



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

##### *Agency and dissolution*

#### **87 Agency agreements.**

- (1) With the approval of the Secretary of State, a housing action trust may enter into an agreement with another person whereby, in relation to any housing accommodation or other land held by the trust which is specified in the agreement, that other person shall exercise, as agent of the trust, such of the functions of the trust as are so specified.
- (2) An agreement under subsection (1) above shall set out the terms on which the functions of the housing action trust are exercisable by the person who, under the agreement, is the agent of the trust (in this Part of this Act referred to as “the agent”).
- (3) Where the agent is a body or association, an agreement under subsection (1) above may provide that the functions of the agent under the agreement may be performed by a committee or sub-committee, or by an officer, of the body or association.
- (4) The approval of the Secretary of State under subsection (1) above may be given unconditionally or subject to conditions.
- (5) References in this section to the functions of a housing action trust in relation to housing accommodation or other land include—
  - (a) functions conferred by any statutory provision, and
  - (b) the powers and duties of the trust as holder of an estate or interest in the housing accommodation or land in question.

*Changes to legislation: Housing Act 1988, Cross Heading: Agency and dissolution is up to date with all changes known to be in force on or before 23 January 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) View outstanding changes*

## 88 Dissolution of housing action trust.

- (1) A housing action trust shall use its best endeavours to secure that its objects are achieved as soon as practicable.
- (2) Where it appears to a trust that its objects have been substantially achieved, it shall—
  - (a) so far as practicable, dispose or arrange to dispose of any remaining property, rights or liabilities of the trust in accordance with the preceding provisions of this Part of this Act; and
  - (b) submit proposals to the Secretary of State for—
    - (i) the dissolution of the trust;
    - (ii) the disposal to any person of any remaining property, rights or liabilities of the trust which it has not been able to dispose of or arrange to dispose of under paragraph (a) above; and
    - (iii) the transfer of any function exercisable by the trust to another person (including, where appropriate, a person with whom the trust has entered into an agreement under section 87 above).
- (3) The Secretary of State may by order provide for the dissolution of a housing action trust and for any such disposal or transfer as is mentioned in subsection (2)(b) above, whether by way of giving effect (with or without modifications) to any proposals submitted to him under subsection (2) above or otherwise.
- (4) Any order under this section—
  - (a) where it provides for any such disposal or transfer as is mentioned in subsection (2)(b) above, may be on such terms, including financial terms, as the Secretary of State thinks fit and may create or impose such new rights or liabilities in respect of what is transferred as appear to him to be necessary or expedient;
  - [<sup>F1</sup>(aa) where it provides for any such disposal or transfer as is mentioned in subsection (2)(b) above, may contain provisions—
    - (i) establishing new bodies corporate to receive the disposal or transfer; or
    - (ii) amending, repealing or otherwise modifying any enactment for the purpose of enabling any body established under any enactment to receive the disposal or transfer;]
    - (b) may contain such supplementary and transitional provisions as the Secretary of State thinks necessary or expedient, including provisions amending [<sup>F2</sup>, repealing or otherwise modifying any enactment]; and
    - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F3</sup>(5) In this section “enactment” includes any instrument made under any enactment.]

### Textual Amendments

- F1** S. 88(4)(aa) inserted (24.9.1996) by 1996 c. 53, ss. 144(2), 150(2)  
**F2** Words in s. 88(4)(b) substituted (24.9.1996) by 1996 c. 53, ss. 144(3), 150(2)  
**F3** S. 88(5) inserted (24.9.1996) by 1996 c. 53, ss. 144(4), 150(2)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)