



Housing Act 1996

1996 CHAPTER 52

PART I

SOCIAL RENTED SECTOR

CHAPTER V

MISCELLANEOUS AND GENERAL PROVISIONS

Interpretation

56 Meaning of “the [^{F1}Relevant Authority]”.

- (1) In this Part “the [^{F1}Relevant Authority]” means the Housing Corporation or [^{F2}the Secretary of State], as follows.
- (2) In relation to a registered social landlord, or a body applying for such registration, which is—
 - (a) a registered charity which has its address for the purposes of registration by the [^{F3}Charity Commission] in Wales,
 - (b) an industrial and provident society which has its registered office for the purposes of the ^{M1}Industrial and Provident Societies Act 1965 in Wales, or
 - (c) a company registered under the ^{M2}Companies Act 1985 which has its registered office for the purposes of that Act in Wales,

“the [^{F1}Relevant Authority]” means [^{F2}the Secretary of State].

- (3) In relation to any other registered social landlord or body applying for such registration, “the [^{F1}Relevant Authority]” means the Housing Corporation.
- (4) Nothing in this Part shall be construed as requiring the Housing Corporation and [^{F2}the Secretary of State] to establish the same criteria for registration as a social landlord,

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or otherwise to act on the same principles in respect of any matter in relation to which they have functions under this Part.

Textual Amendments

- F1** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F2** Words in s. 56(1)(2)(4) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para.94** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F3** Words in s. 56(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 190**; S.I. 2007/309, **art. 2, Sch.**

Modifications etc. (not altering text)

- C1** S. 56 modified (1.12.2008) by **The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008** (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6, Sch. para. 5(9))

Marginal Citations

- M1** 1965 c. 12.
M2 1985 c. 6.

57 Definitions relating to industrial and provident societies.

(1) In this Part, in relation to an industrial and provident society—

F4
 . . .

“committee” means the committee of management or other directing body of the society; and

“co-opted member”, in relation to the committee, includes any person co-opted to serve on the committee, whether he is a member of the society or not.

(2) Any reference in this Part to a member of the committee of an industrial and provident society includes a co-opted member.

Textual Amendments

- F4** Definition of “appropriate registrar” in s. 57(1) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 356(1)**

58 Definitions relating to charities.

(1) In this Part—

(a) “charity” and “trusts”, in relation to a charity, have the same meaning as in the ^{M3}Charities Act 1993, and “trustee” means a charitable trustee within the meaning of that Act; and

(b) “registered charity” means a charity which is registered [^{F5}in accordance with section 3A] of that Act ^{F6}....

(2) References in this Part to a company registered under the ^{M4}Companies Act 1985 do not include a company which is a registered charity, except where otherwise provided.

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Textual Amendments

- F5** Words in s. 58(1)(b) substituted (31.1.2009) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 191\(a\)](#); [S.I. 2008/3267, art. 2, Sch. \(with arts. 3-27\)](#) (as amended: (29.9.2009) by [S.I. 2009/2648](#), art. 3; (26.7.2010) by [S.I. 2010/1942, art. 2](#); and (1.8.2011) by [S.I. 2011/1725, arts. 1\(2\), 3, Sch. para. 6](#))
- F6** Words in s. 58(1)(b) repealed (31.1.2009) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 191\(b\), Sch. 9](#); [S.I. 2008/3267, art. 2, Sch. \(with arts. 3-27\)](#) (as amended: (29.9.2009) by [S.I. 2009/2648](#), art. 3; (26.7.2010) by [S.I. 2010/1942, art. 2](#); and (1.8.2011) by [S.I. 2011/1725, arts. 1\(2\), 3, Sch. para. 6](#))

Marginal Citations

- M3** 1993 c. 10.
M4 1985 c. 6.

59 Meaning of “officer” of registered social landlord.

- (1) References in this Part to an officer of a registered social landlord are—
- in the case of a registered charity which is not a company registered under the Companies Act 1985, to any trustee, secretary or treasurer of the charity;
 - in the case of an industrial and provident society, to any officer of the society as defined in section 74 of the ^{M5}Industrial and Provident Societies Act 1965; and
 - in the case of a company registered under the Companies Act 1985 (including such a company which is also a registered charity), to any director or other officer of the company within the meaning of that Act.
- (2) Any such reference includes, in the case of an industrial and provident society, a co-opted member of the committee of the society.

Marginal Citations

- M5** 1965 c. 12.

60 Meaning of “subsidiary”.

- (1) In this Part “subsidiary”, in relation to a registered social landlord, means a company with respect to which one of the following conditions is fulfilled—
- the landlord is a member of the company and controls the composition of the board of directors;
 - the landlord holds more than half in nominal value of the company’s equity share capital; or
 - the company is a subsidiary, within the meaning of the Companies Act 1985 or the ^{M6}Friendly and Industrial and Provident Societies Act 1968, of another company which, by virtue of paragraph (a) or paragraph (b), is itself a subsidiary of the landlord.
- (2) For the purposes of subsection (1)(a), the composition of a company’s board of directors shall be deemed to be controlled by a registered social landlord if, but only if, the landlord, by the exercise of some power exercisable by him without the consent or concurrence of any other person, can appoint or remove the holders of all or a majority of the directorships.

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- (3) In relation to a company which is an industrial and provident society—
- (a) any reference in this section to the board of directors is a reference to the committee of management of the society; and
 - (b) the reference in subsection (2) to the holders of all or a majority of the directorships is a reference—
 - (i) to all or a majority of the members of the committee, or
 - (ii) if the landlord is himself a member of the committee, such number as together with him would constitute a majority.
- (4) In the case of a registered social landlord which is a body of trustees, references in this section to the landlord are to the trustees acting as such.

Marginal Citations

M6 1968 c. 55.

61 Meaning of “associate”.

- (1) In this Part “associate”, in relation to a registered social landlord, means—
- (a) any body of which the landlord is a subsidiary, and
 - (b) any other subsidiary of such a body.
- (2) In this section “subsidiary” has the same meaning as in the ^{M7}Companies Act 1985 or the ^{M8}Friendly and Industrial and Provident Societies Act 1968 or, in the case of a body which is itself a registered social landlord, has the meaning given by section 60.

Marginal Citations

M7 1985 c. 6.

M8 1968 c. 55.

62 Members of a person’s family: Part I.

- (1) A person is a member of another’s family within the meaning of this Part if—
- (a) he is the spouse [^{F7} or civil partner] of that person, or he and that person live together as husband and wife [^{F8} or as if they were civil partners], or
 - (b) he is that person’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
- (a) a relationship by marriage [^{F9} or civil partnership] shall be treated as a relationship by blood,
 - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood, and
 - (c) the stepchild of a person shall be treated as his child.

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Textual Amendments

- F7** Words in s. 62(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(2)(a)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F8** Words in s. 62(1)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(2)(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F9** Words in s. 62(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(2), **Sch. 8 para. 51(3)**; S.I. 2005/3175, art. 2(1), Sch. 1

63 Minor definitions: Part I.

(1) In this Part—

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“fully mutual”, in relation to a housing association, and “co-operative housing association” have the same meaning as in the ^{M9}Housing Associations Act 1985 (see section 1(2) of that Act);

“hostel” means a building in which is provided for persons generally or for a class or classes of persons—

- (a) residential accommodation otherwise than in separate and self-contained premises, and
- (b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

“house” includes—

- (a) any part of a building occupied or intended to be occupied as a separate dwelling, and
- (b) any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

“housing accommodation” includes flats, lodging-houses and hostels;

“housing activities” means, in relation to a registered social landlord, all its activities in pursuance of the purposes, objects and powers mentioned in or specified under section 2;

“information” includes accounts, estimates and returns;

“local authority” has the same meaning as in the ^{M10}Housing Associations Act 1985;

“long tenancy” has the same meaning as in Part V of the ^{M11}Housing Act 1985;

“modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

“notice” means notice in writing;

“public sector landlord” means any of the authorities or bodies within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);

“registrar of companies” has the same meaning as in the ^{M12}Companies Act 1985;

“statutory tenancy” has the same meaning as in the Housing Act 1985.

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- (2) References in this Part to the provision of a dwelling or house include the provision of a dwelling or house—
- (a) by erecting the dwelling or house, or converting a building into dwellings or a house, or
 - (b) by altering, enlarging, repairing or improving an existing dwelling or house; and references to a dwelling or house provided by means of a grant or other financial assistance are to its being so provided directly or indirectly.

Marginal Citations

- M9** 1985 c. 69.
M10 1985 c. 69.
M11 1985 c. 68.
M12 1985 c. 6.

64 Index of defined expressions: Part I.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section)—

appointed person (in relation to inquiry into affairs of registered social landlord)	paragraph 20 of Schedule 1
F10	F10
...	...
associate (in relation to a registered social landlord)	section 61(1)
assured tenancy	section 230
assured agricultural occupancy	section 230
assured shorthold tenancy	section 230
charity	section 58(1)(a)
committee member (in relation to an industrial and provident society)	section 57(2)
company registered under the Companies Act 1985	section 58(2)
co-operative housing association	section 63
co-opted member (of committee of industrial and provident society)	section 57(1)
F11	F11
...	...
disposal proceeds fund	section 24
dwelling	section 63
enactment	section 230

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fully mutual housing association	section 63
hostel	section 63
house	section 63
housing accommodation	section 63
housing activities	section 63
housing association	section 230
industrial and provident society	section 2(1)(b)
information	section 63
lease	section 229
local authority	section 63
long tenancy	section 63
member of family	section 62
modifications	section 63
notice	section 63
officer of registered social landlord	section 59
provision (in relation to dwelling or house)	section 63(2)
public sector landlord	section 63
register, registered and registration (in relation to social landlords)	section 1
registered charity	section 58(1)(b)
registrar of companies	section 63
[^{F12} the Relevant Authority]	[section 56]
relevant disposal which is not an exempted disposal (in sections 11 to 14)	section 15
secure tenancy	section 230
social housing grant	section 18(1)
statutory tenancy	section 63
subsidiary (in relation to a registered social landlord)	section 60(1)
trustee and trusts (in relation to a charity)	section 58(1)(a)

Textual Amendments

F10 S. 64: Entry relating to “appropriate registrar” in the Table repealed (1.12.2001) by [S.I. 2001/3649, arts. 1, 356\(2\)](#)

F11 Entry in s. 64 repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 95(a), [Sch. 18 Pt. VI](#) (with [ss. 137\(1\), 139\(2\), 141\(1\), 143\(2\)](#)); [S.I. 1998/2244, art. 5](#).

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F12 Entry in s. 64 inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 95(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.

Status:

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