



Housing Act 1985

1985 CHAPTER 68

PART II

PROVISION OF HOUSING ACCOMMODATION

Disposal of land held for housing purposes

43 Consent required for certain disposals not within s. 32.

- (1) The consent of the [^{F1}appropriate national body] is required for the disposal by a local authority, otherwise than in pursuance of Part V (the right to buy) ^{F2}. . . , of a house belonging to the authority—
 - (a) which is let on a secure tenancy [^{F3}or an introductory tenancy], or
 - (b) of which a lease has been granted in pursuance of Part V,but which has not been acquired or appropriated by the authority for the purposes of this Part.
- (2) Consent may be given—
 - (a) either generally to all local authorities or to any particular local authority or description of authority, and
 - (b) either generally in relation to all houses or in relation to any particular house or description of house.
- (3) Consent may be given subject to conditions.
- (4) Consent may, in particular, be given subject to conditions as to the price, premium or rent to be obtained on a disposal of the house, including conditions as to the amount by which, on a disposal of the 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 local authority.

[^{F4}(4A) The matters to which the [^{F5}appropriate national body] may have regard in determining whether to give consent and, if so, to what conditions consent should be subject shall include—

Status: Point in time view as at 12/05/2016. This version of this provision has been superseded.

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- (a) the extent (if any) to which the person to whom the proposed disposal is to be made (in this subsection referred to as “the intending purchaser”) is, or is likely to be, dependent upon, controlled by or subject to influence from the local authority making the disposal or any members or officers of that authority;
- (b) the extent (if any) to which the proposed disposal would result in the intending purchaser becoming the predominant or a substantial owner in any area of housing accommodation let on tenancies or subject to licences;
- (c) the terms of the proposed disposal;
- ^{F6}(ca) [in the case of a proposed disposal which is part of a proposed large scale disposal, the appropriate national body's estimate of the exchequer costs of the large scale disposal;] and
- ^{F7}(cb) [any reduction in the amount that the local authority may be required to pay under section 69 of the Housing and Planning Act 2016 (payments to Secretary of State in respect of vacant higher value housing in England) as a result of the disposal;]
- (d) any other matters whatsoever which [^{F8}the appropriate national body] considers relevant.

^{F9}(4AA) [The estimate mentioned in subsection (4A)(ca) is to be based on such assumptions (including as to the period during which housing subsidies may be payable) as the appropriate national body may determine, regardless of whether those assumptions are, or are likely to be, borne out by events.

(4AB) Subsections (4AB) to (4AE) of section 34 apply for the purposes of this section as they apply for the purposes of that section.]

^{F10}(4B)]

(5) For the purposes of this section the grant of an option to purchase the freehold of, or any other interest in, a house to which this section applies is a disposal and a consent given under this section to such a disposal extends to a disposal made in pursuance of the option.

^{F11}[(5A) References in this section [^{F12}(other than in subsection (4A)(ca) and in subsections (4AB) to (4AE) of section 34 as applied for the purposes of this section)] and in section 44 to a local authority shall include references to a National Park authority.]

^{F13}(6) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.]

Textual Amendments

- F1** Words in s. 43(1) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(3\)\(a\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F2** Words in s. 43(1) repealed (1.10.1996) by 1996 c. 52, s. 227, [Sch. 19 Pt. IX](#); S.I. 1996/2402, [art. 3](#) (subject to transitional provisions and savings in Sch.)
- F3** Words in s. 43(1)(a) inserted (12.2.1997) by S.I. 1997/74, art. 2, [Sch. para. 3\(e\)](#)
- F4** S. 43(4A)(4B) inserted (*retrospectively* 9.6.1988) by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 132\(1\)\(2\)\(8\)](#)
- F5** Words in s. 43(4A) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(3\)\(b\)\(i\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F6** S. 43(4A)(ca) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(3\)\(b\)\(ii\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F7** S. 43(4A)(cb) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 77\(3\)](#), 216(1)(b)

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- F8** Words in s. 43(4A)(d) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(b)(iii)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F9** S. 43(4AA)(4AB) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(c)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F10** S. 43(4B) repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(2), **Sch. 12 Pt. I**
- F11** S. 43(5A) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 24(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F12** Words in s. 43(5A) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(d)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F13** S. 43(6) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 2 para. 15**

Modifications etc. (not altering text)

- C1** Ss. 43, 44, 45 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 paras. 22 and 23** as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**
- C2** S. 43 extended (1.11.1993) by 1993 c. 28, s. 37, **Sch. 10 para. 1(2)(a)** (with ss. 56(6), 94(2), 95); S.I. 1993/2134, **arts. 2, 5(a)**.
Ss. 43, 44 extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 21(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C3** Ss. 43, 44 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 8(a)**
- C4** S. 43(1) excluded by Local Government Act 1988 (c. 9, SIF 81:1), **s. 26(5)(c)**
- C5** S. 43(2)(b)(3) extended by Housing Act 1988 (c. 50, SIF 61), **s.133(3)(b)**
- C6** S. 43(4A) extended by Housing Act 1988 (c. 50, SIF 81:1), **s. 133(3)(b)**
- C7** S. 43(4A) modified by Housing Act 1988 (c. 50, SIF 61), **s. 133(c)**
- C8** S. 43(5) applied by Housing Act 1988 (c. 50, SIF 61), **s. 133(4)**

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