



Housing Act 1985

1985 CHAPTER 68

PART II

PROVISION OF HOUSING ACCOMMODATION

Restriction on service charges

[^{F1}51 Meaning of “qualified accountant”.

- (1) The reference to a “qualified accountant” in section 48(3) (certification of summary of information about relevant costs) is to a person who, in accordance with the following provisions, has the necessary qualification and is not disqualified from acting.

[a person has the necessary qualification only if he is eligible for appointment as a ^{F2}(2) [^{F3}statutory auditor under Part 42 of the Companies Act 2006].]

- (4) The following are disqualified from acting—

- [where the payee is a company, the payee or any associated company of the ^{F4}(a) payee;]
- (b) an officer or employee of the payee or, where the payee is a company, of an associated company;
- (c) a person who is a partner or employee of any such officer or employee.

- (5) For the purposes of [^{F5}subsection (4)(a) and (b).] a company is associated with the payee company if it is (within the meaning of [^{F6}section 1159 of the Companies Act 2006]) the payee’s holding company or subsidiary or is a subsidiary of the payee’s holding company.

- (6) Where the payee is a local authority [^{F7} or a [^{F8}development] corporation]—

- (a) the persons who have the necessary qualification include members of the Chartered Institute of Public Finance and Accountancy, and
- (b) subsection (4)(b) (disqualification of officers and employees) does not apply.]

Changes to legislation: Housing Act 1985, Section 51 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

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- F1** Ss. 45, 47, 48, 50, 51 repealed in relation to dwellings let on long leases by [Landlord and Tenant Act 1987](#) (c. 31, SIF 75:1), **s. 41(2)**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. 51(2) substituted (1.10.1991) for s. 51(2)(3) by S.I. 1991/1997, reg. 2, **Sch. para. 58(a)**
- F3** Words in s. 51(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008](#) (S.I. 2008/948), art. 3(1), **Sch. 1 para. 1(hh)** (with arts. 6, 11, 12)
- F4** S. 51(4)(a) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 58(b)**
- F5** Words in s. 51(5) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 58(c)**
- F6** Words in s. 51(5) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order](#) (S.I. 2009/1941), art. 2(1), {Sch. 1 para. 62(4)} (with art. 10)
- F7** Words in s. 51(6) substituted (1.10.1998) by 1998 c. 38, s. 129, **Sch. 15 para. 9** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F8** Words in s. 51(6) substituted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008](#) (S.I. 2008/3002), art. 4, **Sch. 1 para. 8** (with Sch. 2); S.I. 2008/3068, arts. 1(2), **2(1)(b)** (with arts. 6-13)

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. 45-51 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 8(b)**
- C3** S. 47, 48, 50, 51, Pt. IV(ss. 79-117) 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**

Changes to legislation:

Housing Act 1985, Section 51 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\(3\)\(d\)](#)