



# Housing Act 1985

## 1985 CHAPTER 68

### PART XIV

#### LOANS FOR ACQUISITION OR IMPROVEMENT OF HOUSING

##### *Supplementary provisions*

#### **457 Meaning of “house” and “house property”.**

In this Part “house” includes—

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

and “house property” shall be construed accordingly.

#### **458 Minor definitions.**

<sup>F1</sup>[<sup>F2</sup>( 1 )] In this Part—

“the corresponding Northern Ireland provisions” means—

- (a) in relation to section 442 (local authority agreements to indemnify mortgagees), Article 156 of the <sup>M1</sup>Housing (Northern Ireland) Order 1981;
- (b) in relation to sections 445 to 449 (assistance for first-time buyers), Part IX of that Order;

“the corresponding Scottish provisions”, in relation to sections 445 to 449 (assistance for first-time buyers), means [<sup>F3</sup>sections 222 to 228 of the Housing (Scotland) Act 1987];

<sup>F4</sup>

.....  
[<sup>F5</sup> “ housing authority ” includes [<sup>F6</sup> (<sup>F7</sup>subject to subsections (1A) and (2) and sections 450A(6), 450B(4) and 450D(10))] ] any local authority, an urban development corporation, [<sup>F8</sup>a Mayoral development corporation,]the [<sup>F9</sup> Homes and Communities Agency]<sup>F10</sup>the Greater London Authority,], the

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[[<sup>F11</sup>a private registered provider of social housing] and a [<sup>F12</sup>registered social landlord ] ; ]

“long lease” means a lease creating a long tenancy within the meaning of section 115.

[<sup>F13</sup> “ service charge ” has the meaning given by section 18(1) of the Landlord and Tenant Act 1985 (c. 70). ]

[<sup>F14</sup>(1A) A profit-making registered provider of social housing is a housing authority for the purposes of this Part only in relation to social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.]

[<sup>F2</sup>(2) In section 444 “ housing authority ” does not include the Secretary of State unless the interest in the house is or was acquired on a disposal by him under section 90 of the <sup>M2</sup> Housing Associations Act 1985; and in section 452 “ housing authority ” does not include the Secretary of State unless the disposal was under that section 90. ]

#### Textual Amendments

- F1** S. 458 renumbered as s. 458(1) (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 18(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F2** S. 458(2) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 18(3)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F3** Words in definition "the corresponding Scottish provisions" in s. 458(1) substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 30(3)**
- F4** Definition in s. 458(1) repealed by Building Societies Act 1986 (c. 53, SIF 16), ss. 54(3)(a)(5), 120(2), **Sch. 19 Pt. I**
- F5** Definition "housing authority" in s. 458(1) inserted (17.8.1992) by Housing and Planning Act 1986 (c. 63, SIF 61), s. 24(2), **Sch. 5 Pt. II para. 37**; S.I. 1992/1753, **art. 2(2)** (with restriction in Sch. para. 4)
- F6** Words in definition "housing authority" in s. 458(1) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 18(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F7** Words in definition "housing authority" in s. 458(1) 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. 33(2)(a)** (with art. 6, Sch. 3)
- F8** Words in definition "housing authority" in s. 458(1) inserted (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(l), **Sch. 22 para. 14**
- F9** Words in definition "housing authority" in s. 458(1) inserted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 4, **Sch. 1 para. 24** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F10** Words in definition "housing authority" in s. 458(1) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 19**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F11** Words in definition "housing authority" in s. 458(1) 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. 33(2)(b)** (with art. 6, Sch. 3)
- F12** Words in definition "housing authority" in s. 458(1) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(25)**
- F13** S. 458(1): definition "service charges" inserted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 150, 181(1), Sch. 9 para. 4; S.I. 2003/1986, **art. 2(e)(i)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(i)**, Sch. 2
- F14** S. 458(1A) 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. 33(3)** (with art. 6, Sch. 3)

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### Marginal Citations

**M1** [S.I. 1981/156 \(N.I. 3\)](#)

**M2** [1985 c. 69.](#)

## 459 Index of defined expressions: Part XIV.

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

bank	section 622
building society	section 622
[ <sup>F15</sup> co-operative housing association]	[ <sup>F15</sup> section 5(2)]
<sup>F16</sup>	<sup>F16</sup>
...	...
corresponding Northern Ireland provisions	section 458
corresponding Scottish provisions	section 458
[ <sup>F17</sup> development corporation	section 4(1)(c)]
<sup>F18</sup>	<sup>F18</sup>
district valuer	section 622
first time purchaser	section 449(2)(d)
fit for human habitation	section 604
friendly society	section 622
house	section 457
house property	section 457
housing association	section 5(1)
[ <sup>F19</sup> housing authority]	[ <sup>F19</sup> sections 4(a) and 458]
<sup>F20</sup>	<sup>F20</sup>
<sup>F21</sup>	<sup>F21</sup>
insurance company	section 622
local authority	section 4(e)
long lease	sections 115 and 458
new town corporation	section 4(b)
ownership and proprietor (in relation to an advance under the Small Dwellings Acquisition Acts)	paragraphs 9(2) and (3) of Schedule 18
...	<sup>F20</sup>

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	. . .
recognised lending institution	section 447
recognised savings institution	section 448
[ <sup>F22</sup> registered social landlord]	[ <sup>F20</sup> section 5(4) and (5)]
[ <sup>F23</sup> the Relevant Authority]	[ <sup>F23</sup> section 6A]
residence (in relation to an advance under the Small Dwellings Acquisition Acts)	paragraph 9(1) of Schedule 18
[ <sup>F19</sup> service charge]	[ <sup>F24</sup> section 458]
statutory conditions (in relation to an advance under the Small Dwellings Acquisition Acts)	paragraph 2 of Schedule 18
trustee savings bank	section 622
urban development corporation	section 4(d)

#### Textual Amendments

- F15** Entry inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 58**
- F16** Entry in s. 459 repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, [Sch. 16 para. 19\(a\)](#), **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F17** S. 459: entry in table inserted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3068\)](#), art. 4, **Sch. 1 para. 25** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F18** Entry repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), ss. 54(3)(a)(5), 120(2), **Sch. 19 Pt. I**
- F19** Entries in s. 459 inserted (17.8.1992) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(2), **Sch. 5 Pt. II para. 38**; S.I. 1992/1753, **art. 2(2)** (with restriction in Sch. para. 4)
- F20** Entry in s. 459 repealed (24.9.1996) by 1996 c. 52, ss. 227, 232(2), **Sch. 19 Pt. XIV**
- F21** Entry repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), **Sch. 12 Pt. II** Note 2
- F22** Entry in s. 459 substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(26)**
- F23** Entry in s. 459 inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 19(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F24** S. 459: words in entry relating to "service charge" substituted (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 150, 181(1), [Sch. 9 para. 5](#); S.I.2003/1986, **art. 2(c)(i)** (subject to Sch. 2); S.I. 2004/669, **art. 2(c)(i)**, Sch. 2

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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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)