



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

##### *Secure tenancies and right to buy*

#### **84 Provisions applicable to disposals of dwelling-houses subject to secure tenancies.**

- [<sup>F1</sup>(1) The provisions of this section apply in any case where—
- (a) a housing action trust proposes to make a disposal of one or more houses let on secure tenancies [<sup>F2</sup>or introductory tenancies] which would result in a person who, before the disposal, is a secure tenant [<sup>F2</sup>or an introductory tenant] of the trust becoming, after the disposal, the tenant of another person, and
  - (b) that other person is not a local housing authority or other local authority.]
- [<sup>F3</sup>(2) Before applying to the Secretary of State for consent to the proposed disposal or serving notice under subsection (4) below, the housing action trust shall serve notice in writing on any local housing authority in whose area any houses falling within subsection (1) above are situated—
- (a) informing the authority of the proposed disposal and specifying the houses concerned, and
  - (b) requiring the authority within such period, being not less than 28 days, as may be specified in the notice, to serve on the trust a notice under subsection (3) below.
- (3) A notice by a local housing authority under this subsection shall inform the housing action trust, with respect to each of the houses specified in the notice under subsection (2) above which is in the authority's area, of the likely consequences for the tenant if the house were to be acquired by the authority.]
- (4) Before applying to the Secretary of State for consent to the proposed disposal, and after the expiry of the period specified in the notice under subsection (2) above, the

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housing action trust shall serve notice in writing on the secure tenant [<sup>F4</sup>or, as the case may be, introductory tenant]—

- (a) informing him of the proposed disposal and of the name of the person to whom the disposal is to be made;
- (b) containing such other details of the disposal as seem to the trust to be appropriate;
- (c) informing him of the likely consequences of the disposal on his position as a secure tenant [<sup>F5</sup>or an introductory tenant] and, if appropriate, of the effect of sections 171A to 171H of the <sup>M1</sup>Housing Act 1985 (preservation of right to buy on disposal to private sector landlord);
- [<sup>F6</sup>(d) if the local housing authority in whose area the house of which he is tenant is situated has served notice under subsection (3) above, informing him (in accordance with the information given in the notice) of the likely consequences for him if the house were to be acquired by that authority;
- (e) informing him, if he wishes to become a tenant of that authority, of his right to make representations to that effect under paragraph (f) below and of the rights conferred by section 84A below;]
- (f) informing him of his right to make representations to the trust with respect to the proposed disposal within such period, being not less than 28 days, as may be specified in the notice.

[<sup>F7</sup>(5) If, by virtue of any representations made to the housing action trust in accordance with subsection (4)(f) above, section 84A below applies in relation to any house or block of flats, the trust shall—

- (a) serve notice of that fact on the Secretary of State, on the local housing authority and on the tenant of the house or each of the tenants of the block, and
- (b) so amend its proposals with respect to the disposal as to exclude the house or block;

and in this subsection “ house ” and “ block of flats ” have the same meanings as in that section.

(5A) The housing action trust shall consider any other representations so made and, if it considers it appropriate to do so having regard to any of those representations—

- (a) may amend (or further amend) its proposals with respect to the disposal, and
- (b) in such a case, shall serve a further notice under subsection (4) above (in relation to which this subsection will again apply).]

(6) When applying to the Secretary of State for consent to the proposed disposal (as amended, where appropriate, by virtue of subsection (5) [<sup>F8</sup>or subsection (5A)] above) the housing action trust shall furnish to him—

- (a) a copy of any notice served on it under subsection (3) above or served by it under subsection (4) above;
- (b) a copy of any representations received by the trust; and
- (c) a statement of the consideration given by the trust to those representations.

(7) Without prejudice to the generality of section 72 above, where an application is made to the Secretary of State for consent to a disposal to which this section applies, [<sup>F9</sup>or a disposal which would be such a disposal if subsection (1)(b) above were omitted,] the Secretary of State may, by a direction under that section, require the housing action trust—

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- (a) to carry out such further consultation [<sup>F10</sup>or, as the case may be, such consultation] with respect to the proposed disposal as may be specified in the direction; and
- (b) to furnish to him such information as may be so specified with respect to the results of that consultation.

[<sup>F11</sup>(8) Notwithstanding the application to a housing action trust of Part IV of the <sup>M2</sup> Housing Act 1985 (secure tenancies) of Chapter 1 of Part V of the Housing Act 1996 (introductory tenancies), a disposal falling within subsection (1) above shall be treated as not being a matter of housing management to which section 105 of the Act of 1985 applies (in the case of secure tenants) or section 137 of the Act of 1996 applies (in the case of introductory tenants).]

#### Textual Amendments

- F1** S. 84(1) substituted (11.10.1993) by 1993 c. 28, s. 124(2); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F2** Words in s. 84(1)(a) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 6(g)(i)(1)(2)
- F3** S. 84(2)(3) substituted (11.10.1993) by 1993 c. 28, s. 125(1); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F4** Words in s. 84(4) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 6(g)(ii)
- F5** Words in s. 84(4)(c) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 6(g)(iii)
- F6** S. 84(4)(d)(e) substituted (11.10.1993) by 1993 c. 28, s. 125(2); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F7** S. 84(5)(5A) substituted (11.10.1993) for s. 84(5) by 1993 c. 28, s. 125(3); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F8** Words in s. 84(6) inserted (11.10.1993) by 1993 c. 28, s. 125(4); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F9** Words in s. 84(7) inserted (11.10.1993) by 1993 c. 28, s. 124(3)(a); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F10** Words in s. 84(7) inserted (11.10.1993) by 1993 c. 28, s. 124(3)(b); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F11** S. 84(8) substituted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 6(g)(iv)

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

- C1** S. 84 modified (11.10.1993) by 1993 c. 28, s. 124(5); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)

#### Marginal Citations

- M1** 1985 c. 68.
- M2** 1985 c. 68.

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**Changes to legislation:**

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