



Housing Act 1988

1988 CHAPTER 50

PART III

HOUSING ACTION TRUST AREAS

Secure tenancies and right to buy

83 Application of Parts IV and V of Housing Act 1985.

- (1) Parts IV and V of the Housing Act 1985 (secure tenancies and the right to buy) shall be amended in accordance with this section.
- (2) In section 80(1) (which lists the landlords whose tenancies can qualify as secure tenancies), after the entry specifying a new town corporation there shall be inserted — “ a housing action trust ”.
- (3) In section 108 (heating charges to secure tenants), in paragraph (a) of subsection (5) (the definition of “heating authority”) after the words “housing authority” there shall be inserted “or housing action trust”.
- (4) In section 114 (meaning of “landlord authority” for the purposes of that Part), in each of subsections (1) and (2), after the entry specifying a development corporation, there shall be inserted— “ a housing action trust ”.
- (5) In section 171 (power to extend right to buy where certain bodies hold an interest in a dwelling-house), in subsection (2), after the entry specifying a new town corporation there shall be inserted— “ a housing action trust ”.
- (6) In each of the following provisions (all of which relate to cases where premises are or were let to a person in consequence of employment), namely—
 - (a) paragraph 2(1) of Schedule I (tenancies which are not secure tenancies),
 - (b) Grounds 7 and 12 of Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies),
 - (c) Ground 5 of Schedule 3 (grounds for withholding consent to assignment by way of exchange), and

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(d) paragraph 5 of Schedule 5 (exceptions to the right to buy),
 after the entry specifying a new town corporation there shall be inserted— “ a housing action trust ”.

(7) In Schedule 4 (qualifying period for right to buy and discount), in paragraph 7 (the landlord condition) after the entry specifying a new town corporation there shall be inserted— “ a housing action trust ”.

84 Provisions applicable to disposals of dwelling-houses subject to secure tenancies.

[^{F1}(1) The provisions of this section apply in any case where—

- (a) a housing action trust proposes to make a disposal of one or more houses let on secure tenancies which would result in a person who, before the disposal, is a secure tenant of the trust becoming, after the disposal, the tenant of another person, and
- (b) that other person is not a local housing authority or other local authority.]

[^{F2}(2) Before applying to the Secretary of State for consent to the proposed disposal or serving notice under subsection (4) below, the housing action trust shall serve notice in writing on any local housing authority in whose area any houses falling within subsection (1) above are situated—

- (a) informing the authority of the proposed disposal and specifying the houses concerned, and
- (b) requiring the authority within such period, being not less than 28 days, as may be specified in the notice, to serve on the trust a notice under subsection (3) below.

(3) A notice by a local housing authority under this subsection shall inform the housing action trust, with respect to each of the houses specified in the notice under subsection (2) above which is in the authority’s area, of the likely consequences for the tenant if the house were to be acquired by the authority.]

(4) Before applying to the Secretary of State for consent to the proposed disposal, and after the expiry of the period specified in the notice under subsection (2) above, the housing action trust shall serve notice in writing on the secure tenant—

- (a) informing him of the proposed disposal and of the name of the person to whom the disposal is to be made;
- (b) containing such other details of the disposal as seem to the trust to be appropriate;
- (c) informing him of the likely consequences of the disposal on his position as a secure tenant and, if appropriate, of the effect of sections 171A to 171H of the ^{M1}Housing Act 1985 (preservation of right to buy on disposal to private sector landlord);

[^{F3}(d) if the local housing authority in whose area the house of which he is tenant is situated has served notice under subsection (3) above, informing him (in accordance with the information given in the notice) of the likely consequences for him if the house were to be acquired by that authority;

- (e) informing him, if he wishes to become a tenant of that authority, of his right to make representations to that effect under paragraph (f) below and of the rights conferred by section 84A below;]

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- (f) informing him of his right to make representations to the trust with respect to the proposed disposal within such period, being not less than 28 days, as may be specified in the notice.
- [^{F4}(5) If, by virtue of any representations made to the housing action trust in accordance with subsection (4)(f) above, section 84A below applies in relation to any house or block of flats, the trust shall—
- (a) serve notice of that fact on the Secretary of State, on the local housing authority and on the tenant of the house or each of the tenants of the block, and
 - (b) so amend its proposals with respect to the disposal as to exclude the house or block;
- and in this subsection “house” and “block of flats” have the same meanings as in that section.
- (5A) The housing action trust shall consider any other representations so made and, if it considers it appropriate to do so having regard to any of those representations—
- (a) may amend (or further amend) its proposals with respect to the disposal, and
 - (b) in such a case, shall serve a further notice under subsection (4) above (in relation to which this subsection will again apply).]

(6) When applying to the Secretary of State for consent to the proposed disposal (as amended, where appropriate, by virtue of subsection (5) [^{F5}or subsection (5A)] above) the housing action trust shall furnish to him—

 - (a) a copy of any notice served on it under subsection (3) above or served by it under subsection (4) above;
 - (b) a copy of any representations received by the trust; and
 - (c) a statement of the consideration given by the trust to those representations.

(7) Without prejudice to the generality of section 72 above, where an application is made to the Secretary of State for consent to a disposal to which this section applies, [^{F6}or a disposal which would be such a disposal if subsection (1)(b) above were omitted,] the Secretary of State may, by a direction under that section, require the housing action trust—

 - (a) to carry out such further consultation [^{F7}or, as the case may be, such consultation] with respect to the proposed disposal as may be specified in the direction; and
 - (b) to furnish to him such information as may be so specified with respect to the results of that consultation.

(8) Notwithstanding the application to a housing action trust of Part IV of the ^{M2} Housing Act 1985 (secure tenancies) a disposal falling within subsection (1) above shall be treated as not being a matter of housing management to which section 105 of that Act applies.

Textual Amendments

- F1** S. 84(1) substituted (11.10.1993) by 1993 c. 28, s. 124(2); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)
- F2** S. 84(2)(3) substituted (11.10.1993) by 1993 c. 28, s. 125(1); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)
- F3** S. 84(4)(d)(e) substituted (11.10.1993) by 1993 c. 28, s. 125(2); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)

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- F4** S. 84(5)(5A) substituted (11.10.1993) for s. 84(5) by 1993 c. 28, s. 125(3); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)
- F5** Words in s. 84(6) inserted (11.10.1993) by 1993 c. 28, s. 125(4); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)
- F6** Words in s. 84(7) inserted (11.10.1993) by 1993 c. 28, s. 124(3)(a); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)
- F7** Words in s. 84(7) inserted (11.10.1993) by 1993 c. 28, s. 124(3)(b); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)

Modifications etc. (not altering text)

- C1** S. 84 modified (11.10.1993) by 1993 c. 28, s. 124(5); S.I. 1993/2134, arts. 2,4 (with savings in Sch. 1 para. 5)

Marginal Citations

- M1** 1985 c. 68.
M2 1985 c. 68.

[^{F8}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—
 - (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

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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 a secure 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 secure 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

F8 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)

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