



Housing Act 1985

1985 CHAPTER 68

PART XVI

ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Eligibility for assistance

527 Eligibility for assistance.

A person is eligible for assistance under this Part in respect of a dwelling if—

- (a) he is an individual who is not a trustee, a trustee for beneficiaries who are all individuals or a personal representative,
- (b) the dwelling is a defective dwelling within the meaning of this Part by virtue of a designation under section 528 (designation by Secretary of State) or section 559 (designation under local scheme),
- (c) he holds a relevant interest in the dwelling, as defined in section 530, and
- (d) the conditions specified in section 531 (conditions of eligibility: disposal by public sector authority, &c.) are satisfied;

but subject to section 533 (exceptions to eligibility).

528 Designation of defective dwellings by Secretary of State.

- (1) The Secretary of State may designate as a class buildings each of which consists of or includes one or more dwellings if it appears to him that—
 - (a) buildings in the proposed class are defective by reason of their design or construction, and
 - (b) by virtue of the circumstances mentioned in paragraph (a) having become generally known, the value of some or all of the dwellings concerned has been substantially reduced.
- (2) A dwelling which is, or is included in, a building in a class so designated is referred to in this Part as a “defective dwelling”; and in this Part, in relation to such a dwelling—

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- (a) “the qualifying defect” means what, in the opinion of the Secretary of State, is wrong with the buildings in that class, and
 - (b) “the cut-off date” means the date by which, in the opinion of the Secretary of State, the circumstances mentioned in subsection (1)(a) became generally known.
- (3) A designation shall describe the qualifying defect and specify—
- (a) the cut-off date,
 - (b) the date (being a date falling on or after the cut-off date) on which the designation is to come into operation, and
 - (c) the period within which persons may seek assistance under this Part in respect of the defective dwellings concerned.
- (4) A designation may make different provision in relation to England and Wales; subject to that, a designated class shall not be described by reference to the area in which the buildings concerned are situated.
- (5) Notice of a designation shall be published in the London Gazette.
- (6) Any question arising as to whether a building is or was at any time in a class designated under this section shall be determined by the Secretary of State.

529 Variation or revocation of designation.

- (1) The Secretary of State may—
 - (a) vary a designation under section 528, but not so as to vary the cut-off date, or
 - (b) revoke such a designation.
- (2) The Secretary of State may by a variation of the designation extend the period referred to in section 528(3)(c) (period within which assistance must be applied for) whether or not it has expired.
- (3) The variation or revocation of a designation does not affect the operation of the provisions of this Part in relation to a dwelling if, before the variation or revocation comes into operation, the dwelling is a defective dwelling by virtue of the designation in question and an application for assistance under this Part has been made.
- (4) Notice of the variation or revocation of a designation shall be published in the London Gazette.

530 Meaning of “relevant interest”.

- (1) In this Part “relevant interest”, in relation to a dwelling, means the freehold or a long tenancy, not being in either case subject to a long tenancy.
- (2) A tenancy is a long tenancy for this purpose, subject to subsection (3), if it is—
 - (a) a tenancy granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise,
 - (b) a tenancy granted in pursuance of Part V (the right to buy), or
 - (c) a tenancy for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, unless it is a tenancy by sub-demise from one which is not a long tenancy.

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- (3) A tenancy is not a long tenancy for this purpose if it is—
 - (a) an interest created by way of security and liable to termination by the exercise of a right of redemption or otherwise, or
 - (b) a secure tenancy.
- (4) References in this part to an interest in a dwelling are to an interest in land which is or includes the dwelling.

531 Conditions of eligibility: disposal by public sector authority, &c.

- (1) The conditions referred to in section 527(d) (eligibility for assistance) are that there has been a disposal by a public sector authority of a relevant interest in the dwelling and that either of the following sets of conditions is satisfied.
- (2) The first set of conditions is that—
 - (a) the disposal by a public sector authority was made before the cut-off date, and
 - (b) there has been no disposal for value by any person of a relevant interest in the dwelling on or after that date.
- (3) The second set of conditions is that—
 - (a) a person to whom section 527 applies acquired a relevant interest in the dwelling on a disposal for value occurring within the period of twelve months beginning with the cut-off date,
 - (b) he was unaware on the date of the disposal of the association of the dwelling with the qualifying defect,
 - (c) the value by reference to which the price for the disposal was calculated did not take any, or any adequate, account of the qualifying defect, and
 - (d) if the cut-off date had fallen immediately after the date of the disposal, the first set of conditions would have been satisfied.
- (4) For the purposes of this section where a public sector authority hold an interest in a dwelling a disposal of the interest by or under an enactment shall be treated as a disposal by the authority.

532 Construction of references to disposal, &c.

- (1) References in this Part to a disposal include a part disposal; but for the purposes of this Part a disposal of an interest in a dwelling is a disposal of a relevant interest in the dwelling only if on the disposal the person to whom it is made acquires a relevant interest in the dwelling.
- (2) Where an interest in land is disposed of under a contract, the time at which the disposal is made is, for the purposes of this Part—
 - (a) if the contract is unconditional, the time at which the contract is made, and
 - (b) if the contract is conditional (and in particular if it is conditional on the exercise of an option), the time when the condition is satisfied;and not, if different, the time at which the interest is conveyed.
- (3) Reference in this Part to a disposal of an interest for value are to a disposal for money or money's worth, whether or not representing full value for the interest disposed of.

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- (4) In relation to a person holding an interest in a dwelling formed by the conversion of another dwelling, references in this Part to a previous disposal of an interest in the dwelling include a previous disposal on which an interest in land which included that part of the original dwelling in which his interest subsists was acquired.

533 Exceptions to eligibility.

- (1) A person who holds a relevant interest in a defective dwelling is not eligible for assistance in respect of the dwelling at any time when that interest is subject to the rights of a person who is a protected occupier or statutory tenant within the meaning of the ^{M1}Rent (Agriculture) Act 1976 [^{F1}or who occupies the dwelling under an assured agricultural occupancy which is not an assured tenancy].
- (2) A person is not eligible for assistance in respect of a defective dwelling if the local housing authority are of the opinion—
- (a) that work to the building which consists of or includes the dwelling has been carried out in order to deal with the qualifying defect, and
 - (b) that on the completion of the work, no further work relating to the dwelling was required to be done to the building in order to deal satisfactorily with the qualifying defect.

Textual Amendments

F1 Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 59](#)

Marginal Citations

M1 1976 c. 80.

Changes to legislation:

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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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)