



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

##### *Disposals of land*

#### **82 Power of Corporation to provide legal assistance to tenants after disposal**

- (1) This section applies where a house has been disposed of by a disposal falling within section 79(2) above and, in relation to a house which has been so disposed of, a “transferred tenant” means a tenant of it who either—
  - (a) was the secure tenant of the house immediately before the disposal; or
  - (b) is the widow or widower of the person who was then the secure tenant of it.
- (2) On an application by a transferred tenant of a house who is a party or a prospective party to proceedings or prospective proceedings to determine any dispute between himself and the person who acquired the house on the disposal referred to in subsection (1) above, the Corporation may give assistance to the transferred tenant if it thinks fit to do so—
  - (a) on the ground that the case raises a question of principle; or
  - (b) on the ground that it is unreasonable, having regard to the complexity of the case, or to any other matter, to expect the transferred tenant to deal with it without assistance; or
  - (c) by reason of any other special consideration.
- (3) Assistance given by the Corporation under this section may include—
  - (a) giving advice;
  - (b) procuring or attempting to procure the settlement of the matter in dispute;
  - (c) arranging for the giving of advice or assistance by a solicitor or counsel;
  - (d) arranging for representation by a solicitor or counsel, including such assistance as is usually given by a solicitor or counsel in the steps preliminary

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*Status: This is the original version (as it was originally enacted).*

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or incidental to any proceedings, or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings; and

(e) any other form of assistance which the Corporation may consider appropriate; but paragraph (d) above does not affect the law and practice regulating the descriptions of persons who may appear in, conduct, defend and address the court in any proceedings.

(4) In so far as expenses are incurred by the Corporation in providing a transferred tenant with assistance under this section, the recovery of those expenses (as taxed or assessed in such manner as may be prescribed by rules of court) shall constitute a first charge for the benefit of the Corporation—

- (a) on any costs which (whether by virtue of a judgment or order of a court or an agreement or otherwise) are payable to the tenant by any other person in respect of the matter in connection with which the assistance was given, and
- (b) so far as relates to any costs, on his rights under any compromise or settlement arrived at in connection with that matter to avoid or bring to an end any proceedings;

but subject to any charge under the Legal Aid Act 1988 and to any provision of that Act for payment of any sum to the Legal Aid Board.