

**Changes to legislation:** Housing Act 1988, SCHEDULE 6 is up to date with all changes known to be in force on or before 30 April 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

# SCHEDULES

## SCHEDULE 6

Section 59.

### AMENDMENTS OF <sup>M1</sup>HOUSING ASSOCIATIONS ACT 1985

#### Marginal Citations

**M1** 1985 c. 69.

#### PART I

#### AMENDMENTS OF PART I WITH RESPECT TO THE HOUSING CORPORATION, HOUSING FOR WALES AND SCOTTISH HOMES

**F1**<sub>1</sub> .....

#### Textual Amendments

**F1** Sch. 6 Pt. I para. 1 repealed (1.10.1996) by S.I. 1996/2325, art. 4(1)-(3), Sch. 1 Pts. I, II

**F2**<sub>2</sub> .....

#### Textual Amendments

**F2** Sch. 6 para. 2 repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 5**

**F3**<sub>3</sub> .....

#### Textual Amendments

**F3** Sch. 6 para. 3 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**F4**<sub>4</sub> .....

#### Textual Amendments

**F4** Sch. 6 para. 4 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001

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asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F55 .....

**Textual Amendments**

**F5** Sch. 6 para. 5 repealed (1.10.1996) (E.W.) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

F66 .....

**Textual Amendments**

**F6** Sch. 6 para. 6 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[F77 (1) In section 9 (control by Corporation of disposition of land by housing associations) for subsection (1) there shall be substituted the following subsections—

“(1) Subject to section 10 and sections 81(7), 105(6) and 133(7) of the Housing Act 1988, the consent of the Corporation is required for any disposition of land by a registered housing association.

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

- (a) if the land is in England, the Housing Corporation;
- (b) if the land is in Scotland, Scottish Homes, and
- (c) if the land is in Wales, Housing for Wales.”

(2) In subsection (3) of that section—

- (a) for the words “the consent of the Corporation”, in the first place where they occur, there shall be substituted “consent”; and
- (b) for the words “the consent of the Corporation”, in the second place where they occur, there shall be substituted “that consent”.

F8(3)] .....

**Textual Amendments**

**F7** Sch. 6 para. 7 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**F8** Sch. 6 para. 7(3) repealed (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

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- [<sup>F9</sup>8 (1) In section 10 (dispositions excepted from section 9), in subsection (1) for the words from “the Charity Commissioners”, in the second place where they occur, onwards there shall be substituted
  - (a) in the case of dispositions of land in England, the Housing Corporation;
  - (b) in the case of dispositions of land in Scotland, Scottish Homes; and
  - (c) in the case of dispositions of land in Wales, Housing for Wales.”
- (2) In subsection (2) of that section at the end of paragraph (b) there shall be inserted
  - (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, or
  - (e) a letting of land in Scotland under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of Schedule 4 to the Housing (Scotland) Act 1988.”]

**Textual Amendments**

**F9** Sch. 6 para. 8 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3) (subject to transitional provisions and savings in art. 3)

<sup>F10</sup>9 .....

**Textual Amendments**

**F10** Sch. 6 para. 9 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

<sup>F11</sup>10 .....

**Textual Amendments**

**F11** Sch. 6 para. 10 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

<sup>F12</sup>11 .....

**Textual Amendments**

**F12** Sch. 6 para. 11 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); 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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F13 12 .....

**Textual Amendments**  
F13 Sch. 6 para. 12 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

F14 13 .....

**Textual Amendments**  
F14 Sch. 6 para. 13 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

F15 14 .....

**Textual Amendments**  
F15 Sch. 6 para. 14 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

F16 15 .....

**Textual Amendments**  
F16 Sch. 6 para. 15 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

F17 16 .....

**Textual Amendments**  
F17 Sch. 6 para. 16 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), Sch. 19 Pt. I; S.I. 1996/2402, art. 3 (subject to transitional provisions and savings in Sch.); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 15(8); S.S.I. 2001/336, art. 2(3), Sch. Pt. II Table (subject to transitional provisions and savings in art. 3)

F18 17 .....

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**Textual Amendments**

**F18** Sch. 6 para. 17 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**F19**18 .....

**Textual Amendments**

**F19** Sch. 6 paras. 3-6, 9-23 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**F20**19 .....

**Textual Amendments**

**F20** Sch. 6 para. 19 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**F21**20 .....

**Textual Amendments**

**F21** Sch. 6 para. 20 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**F22**21 .....

**Textual Amendments**

**F22** Sch. 6 para. 21 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**); and repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

**F23**22 .....

**Textual Amendments**

**F23** Sch. 6 paras. 3-6, 9-23 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**); and repealed (S.) (1.11.2001)

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by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[<sup>F24</sup>23 In section 33 (recognition of central association), in subsection (1) after “housing associations” there shall be inserted “in Great Britain or in any part of Great Britain”.]

**Textual Amendments**

**F24** Sch. 6 paras. 3-6, 9-23 repealed (E.W.) (1.10.1996) by 1996 c. 52, ss. 227, 231(4)(b), **Sch. 19 Pt. I**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)

<sup>F25</sup>24 .....

**Textual Amendments**

**F25** Sch. 6 para. 24 repealed (1.4.2010) by **Housing and Regeneration Act 2008** (c. 17), s. 325(1), **Sch. 16**; S.I. 2010/862, arts. 2, 3 (with Sch.)

[<sup>F26</sup>25 In section 39 (minor definitions) before the definition of “mental disorder” there shall be inserted—  
“ “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.”]

**Textual Amendments**

**F26** Sch. 6 para. 25 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)

[<sup>F27</sup>26 In section 40 (index of defined expressions in Part I)—  
(a) after the entry relating to “appropriate registrar” there shall be inserted—  
“ “assured agricultural occupancy” section 39  
“assured tenancy” section 39”;  
<sup>F28</sup>(b) .....  
<sup>F29</sup>(c) .....]

**Textual Amendments**

**F27** Sch. 6 para. 26 repealed (S.) (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 15(8)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions and savings in art. 3)  
**F28** Sch. 6 para. 26(b) repealed (1.10.1996) by S.I. 1996/2325, art. 4, **Sch. 1 Pts. I, II**  
**F29** Sch. 6 para. 26(c) repealed (E.W.) (1.10.1996) by S.I. 1996/2325, art. 4, **Sch. 1 Pt. I**

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## PART II

### AMENDMENTS OF PART II WITH RESPECT TO THE HOUSING CORPORATION AND HOUSING FOR WALES

- 27 (1) In section 63 (building society advances) for the words “the Housing Corporation”, in each place where they occur in subsections (1) and (2), there shall be substituted “one of the Corporations” and in subsection (1) (b) for the words “the Corporation” there shall be substituted “that one of the Corporations which is concerned”.
- (2) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) In this section “the Corporations” means the Housing Corporation and Housing for Wales”.
- 28 <sup>F30</sup>(1) In section 69 (power to vary or terminate certain agreements) at the end of subsection (1)(a) there shall be added “(including such an agreement under which rights and obligations have been transferred to Housing for Wales)”.
- (2) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) In the case of an agreement under which rights and obligations have been transferred to Housing for Wales, the reference to a party to the agreement includes a reference to Housing for Wales.”]

#### Textual Amendments

- F30** Sch. 6 para. 28 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 4](#) (with art. 6, Sch. 3)

- 29 <sup>F31</sup>In section 69A (land subject to housing management agreement) for the words “housing association grant, revenue deficit grant or hostel deficit grant” there shall be substituted “grant under section 50 (housing association grant) or section 51 (revenue deficit grant) of the Housing Act 1988”.]

#### Textual Amendments

- F31** Sch. 6 para. 29 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 4](#) (with art. 6, Sch. 3)

- 30 (1) In Part I of Schedule 5 (residual subsidies)—
- (a) in paragraph 5(3) the words “at such times and in such places as the Treasury may direct” and “with the approval of the Treasury” shall be omitted; <sup>F32</sup> . . .
- (b) . . . . .
- (2) In Part II of that Schedule, in paragraph 5(3) the words “at such times and in such places as the Treasury may direct” and “with the approval of the Treasury” shall be omitted.

#### Textual Amendments

- F32** Sch. 6 para. 30(1)(b) and the word “and” immediately preceding it repealed (1.11.1998) by [1998 c. 38, s. 152, Sch. 18 Pt. VI](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 5](#)

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### PART III

#### AMENDMENTS OF PART III WITH RESPECT TO THE HOUSING CORPORATION AND HOUSING FOR WALES

- 31 <sup>F33</sup>(1) .....
- (2) [<sup>F34</sup>In subsection (2) of that section for the words “the Corporation” there shall be substituted “the Housing Corporation”.]
- (3) [<sup>F35</sup>At the end of that section there shall be inserted the following subsections—
- “(3) In this Part “registered housing association” in relation to the Corporation, means a housing association registered in the register maintained by the Corporation.
- (4) In this Part,—
- (a) in relation to land in Wales held by an unregistered housing association, “the Corporation” means Housing for Wales; and
- (b) in relation to land outside Wales held by such an association, “the Corporation” means the Housing Corporation.”]

#### Textual Amendments

- F33** Sch. 6 para. 31(1) repealed (1.11.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 5**
- F34** Sch. 6 para. 31(2) repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009](#) (S.I. 2009/484), **art. 6, Sch. 2**
- F35** Sch. 6 para. 31(3) repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010](#) (S.I. 2010/866), **art. 1(2), Sch. 4** (with **art. 6, Sch. 3**)

- [<sup>F36</sup>32 In section 75 (general functions), in subsection (1)(c) for the words “a register of housing associations” there shall be substituted “the register of housing associations referred to in section 3”.]

#### Textual Amendments

- F36** Sch. 6 para. 32 repealed (E.W.) (1.10.1996) by S.I. 1996/2325, **art. 4, Sch. 1 Pt. I**

- 33 [<sup>F37</sup>At the end of section 77 (advisory service) there shall be added the following subsection—
- “(3) The powers conferred on the Corporation by subsections (1) and (2) may be exercised by the Housing Corporation and Housing for Wales acting jointly”.]

#### Textual Amendments

- F37** Sch. 6 para. 33 repealed (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010](#) (S.I. 2010/866), **art. 1(2), Sch. 4** (with **art. 6, Sch. 3**)



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- 34 (1) In section 83 (power to guarantee loans), in subsection (3) (maximum amount outstanding in respect of loans etc.) for the words “the Corporation”, in each place where they occur, there shall be substituted “the Housing Corporation”.
- (2) After subsection (3) of that section there shall be inserted the following subsection—
- “(3A) The aggregate amount outstanding in respect of—
- (a) loans for which Housing for Wales has given a guarantee under this section, and
  - (b) payments made by Housing for Wales in meeting an obligation arising by virtue of such a guarantee and not repaid to Housing for Wales,
- shall not exceed £30 million or such greater sum not exceeding £50 million as the Secretary of State may specify by order made with the approval of the Treasury”.
- (3) In subsection (4) of that section (procedure for orders of Secretary of State) after the words “subsection (3)” there shall be inserted “or subsection (3A)”.
- 35 [F38(1) In section 93 (limit on borrowing), in subsection (2) for the words from “shall not exceed” onwards there shall be substituted “shall not exceed the limit appropriate to the Corporation under subsection (2A)”.
- (2) At the end of subsection (2) of that section there shall be inserted the following subsection—
- “(2A) The limit referred to in subsection (2) is,—
- (a) in the case of the Housing Corporation, £2,000 million or such greater sum not exceeding £3,000 million as the Secretary of State may specify by order made with the consent of the Treasury; and
  - (b) in the case of Housing for Wales, £250 million or such greater sum not exceeding £300 million as the Secretary of State may specify by order made with the consent of the Treasury.”

(3) In subsections (3) to (5) of that section for “(2)”, in each place where it occurs, there shall be substituted “(2A)”.]

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#### Textual Amendments

**F38** Sch. 6 para. 35 repealed (E.W.) (1.4.2009) by [The Housing Corporation \(Dissolution\) Order 2009 \(S.I. 2009/484\)](#), art. 6, [Sch. 2](#)

- [F39]36 In section 106(1) (minor definitions: general) for the definition of “housing activities” there shall be substituted the following—
- ““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.”]

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#### Textual Amendments

**F39** Sch. 6 para. 36 repealed (E.W.) (1.1.1996) by [S.I. 1996/2325](#), art. 4, [Sch. 1 Pt. I](#)

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37            In Schedule 6, paragraph 3(3)(b) shall be omitted.

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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](#)