



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

##### *Disposals of land*

#### **82** [F<sup>1</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—
- [F<sup>2</sup>(a) was the secure tenant, introductory tenant, secure contract holder or introductory standard contract-holder of the house immediately before the disposal; or]
  - [F<sup>3</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 [F<sup>4</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 [F<sup>4</sup>appropriate authority] under this section may include—
- (a) giving advice;

*Status: Point in time view as at 01/12/2022.*

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- (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 [F4appropriate 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 [F4appropriate 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 [F4appropriate 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 [F5imposed by [F6section 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 [F7Lord Chancellor]].

- [F8(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.]

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)

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- F7** 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)
- F8** 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)

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

- C1** 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)
- C2** S. 82(3)(c)(d) amended (1.1.1992) by S.I. 1991/2684, arts. 2(1), 4, **Sch. 1**
- C3** 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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