



Housing Act 1985

1985 CHAPTER 68

PART II

PROVISION OF HOUSING ACCOMMODATION

Disposal of land held for housing purposes

43 Consent required for certain disposals not within s. 32.

- (1) The consent of the [^{F1}Secretary of State] is required for the disposal by a local authority, otherwise than in pursuance of Part V (the right to buy) ^{F2} . . . , of a house [^{F3}or dwelling] belonging to the authority—
- (a) which is let on a secure tenancy [^{F4}or an introductory tenancy], or
 - (b) of which a lease has been granted in pursuance of Part V,
- but which has not been acquired or appropriated by the authority for the purposes of this Part.

[^{F5}(1A) The consent of the Welsh Ministers is required for the disposal by a local authority of a dwelling belonging to the authority which is subject to a tenancy which is a secure contract or is an introductory standard contract.]

- (2) Consent may be given—
- (a) either generally to all local authorities or to any particular local authority or description of authority, and
 - (b) either generally in relation to all houses [^{F6}or dwellings] or in relation to any particular house [^{F3}or dwelling] or description of house [^{F3}or dwelling].
- (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 a disposal of the house [^{F3}or dwelling], including conditions as to the amount by which, on a disposal of the house [^{F3}or dwelling] 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.

Changes to legislation: Housing Act 1985, Section 43 is up to date with all changes known to be in force on or before 16 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

[^{F7}(4A) The matters to which the [^{F8}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 disposal 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;
- (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;
- [^{F9}(ca) in the case of a proposed disposal which is part of a proposed large scale disposal, the appropriate national body's estimate of the exchequer costs of the large scale disposal;] and
- [^{F10}(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 [^{F11}the appropriate national body] considers relevant.

[The estimate mentioned in subsection (4A)(ca) is to be based on such assumptions
^{F12}(4AA) (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) Subsections (4AB) to (4AE) of section 34 apply for the purposes of this section as they apply for the purposes of that section.]

^{F13}(4B)]

(5) For the purposes of this section the grant of an option to purchase the freehold of, or any other interest in, a house [^{F3}or dwelling] to which this section applies is a disposal and a consent given under this section to such a disposal extends to a disposal made in pursuance of the option.

^{F14}[(5A) References in this section [^{F15}(other than in subsection (4A)(ca) and in subsections (4AB) to (4AE) of section 34 as applied for the purposes of this section)] and in section 44 to a local authority shall include references to a National Park authority.]

[^{F16}(6) The Secretary of State shall consult the Regulator of Social Housing before deciding whether to consent under this section to anything within the Regulator’s remit.]

Textual Amendments

- F1** Words in s. 43(1) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(6)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)
- F2** Words in s. 43(1) repealed (1.10.1996) by [1996 c. 52, s. 227, Sch. 19 Pt. IX](#); [S.I. 1996/2402](#), **art. 3** (subject to transitional provisions and savings in [Sch.](#))

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- F3** Words in s. 43 inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **11(6)(c)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F4** Words in s. 43(1)(a) inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch. para. 3(e)**
- F5** S. 43(1A) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **11(6)(b)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F6** Words in s. 43(2)(b) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **11(6)(d)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F7** S. 43(4A)(4B) inserted (*retrospectively* 9.6.1988) by Housing Act 1988 (c. 50, SIF 61), **s. 132(1)(2)(8)**
- F8** Words in s. 43(4A) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(b)(i)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F9** S. 43(4A)(ca) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(b)(ii)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F10** S. 43(4A)(cb) inserted (12.5.2016) by Housing and Planning Act 2016 (c. 22), **ss. 77(3)**, 216(1)(b)
- F11** Words in s. 43(4A)(d) substituted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(b)(iii)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F12** S. 43(4AA)(4AB) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(c)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F13** S. 43(4B) repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(2), **Sch. 12 Pt. I**
- F14** S. 43(5A) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 24(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F15** Words in s. 43(5A) inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 311, 325, **Sch. 14 para. 1(3)(d)**; S.I. 2008/3068, arts. 1(2), **4(1)(c)** (with arts. 6-13)
- F16** S. 43(6) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 2 para. 15**

Modifications etc. (not altering text)

- C1** Ss. 43, 44, 45 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 paras. 22** and 23 as substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 61**
- C2** S. 43 extended (1.11.1993) by 1993 c. 28, s. 37, **Sch. 10 para. 1(2)(a)** (with ss. 56(6), 94(2), 95); S.I. 1993/2134, **arts. 2, 5(a)**.
Ss. 43, 44 extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 21(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C3** Ss. 43, 44 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 8(a)**
- C4** S. 43(1) excluded by Local Government Act 1988 (c. 9, SIF 81:1), **s. 26(5)(c)**
- C5** S. 43(2)(b)(3) extended by Housing Act 1988 (c. 50, SIF 61), **s.133(3)(b)**
- C6** S. 43(4A) extended by Housing Act 1988 (c. 50, SIF 81:1), **s. 133(3)(b)**
- C7** S. 43(4A) modified by Housing Act 1988 (c. 50, SIF 61), **s. 133(c)**
- C8** S. 43(5) applied by Housing Act 1988 (c. 50, SIF 61), **s. 133(4)**

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