



# Housing Associations Act 1985

## 1985 CHAPTER 69

### PART IV

#### GENERAL PROVISIONS

##### *General provisions*

#### **103 Application to 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.

#### **104 Local housing authorities.**

- (1) In this Act “local housing authority”—
  - (a) in relation to England and Wales, has the meaning given by section 1 of the <sup>M1</sup>Housing Act 1985, and
  - (b) in relation to Scotland, means [<sup>F1</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (2) References in this Act to the district of a local housing authority—
  - (a) in England and Wales shall be construed in accordance with section 2 of the Housing Act 1985, and
  - (b) in Scotland are to the [<sup>F2</sup>area of a council mentioned in subsection (1)(b) above].

#### **Textual Amendments**

- F1** Words in s. 104(1)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(3)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**

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

**F2** Words in s. 104(2)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(3)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**

#### Marginal Citations

**M1** 1985 c. 68.

### 105 Members of a persons family

[<sup>F3</sup>(1) A person is a member of another's family if—

- (a) he is the spouse [<sup>F4</sup>or civil partner] of that person, or he and that person live together as husband and wife, [<sup>F5</sup>or in a relationship which has the characteristics of the relationship between civil partners] or
- (b) he is that person's parent, grandparent, child, grand- child, brother, sister, uncle, aunt, nephew or niece.

(2) For the purposes of subsection (1)(b)—

- (a) a relationship by marriage [<sup>F6</sup>or civil partnership] shall be treated as a relationship by blood,
- (b) a relationship of the half-blood shall be treated as a relationship of the whole blood,
- (c) the stepchild of a person shall be treated as his child, and
- (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.]

#### Textual Amendments

**F3** S. 105 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), Sch. 1 Pt. I (with savings in art. 4(2)(3))

**F4** Words in s. 105(1)(a) inserted (S.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 52(2)(a)**; S.S.I. 2005/604, arts. 2(c), 4

**F5** Words in s. 105(1)(a) inserted (S.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 52(2)(b)**; S.S.I. 2005/604, arts. 2(c), 4

**F6** Words in s. 105(2)(a) inserted (S.) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 52(3)**; S.S.I. 2005/604, arts. 2(c), 4

### 106 Minor definitions — general.

(1) In the application of this Act in England and Wales—

[<sup>F7</sup>“bank” means—

[<sup>F8</sup>(a) an institution authorised under the Banking Act 1987, or]

(b) a company as to which the Secretary of State was satisfied immediately before the repeal of the <sup>M2</sup>Protection of Depositors Act 1963 that it ought to be treated as a banking company or discount company for the purposes of that Act;]

[<sup>F7</sup>“the Companies Act” means the <sup>M3</sup>Companies Act 1985;]

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;

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[<sup>F7</sup>“friendly society” means a friendly society or branch of a friendly society registered under the <sup>M4</sup>Friendly Societies Act 1974 or earlier legislation;]

“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;

“house” includes—

- (a) any part of a building which is occupied or intended to be occupied as a separate dwelling;
- (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it;

[<sup>F9</sup>[<sup>F10</sup>“housing activities”, in relation to a registered housing association, means all its activities in pursuance of such of its purposes, objects or powers as are of a description mentioned in section 1(1)(a) or subsections (2) to (4) of section 4.]]

[<sup>F7</sup>“insurance company” means an insurance company to which Part II of the <sup>M5</sup>Insurance Companies Act 1982 applies;]

“local authority” means a county, [<sup>F11</sup>county borough,]district, or London borough council, the Common Council of the City of London or the Council of the Isles of Scilly and in [<sup>F12</sup>section 84(5)]includes . . . <sup>F13</sup> a joint authority established by Part IV of the <sup>M6</sup>Local Government Act 1985 [<sup>F14</sup>and the London Fire and Emergency Planning Authority][<sup>F15</sup>and in section 85(4) includes such a joint authority [<sup>F14</sup>the London Fire and Planning Authority] and a police authority established under [<sup>F16</sup>section 3 of the <sup>M7</sup>Police Act 1996][<sup>F17</sup>and the Metropolitan Police Authority]];

“new town corporation” means [<sup>F18</sup>the Commission for the New Towns or] a development corporation within the meaning of the <sup>M8</sup>New Towns Act 1981;

“shared ownership lease” means a lease—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the house or 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 house or dwelling;

[<sup>F7</sup>“trustee savings bank” means a trustee savings bank registered under the <sup>M9</sup>Trustee Savings Bank Act 1981 or earlier legislation;]

“urban development corporation” means an urban development corporation established under Part XVI of the <sup>M10</sup>Local Government, Planning and Land Act 1980.

(2) In the application of this Act in Scotland—

[<sup>F19</sup>“bank” has the same meaning as in subsection (1);]

“charge” includes a heritable security;

[<sup>F19</sup>“the Companies Act” has the same meaning as in subsection (1);]

“dwelling” means a house;

[<sup>F19</sup>“friendly society” has the same meaning as in subsection (1);]

[<sup>F20</sup>“heritable security” means any security capable of being constituted over any [<sup>F21</sup>interest in land by disposition or assignation of that

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interest][<sup>F21</sup>land, or real right in land, by disposition of the land, or assignation of the real right,] in security of any debt and of being recorded in the Register of Sasines or, as the case may be, registered in the Land Register of Scotland and which includes a security constituted by an ex facie absolute disposition or assignation or by a standard security;]

“hostel” means—

- (a) in relation to a building provided or converted before 3rd January 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained dwellings) and board, and
- (b) in relation to a building provided or converted on or after that date, a building in which is provided for persons generally or for any class or classes of persons, residential accommodation (otherwise than in houses) and either board or common facilities for the preparation of adequate food to the needs of those persons, or both;

“house” includes—

- (a) any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling, and in particular includes a flat, and
- (b) includes also any yard, garden, outhouses and pertinents belonging to the house or usually enjoyed with it;

[<sup>F22</sup>“housing activities” has the same meaning as in subsection (1);]

[<sup>F19</sup>“insurance company” has the same meaning as in subsection (1);]

“local authority” means [<sup>F23</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“mortgage” means a heritable security and “mortgagee” means a creditor in such a security;

“new town corporation” means a development corporation within the meaning of the <sup>M11</sup>New Towns (Scotland) Act 1968;

[<sup>F24</sup>“shared ownership lease” has the same meaning as in subsection (1);]

[<sup>F24</sup>[<sup>F25</sup>“shared ownership agreement” means an agreement whereby—

- (a) a pro indiviso right in a dwelling is sold to a person and the remaining pro indiviso rights therein are leased to him subject to his being entitled, from time to time, to purchase those remaining rights until he has purchased the entire dwelling; or
- (b) pro indiviso rights in dwellings are conveyed to trustees to hold on behalf of persons each of whom, by purchasing a share in those dwellings, becomes entitled to exclusive occupancy of one of the dwellings but with any such person who wishes to sell or otherwise dispose of his share being required to do so through the agency of the trustees,

or such other agreement as may be approved whereby a person acquires a pro indiviso right in a dwelling or dwellings and thereby becomes entitled to exclusive occupancy of the dwelling or, as the case may be, one of the dwellings;]]

[<sup>F19</sup>“trustee savings bank” has the same meaning as in subsection (1).]

[<sup>F26</sup>(3) In the definition of “shared ownership agreement” in subsection (2) above, “approved” means approved by the Secretary of State after consultation with [<sup>F27</sup>Scottish Homes].]

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### Textual Amendments

- F7** S. 106(1): definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)(3))
- F8** Words substituted by **Banking Act 1987 (c. 22, SIF 10)**, s. 108(1), **Sch. 6 para. 22**
- F9** S. 106(1): definition of “housing activities”repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. I** (with art. 4(2)-(4))
- F10** Definition substituted by **Housing Act 1988 (c. 50, SIF 61)**, s. 59(2)(3)(4), **Sch. 6 Pt. III para. 36**
- F11** S. 106(1): words in definition of “local authority”inserted (1.4.1996) by 1994 c. 19, s. 22(2), **Sch. 8 para. 6(2)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F12** S. 106(1): words in definition of “local authority”substituted (1.10.1994 for specified purposes, 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 59(a)**; S.I. 1994/2025, **art. 6(2)(e)**; S.I. 1994/3262, art. 4(1), **Sch.**
- F13** Words repealed by **Education Reform Act 1988 (c. 40, SIF 41:1)**, ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F14** S. 106(1): words in definition of “local authority”inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 43** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(h)**
- F15** S. 106(1): words in definition of “local authority”added (1.10.1994 for specified purposes, 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 59(b)**; S.I. 1994/2025, **art. 6(2)(e)**; S.I. 1994/3262, art. 4(1), **Sch.**
- F16** S. 106(1): words in definition of “local authority”substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(w)**
- F17** Words in s. 106(1) in the definition of “local authority”substituted (1.4.2002) by 2001 c. 16, s. 128, **Sch. 6 Pt. III para. 68**; S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F18** Words in s. 106(1) omitted (E.W.) (1.12.2008) by virtue of **The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002)**, art. 1(2), Sch. 1 para. 35, **Sch. 3** (with Sch. 2) (see S.I. 2008/3068, art. 2(1)(b))
- F19** S. 106(1): definitions repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)(3))
- F20** Definition repealed (S.) by **Housing (Scotland) Act 1986 (c. 65, SIF 61)**, s. 25(2), **Sch. 3**
- F21** Words in s. 106(2) substituted (S.) (28.11.2004) by **Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)**, ss. 71, 77(2), **sch. 12 para. 47** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F22** S. 106(1): definition of “housing activities”repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4(1), **Sch. 1 Pt. II** (with art. 4(2)-(4))
- F23** S. 106(2): words in definition of “local authority”substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 143(4)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F24** Definition beginning “shared ownership agreement” substituted (S.) for definition beginning “shared ownership lease” by virtue of **Housing (Scotland) Act 1986 (c. 65, SIF 61)**, s. 13(2) and **Housing (Scotland) Act 1988 (c. 43, SIF 61)**, s. 72(2), **Sch. 9 para. 9**
- F25** Words in s. 106(2) 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)
- F26** S. 106(3) 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)
- F27** Words in s. 106(3) substituted (S.) (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 15(35)**

### Modifications etc. (not altering text)

- C1** S. 106(1) amended (1.1.1993) by S.I. 1992/3218, reg. 82(1), **Sch. 10 Pt. I para. 20**.  
S. 106(1) amended (1.7.1994) by S.I. 1994/1696, reg. 68(1), **Sch. 8 Pt. I para. 11**

### Marginal Citations

- M2** 1963 c. 16.  
**M3** 1985 c. 6.

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<b>M4</b>	1974 c. 46.
<b>M5</b>	1982 c. 50.
<b>M6</b>	1985 c. 51.
<b>M7</b>	1964 c. 48.
<b>M8</b>	1981 c. 64.
<b>M9</b>	1981 c. 65.
<b>M10</b>	1980 c. 65.
<b>M11</b>	1968 c. 16.

### *Final provisions*

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

- (1) This Act may be cited as the Housing Associations Act 1985.
- (2) This Act comes into force on 1st April 1986.
- (3) The following provisions of this Act apply to England and Wales only—
  - section 2,
  - ..... **F28**
  - section 8(2) and (3),
  - sections 11 and 12,
  - section [<sup>F29</sup>17(4)],
  - section 18,
  - section 20,
  - section 31,
  - sections 34 to 36,
  - section 38,
  - ..... **F30**
  - ..... **F30**
  - section 58,
  - section 67,
  - section 69(3),
  - section 81,
  - sections 84 and 85,
  - section 103,
  - [<sup>F31</sup>section 105,]
  - Schedules 2 and 3,
  - In Schedule 4, Part I,
  - In Schedule 5, Part I, paragraphs 1 and 2 of Part III and paragraph 1 of Part V.
- (4) The following provisions of this Act apply to Scotland only—
  - [<sup>F32</sup>..... **F33**
  - section 15A]
  - section 59,
  - section 66,
  - section 68,
  - section 69(4),

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section 86,

In Schedule 4, Part III,

In Schedule 5, Part II, paragraphs 3 and 4 of Part III, Part IV and Part VII.

(5) This Act does not extend to Northern Ireland.

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#### **Textual Amendments**

- F28** Entry repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 18**
- F29** “17(4)” repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(2), **Sch. 3**
- F30** Entry repealed by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 140(2), **Sch. 18**
- F31** Words repealed (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(2), **Sch. 3**
- F32** Words inserted (S.) by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 25(1), **Sch. 2 para. 4(8)(b)**
- F33** Words repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), **Sch. 18**

**Status:**

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**Changes to legislation:**

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