



# Housing Associations Act 1985

## 1985 CHAPTER 69

### PART I

#### REGULATION OF HOUSING ASSOCIATIONS

##### *Disposal of land*

#### **8 Power of registered housing associations to dispose of land**

- (1) Without prejudice to the provisions of Part V of the Housing Act 1985 (the right to buy), every registered housing association has power, subject to section 9 (control by Housing Corporation of land transactions), by virtue of this section but not otherwise, to dispose, in such manner as it thinks fit, of land held by it.
- (2) Section 39 of the Settled Land Act 1925 (disposal of land by trustees) does not apply to the disposal of land by a registered housing association; and accordingly the disposal need not be for the best consideration in money that can reasonably be obtained.
- (3) Nothing in subsection (2) shall be taken to authorise any action on the part of a charity which would conflict with the trusts of the charity.

#### **9 Control by Housing Corporation of dispositions of land by housing associations**

- (1) The consent of the Housing Corporation, by order under the seal of the Corporation, is required for—
  - (a) any disposition of land by a registered housing association, and
  - (b) a disposition of grant-aided land (as defined in Schedule 1) by an unregistered housing association,except where the disposition is one excepted from this section by section 10.
- (2) The consent of the Corporation may be so given—
  - (a) generally to all housing associations or to a particular housing association or description of association ;

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*Status: This is the original version (as it was originally enacted).*

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(b) in relation to particular land or in relation to a particular description of land; and may be given subject to conditions.

- (3) A disposition by a housing association which requires the consent of the Corporation under this section is valid in favour of a person claiming under the association notwithstanding that the consent of the Corporation has not been given; and a person dealing with the association, or with a person claiming under the association, shall not be concerned to see or inquire whether any such consent has been given.

This subsection has effect subject to section 12 (avoidance of certain dispositions of houses without consent).

- (4) Where at the time of its removal from the register under section 6(2) (removal of bodies no longer eligible for registration or defunct) a body owns land, this section continues to apply to that land after the removal as if the body concerned continued to be a registered housing association.
- (5) For the purposes of this section " disposition " means sale, lease, mortgage, charge or any other disposal.

## **10 Dispositions excepted from s. 9**

- (1) A disposition by an unregistered housing association which is a charity is not within section 9 if by virtue of section 29 of the Charities Act 1960 it cannot be made without an order of the court or the Charity Commissioners; but the Charity Commissioners shall consult the Housing Corporation before making an order in such a case.
- (2) A letting by a registered housing association, or by an unregistered housing association which is a housing trust, is not within section 9 if it is—
- (a) a letting of land under a secure tenancy, or
  - (b) a letting of land under what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 3 to the Housing Act 1985 or paragraphs 2 to 7 of Schedule 1 to the Tenants' Rights &c. (Scotland) Act 1980 (tenancies excepted from being secure tenancies for reasons other than that they are long leases).
- (3) The grant by an unregistered housing association which does not satisfy the landlord condition in section 80 of the Housing Act 1985 (bodies which are capable of granting secure tenancies) of a lease for a term ending within the period of seven years and three months beginning on the date of the grant is not within section 9 unless—
- (a) there is conferred on the lessee (by the lease or otherwise) an option for renewal for a term which, together with the original term, would expire outside that period, or
  - (b) the lease is granted wholly or partly in consideration of a fine.
- (4) In subsection (3) the expression " lease " includes an agreement for a lease and a licence to occupy, and the expressions " grant " and " term " shall be construed accordingly.

## **11 Further provisions as to certain disposals of houses**

Schedule 2 applies in relation to a disposal of a house under section 8 where—

- (a) a discount is given to the purchaser, or

- (b) the house is situated in a National Park, an area designated under section 87 of the National Parks and Access to the Countryside Act 1949 as an area of outstanding beauty, or an area designated as a rural area by order under section 157 of the Housing Act 1985.

## **12 Avoidance of certain disposals of houses without consent**

A disposal of a house by a housing association made without the consent required by section 9 is void unless—

- (a) the disposal is to an individual (or to two or more individuals), and
- (b) the disposal does not extend to any other house.