



# 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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*Changes to legislation: Housing Act 1988, Section 79 is up to date with all changes known to be in force on or before 19 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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- (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**

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**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**

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**Marginal Citations**

- M1** 1985 c. 68.  
**M2** 1985 c. 68.  
**M3** 1985 c. 70.

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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](#)