



Housing Associations Act 1985

1985 CHAPTER 69

PART I

REGULATION OF HOUSING ASSOCIATIONS

Introductory

1 Meaning of “housing association” and related expressions.

- (1) In this Act “housing association” means a society, body of trustees or company—
- (a) which is established for the purpose of, or amongst whose objects or powers are included those of, providing, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, housing accommodation, and
 - (b) which does not trade for profit or whose constitution or rules prohibit the issue of capital with interest or dividend exceeding such rate as may be prescribed by the Treasury, whether with or without differentiation as between share and loan capital [^{F1};
- [^{F2}[^{F3}but does not include Scottish Homes.]]
- (2) In this Act “fully mutual”, in relation to a housing association, means that the rules of the association—
- (a) restrict membership to persons who are tenants or prospective tenants of the association, and
 - (b) preclude the granting or assignment of tenancies to persons other than members;
- and “co-operative housing association” means a fully mutual housing association which is a society registered under the ^{M1}Industrial and Provident Societies Act 1965 [^{F4}(in this part referred to as “the 1965 Act”)] .
- (3) In this Act “self-build society” means a housing association whose object is to provide, for sale to, or occupation by, its members, dwellings built or improved principally with the use of its members’ own labour.

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

Textual Amendments

- F1 Words added by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 1, 3(3), [Sch. 2 para. 6](#)
- F2 Words in s. 1(1) repealed (S.) (1.11.2001) by [2001 asp 10, s. 112](#), [Sch. 10 para. 11\(2\)](#); S.S.I. 2001/336, [art. 2\(3\)](#) (with transitional provisions and savings in [art. 3](#))
- F3 Words added by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 1, 3(3), [Sch. 2 para. 6](#)
- F4 Words in s. 1(2) repealed (E.W.) (1.10.1996) by [S.I. 1996/2325, art. 4\(1\)](#), [Sch. 1 Pt. I](#) (with [art. 4\(2\)\(3\)](#))

Marginal Citations

- M1 [1965 c. 12.](#)

2 Meaning of “housing trust”.

In this Act “housing trust” means a corporation or body of persons which—

- (a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation, or
- (b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.

^{F5}2A

Textual Amendments

- F5 [S. 2A](#) repealed (1.10.1996) by [S.I. 1996/2325, art. 4\(1\)](#), [Sch. 1 Pts. I, II](#) (with [art. 4\(2\)\(3\)](#))

[^{F6}2B Meaning of “registered housing association”, “registered social landlord” etc.

In this Act, unless the context otherwise requires—

“registered housing association” means a housing association registered in the register [^{F7}of social landlords maintained under [^{F8}section 20(1) of the [Housing \(Scotland\) Act 2010 \(asp 17\)](#)],

[^{F9}“registered social landlord” has the same meaning as in Part I of the [Housing Act 1996](#), and]

[^{F10}“unregistered”, in relation to a housing association, means [^{F11}not] registered in the register of social landlords maintained under [^{F12}section 20(1) of the [Housing \(Scotland\) Act 2010 \(asp 17\)](#)].]

[^{F10}“unregistered”, in relation to a housing association, means—

- (a) not registered as a provider of social housing under Part 2 of the [Housing and Regeneration Act 2008](#),
- (b) not registered as a social landlord under Part 1 of the [Housing Act 1996](#), and
- (c) not registered as a social landlord under [^{F13}Part 2 of the [Housing \(Scotland\) Act 2010 \(asp 17\)](#)].]

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Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

Textual Amendments

- F6** S. 2B inserted (1.10.1996) by [S.I. 1996/2325](#), [art. 5\(1\)](#), [Sch. 2 para. 15\(2\)](#)
- F7** Words in s. 2B substituted (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(c), [S.I. 2001/336](#), [art. 2\(2\)](#), [Sch. Pt. II](#) Table (with transitional provisions and savings in art. 3)
- F8** Words in s. 2B substituted (S.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/38\)](#), [art. 1](#), [Sch. para. 1\(a\)](#)
- F9** Words in s. 2B repealed (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(b), [S.I. 2001/336](#), [art. 2\(2\)](#), [Sch. Pt. II](#) Table (with transitional provisions and savings in art. 3)
- F10** Words in s. 2B substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), [art. 1\(2\)](#), [Sch. 2 para. 40](#) (with art. 6, Sch. 3)
- F11** Word in s. 2B substituted (S.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/38\)](#), [art. 1](#), [Sch. para. 1\(b\)\(i\)](#)
- F12** Words in s. 2B substituted (S.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/38\)](#), [art. 1](#), [Sch. para. 1\(b\)\(ii\)](#)
- F13** Words in s. 2B substituted (E.W.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2012 \(S.I. 2012/700\)](#), [art. 1\(3\)](#), [Sch. para. 2](#)

Registration

F14³

Textual Amendments

- F14** S. 3 repealed (E.W.) (1.10.1996) by [1996 c. 52](#), s. 227, [Sch. 19 Pt. I](#); [S.I. 1996/2402](#), [art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, [Sch. 10 para. 11\(4\)](#); [S.S.I. 2001/336](#), [art. 2\(3\)](#), [Sch. Pt. II](#) Table (subject to transitional provisions and savings in art. 3)

F15⁴

Textual Amendments

- F15** S. 4 repealed (E.W.) (1.10.1996) by [1996 c. 52](#), s. 227, [Sch. 19 Pt. I](#); [S.I. 1996/2402](#), [art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, [Sch. 10 para. 11\(4\)](#); [S.S.I. 2001/336](#), [art. 2\(3\)](#), [Sch. Pt. II](#) Table (subject to transitional provisions and savings in art. 3)

F16⁵

Textual Amendments

- F16** S. 5 repealed (E.W.) (1.10.1996) by [1996 c. 52](#), s. 227, [Sch. 19 Pt. I](#); [S.I. 1996/2402](#), [art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by 2001 asp 10, s. 112, [Sch. 10 para.](#)

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11(4); S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F17**6**

Textual Amendments

F17 S. 6 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F18**7**

Textual Amendments

F18 S. 7 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Disposal of land

F19**8**

Textual Amendments

F19 S. 8 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[^{F219} [^{F20}Control of disposals by unregistered housing associations]

^{F22}(1)

[Subject to section 10, the consent of [^{F24}the relevant regulator] is required for any ^{F23}(1A) disposition of grant-aided land (as defined in Schedule 1) by an unregistered housing association; and for this purpose “[^{F24}the relevant regulator]” means,—

- [^{F25}(a) if the land is in England, the Regulator of Social Housing, and
- (b) if the land is in Wales, the Welsh Ministers.]]

(2) [^{F26}Consent under this section] may be so given—

- (a) generally to all housing associations or to a particular housing association or description of association;
- (b) in relation to particular land or in relation to a particular description of land;

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and may be given subject to conditions.

- (3) A disposition by a housing association which requires [^{F27}consent] under this section is valid in favour of a person claiming under the association notwithstanding that [^{F27}that consent] has not been given; and a person dealing with the association, or with a person claiming under the association, shall not be concerned to see or inquire whether any such consent has been given.

This subsection has effect subject to section 12 (avoidance of certain dispositions of houses without consent).

^{F28}(4)

- (5) For the purposes of this section “disposition” means sale, lease, mortgage, charge or any other disposal.

[^{F29}(6) Consent under this section must be in writing.]

Textual Amendments

- F20** S. 9 heading substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 9 para. 9\(4\)](#); S.I. 2010/862, art. 2 (with Sch.)
- F21** S. 9 repealed (S.) (1.11.2001) by [2001 asp 10, s. 112, Sch. 10 para. 11\(4\)](#), S.S.I. 2001/336, art. 2, [Sch. Pt. II](#) (subject to transitional provisions and savings in art. 3)
- F22** S. 9(1) repealed (E.W.) (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. I](#); S.I. 1996/2402, [art. 3](#) (with transitional provisions and savings in Sch.)
- F23** S. 9(1A) substituted for s. 9(1) by [Housing Act 1988 \(c. 50, SIF 61\), s. 59\(2\)\(3\)\(4\), Sch. 6 Pt. I para. 7\(1\)](#)
- F24** Words in s. 9(1A) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 9 para. 9\(2\)\(a\)](#); S.I. 2010/862, art. 2 (with Sch.)
- F25** S. 9(1A)(a)(b) substituted for s. 9(1A)(a)-(c) (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 9 para. 9\(2\)\(b\)](#); S.I. 2010/862, art. 2 (with Sch.)
- F26** Words in s. 9(2) substituted (1.10.1996) by [S.I. 1996/2325, art. 15\(1\), Sch. 2 para. 15\(10\)](#)
- F27** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\), s. 59\(2\)\(3\)\(4\), Sch. 6 Pt. I para. 7\(2\)\(a\)\(b\)](#)
- F28** S. 9(4) repealed (E.W.) (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. I](#); S.I. 1996/2402, [art. 3](#) (with transitional provisions and savings in Sch.)
- F29** S. 9(6) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 9 para. 9\(3\)](#); S.I. 2010/862, art. 2 (with Sch.)

Modifications etc. (not altering text)

- C1** S. 9: transfer of functions (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 2](#) (see S.I. 2008/3068, art. 2(1)(b))
- C2** S. 9 amended by (E.W.) [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 173\(6\)\(7\)](#); [Housing Act 1988 \(c. 50, SIF 61\), s. 81\(7\)](#); modified by [Housing Act 1988 \(c. 50, SIF 61\), s. 58\(3\)\(4\)](#); excluded by (E.W.) [Housing Act 1988 \(c. 50, SIF 61\) s. 105\(6\), s. 133\(6\)\(7\)](#); (Scotland) [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 63\(3\)](#)
- C3** S. 9(1)(1A) excluded (E.W.) (1.11.1993) by [1993 c. 28, s. 37, Sch. 10 para. 1\(2\)\(b\)](#) (with ss. 56(6), 94(2), 95); S.I. 1993/2134, [art. 5](#).
- C4** S. 9(1A)(a) modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 3, Sch. para. 3](#) (with art. 6) (see S.I. 2008/3068, art. 2(1)(b))

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[^{F30}10 Dispositions excepted from s. 9.

- (1) A disposition by an unregistered housing association which is a charity is not within section 9 if by virtue of [^{F31}sections 117 to 121 and 124 of the Charities Act 2011] it cannot be made without an order of the court or the [^{F32}Charity Commission]; but [^{F33}before making an order in such a case the [^{F32}Charity Commission] shall consult,—
- [^{F34}(a) in the case of dispositions of land in England, the Regulator of Social Housing, and
- (b) in the case of dispositions of land in Wales, the Welsh Ministers.]]
- (2) A letting ^{F35}... by an unregistered housing association which is a housing trust, is not within section 9 if it is—
- (a) a letting of land under a secure tenancy, or
- (b) a letting of land under what would be a secure tenancy but for any of paragraphs 2 to 12 of [^{F36}Schedule 1 to the Housing Act 1985] or [^{F37}paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987] (tenancies excepted from being secure tenancies for reasons other than that they are long leases) [^{F38}or
- (c) a letting of land under an assured tenancy or an assured agricultural occupancy, or
- (d) a letting of land in England or Wales under what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8 of Schedule 1 to the Housing Act 1988, ^{F39}...
- ^{F39}(e)]
- (3) The grant by an unregistered housing association which does not satisfy the landlord condition in section 80 of the Housing Act 1985 (bodies which are capable of granting secure tenancies) of a lease for a term ending within the period of seven years and three months beginning on the date of the grant is not within section 9 unless—
- (a) there is conferred on the lessee (by the lease or otherwise) an option for renewal for a term which, together with the original term, would expire outside that period, or
- (b) the lease is granted wholly or partly in consideration of a fine.
- (4) In subsection (3) the expression “lease” includes an agreement for a lease and a licence to occupy, and the expressions “grant” and “term” shall be construed accordingly.]

Textual Amendments

- F30** S. 10 repealed (S.) (1.11.2001) by 2001 asp 10, ss. 112, 113, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)
- F31** Words in s. 10(1) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 45** (with s. 20(2), Sch. 8)
- F32** Words in s. 10(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 78**; S.I. 2007/309, art. 2, Sch.
- F33** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 8(1)**
- F34** S. 10(1)(a)(b) substituted for s. 10(1)(a)-(c) (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 9 para. 10(2)**; S.I. 2010/862, art. 2 (with Sch.)
- F35** Words in s. 10(2) repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F36** Words beginning “Schedule 1” substituted (E.W.) (*retrospectively* 1.4.1986) by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(1), **Sch. 5 Pt. I para. 10(6)(9)**

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Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

- F37** Words “1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987” substituted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72, Sch. 9 para. 6\(a\)](#) and “paragraphs 1 to 8 of Schedule 2 to the Housing (Scotland) Act 1987” substituted (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339\(2\), Sch. 23 para. 31\(2\)](#)
- F38** Words in s. 10(2) inserted by [Housing Act 1988 \(c. 50, SIF 61\), s. 59\(2\)\(3\)\(4\), Sch. 6 Pt. I para. 8\(2\)](#)
- F39** S. 10(2)(e) and preceding word repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 9 para. 10\(3\), Sch. 16; S.I. 2010/862, arts. 2, 3 \(with Sch.\)](#)

Modifications etc. (not altering text)

- C5** S. 10: transfer of functions (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 2 \(see S.I. 2008/3068, art. 2\(1\)\(b\)\)](#)
- C6** S. 10(1)(a) modified (E.W.) (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\), arts. 1\(1\), 3, Sch. para. 3 \(with art. 6\) \(see S.I. 2008/3068, art. 2\(1\)\(b\)\)](#)

F40 **11**

Textual Amendments

- F40** [S. 11](#) repealed (E.W.) (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. I; S.I. 1996/2402, art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by [2001 asp 10, s. 112, Sch. 10 para. 11\(4\); S.S.I. 2001/336, art. 2\(3\), Sch. Pt. II](#) Table (subject to transitional provisions and savings in art. 3)

[F41 **12** **Avoidance of certain disposals of houses without consent.**

A disposal of a house by a housing association made without the consent required by section 9 is void unless—

- (a) the disposal is to an individual (or to two or more individuals), and
- (b) the disposal does not extend to any other house.]

Textual Amendments

- F41** [S. 12](#) repealed (S.) (1.11.2001) by [2001 asp 10, s. 112, Sch. 10 para. 11\(4\); S.S.I. 2001/336, art. 2\(3\), Sch. Pt. II](#) Table (subject to transitional provisions and savings in art. 3)

Control of payments to members, etc.

F42 **13**

Textual Amendments

- F42** [S. 13](#) repealed (E.W.) (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. I; S.I. 1996/2402, art. 3](#) (subject to transitional provisions and savings in [Sch.](#)) and (S.) (1.11.2001) by [2001 asp 10, s. 112, Sch. 10](#)

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para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

^{F43}**14**

Textual Amendments

F43 S. 14 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

^{F44}**15**

Textual Amendments

F44 S. 15 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

^{F45}**15A**

Textual Amendments

F45 S. 15A repealed (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Constitution, change of rules, amalgamation and dissolution

^{F46}**16**

Textual Amendments

F46 S. 16 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

^{F47}**17**

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Textual Amendments

F47 S. 17 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F48 **18**

Textual Amendments

F48 S. 18 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F49 **19**

Textual Amendments

F49 S. 19 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F50 **20**

Textual Amendments

F50 S. 20 repealed (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3).

F51 **21**

Textual Amendments

F51 S. 21 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

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F52 **22**

Textual Amendments
F52 S. 22 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F53 **23**

Textual Amendments
F53 S. 23 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Accounts and audit

F54 **24**

Textual Amendments
F54 S. 24 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F55 **25**

Textual Amendments
F55 S. 25 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F56 **26**

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

Textual Amendments

F56 S. 26 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**, S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

^{F57} **27**

Textual Amendments

F57 S. 27 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

^{F58} **27A**

Textual Amendments

F58 S. 27A repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Inquiries into affairs of housing associations

^{F59} **28**

Textual Amendments

F59 S. 28 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, **art. 2(3)**, **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

^{F60} **29**

Textual Amendments

F60 S. 29 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10**

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

F61 30

Textual Amendments

F61 S. 30 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F62 31

Textual Amendments

F62 S. 31 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)S

F63 32

Textual Amendments

F63 S. 32 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

Miscellaneous

F64 33

Textual Amendments

F64 S. 33 repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**) and (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4); S.S.I. 2001/336, art. 2(3), Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F65 33A **Provision of services between the Corporations.**

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Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

Textual Amendments

- F65** S. 33A repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 64(3), 325(1), [Sch. 16](#); S.I. 2010/862, arts. 2, 3 (with [Sch.](#))

34 Provision of land by county councils.

- (1) Where a housing association wishes to erect houses [^{F66}in England] which in the opinion of the Secretary of State are required and the local housing authority in whose district the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing it to the association, the county council, on the application of the association, may acquire land for that purpose.
- (2) For that purpose the county council may exercise all the powers of a local housing authority under Part II of the ^{M2}Housing Act 1985 (provision of housing) in regard to the acquisition and disposal of land; and the provisions of that Act as to the acquisition of land by local housing authorities for the purposes of that Part apply accordingly.

Textual Amendments

- F66** Words in s. 34(1) inserted (1.4.1996) by [1994 c. 19](#), s. 22(2), [Sch. 8 para. 6\(1\)](#) (with ss. 54(4)(7), 55(5), [Sch. 17 para. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch. 1](#)

Marginal Citations

- M2** [1985 c. 68](#).

35 Housing trusts: power to transfer housing to local housing authority.

- (1) A housing trust may—
- (a) sell or lease to the local housing authority the houses provided by the trust, or
 - (b) make over to the authority the management of the houses.
- (2) So far as subsection (1) confers power to dispose of land—
- [^{F67}(za) it does not apply to private registered providers of social housing (on whom power to dispose of land is conferred by section 171 of the Housing and Regeneration Act 2008);]
 - [^{F68}(a) it does not apply to registered social landlords (on whom power to dispose of land is conferred by section 8 of the Housing Act 1996);]
 - (b) it has effect subject to section 9 (dispositions requiring consent of [^{F69}Corporation]) where the housing trust is an unregistered housing association and the land is grant-aided land (as defined in Schedule 1); and
 - (c) it has effect subject to [^{F70}sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land)] where the housing trust is a charity.

Textual Amendments

- F67** S. 35(2)(za) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 41](#) (with art. 6, [Sch. 3](#))
- F68** S. 35(2)(a) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), [Sch. 2 para. 15\(20\)](#)

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

- F69** Word substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 59(2)(3)(4), **Sch. 6 Pt. I para. 2**
- F70** Words in s. 35(2)(c) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 46** (with s. 20(2), Sch. 8)

36 Housing trusts: functions of Secretary of State with respect to legal proceedings.

- (1) If it appears to the Secretary of State—
 - (a) that the institution of legal proceedings is requisite or desirable with respect to any property belonging to a housing trust, or
 - (b) that the expediting of any such legal proceedings is requisite or desirable,
 he may certify the case to the Attorney-General who may institute legal proceedings or intervene in legal proceedings already instituted in such manner as he thinks proper in the circumstances.
- (2) Before preparing a scheme with reference to property belonging to a housing trust, the court or body which is responsible for making the scheme shall communicate with the Secretary of State and consider any recommendations made by him with reference to the proposed scheme.

F71 36A

Textual Amendments

F71 [S. 36A](#) repealed (E.W.) (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. I](#); S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in [Sch.](#)) and repealed (S.) by [2001 asp 10, s. 112, Sch. 10 para. 11\(4\)](#); S.S.I. 2001/336, **art. 2(3), Sch. Pt. II Table** (subject to transitional provisions and savings in [art. 3](#))

Supplementary

F72 37

Textual Amendments

F72 [S. 37](#) repealed (E.W.) (1.10.1996) by S.I. 1996/2325, **art. 4(1), Sch. 1 Pt. I** (with [art. 4\(2\)\(3\)](#)) and (S.) (1.11.2001) by [2001 asp 10, s. 112, Sch. 10 para. 11\(4\)](#); S.S.I. 2001/336, **art. 2(3), Sch. Pt. II Table** (subject to transitional provisions and savings in [art. 3](#))

F73 38 Definitions relating to charities.

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Textual Amendments

F73 [S. 38](#) omitted (14.3.2012 immediately before the [Charities Act 2011 \(c. 25\)](#) comes into force) by virtue of [The Charities \(Pre-consolidation Amendments\) Order 2011 \(S.I. 2011/1396\)](#), **art. 1, Sch. para. 41**

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

[^{F74}39] **Minor definitions.**

In this Part—

[^{F75}“assured tenancy” has, in England and Wales, the same meaning as in Part I of the Housing Act 1988 and, in Scotland, the same meaning as in Part II of the Housing (Scotland) Act 1988;

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

[^{F76}“mental disorder” has the same meaning as in [^{F77}the ^{M3}Mental Health Act 1983 or] the ^{M4}Mental Health (Scotland) Act 1984;]

“secure tenancy” has the same meaning as in section 79 of the ^{M5}Housing Act 1985 or [^{F78}44 of the Housing (Scotland) Act 1987];]

^{F79}
...

Textual Amendments

F74 S. 39 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F75 Definitions inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 25**

F76 S. 39: definition of “mental disorder”repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))

F77 S. 39: words in definition of “mental disorder”repealed (S.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)(3))

F78 S. 39: by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2), **Sch. 23 para. 31(3)** it is provided that in the definition of “secure tenancy” for the words “10 of the Tenants’; Rights, Etc. (Scotland) Act 1980” there shall be substituted (S.) the words “44 of the Housing (Scotland) Act 1987” and by **Housing (Scotland) Act 1988 (c. 43, SIF 61)**, s. 72, **Sch. 9 para. 8** it is provided that in s. 39, in the definition of “secure tenancy” for the words “section 10 of the Tenants’; Rights Etc. (Scotland) Act 1980” there shall be substituted the words “44 of the Housing (Scotland) Act 1987”

F79 S. 39: definition repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Gp. 2.

Marginal Citations

M3 1983 c. 20.

M4 1984 c. 36.

M5 1985 c. 68.

[^{F80}40] **Index of defined expressions: Part I.**

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

[^{F81} appropriate registrar (in relation to a society registered under the 1965 Act).	section 37]
[^{F82} assured agricultural occupancy]	[^{F82} section 39]
[^{F82} assured tenancy]	[^{F82} section 39]
[^{F81} bank	section 106]
charge (in relation to Scotland)	section 106

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charity	section 38(a)
[^{F81} committee (in relation to a society registered under the 1965 Act)	section 37]
[^{F81} compulsory disposal (in Schedule 2)	paragraph 6 of that Schedule]
co-operative housing association	section 1(2)
[^{F81} co-opted member (in relation to the committee of a society registered under the 1965 Act)	section 37]
[^{F81} the Companies Act	section 106]
^{F83} . . .	^{F83} . . .
[^{F81} dissolved under the 1965 Act (in relation to a society registered under that Act)	section 37]
district (of a local housing authority)	section 104(2)
[^{F81} dwelling	section 106]
[^{F81} eligible for registration (in relation to a housing association)	section 4]
[^{F81} exempted disposal (in Schedule 2)	paragraph 5 of that Schedule]
[^{F81} friendly society	section 106]
fully mutual (in relation to a housing association)	section 1(2)
[^{F81} hostel	section 106]
house	section 106
[^{F81} housing activities	section 106]
housing association	section 1(1)
^{F84} . . .	^{F84} . . .
housing trust	section 2
[^{F81} insurance company	section 106]
local housing authority	section 104
[^{F81} member of family	section 105]
[^{F81} mental disorder	section 39]
mortgage (in relation to Scotland)	section 106
[^{F81} the 1965 Act	section 37]
[^{F81} register, registered, registration and unregistered (in relation to a housing association)	section [^{F85} 3]]
[^{F81} registered charity	section 38(b)]
[^{F86} registered social landlord	section 2B]

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Changes to legislation: There are currently no known outstanding effects for the Housing Associations Act 1985, Part I. (See end of Document for details)

[^{F81} relevant disposal (in Schedule 2) ... ^{F84} ... secure tenancy	paragraph 4 of that Schedule] ... ^{F84} ... section 39
[^{F81} shared ownership lease	section 106]
[^{F87} shared ownership agreement (in relation to Scotland)]	[^{F87} section 106]
[^{F81} standard scale	section 39]
[^{F81} trustee savings bank	section 106]
[^{F88} unregistered (in relation to a housing association)	section 2B]]

Textual Amendments

- F80** S. 40 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 11(4)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)
- F81** S. 40: entries repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F82** Entries inserted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(a)**
- F83** S. 40: definition of “the Corporation”repealed (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pts. I, II** (with art. 4(2)(3))
- F84** Entry repealed by **Housing Act 1988 (c. 50, SIF 61)**, s. 140(2), **Sch. 18**
- F85** Figure substituted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. I para. 26(c)**
- F86** S. 40: entry inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 21(a)**
- F87** Entry inserted (S.) by **Housing (Scotland) Act 1986 (c. 65, SIF 61)**, s. 25(1), **Sch. 2 para. 4(4)**
- F88** S. 40: entry inserted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 21(b)**

Status:

Point in time view as at 01/04/2014.

Changes to legislation:

There are currently no known outstanding effects for the Housing Associations Act 1985, Part I.