



# Housing Associations Act 1985

## 1985 CHAPTER 69

### PART I

#### REGULATION OF HOUSING ASSOCIATIONS

##### *Introductory*

#### **1 Meaning of “housing association” and related expressions.**

- (1) In this Act “housing association” means a society, body of trustees or company—
- (a) which is established for the purpose of, or amongst whose objects or powers are included those of, providing, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, housing accommodation, and
  - (b) which does not trade for profit or whose constitution or rules prohibit the issue of capital with interest or dividend exceeding such rate as may be prescribed by the Treasury, whether with or without differentiation as between share and loan capital [<sup>F1</sup>;

<sup>F2</sup>.....]

- (2) In this Act “fully mutual”, in relation to a housing association, means that the rules of the association—
- (a) restrict membership to persons who are tenants or prospective tenants of the association, and
  - (b) preclude the granting or assignment of tenancies to persons other than members;

and “co-operative housing association” means a fully mutual housing association which is a [<sup>F3</sup>registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014][<sup>F4</sup>(in this part referred to as “the 1965 Act”)].

- (3) In this Act “self-build society” means a housing association whose object is to provide, for sale to, or occupation by, its members, dwellings built or improved principally with the use of its members’ own labour.

*Changes to legislation:* There are currently no known outstanding effects for the Housing Associations Act 1985, Cross Heading: Introductory. (See end of Document for details)

**Textual Amendments**

- F1** Words added by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 1, 3(3), **Sch. 2 para. 6**
- F2** Words in s. 1(1) repealed (S.) (1.11.2001) by [2001 asp 10, s. 112](#), **Sch. 10 para. 11(2)**; S.S.I. 2001/336, **art. 2(3)** (with transitional provisions and savings in [art. 3](#))
- F3** Words in s. 1(2) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154](#), **Sch. 4 para. 36** (with [Sch. 5](#))
- F4** Words in s. 1(2) repealed (E.W.) (1.10.1996) by [S.I. 1996/2325, art. 4\(1\)](#), **Sch. 1 Pt. I** (with [art. 4\(2\)\(3\)](#))

**2 Meaning of “housing trust”.**

In this Act “housing trust” means a corporation or body of persons which—

- (a) is required by the terms of its constituent instrument to use the whole of its funds, including any surplus which may arise from its operations, for the purpose of providing housing accommodation, or
- (b) is required by the terms of its constituent instrument to devote the whole, or substantially the whole, of its funds to charitable purposes and in fact uses the whole, or substantially the whole, of its funds for the purpose of providing housing accommodation.

<sup>F5</sup>**2A** .....

**Textual Amendments**

- F5** [S. 2A](#) repealed (1.10.1996) by [S.I. 1996/2325, art. 4\(1\)](#), [Sch. 1 Pts. I, II](#) (with [art. 4\(2\)\(3\)](#))

<sup>F6</sup>**2B Meaning of “registered housing association”, “registered social landlord” etc.**

In this Act, unless the context otherwise requires—

“registered housing association” means a housing association registered in the register [<sup>F7</sup>of social landlords maintained under [<sup>F8</sup>section 20(1) of the [Housing \(Scotland\) Act 2010 \(asp 17\)](#)],

[<sup>F9</sup>“registered social landlord” has the same meaning as in Part I of the [Housing Act 1996](#), and]

[<sup>F10</sup>“unregistered”, in relation to a housing association, means [<sup>F11</sup>not] registered in the register of social landlords maintained under [<sup>F12</sup>section 20(1) of the [Housing \(Scotland\) Act 2010 \(asp 17\)](#)].]

[<sup>F10</sup>“unregistered”, in relation to a housing association, means—

- (a) not registered as a provider of social housing under Part 2 of the [Housing and Regeneration Act 2008](#),
- (b) not registered as a social landlord under Part 1 of the [Housing Act 1996](#), and
- (c) not registered as a social landlord under [<sup>F13</sup>Part 2 of the [Housing \(Scotland\) Act 2010 \(asp 17\)](#)].]

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#### Textual Amendments

- F6** S. 2B inserted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 15(2)**
- F7** Words in s. 2B substituted (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(c), [S.I. 2001/336](#), art. 2(2), **Sch. Pt. II** Table (with transitional provisions and savings in art. 3)
- F8** Words in s. 2B substituted (S.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/38\)](#), art. 1, **Sch. para. 1(a)**
- F9** Words in s. 2B repealed (S.) (1.11.2001) by 2001 asp. 10, s. 112, Sch. 10 para. 11(3)(b), [S.I. 2001/336](#), art. 2(2), **Sch. Pt. II** Table (with transitional provisions and savings in art. 3)
- F10** Words in s. 2B substituted (E.W.) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 40** (with art. 6, Sch. 3)
- F11** Word in s. 2B substituted (S.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/38\)](#), art. 1, **Sch. para. 1(b)(i)**
- F12** Words in s. 2B substituted (S.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2012 \(S.S.I. 2012/38\)](#), art. 1, **Sch. para. 1(b)(ii)**
- F13** Words in s. 2B substituted (E.W.) (1.4.2012) by [The Housing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2012 \(S.I. 2012/700\)](#), art. 1(3), **Sch. para. 2**

**Changes to legislation:**

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Heading: Introductory.