



Housing Act 1985

1985 CHAPTER 68

PART XIV

LOANS FOR ACQUISITION OR IMPROVEMENT OF HOUSING

Miscellaneous

452 Vesting of house in authority entitled to exercise power of sale.

- (1) Where there has been a disposal of a house by a housing authority and—
- the authority is a mortgagee of the house,
 - the conveyance or grant contains a pre-emption provision in favour of the authority, and
 - within the period during which the pre-emption provision has effect the authority becomes entitled as mortgagee to exercise the power of sale conferred by section 101 of the ^{M1}Law of Property Act 1925 or the mortgage deed.

the provisions of Schedule 17 apply with respect to the vesting of the house in the authority.

- (2) In subsection (1)—
- “disposal” means a conveyance of the freehold or a grant or assignment of a long lease;
^{F1} . . .
- “pre-emption provision” means a covenant imposing a condition of the kind mentioned in section 33(2)(b) or (c) (right of pre-emption or prohibition of assignment), the limitation specified in section 157(4) (restriction on disposal of dwellings in National Parks, etc.), or any other provision to the like effect.

- (3) The vesting of a house under Schedule 17 shall be treated as a relevant disposal for the purposes of—

Changes to legislation: Housing Act 1985, Section 452 is up to date with all changes known to be in force on or before 21 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

- (a) the provisions of Parts II and V relating to the covenant required by section 35 or 155 (repayment of discount on early disposal), and
 - (b) any provision of the conveyance or grant to the like effect as the covenant required by those sections.
- (4) Where a conveyance or grant executed before 26th August 1984 contains both—
- (a) a pre-emption provision within the meaning of subsection (1), and
 - (b) the covenant required by section 35 or 155 (repayment of discount on early disposal) or any other provision to the like effect.
- the latter covenant or provision has effect as from that date with such modifications as may be necessary to bring it into conformity with the provisions of this section.
- (5) The preceding provisions of this section do not apply where the conveyance or grant was executed before 8th August 1980.
- (6) Where before 8th August 1980 a local authority sold property under the powers of section 104(1) of the ^{M2}Housing Act 1957 (disposal of houses provided under Part V of that Act) and—
- (a) part of the price was secured by a mortgage of the property,
 - (b) such a condition was imposed on the sale as was mentioned in section 104(3) (c) of that Act, and
 - (c) within the period during which the authority has the right to re-acquire the property they become entitled to exercise the power of sale conferred by section 101 of the ^{M3}Law of Property Act 1925 or by the mortgage deed,
- the provisions of Schedule 17 apply with respect to the vesting of the property in the authority, but subject to the modifications specified in paragraph 4 of that Schedule.

Textual Amendments

- F1** Definition of 'housing authority' in s. 452(2) repealed (17.8.1992) by [Housing and Planning Act 1986](#) (c. 63, SIF 61), s. 24(2)(3), Sch. 5 Pt. II para. 35, **Sch. 12 Pt. I**; S.I. 1992/1753, **art.2(2)** (relating to Sch. 5 para. 35 by virtue of which the definition is omitted) (with restriction in Sch. para. 4)

Modifications etc. (not altering text)

- C1** S. 452 extended (5.7.1994) by [1994 c. 19](#), s. 39, **Sch. 13 para. 22** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Marginal Citations

- M1** 1925 c. 20.
M2 1957 c. 56.
M3 1925 c. 20.

Changes to legislation:

Housing Act 1985, Section 452 is up to date with all changes known to be in force on or before 21 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.

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