



# Housing Act 1985

## 1985 CHAPTER 68

### PART XIV

#### LOANS FOR ACQUISITION OR IMPROVEMENT OF HOUSING

##### *[<sup>F1</sup> Loans in respect of service charges]*

##### **[<sup>F1</sup>450B Power to make loans in other cases.**

- (1) The Secretary of State may by regulations provide that where—
- a housing authority [<sup>F2</sup>(other than the Homes and Communities Agency)] is the landlord of a flat under a long lease granted or assigned by the authority or by another housing authority, and
  - the tenant is liable under the terms of the lease to pay service charges in respect of repairs [<sup>F3</sup>or improvements] (whether to the flat, the building in which it is situated or any other building or land),

the landlord or, where the landlord is a housing association, the [<sup>F4</sup>Relevant Authority] may, in such circumstances as may be prescribed, make a loan to the tenant in respect of the service charges.

[ But, except for cases where he is the landlord as the result of the exercise by him <sup>F5</sup>(1A) (or Housing for Wales) of functions under Part III of the <sup>M1</sup>Housing Associations Act 1985, the regulations may not contain provision for cases where the Secretary of State is the landlord.]

- (2) The regulations shall provide that the power is—
- where the landlord is a housing association, a power of the [<sup>F4</sup>Relevant Authority] to make an advance, and
  - in any other case, a power of the landlord to leave the whole or part of the service charge outstanding.
- (3) Where the tenant is entitled to a loan in pursuance of regulations under section 450A, the power conferred by regulations under this section may be exercised in respect of any part of the service charge which does not qualify for a loan under that section.

*Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.*

*Changes to legislation: Housing Act 1985, Section 450B is up to date with all changes known to be in force on or before 23 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)*

[ For the purposes of this section a long lease granted or assigned by the Secretary of State shall only be taken to have been granted or assigned by a housing authority if the Secretary of State granted or assigned it in exercise of his powers under section 90 of the <sup>M2</sup>Housing Associations Act 1985.]

(4) In this section—

[<sup>F7</sup>“housing authority”—

- (a) does not include a private registered provider of social housing, or a registered social landlord, which is a co-operative housing association;
  - (b) includes a co-operative housing association which is neither a private registered provider of social housing nor a registered social landlord;
- and]

“repairs ” includes works for making good a structural defect.

(5) This section does not affect any other power of the landlord, or the [<sup>F4</sup>Relevant Authority], to make loans.]

[<sup>F8</sup>(6) This section does not apply to a landlord which is a housing association falling within section 6A(4) (housing associations which are not Welsh or Scottish housing associations).]

#### Textual Amendments

- F1** Ss. 450A, 450B, 450C and cross heading inserted (13.07.1992) by [Housing and Planning Act 1986](#) (c. 63, SIF 61), s. 5; S.I. 1992/1753, art. 2(1)
- F2** Words in s. 450B(1)(a) inserted (1.12.2008) by [The Housing and Regeneration Act 2008](#) (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 4, **Sch. 1 para. 22(2)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F3** Words in s. 450B(1)(b) inserted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 150, 181(1), Sch. 9 para. 3; S.I. 2003/1986, art. 2(c)(i) (subject to Sch. 2); S.I. 2004/669, art. 2(c)(i), Sch. 2
- F4** Words in s. 450C substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 5** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 5
- F5** S. 450B(1A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 17(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 5
- F6** S. 450B(3A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 17(3)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, art. 5
- F7** Words in s. 450B(4) 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. 32** (with art. 6, Sch. 3)
- F8** S. 450B(6) inserted (1.12.2008) by [The Housing and Regeneration Act 2008](#) (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 4, **Sch. 1 para. 22(3)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)

#### Marginal Citations

- M1** 1985 c. 69.  
**M2** 1985 c. 69.

**Status:**

Point in time view as at 01/04/2010. This version of this provision has been superseded.

**Changes to legislation:**

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