



Housing Act 1985

1985 CHAPTER 68

PART II

PROVISION OF HOUSING ACCOMMODATION

Restriction on service charges

[^{F1} 45 Disposals in relation to which ss. 46 to 51 apply, etc. payable after disposal of house

(1) The following provisions of this Part down to section 51 (restrictions on, and provision of information about, services charges) apply where—

- [^{F2}(a) the freehold of a house has been conveyed by a public sector authority; and
- (b) the conveyance enabled the vendor to recover from the purchaser a service charge.]

(2) In subsection (1)(a)—

^{F3}
^{F3}

“public sector authority” means—

- a local authority,
- [^{F4}a National Park authority]
- a [^{F5}development] corporation,
- an urban development corporation,
- [^{F6}a Mayoral development corporation,]
- [^{F7}the Homes and Communities Agency,]
- [^{F8}the Greater London Authority so far as exercising its housing or regeneration functions or its new towns and urban development functions,]
- [^{F7}the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a) (i) to (iii) of the New Towns Act 1981,

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[^{F9}a housing action trust]
^{F10}
^{F11}[^{F12}Regulator of Social Housing] or Scottish Homes]
^{F13}a non-profit registered provider of social housing,]
a [^{F14}registered social landlord].

^{F15}[In subsection (1)(a) “ public sector authority ” also includes the [^{F16} Welsh Ministers (2A) if the freehold has been conveyed by them (or by the Assembly constituted by the Government for Wales Act 1998, the Secretary of State] or Housing for Wales) under section 90 of the ^{M1} Housing Associations Act 1985.]

[In subsection (1)(a) “public sector authority” also includes a profit-making registered ^{F17}(2B) provider of social housing in respect of any house which, before the conveyance, was social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.]

- (3) The following provisions—
 section 170 (power of Secretary of State to give assistance in connection with legal proceedings), and
 section 181 (jurisdiction of county court),
apply to proceedings and questions arising under this section and sections 46 to 51 as they apply to proceedings and questions arising under Part V (the right to buy).]]

Textual Amendments

- F1** Ss. 45, 47, 48, 50, 51 repealed in relation to dwellings let on long leases by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. **41(2)**
- F2** S. 45(1)(a)(b) substituted for s. 45(1)(a)–(c) by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 61(1), **Sch. 4 para. 4(a)**
- F3** Words repealed by [Landlord and Tenant Act 1987 \(c. 31, SIF 75:1\)](#), s. 61(1)(2), Sch. 4 para. 4(b), **Sch. 5**
- F4** Words in s. 45(2)(b) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 24(2)**, (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F5** Words in s. 45(2) substituted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 4, **Sch. 1 para. 6(2)(a)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F6** Words in s. 45(2) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 10**
- F7** Words in s. 45(2) inserted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 4, **Sch. 1 para. 6(2)(b)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F8** Words in s. 45(2) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 19 para. 12**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F9** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **79(11)**
- F10** Words in s. 45(2) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F11** Words in s. 45(2) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 8(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F12** Words in s. 45(2) 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. 18(a)(i)** (with art. 6, Sch. 3)
- F13** Words in s. 45(2) 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. 18(a)(ii)** (with art. 6, Sch. 3)
- F14** Words in s. 45(2) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 14(4)**

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- F15** S. 45(2A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 8(3)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F16** Words in s. 45(2A) substituted (1.12.2008) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2008 (S.I. 2008/3002), art. 4, **Sch. 1 para. 6(3)** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F17** S. 45(2B) 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. 18(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C1** Ss. 45-51 extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 21(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- C2** 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. 5(1), **Sch. 3 para. 5(3)**
- C3** Ss. 45-51 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 8(b)**
- C4** S. 45(2) (previously 45(2)(b)) explained by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 5(1), **Sch. 3 para. 5(3)**
- C5** S. 45(2) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), art. 3, **Sch. para. 2(1)** (with art. 6); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)

Marginal Citations

- M1** 1985 c. 69.

Changes to legislation:

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