



Housing Act 1985

1985 CHAPTER 68

PART II

PROVISION OF HOUSING ACCOMMODATION

Disposal of land held for housing purposes

34 Consents under ss. 32 and 33.

- (1) This section applies in relation to the giving of the [^{F1}appropriate national body's] consent under section 32 or 33.
 - (2) Consent may be given—
 - (a) either generally to all local authorities or to a particular authority or description of authority;
 - (b) either in relation to particular land or in relation to land of a particular description.
 - (3) Consent may be given subject to conditions.
 - (4) Consent may, in particular, be given subject to conditions as to the price, premium or rent to be obtained on the disposal including conditions as to the amount by which on the disposal of a house by way of sale or by the grant or assignment of a lease at a premium, the price or premium is to be, or may be, discounted by the local authority.
- [^{F2}(4A) The matters to which the [^{F3}appropriate national body] may have regard in determining whether to give consent and, if so, to what conditions consent should be subject shall include—
- (a) the extent (if any) to which the person to whom the proposed disposals is to be made (in this subsection referred to as “the intending purchaser” is, or is likely to be, dependent upon, controlled by or subject to influence from the local authority making the disposal or any members or officers of that authority;

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- (b) the extent (if any) to which the proposed disposal would result in the intending purchaser becoming the predominant or a substantial owner in any area of housing accommodation let on tenancies or subject to licences;
- (c) the terms of the proposed disposal;
 - ^{F4}(ca) [in the case of a proposed large scale disposal, the appropriate national body's estimate of the exchequer costs of the large scale disposal;] and
 - ^{F5}(cb) [any reduction in the amount that the local authority may be required to pay under section 69 of the Housing and Planning Act 2016 (payments to Secretary of State in respect of vacant higher value housing in England) as a result of the disposal;]
- (d) any other matters whatsoever which [^{F6}the appropriate national body] considers relevant.

^{F7}(4AA) [The estimate mentioned in subsection (4A)(ca) is to be based on such assumptions (including as to the period during which housing subsidies may be payable) as the appropriate national body may determine, regardless of whether those assumptions are, or are likely to be, borne out by events.

(4AB) In this section—

“appropriate national body”—

- (a) in relation to England, means the Secretary of State; and
- (b) in relation to Wales, means the Welsh Ministers;

“dwelling-house ” has the same meaning as in Part 5 of this Act except that it does not include a hostel or any part of a hostel;

“the exchequer costs ”, in relation to a large scale disposal, means any increase which is or may be attributable to the disposal in the aggregate of any housing subsidies;

“housing subsidies ” means any subsidies payable under—

- (a) section 140A of the Social Security Administration Act 1992 (subsidy); or
- (b) section 79 of the Local Government and Housing Act 1989 (Housing Revenue Account subsidy);

“large scale disposal ” means a disposal of one or more dwelling-houses by a local authority to a person where—

- (a) the number of dwelling-houses included in the disposal; and
- (b) the number of dwelling-houses which, in the relevant period, have previously been disposed of by the authority to that person, or that person and any of the person's associates taken together,

exceeds 499 or, if the appropriate national body by order so provides, such other number as may be specified in the order;

“long lease ” means a lease for a term of years certain exceeding 21 years other than a lease which is terminable before the end of that term by notice given by or to the landlord;

“the relevant period ”, in relation to a large scale disposal means—

- (a) the period of 5 years ending with the date of the disposal; or
- (b) if the appropriate national body by order so provides, such other period ending with that date as may be specified in the order;

“subsidiary ” has the same meaning as in section 61 of the Housing Act 1996 but as if references in subsection (2) of that section and section 60 of that Act to

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registered social landlords and landlords were references to housing associations (within the meaning of the Housing Associations Act 1985).

(4AC) For the purposes of this section—

- (a) a disposal of any dwelling-house is to be disregarded if at the time of the disposal the local authority's interest in the dwelling-house is or was subject to a long lease;
- (b) two persons are associates of each other if—
 - (i) one of them is a subsidiary of the other;
 - (ii) they are both subsidiaries of some other person; or
 - (iii) there exists between them such relationship or other connection as may be specified in a determination made by the appropriate national body; and
- (c) a description of an authority may be framed by reference to any circumstances whatever.

(4AD) An order made by the appropriate national body under this section—

- (a) is to be made by statutory instrument which—
 - (i) in the case of an order made by the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (ii) in the case of an order made by the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales;
- (b) may make different provision for different cases or descriptions of case, or for different authorities or descriptions of authority; and
- (c) may contain such transitional and supplementary provisions as appear to the appropriate national body to be necessary or expedient.

(4AE) A determination under this section—

- (a) may make different provision for different cases or descriptions of case, or for different authorities or descriptions of authority; and
- (b) may be varied or revoked by a subsequent determination.]

^{F8}(4B)]

Textual Amendments

- F1** Words in s. 34(1) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(2\)\(a\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F2** S. 34(4A)(4B) inserted (*retrospectively* 9.6.1988) by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 132\(1\)\(2\)\(8\)](#)
- F3** Words in s. 34(4A) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(2\)\(b\)\(i\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F4** S. 34(4A)(ca) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(2\)\(b\)\(ii\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F5** S. 34(4A)(cb) inserted (12.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), [ss. 77\(2\)](#), 216(1)(b)
- F6** Words in s. 34(4A)(d) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(2\)\(b\)\(iii\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F7** S. 34(4AA)-(4AE) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, 325, [Sch. 14 para. 1\(2\)\(c\)](#); S.I. 2008/3068, arts. 1(2), [4\(1\)\(c\)](#) (with arts. 6-13)
- F8** S. 34(4B) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(2), [Sch. 12 Pt. I](#)

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Modifications etc. (not altering text)

- C1** S. 34(2)(b)(3) extended by [Housing Act 1988 \(c. 50, SIF 61\), s. 133\(3\)\(a\)](#)
- C2** S. 34(4A) extended by [Housing Act 1988 \(c. 50, SIF 61\), s. 133\(3\)\(a\)](#)
- C3** S. 34(4A) modified by [Housing Act 1988 \(c. 50, SIF 61\), s. 133\(3\)\(c\)](#)

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