



# Housing Act 1988

## 1988 CHAPTER 50

### PART IV

#### CHANGE OF LANDLORD: SECURE TENANTS

##### *Preliminary*

#### **94 Persons by whom right may be exercised**

- (1) The right conferred by this Part shall not be exercisable except by a person who is for the time being approved by the Corporation under this section; and neither a public sector landlord nor the council of a county nor any other body which the Corporation have reason to believe might not be independent of such a landlord or council may be approved under this section.
- (2) For the purposes of subsection (1) above, a body shall not be regarded as independent of a public sector landlord or the council of a county if the body is or appears likely to be under the control of, or subject to influence from, such a landlord or council or particular members or officers of such a landlord or council.
- (3) The Corporation shall establish (and may from time to time vary) criteria to be satisfied by a person seeking approval under this section and, without prejudice to subsections (1) and (2) above, in deciding whether to give such approval, the Corporation shall have regard to whether the person satisfies those criteria.
- (4) Subject to any directions under section 76 of the Housing Associations Act 1985 (directions by the Secretary of State), an approval under this section—
  - (a) shall not be given except to a person making an application accompanied by such fee as the Corporation, with the consent of the Secretary of State, may specify; and
  - (b) may be given to a particular person or to persons of a particular description; and

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*Status: This is the original version (as it was originally enacted).*

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- (c) may apply either in relation to acquisitions generally or in relation to a particular acquisition or acquisitions or in relation to acquisitions made in a particular area or within a particular period; and
- (d) may be made conditional upon the person or persons concerned entering into such undertakings as may be specified by the Corporation;

and different fees may be specified under paragraph (a) above for different descriptions of cases.

- (5) Subject to any directions under section 76 of the Housing Associations Act 1985, if it appears to the Corporation appropriate to do so (whether by reason of a failure to honour an undertaking or to meet any criteria or for any other reason), the Corporation may revoke an approval given under this section by notice in writing served on the approved person; and where such a notice of revocation is served—
- (a) the revocation shall be provisional until the expiry of such period, being not less than 14 days, as may be specified in the notice;
  - (b) if the Corporation withdraws the notice at any time during the specified period, the approval shall be treated as never having been revoked; and
  - (c) subject to paragraph (b) above, after the date of service of the notice, the person concerned may not take any steps in connection with a claim to exercise the right conferred by this Part;

but the service of a notice under this subsection shall not affect any transaction completed before the service of the notice.

- (6) In the case of a body which has been approved under this section which does not have a registered office (at which documents can be served) and which appears to the Corporation to have ceased to exist or not to operate, notice under subsection (5) above shall be deemed to be served on the body if it is served at the address last known to the Corporation to be the principal place of business of the body.
- (7) The Housing Corporation and Housing for Wales shall each maintain a register of persons for the time being approved by it under this section, specifying the extent of the approval given in each case; and each register so maintained shall be open to inspection at the head office of the Corporation by which it is maintained at all reasonable times.