



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

##### *Functions*

#### **67 Housing action trust as planning authority.**

- (1) [<sup>F1</sup>The Secretary of State may by order provide that, for such purposes of Part III of the 1990 Act and sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990,] and in relation to such kinds of development as may be specified in the order, a housing action trust shall be the local planning authority for the whole or such part as may be so specified of its designated area . . . <sup>F2</sup>
- (2) An order under subsection (1) above may provide—
  - (a) that any enactment relating to local planning authorities shall not apply to the trust; and
  - (b) that any such enactment which applies to the trust shall apply to it subject to such modifications as may be specified in the order.
- (3) An order made by the Secretary of State may provide—
  - (a) that, subject to any modifications specified in the order, a housing action trust specified in the order shall have, in the whole or any part of its designated area . . . <sup>F3</sup>, such of the functions conferred by [<sup>F4</sup>the provisions mentioned in subsection (3A) below] as may be so specified; and
  - (b) that such of the provisions of [<sup>F5</sup>Part VI and sections 249 to 251 and 258 of the 1990 Act and sections 32 to 37 of the Planning (Listed Buildings and Conservation Areas) Act 1990] as are mentioned in the order shall have effect, in relation to the housing action trust specified in the order and to land in the trust's area, subject to the modifications there specified.

<sup>F6</sup>(3A) The provisions referred to in subsection (3)(a) above are sections 96, 100, 104 [<sup>F7</sup>171C, 171D], 172 to 185, 187 to 202, 206 to 222, 224, 225, 231 and 320 to 336 of and

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*Changes to legislation: Housing Act 1988, Section 67 is up to date with all changes known to be in force on or before 15 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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paragraph 11 of Schedule 9 to the 1990 Act, Chapters I, II and IV of Part I and sections 54 to 56, 59 to 61, 66, 68 to 72, 74 to 76 and 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and sections 4 to 15, 17 to 21, 23 to [F<sup>8</sup>26AA, 36 and 36A] of the Planning (Hazardous Substances) Act 1990.]

- (4) An order under subsection (3) above may provide that, for the purposes of any of the provisions specified in the order, any enactment relating to local planning authorities shall apply to the housing action trust specified in the order subject to such modifications as may be so specified.
- (5) ..... F<sup>9</sup>
- (7) Any power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and any such order shall have effect subject to such savings and transitional provisions as may be specified in the order.

#### Textual Amendments

- F1** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 4, **Sch. 2 paras. 79(3)(a)**
- F2** Words repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), ss. 3, 4, Sch. 1 Pt. I, **Sch. 2 para. 79(3)(a)**
- F3** Words repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 3, **Sch. 1 Pt. I**
- F4** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 4, **Sch. 2 para. 79(3)(b)(i)**
- F5** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 4, **Sch. 2 para. 79(3)(b)(ii)**
- F6** S. 67(3A) inserted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), s. 4, **Sch. 2 para. 79(3)(c)**
- F7** Words in s. 67(3A) inserted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7, para.7** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch.**
- F8** Words in s. 67(3A) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 25, **Sch. 3, Pt. II, para.18** (with s. 84(5)); S.I. 1991/2905, **art.3**
- F9** S. 67(5)(6) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123: 1, 2), ss. 3, 4, Sch. 1 Pt. I, **Sch. 2 para. 79(3)(d)**

**Changes to legislation:**

Housing Act 1988, Section 67 is up to date with all changes known to be in force on or before 15 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](#)