



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

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

#### **[<sup>F1</sup>84A Transfer by order of certain dwelling-houses let on secure tenancies.**

- (1) This section applies in relation to any house or block of flats specified in a notice under subsection (2) of section 84 above if—
  - (a) in the case of a house, the tenant makes representations in accordance with paragraph (f) of subsection (4) of that section to the effect that he wishes to become a tenant of the local housing authority in whose area the house is situated; or
  - (b) in the case of a block of flats, the majority of the tenants who make representations in accordance with that paragraph make representations to the effect that they wish to become tenants of the local housing authority in whose area the block is situated.
- (2) The Secretary of State shall by order provide for the transfer of the house or block of flats from the housing action trust to the local housing authority.
- (3) The Secretary of State may also by order transfer from the housing action trust to the local housing authority so much as appears to the Secretary of State to be appropriate of any property belonging to or usually enjoyed with the house or, as the case may be, the block or any flat contained in it; and for this purpose “property” includes chattels of any description and rights and liabilities, whether arising by contract or otherwise.
- (4) A transfer of any house, block of flats or other property under this section shall be on such terms, including financial terms, as the Secretary of State thinks fit; and an order under this section may provide that, notwithstanding anything in section 141 of the Law of Property Act 1925 (rent and benefit of lessee’s covenants to run with the reversion), any rent or other sum which—

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*Changes to legislation: Housing Act 1988, Section 84A is up to date with all changes known to be in force on or before 19 January 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) View outstanding changes*

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- (a) arises under the tenant’s tenancy or any of the tenants’ tenancies, and
- (b) falls due before the date of the transfer,

shall continue to be recoverable by the housing action trust to the exclusion of the authority.

- (5) Without prejudice to the generality of subsection (4) above, the financial terms referred to in that subsection may include provision for payments to a local housing authority (as well as or instead of payments by a local housing authority); and the transfer from a housing action trust of any house, block of flats or other property by virtue of this section shall not be taken to give rise to any right to compensation.

- (6) In this section—

“ block of flats ” means a building containing two or more flats;

“ common parts ”, in relation to a building containing two or more flats, means any parts of the building which the tenants of the flats are entitled under the terms of their tenancies to use in common with each other;

“ flat ” and “ house ” have the meanings given by section 183 of the Housing Act 1985;

and any reference to a block of flats specified in a notice under section 84(2) above is a reference to a block in the case of which each flat which is let on [F<sup>2</sup>a tenancy which is a secure contract, a tenancy which is an introductory standard contract,] a secure tenancy [F<sup>3</sup>or an introductory tenancy] is so specified.

- (7) For the purposes of subsection (6) above, a building which contains—

- (a) one or more flats which are let, or available for letting, on [F<sup>4</sup>tenancies which are secure contracts or tenancies which are introductory standard contracts,] secure tenancies [F<sup>5</sup>or introductory tenancies] by the housing action trust concerned, and

- (b) one or more flats which are not so let or so available,

shall be treated as if it were two separate buildings, the one containing the flat or flats mentioned in paragraph (a) above and the other containing the flat or flats mentioned in paragraph (b) above and any common parts.]

#### Textual Amendments

- F1** S. 84A inserted (11.10.1993) by 1993 c. 28, s. 125(5); S.I. 1993/2134, arts. 2, 4 (with savings in Sch. 1 para. 5)
- F2** Words in s. 84A(6) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), 16(13)(a) (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)
- F3** Words in s. 84A(6) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 6(h)
- F4** Words in s. 84A(7)(a) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), 16(13)(b) (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)
- F5** Words in s. 84A(7)(a) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 6(i)

**Changes to legislation:**

Housing Act 1988, Section 84A is up to date with all changes known to be in force on or before 19 January 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.

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)