



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

##### *Disposals of land*

#### **79 Disposal of land by housing action trusts.**

- (1) Subject to subsection (2) below and any directions given by the Secretary of State, a housing action trust may, with the consent of the Secretary of State, dispose of any land for the time being held by it to such persons, in such manner and on such terms as it considers expedient for the purpose of achieving its objects.
- (2) A housing action trust may not dispose of a house which is for the time being subject to a secure tenancy<sup>[F1]</sup>, <sup>[F2]</sup><sup>[F3]</sup>... an introductory tenancy<sup>[F4]</sup>, a tenancy which is a secure contract or a tenancy which is an introductory standard contract<sup>[F4]</sup> except—
  - <sup>[F5]</sup>(za) to a non-profit registered provider of social housing,<sup>[F5]</sup>
  - <sup>[F6]</sup>(a) to a registered social landlord (within the meaning of Part I of the Housing Act 1996), or<sup>[F6]</sup>
  - (b) to a local housing authority or other local authority<sup>F7</sup> . . . ;but this subsection does not apply to a disposal under Part V of the <sup>M1</sup>Housing Act 1985 (the right to buy).
- (3) The reference in subsection (1) above to disposing of land includes a reference to granting an interest in or right over land and, in particular, the granting of an option to purchase the freehold of, or any other interest in, land is a disposal for the purposes of that subsection; and a consent under that subsection given to such a disposal extends to a disposal made in pursuance of the option.
- (4) The consent of the Secretary of State referred to in subsection (1) above may be given—
  - (a) either generally to all housing action trusts or to a particular trust or description of trust;

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- (b) either in relation to particular land or in relation to land of a particular description; and
- (c) subject to conditions.
- (5) Without prejudice to the generality of subsection (4)(c) above, consent under subsection (1) above may, in particular, be given subject to conditions as to the price, premium or rent to be obtained by the housing action trust on the disposal, including conditions as to the amount by which, on the disposal of a house by way of sale or by the grant or assignment of a lease at a premium, the price or premium is to be, or may be, discounted by the housing action trust.
- [<sup>F8</sup>(5A) Subsection (2) above has effect as if the saving effected by paragraph 9 of the Schedule to the Housing Act 1996 (Commencement No. 3 and Transitional Provisions) Order 1996 related also to disposals of houses subject to introductory tenancies [<sup>F9</sup>, tenancies which are secure contracts and tenancies which are introductory standard contracts].]
- <sup>F10</sup>(6) .....
- <sup>F10</sup>(7) .....
- <sup>F10</sup>(8) .....
- <sup>F10</sup>(9) .....
- <sup>F10</sup>(10) .....
- (11) In section 45(2)(b) of the <sup>M2</sup>Housing Act 1985 (which defines “public sector authority” for the purposes of provisions of that Act restricting service charges payable after disposal of a house) after the entry “an urban development corporation” there shall be inserted “a housing action trust”.
- (12) A housing action trust shall be treated as a local authority for the purposes of sections 18 to 30 of the <sup>M3</sup>Landlord and Tenant Act 1985 (service charges).
- (13) The provisions of Schedule 11 to this Act shall have effect in the case of certain disposals of houses by a housing action trust.

#### Textual Amendments

- F1** S. 79(2) comma inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(10)(a)(i)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)
- F2** Word in s. 79(2) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(10)(a)(i)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)
- F3** Words in s. 79(2) inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, **Sch. para. 6(c)**
- F4** Words in s. 79(2) inserted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(10)(a)(ii)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)
- F5** S. 79(2)(za) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 70** (with art. 6, Sch. 3)
- F6** S. 79(2): paragraph (a) and word “or” at the end of the paragraph substituted (1.10.1996) by 1996 c. 52, s. 55, **Sch. 3 para. 11** (with s. 51(4); [S.I. 1996/2402](#), **art. 3**)
- F7** Words in s. 79(2)(b) repealed (11.10.1993) by 1993 c. 28, ss. 124(1), 187(2), **Sch. 22**; [S.I. 1993/2134](#), arts. 2, 4, **Sch. 2** (with [Sch. 1 para. 5](#)).
- F8** S. 79(5A) inserted (12.2.1997) by [S.I. 1997/74](#), art. 2, **Sch. para. 6(d)**

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**F9** Words in s. 79(5A) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(10)(b)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 3, 10, 19)

**F10** S. 79(6)-(10) repealed (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. I](#); [S.I. 1996/2402, art. 3](#)

**Modifications etc. (not altering text)**

**C1** S. 79(1)(2) excluded (1.11.1993) by [1993 c. 28, ss. 37, 56\(7\), Sch. 10 para. 1\(2\)\(c\)](#); [S.I. 1993/2134, arts. 2, 5](#)

**Marginal Citations**

**M1** [1985 c. 68.](#)

**M2** [1985 c. 68.](#)

**M3** [1985 c. 70.](#)

**80 Disposals made without consent.**

(1) Any disposal of a house by a housing action trust which is made without the consent required by section 79(1) above is void unless—

- (a) the disposal is to an individual (or to two or more individuals); and
- (b) the disposal does not extend to any other house.

(2) Subject to subsection (1) above,—

- (a) a disposal of any land made by a housing action trust shall not be invalid by reason only that it is made without the consent required by section 79(1) above; and
- (b) a person dealing with a housing action trust or with a person claiming under such a trust shall not be concerned to see or enquire whether any consent required by section 79(1) above has been obtained.

**<sup>F11</sup>81 Consent required for certain subsequent disposals.**

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**Textual Amendments**

**F11** S. 81 omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\), ss. 13\(2\), 19\(2\)](#); [S.I. 2018/777, art. 3\(e\)](#)

**Modifications etc. (not altering text)**

**C2** S. 81 excluded (1.11.1993) by [1993 c. 28, ss. 37, 56\(6\), Sch. 10 para. 1\(2\)\(c\)](#); [S.I. 1993/2134, arts. 2, 5](#)

**C3** S. 81: transfer of functions (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), ss. 190\(b\), 325\(1\)](#) (with s. 189); [S.I. 2010/862, art. 2](#) (with Sch.)

**82 [<sup>F12</sup>Provision of] legal assistance to tenants after disposal.**

(1) This section applies where a house has been disposed of by a Corporation to disposal falling within section 79(2) above and, in relation to a house provide legal which has been so disposed of, a “transferred tenant” means a tenant of it assistance to who either—

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- [<sup>F13</sup>(a) was the secure tenant, introductory tenant, secure contract holder or introductory standard contract-holder of the house immediately before the disposal; or]
- [<sup>F14</sup>(b) is the widow, widower or surviving civil partner of the person who was then the secure tenant, introductory tenant, secure contract-holder, or introductory standard contract-holder of it.]
- (2) On an application by a transferred tenant of a house who is a party or a prospective party to proceedings or prospective proceedings to determine any dispute between himself and the person who acquired the house on the disposal referred to in subsection (1) above, the [<sup>F15</sup>appropriate authority] may give assistance to the transferred tenant if it thinks fit to do so—
- (a) on the ground that the case raises a question of principle; or
  - (b) on the ground that it is unreasonable, having regard to the complexity of the case, or to any other matter, to expect the transferred tenant to deal with it without assistance; or
  - (c) by reason of any other special consideration.
- (3) Assistance given by the [<sup>F15</sup>appropriate authority] under this section may include—
- (a) giving advice;
  - (b) procuring or attempting to procure the settlement of the matter in dispute;
  - (c) arranging for the giving of advice or assistance by a solicitor or counsel;
  - (d) arranging for representation by a solicitor or counsel, including such assistance as is usually given by a solicitor or counsel in the steps preliminary or incidental to any proceedings, or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings; and
  - (e) any other form of assistance which the [<sup>F15</sup>appropriate authority] may consider appropriate;
- but paragraph (d) above does not affect the law and practice regulating the descriptions of persons who may appear in, conduct, defend and address the court in any proceedings.
- (4) In so far as expenses are incurred by the [<sup>F15</sup>appropriate authority] in providing a transferred tenant with assistance under this section, the recovery of those expenses (as taxed or assessed in such manner as may be prescribed by rules of court) shall constitute a first charge for the benefit of the [<sup>F15</sup>appropriate authority]—
- (a) on any costs which (whether by virtue of a judgment or order of a court or an agreement or otherwise) are payable to the tenant by any other person in respect of the matter in connection with which the assistance was given, and
  - (b) so far as relates to any costs, on his rights under any compromise or settlement arrived at in connection with that matter to avoid or bring to an end any proceedings;
- but subject to any charge [<sup>F16</sup>imposed by [<sup>F17</sup>section 25 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] and any provision in, or made under, Part I of that Act for the payment of any sum to the [<sup>F18</sup>Lord Chancellor]].
- [<sup>F19</sup>(5) In this section “the appropriate authority” means—
- (a) in a case where the disposal mentioned in subsection (1) was to a private registered provider of social housing, the Regulator of Social Housing, and
  - (b) in a case where the disposal mentioned in that subsection was to a registered social landlord, the Welsh Ministers.]

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### Textual Amendments

- F12** Words in s. 82 heading substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 72(4)** (with art. 6, Sch. 3)
- F13** S. 82(1)(a) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(11)(a)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)
- F14** S. 82(1)(b) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **16(11)(b)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)
- F15** Words in s. 82 substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 72(2)** (with art. 6, Sch. 3)
- F16** Words in s. 82(4) substituted (1.4.2000) by 1999 c. 22, s. 24, Sch. 4 paras. 42, **43** (with s. 107, Sch. 14 para. 7(2)); S.I. 2000/774, **art. 2(a)(ii)(iii)** (with transitional provisions and savings in arts. 3-5)
- F17** Words in s. 82(4) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 37(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F18** Words in s. 82(4) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 37(b)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)
- F19** S. 82(5) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 72(3)** (with art. 6, Sch. 3)

### Modifications etc. (not altering text)

- C4** S. 82 functions transferred (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), **2**; S.I. 2008/3068, **art. 2(1)(b)** (with arts. 6-11)
- C5** S. 82(3)(c)(d) amended (1.1.1992) by S.I. 1991/2684, arts. 2(1), 4, **Sch. 1**
- C6** S. 82(3)(c)(d) applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), **Sch. 2**

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