



Housing Associations Act 1985

1985 CHAPTER 69

PART II

HOUSING ASSOCIATION FINANCE

Miscellaneous

69 Power to vary or terminate certain agreements with housing associations.

- (1) This section applies to agreements of the following descriptions—
- (a) an agreement for a loan to a housing association by the Housing Corporation under section 2 of the ^{M1}Housing Act 1964 [^{F1} [^{F2}(including such an agreement under which rights and obligations have been transferred to Housing for Wales [^{F3}and then to the Secretary of State)]]; [^{F1}under which rights and obligations have been transferred to the Regulator of Social Housing;]
 - (b) an agreement which continues in force under Part I of Schedule 4 (arrangements with local authority for the provision or improvement of housing);
 - (c) an agreement to which Part II of Schedule 4 applies (subsidy agreements with local authorities);
 - (d) an agreement which continues in force under Part III of Schedule 4 (special arrangements with the Secretary of State);
 - [^{F4}(e) an agreement for a loan or grant to a housing association under section 58(2) or 59(2) (financial assistance by local authorities);]
 - (f) a scheme which continues in force under Part V of Schedule 5 (schemes for unification of grant conditions).
 - [^{F5}
^{F6}(g) an agreement for a loan or grant to a registered housing association under section 24 of the Local Government Act 1988 (power to provide financial assistance for privately let housing accommodation).]]
- (2) [^{F7}If any person (other than the Secretary of State) who is a party to an agreement to which this section applies makes an application to the Secretary of State, he] may, if he thinks fit, direct—

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Cross Heading: Miscellaneous. (See end of Document for details)

- (a) that the agreement shall have effect with such variations, determined by him or agreed by the parties, as may be specified in the direction, or
- (b) that the agreement shall be terminated.

[^{F8}and where the Secretary of State is a party to such an agreement, he may agree that it shall have effect with any variations or that it shall be terminated.]

[^{F9}[^{F10}(2A) In the case of an agreement under which rights and obligations have been transferred to Housing for Wales [^{F11}and then to the Secretary of State], the reference to a party to the agreement includes a reference to [^{F12}the Secretary of State].]]

[^{F13}(2B) In the case of an agreement under which rights and obligations have been transferred to the Regulator of Social Housing, the reference to a party to the agreement includes a reference to the Regulator of Social Housing.]

- (3) No variation shall be directed under subsection (2) which would have the effect of including in an agreement a term—
 - (a) limiting the aggregate amount of rents payable in respect of dwellings to which the agreement relates or contributions towards the cost of maintaining such dwellings, or
 - (b) specifying a limit which the rent of a dwelling is not to exceed.

This subsection does not extend to Scotland.

- (4) No variation shall be directed under subsection (2) which would have the effect of including in an agreement a term relating to the rent payable in respect of a house to which the agreement relates or contributions towards the cost of maintaining such a house.

This subsection extends to Scotland only.

Textual Amendments

- F1** Words in s. 69(1)(a) substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 44(2)** (with art. 6, Sch. 3)
- F2** Words added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(b), **Sch. 6 Pt. II para. 28(1)**
- F3** Words in s. 69(1)(a) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(2)** (with ss. 139(2), 143(2)); [S.I. 1998/2244](#), **art. 5**
- F4** S. 69(1)(e) repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 55(1), 227, Sch. 3 para. 4, **Sch. 19 Pt. I**; [S.I. 1996/2402](#), **art. 3** (subject to transitional provisions and savings in Sch.)
- F5** S. 69(1)(g) repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 55(1), 227, Sch. 3 para. 4, **Sch. 19 Pt. I**; [S.I. 1996/2402](#), **art. 3** (subject to transitional provisions and savings in Sch.)
- F6** S. 69(1)(g) inserted by [Local Government Act 1988 \(c. 9, SIF 81:1\)](#), **s. 24(5)(c)**
- F7** Words in s. 69(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(3)(a)** (with ss. 139(2), 143(2)); [S.I. 1998/2244](#), **art. 5**
- F8** Words in s. 69(2) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(3)(b)** (with ss. 139(2), 143(2)); [S.I. 1998/2244](#), **art. 5**
- F9** S. 69(2A) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(b), **Sch. 6 Pt. II para. 28(2)**
- F10** S. 69(2A) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), Sch. 2 para. 44(3), **Sch. 4** (with art. 6, Sch. 3)
- F11** Words in s. 69(2A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(4)(a)** (with ss. 139(2), 143(2)); [S.I. 1998/2244](#), **art. 5**

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Cross Heading: Miscellaneous. (See end of Document for details)

- F12** Words in s. 69(2A) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 27(4)(b)** (with ss. 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F13** S. 69(2B) inserted (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 44(4)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C1** S. 69 modified (E.W.) (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. 3** (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))
- C2** S. 69: transfer of functions (E.W.) (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 2 (see S.I. 2008/3068, art. 2(1)(b))

Marginal Citations

- M1** 1964 c. 56.

[^{F14}]^{F15} 69A and subject to housing management agreement.

A housing association is not entitled to a [^{F16}grant under section 50 (housing association grant) or section 51 (revenue deficit grant) of the Housing Act 1988] in respect of land comprised in—

- (a) a management agreement within the meaning of the Housing Act 1985 (see sections 27(2) and 27B(4) of that Act: delegation of housing management functions by certain authorities), or
- (b) an agreement to which section [^{F17}22 of the Housing (Scotland) Act 1987] applies (agreements for exercise by housing co-operatives of certain local authority housing functions).]]

Textual Amendments

- F14** S. 69A inserted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(2), **Sch. 5 Pt. II para. 42**
- F15** S. 69A repealed (E.W.) (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), Sch. 1 para. 5, **Sch. 4** (with art. 6, Sch. 3)
- F16** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. II para. 29** (which substitution has a saving in S.I. 1989/404, **arts. 3(c)(ii), 4**)
- F17** Words “22 of the Housing (Scotland) Act 1987” substituted (S.) for “5 of the Housing Rents and Subsidies (Scotland) Act 1975” by Housing (Scotland) Act 1987 (c.26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 31(8)**

70 Continuation of arrangements under repealed enactments.

The provisions of Schedule 4 have effect in relation to certain arrangements affecting housing associations which continue in force despite the repeal of the enactments under or by reference to which they were made, as follows—

Part I —Arrangements with local authorities for the provision or improvement of housing.

Part II —Subsidy agreements with local authorities.

Part III —Special arrangements with the Secretary of State in Scotland.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Cross Heading: Miscellaneous. (See end of Document for details)

71 Superseded contributions, subsidies and grants.

The provisions of Schedule 5 have effect with respect to superseded subsidies, contributions and grants, as follows—

Part I —Residual subsidies: England and Wales.

Part II —Residual subsidies: Scotland.

Part III—Contributions and grants under arrangements with local authorities.

Part IV—Contributions under arrangements with the Secretary of State in Scotland.

Part V —Schemes for the unification of grant conditions.

Part VI—New building subsidy and improvement subsidy.

Part VII—Payments in respect of hostels under pre-1974 enactments.

Changes to legislation:

There are currently no known outstanding effects for the Housing Associations Act 1985, Cross
Heading: Miscellaneous.