



Housing Act 1985

1985 CHAPTER 68

PART XVI

ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Miscellaneous

562 Duty of local housing authority to publicise availability of assistance.

- (1) A local housing authority shall, within the period of three months beginning with the coming into operation of—
 - (a) a designation under section 528 (designation of defective dwellings by Secretary of State) or section 559 (designation of defective dwellings under local scheme), or,
 - (b) a variation of such a designation,publish in a newspaper circulating in their district notice suitable for the purpose of bringing the effect of the designation or variation to the attention of persons who may be eligible for assistance in respect of such of the dwellings concerned as are situated within their district.
- (2) No such notice need be published by a local housing authority who are of opinion—
 - (a) that none of the dwellings concerned are situated in their district, or
 - (b) that no-one is likely to be eligible for assistance in respect of the dwellings concerned which are situated in their district.
- (3) If at any time it becomes apparent to a local housing authority that a person is likely to be eligible for assistance in respect of a defective dwelling within their district, they shall forthwith take such steps as are reasonably practicable to inform him of the fact that assistance is available.

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563 Duties of public sector authority disposing of defective dwelling.

- (1) A public sector authority shall, where a person is to acquire a relevant interest in a defective dwelling on a disposal by the authority, give him notice in writing before the time of the disposal—
 - (a) specifying the qualifying defect, and
 - (b) stating that he will not be eligible for assistance under this part in respect of the dwelling.
- (2) A public sector authority shall, before they convey a relevant interest in a defective dwelling in pursuance of a contract to a person on whom a notice under subsection (1) has not been served, give him notice in writing—
 - (a) specifying the qualifying defect,
 - (b) stating, where the time of disposal of the interest falls after the cut-off date, that he will not be eligible for assistance under this Part, and
 - (c) stating the effect of subsection (3)
- (3) A person on whom a notice under subsection (2) is served—
 - (a) is not obliged to complete the conveyance before the expiry of the period of six months beginning with the service of that notice on him, and
 - (b) may within that period withdraw from the transaction by notice in writing to the authority to that effect;

and upon such a notice of withdrawal being given to the authority the parties to the contract are discharged from any obligations in connection with it and any deposit paid shall be repaid.
- (4) Where a public sector authority are required to serve a notice under section 124 (landlord's response to notice claiming to exercise right to buy) in respect of a defective dwelling, the notice under subsection (1) shall be served with that notice.
- (5) A notice under subsection (1) or (2) shall, (except in the case of a notice under subsection (1) which is served in accordance with subsection (4)), be served at the earliest date at which it is reasonably practicable to do so.

564 Reinstatement of defective dwelling by local housing authority.

- (1) Where a relevant interest in a defective dwelling has been disposed of by a public sector authority, the local housing authority may, before the end of the period within which a person may seek assistance under this Part in respect of the dwelling, enter into an agreement with—
 - (a) any person holding an interest in the dwelling, or
 - (b) any person who is a statutory tenant of it,

to execute at his expense any of the work required to reinstate the dwelling.
- (2) For the purposes of this section a disposal by or under an enactment of an interest in a dwelling held by a public sector authority shall be treated as a disposal of the interest by the authority.

565 Death of person eligible for assistance, &c.

- (1) Where a person who is eligible for assistance in respect of a defective dwelling—
 - (a) dies, or

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- (b) disposes of his interest in the dwelling (otherwise than on a disposal for value) to such a person as is mentioned in section 527(a) (persons qualifying for assistance: individuals, trustees for individuals and personal representatives), this Part applies as if anything done (or treated by virtue of this subsection as done) by or in relation to the person so eligible had been done by or in relation to his personal representatives or, as the case may be, the person acquiring his interest.
- (2) In sections 549 to 551 (subsidiary forms of financial assistance) references to the owner of an interest in a defective dwelling include his personal representatives.

566 Dwellings included in more than one designation.

The provisions of Schedule 21 have effect with respect to dwellings included in more than one designation.

567 Modifications of this Part in relation to shared ownership leases.

- [^{F1}(1) If it appears to a local housing authority that the interest of a person eligible for assistance in respect of a defective dwelling in their area is—
 - (a) a shared ownership lease, or
 - (b) the freehold acquired under the terms of a shared ownership lease,the authority shall prepare and submit to the Secretary of State a scheme providing for the provisions of this Part to have effect, in their application to such a case, subject to such modifications as may be specified in the scheme.
- (2) A scheme under subsection (1) above shall not have effect unless approved by the Secretary of State; and any such approval may be made conditional upon compliance with requirements specified by him.]
- (4) In this section “shared ownership lease” means—
 - (a) a shared ownership lease granted in pursuance of Part V (the right to buy),
 - (b) a lease of a dwelling-house granted otherwise than in pursuance of that Part which contains provision to the like effect as that required by paragraphs 1 and 2 of Schedule 8 (terms of shared ownership lease: right to acquired additional shares and to acquire freehold),
 - (c) ^{F2} or
 - (d) a lease determined, or of a class [^{F3}or description] determined, by the Secretary of State to be a shared ownership lease.
- (5) The fact that a lease becomes a shared ownership lease by virtue of . . . ^{F4} a determination under subsection (4)(d) does not affect the operation of the provisions of this Part in relation to a case where an application for assistance under this Part has previously been made.
- (6) ^{F5}

Textual Amendments

- F1** S. 567(1)(2) substituted for s.567(1)–(3) by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 166\(6\)](#)
- F2** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 194\(4\), Sch. 12 Pt. II](#)
- F3** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 166\(7\)](#)

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- F4** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), **Sch. 12 Pt. II**
F5 [S. 567\(6\)](#) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(4), **Sch. 12 Pt. II**

Modifications etc. (not altering text)

- C1** [S. 567\(4\)](#) amended by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 166(7)

568 Extension of assistance to mortgagees.

- (1) The Secretary of State may by regulations make provision for conferring rights and obligations on a mortgagee of a defective dwelling where—
 - (a) a power of sale (whether conferred by section 101 of the ^{M1}Law of Property Act 1925 or otherwise) is exercisable by the mortgagee, and
 - (b) the mortgagor is eligible for assistance in respect of the defective dwelling.
- (2) The rights that may be so conferred are—
 - (a) rights corresponding to those conferred by this Part on a person holding a relevant interest in the defective dwelling,
 - (b) the right to require the purchasing authority to acquire in accordance with the regulations any interest in the defective dwelling to be disposed of in exercise of the power of sale, and
 - (c) where the mortgagee is the purchasing authority, the right by deed to vest the dwelling in themselves;

and those rights may be conferred in place of rights conferred by this Part on any other person.
- (3) The regulations may provide that where the conditions in subsection (1)(a) and (b) are or have been satisfied, this Part, the power of sale in question and any enactment relating to the power of sale shall have effect subject to such modifications as may be specified in the regulations.
- (4) Where a defective dwelling is vested in a mortgagee in pursuance of—
 - (a) regulations under this section, or
 - (b) section 452 and Schedule 17 (vesting of dwelling-house in authority entitled to exercise power of sale),

the regulations may provide for the payment in respect of the vesting of an amount calculated on the assumption that none of the defective dwellings to which the designation in question relates is affected by the qualifying defect; and those enactments shall have effect subject to any such provisions.
- (5) Regulations under this section—
 - (a) may make different provision for different cases and may make incidental and consequential provision; and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “mortgagee” and “mortgagor” have the same meaning as in the ^{M2}Law of Property Act 1925.

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Marginal Citations

M1 1925 c. 20.

M2 1925 c. 20.

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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\(3\)\(d\)](#)