



# Housing Act 1985

## 1985 CHAPTER 68

### PART XVIII

#### MISCELLANEOUS AND GENERAL PROVISIONS

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

- C1** Pt. XVIII (ss. 604–625): power to apply certain functions with modifications conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **65(6)**

#### *General provisions relating to housing conditions*

#### **604 Fitness for human habitation.**

**F1** .....

##### Textual Amendments

- F1** Ss. 604–606 repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

#### **604A Authority to consider guidance given by Secretary of State in deciding whether to take action under Section 189, Section 264, Section 265 or Section 289.**

**F2** .....

##### Textual Amendments

- F2** Ss. 604–606 repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

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## 605 Consideration by local housing authority of housing conditions in their district.

F3 .....

### Textual Amendments

- F3** Ss. 604-606 repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

## 606 Reports on particular houses or areas.

F4 .....

### Textual Amendments

- F4** Ss. 604-606 repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

### *Environmental considerations*

## 607 Local housing authority to have regard to environmental considerations.

A local housing authority in preparing any proposals for the provision of housing accommodation, or in taking any action under this Act, shall have regard to—

- (a) the beauty of the landscape or countryside,
- (b) the other amenities of the locality, and
- (c) the desirability of preserving existing works of architectural, historic or artistic interest;

and they shall comply with such directions in that behalf as may be given to them by the Secretary of State.

## 608 Acquisition of ancient monuments, &c.

Land which is the site of an ancient monument or other object of archaeological interest—

- (a) may not be acquired for the purposes of . . . <sup>F5</sup> Part IX (slum clearance), and
- (b) may be acquired for the purposes of Part II (provision of housing) only by compulsory purchase order.

### Textual Amendments

- F5** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(e), 194(4), [Sch. 9 Pt. V para. 87](#), [Sch. 12 Pt. II](#)

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*Enforceability of covenants, &c.*

**609 Enforcement of covenants against owner for the time being.**

Where—

- (a) a local housing authority have disposed of land held by them for any of the purposes of this Act and the person to whom the disposal was made has entered into a covenant with the authority concerning the land, or
- (b) an owner of any land has entered into a covenant with the local housing authority concerning the land for the purposes of any of the provisions of this Act,

the authority may enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

**610 Power of court to authorise conversion of premises into flats.**

- (1) The local housing authority or a person interested in [<sup>F6</sup>any premises] may apply to the county court where—

- (a) owing to changes in the character of the neighbourhood in which the [<sup>F7</sup>premises][<sup>F8</sup>are situated, they] cannot readily be let as a single [<sup>F8</sup>dwelling-house] but could readily be let for occupation if converted into two or more [<sup>F8</sup>dwelling-houses], or
- (b) planning permission has been granted under Part III of [<sup>F9</sup>the Town and Country Planning Act 1990] (general planning control) for the use of the [<sup>F7</sup>premises] as converted into two or more separate dwelling-houses instead of as a single dwelling-house,

and the conversion is prohibited or restricted by the provisions of the lease of the [<sup>F7</sup>premises], or by a restrictive covenant affecting the [<sup>F7</sup>premises], or otherwise.

- (2) The court may, after giving any person interested an opportunity of being heard, vary the terms of the lease or other instrument imposing the prohibition or restriction, subject to such conditions and upon such terms as the court may think just.

**Textual Amendments**

- F6** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 88](#)
- F7** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 88](#)
- F8** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 88](#)
- F9** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\)](#), s. 4, [Sch. 2 para. 71\(5\)](#)

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### *Miscellaneous powers of local housing authorities*

#### **611 Removal or alteration of apparatus of statutory undertakers.**

- (1) Where by reason of the stopping up, diversion or alteration of the level or width of a street by a local housing authority under powers exercisable by them by virtue of this Act—
  - (a) the removal or alteration of apparatus belonging to statutory undertakers, or
  - (b) the execution of works for the provision of substituted apparatus, whether permanent or temporary,
 is reasonably necessary for the purposes of their undertaking, the statutory undertakers may by notice in writing served on the authority require them to remove or alter the apparatus or to execute the works.
- (2) Where such a requirement is made and not withdrawn, the authority shall give effect to it unless—
  - (a) they serve notice in writing on the undertakers of their objection to the requirement within 28 days of the service of the notice upon them and
  - (b) the requirement is determined by arbitration to be unreasonable.
- (3) At least seven days before commencing any works which they are required under this section to execute, the authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention to do so; and if the undertakers so elect within seven days from the date of service of the notice on them, they shall themselves execute the works.
- (4) If the works are executed by the authority, they shall be executed at the authority's expense and under the superintendence (also at the authority's expense) and to the reasonable satisfaction of the undertakers; and if the works are executed by the undertakers, they shall be executed in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs of the works shall be repaid to the undertakers by the authority.
- (5) Any difference arising between statutory undertakers and a local housing authority under subsection (3) or (4), and any matter which by virtue of subsection (2)(b) is to be determined by arbitration, shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Secretary of State.
- (6) In this section—
  - (a) “statutory undertakers” means any persons authorised by an enactment, or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, . . . <sup>F10</sup>, . . . <sup>F11</sup> or other public undertaking;
  - (b) “apparatus” means sewers, drains, culverts, watercourses, mains, pipes, valves, tubes, cables, wires, transformers and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps;
  - (c) references to the alteration of apparatus include diversion and the alteration of position or level.

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#### Textual Amendments

- F10** Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F11** Word repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(2)(3), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

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

- C2** S. 611 extended by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 58, **Sch. 2 para. 1(1)**
- C3** S. 611 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 1(2)(xxxii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- C4** S. 611 extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 2(4)(e)(9), Sch. 17 paras. 33, **35(1)**
- C5** S. 611 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1(2)(o)** (with s. 106); S.I. 2001/869, **art.2**

### General provisions

#### 612 Exclusion of Rent Act protection.

Nothing in the Rent Acts [<sup>F12</sup>or Part I of the Housing Act 1988] prevents possession being obtained of a [<sup>F13</sup>dwelling-house] of which possession is required for the purpose of enabling a local housing authority to exercise their powers under any enactment relating to housing.

#### Textual Amendments

- F12** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 63**
- F13** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), **Sch. 9 Pt. V para. 89**

#### 613 Liability of directors, &c. in case of offence by body corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### 614 Power to prescribe forms &c.

- (1) The Secretary of State may by regulations prescribe—
- anything which by this Act is to be prescribed; or
  - the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this Act.

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- (2) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power conferred by this section is not exercisable where specific provision for prescribing a thing, or the form of a document, is made elsewhere.

#### **615 Dispensation with advertisements and notices.**

- (1) The Secretary of State may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act if he is satisfied that there is reasonable cause for dispensing with the publication or service.
- (2) A dispensation may be given by the Secretary of State—
  - (a) either before or after the time at which the advertisement is required to be published or the notice is required to be served, and
  - (b) either unconditionally or upon such conditions, as to the publication of other advertisements or the service of other notices or otherwise, as the Secretary of State thinks fit,
 due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.

#### **616 Local inquiries.**

For the purposes of the execution of his powers and duties under this Act, the Secretary of State may cause such local inquiries to be held as he may think fit.

#### **617 Service of notices.**

- (1) Where under any provision of this Act it is the duty of a local housing authority to serve a document on a person who is to the knowledge of the authority—
  - (a) a person having control of premises, however defined, or
  - (b) a person managing premises, however defined, or
  - (c) a person having an estate or interest in premises, whether or not restricted to persons who are owners or lessees or mortgagees or to any other class of those having an estate or interest in premises,
 the authority shall take reasonable steps to identify the person or persons coming within the description in that provision.
- (2) A person having an estate or interest in premises may for the purposes of any provision to which subsection (1) applies give notice to the local housing authority of his interest in the premises and they shall enter the notice in their records.
- (3) A document required or authorised by this Act to be served on a person as being a person having control of premises (however defined) may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served by—
  - (a) addressing it to him by the description of “person having control of” the premises (naming them) to which it relates, and
  - (b) delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

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- (4) Where under any provision of this Act a document is to be served on—
- (a) the person having control of premises, however defined, or
  - (b) the person managing premises, however defined, or
  - (c) the owner of premises, however defined,
- and more than one person comes within the description in the enactment, the document may be served on more than one of those persons.

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

C6 S. 617 applied (17.12.1996) by 1996 c. 53, s. 82(5); S.I. 1996/2842, art. 3

**618 The Common Council of the City of London.**

- (1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act or the <sup>M1</sup>Housing Associations Act 1985 which in their opinion may be better regulated and managed by means of a committee.
- (2) A committee so appointed—
- (a) shall consist as to a majority of its members of members of the Common Council, and
  - (b) shall not be authorised to borrow money or to make a rate,
- and shall be subject to any regulations and restrictions which may be imposed by the Common Council.
- (3) A person is not, by reason only of the fact that he occupies a house at a rental from the Common Council, disqualified from being elected or being a member of that Council or any committee of that Council; but no person shall vote as a member of that Council, or any such committee, on a resolution or question which is proposed or arises in pursuance of this Act or the Housing Associations Act 1985 and relates to land in which he is beneficially interested.
- (4) A person who votes in contravention of subsection (3) commits a summary offence and is liable on conviction to a fine not exceeding [<sup>F14</sup>level 4 on the standard scale]; but the fact of his giving the vote does not invalidate any resolution or proceeding of the authority.

**Textual Amendments**

F14 Words substituted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(1), Sch. 5 Pt. 1 para. 6(1) (2)

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

C7 S. 618 applied (18.1.2005) by Housing Act 2004 (c. 34), ss. 261(7), 270(3)(a)

**Marginal Citations**

M1 1985 c. 69.

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**619 The Inner and Middle Temples.**

<sup>F15</sup>(1) .....

(2) [<sup>F16</sup>The provisions of Parts I to XI and XIII to XVIII of this Act] are among those for which provision may be made by Order in Council under section 94 of the Local Government Act 1985 (general power to provide for exercise of local authority functions as respects the Temples).

**Textual Amendments**  
**F15** S. 619(1) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2  
**F16** Words in s. 619(2) substituted (3.3.1997) by 1996 c. 52, s. 80(2); S.I. 1997/350, art. 2

**620 The Isles of Scilly.**

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**621 Meaning of “lease” and “tenancy” and related expressions.**

- (1) In this Act “lease” and “tenancy” have the same meaning.
- (2) Both expressions include—
  - (a) a sub-lease or sub-tenancy, and
  - (b) an agreement for a lease or tenancy (or sub-lease or sub-tenancy).
- (3) The expressions “lessor” and “lessee” and “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or terms, shall be construed accordingly.

**[<sup>F17</sup>621A Meaning of “service charge” and related expressions.**

- (1) In this Act “service charge” means an amount payable by a purchaser or lessee of premises—
  - (a) which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the vendor’s or lessor’s costs of management, and
  - (b) the whole or part of which varies or may vary according to the relevant costs.
- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the payee, or (in the case of a lease) a superior landlord, in connection with the matters for which the service charge is payable.
- (3) For this purpose—
  - (a) “costs” includes overheads, and
  - (b) costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.
- (4) In relation to a service charge—
  - (a) the “payee” means the person entitled to enforce payment of the charge, and



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(b) the “payer” means the person liable to pay it.]

[<sup>F18</sup>(5) But this section does not apply in relation to Part 14.]

#### Textual Amendments

**F17** S. 621A inserted by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(2), **Sch. 5 Pt. II para. 39**

**F18** S. 621A(5) inserted (30.9.2003 for E and 30.3.2004 for W.) by 2002 c. 15, ss. 150, 181(1), Sch. 9 para. 6; S.I. 2003/1986, **art. 2(c)(i)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(i)**, Sch. 2

### 622 Minor definitions: general.

[<sup>F19</sup>(1)] In this Act—

[<sup>F20</sup>“assured tenancy” has the same meaning as in Part I of the Housing Act 1988;

“assured agricultural occupancy” has the same meaning as in Part I of the Housing Act 1988]

[<sup>F21</sup>“authorised deposit taker” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;

“authorised insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to effect or carry out contracts of insurance;]

[<sup>F22</sup>“authorised mortgage lender” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to enter into a regulated mortgage contract as lender,
- (b) an EEA firm of the kind mentioned in paragraph (5)(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to enter into a regulated mortgage contract as lender, or
- (c) a Treaty firm within the meaning of Schedule 4 to that Act who has permission under paragraph 4 of that Schedule (as a result of qualifying for authorisation under paragraph 2 of that Schedule) to enter into a regulated mortgage contract as lender;]

<sup>F23</sup>

“building regulations” means—

- (a) building regulations made under Part I of the Building Act 1984,
- (b) <sup>F24</sup> .....
- (c) any provision of a local Act, or of a byelaw made under a local Act, dealing with the construction and drainage of new buildings and the laying out and construction of new streets;

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“cemetery” has the same meaning as in section 214 of the Local Government Act 1972;

“charity” has the same meaning as in the [<sup>F25</sup>the Charities Act 1993];

[<sup>F26</sup>“district valuer”, in relation to any land in the district of a local housing authority, means an officer of the Commissioners of Inland Revenue appointed by them for the purpose of exercising, in relation to that district, the functions of the district valuer under this Act;]

“friendly society” means a friendly society, or a branch of a friendly society, registered under the Friendly Societies Act 1974 or earlier legislation;

“general rate fund” means—

- (a) in relation to the Council of the Isles of Scilly, the general fund of that council;
- (b) in relation to the Common Council of the City of London, that council’s general rate;

“hostel” means a building in which is provided, for persons generally or for a class or classes of persons—

- (a) residential accommodation otherwise than in separate and self-contained sets of premises, and
- (b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

F23

“protected occupancy” and “protected occupier” have the same meaning as in the Rent (Agriculture) Act 1976;

“protected tenancy” has the same meaning as in Rent Act 1977;

“regular armed forces of the Crown” means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955 [<sup>F27</sup>or the regular air force as defined by section 223 of the Air Force Act 1955]

“the Rent Acts” means the Rent Act 1977 and the Rent (Agriculture) Act 1976;

“restricted contract” has the same meaning as in the Rent Act 1977;

“shared ownership lease” means a lease—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it, or
- (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling;

F28

F28

“statutory tenancy” and “statutory tenant” means a statutory tenancy or statutory tenant within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976;

“street” includes any court, alley, passage, square or row of houses, whether a thoroughfare or not;

“subsidiary” has [<sup>F29</sup>the meaning given by section 736 of] the Companies Act 1985;

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- [<sup>F30</sup>(2) The definitions of “authorised deposit taker”<sup>F31</sup>, “authorised insurer” and “authorised mortgage lender”] in subsection (1) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
  - (b) any relevant order under that section; and
  - (c) Schedule 2 to that Act.]

#### Textual Amendments

- F19** S. 622 renumbered as s. 622(1) (1.12.2001) by S.I. 2001/3649, arts. 1, 300(2)
- F20** Definitions inserted by Housing Act 1988 (c. 50, SIF 61), s. 140(1), Sch. 17 Pt. I para. 64
- F21** S. 622(1): definitions inserted (1.12.2001) after definition of "assured agricultural tenancy" by S.I. 2001/3649, arts. 1, 300(4)
- F22** S. 622(1): definition inserted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 307(2), 325
- F23** S. 622(1): definitions of "bank", "building society", "insurance company" and "trustee savings bank" repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 300(3)
- F24** S. 622: in definition of "building regulations" para. (b) repealed (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 84(6), Sch. 19 Pt. V (with s. 84(5)); S.I. 1991/2067, art. 3
- F25** Words in s. 622 substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), Sch. 6 para. 30.
- F26** Entry substituted by S.I. 1990/434, reg. 2, Sch. para. 23
- F27** Words in s. 622 substituted (11.5.2001) by 2001 c. 19, s. 34, Sch. 6 Pt. 5 para. 29
- F28** S. 622: definitions of "standard scale" and "statutory maximum" repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group 2
- F29** Words substituted by Companies Act 1989 (c. 40, SIF 27), s. 144(4), Sch. 18 para. 40
- F30** S. 622(2) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 300(5)
- F31** Words in s. 622(2) substituted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 307(3), 325

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

- C8** S. 622 extended (1.1.1993) by S.I. 1992/3218, reg. 82(1), Sch. 10 Pt. I para. 19  
S. 622 amended (1.7.1994) by S.I. 1994/1696, reg. 68, Sch. 8 Pt. I para. 10

### 623 Minor definitions: Part XVIII

In this Part—

[<sup>F32</sup>“dwelling-house”<sup>F33</sup>. . . shall be construed in accordance with subsection (2);

<sup>F34</sup> . . . . . ]

“owner”, in relation to premises—

- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple absolute in the premises, whether in possession or in reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years.

[<sup>F35</sup>(2) For the purposes of this Part, “dwelling-house” includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it and section 183 shall have effect to determine whether a dwelling-house is a flat.]

*Status: Point in time view as at 22/09/2008.*

*Changes to legislation: Housing Act 1985, PART XVIII is up to date with all changes known to be in force on or before 28 May 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)*

### Textual Amendments

- F32** Definitions substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 90\(1\)](#)
- F33** [S. 623](#): words in "section 623(1)" repealed (6.4.2006 for E. and 16.6.2006 for W.) by virtue of [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); [S.I. 2006/1060](#), [art. 2\(1\)\(e\)\(v\)](#) (with Sch.); [S.I. 2006/1535](#), [art. 2\(c\)\(v\)](#) (with Sch.)
- F34** [S. 623](#): definitions in "section 623(1)" repealed (6.4.2006 for E. and 16.6.2006 for W.) by virtue of [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); [S.I. 2006/1060](#), [art. 2\(1\)\(v\)\(e\)](#) (with Sch.); [S.I. 2006/1535](#), [art. 2\(c\)\(v\)](#) (with Sch.)
- F35** [S. 623\(2\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 90\(2\)](#)

## 624 Index of defined expressions: Part XVIII.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section):—

clearance area	section 289
district (of a local housing authority)	section 2(1)
[ <sup>F36</sup> dwelling-house]	[ <sup>F36</sup> section 623]
<sup>F37</sup>	<sup>F37</sup>
...	...
<sup>F37</sup>	<sup>F37</sup>
...	...
<sup>F37</sup>	<sup>F37</sup>
...	...
<sup>F38</sup>	<sup>F38</sup>
lease and let	section 621
local housing authority	section 1, 2(2)
owner	section 623
Rent Acts	section 622
standard scale (in reference to the maximum fine on summary conviction)	section 622
street	section 622
unfit for human habitation	section 604

### Textual Amendments

- F36** Entries inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(e), [Sch. 9 Pt. V para. 91\(b\)](#)

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*Status:* Point in time view as at 22/09/2008.

*Changes to legislation:* Housing Act 1985, PART XVIII is up to date with all changes known to be in force on or before 28 May 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)

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- F37** Entries in s. 624 repealed (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 266, 270(4)(5), **Sch. 16**; S.I. 2006/1060, **art. 2(1)(e)(v)** (with Sch.); S.I. 2006/1535, **art. 2(c)(v)** (with Sch.)
- F38** Entry repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(e), 194(4), Sch. 9 Pt. V para. 91(a), **Sch. 12 Pt. II**

### *Final provisions*

#### **625 Short title, commencement and extent.**

- (1) This Act may be cited as the Housing Act 1985.
- (2) This Act comes into force on 1st April 1986.
- (3) This Act extends to England and Wales only.

**Status:**

Point in time view as at 22/09/2008.

**Changes to legislation:**

Housing Act 1985, PART XVIII is up to date with all changes known to be in force on or before 28 May 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.