



Housing Act 1988

1988 CHAPTER 50

PART III

HOUSING ACTION TRUST AREAS

Disposals of land

82 [F¹Provision 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—
- [F²(a) was the secure tenant, introductory tenant, secure contract holder or introductory standard contract-holder of the house immediately before the disposal; or]
 - [F³(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 [F⁴appropriate 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 [F⁴appropriate authority] under this section may include—
- (a) giving advice;

Changes to legislation: Housing Act 1988, Section 82 is up to date with all changes known to be in force on or before 20 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

- (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 [^{F4}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 [^{F4}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 [^{F4}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 [^{F5}imposed by [^{F6}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 [^{F7}Lord 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)

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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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](#)