universal service provider (within the meaning of [^{F1}Part 3 of the Postal Services Act 2011]).]

Status: Point in time view as at 22/09/2017.

Changes to legislation: Housing Act 1988, Cross Heading: Vesting and acquisition of land is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) An order under this section shall be made by statutory instrument but no such order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

F1 Words in s. 76(6A) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 129](#); S.I. 2011/2329, art. 3

Modifications etc. (not altering text)

C1 S. 76(6A) inserted (26.3.2001) by [S.I. 2001/1149, art. 3\(1\), Sch. 1 para. 75\(2\)](#)

Marginal Citations

M1 1981 c. 66.

M2 1961 c. 33.

77 Acquisition by housing action trust.

- (1) For the purposes of achieving its objects (and performing any of its functions), a housing action trust may acquire land within its designated area by agreement or, on being authorised to do so by the Secretary of State, compulsorily.
- (2) A housing action trust may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily)—
 - (a) land adjacent to the designated area which the trust requires for purposes connected with the discharge of its functions in the area; and
 - (b) land outside the designated area (whether or not adjacent to it) which the trust requires for the provision of services in connection with the discharge of its functions in the area.
- (3) Where a housing action trust exercises its powers under subsection (1) or subsection (2) above in relation to land which forms part of a common or open space or fuel or field garden allotment, the trust may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily) land for giving in exchange for the land acquired.
- (4) Subject to section 78 below, the ^{M3}Acquisition of Land Act 1981 shall apply in relation to the compulsory acquisition of land in pursuance of the preceding provisions of this section.
- (5) A housing action trust may be authorised by the Secretary of State, by means of a compulsory purchase order, to purchase compulsorily such new rights as are specified in the order—
 - (a) being rights over land in the designated area and which the trust requires for the purposes of its functions;
 - (b) being rights over land adjacent to the designated area and which the trust requires for purposes connected with the discharge of its functions in the area; and
 - (c) being rights over land outside the designated area (whether or not adjacent to it) and which the trust requires for the provision of services in connection with the discharge of its functions in the area.

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- (6) In subsection (5) above—
- (a) “new rights” means rights which are not in existence when the order specifying them is made; and
 - (b) “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981;
- and Schedule 3 to that Act shall apply to a compulsory purchase of a right by virtue of subsection (5) above.
- (7) The provisions of Part I of the ^{M4}Compulsory Purchase Act 1965 (so far as applicable), other than section 31, shall apply in relation to the acquisition of land by agreement under this section; and in that Part as so applied “land” has the meaning given by the ^{M5}Interpretation Act 1978.

Marginal Citations

- M3** 1981 c. 67.
- M4** 1965 c. 56.
- M5** 1978 c. 30.

78 Supplementary provisions as to vesting, acquisition and compensation.

- (1) The ^{M6}Acquisition of Land Act 1981, as applied by section 77 above, shall have effect subject to the modifications in Part I of Schedule 10 to this Act.
- (2) The supplementary provisions in Parts II and III of that Schedule shall have effect, being,—
- (a) as to those in Part II, provisions about land vested in or acquired by a housing action trust under this Part of this Act; and
 - (b) as to those in Part III, provisions about the acquisition by a housing action trust of rights over land under section 77(5) above.

^{F2}(3)

^{F2}(4)

Textual Amendments

- F2** S. 78(3)(4) omitted (22.9.2017) by virtue of [Neighbourhood Planning Act 2017 \(c. 20\)](#), **ss. 32(6)**, 46(1); S.I. 2017/936, **reg. 3(b)** (with **reg. 4**)

Marginal Citations

- M6** 1981 c. 67.

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