



# Housing Act 1988

## 1988 CHAPTER 50

### PART III

#### HOUSING ACTION TRUST AREAS

##### *Functions*

#### **65 Housing action trust as housing authority etc.**

- (1) If the Secretary of State so provides by order, in a designated area or, as the case may be, in such part of the area as may be specified in the order, the housing action trust for the area shall have such of the functions described in subsection (2) below as may be so specified.
- (2) The functions referred to in subsection (1) above are—
  - (a) the functions conferred on a local housing authority by Parts II, VI, VII and IX to [F<sup>1</sup>XI] and XVI of the <sup>M<sup>1</sup></sup>Housing Act 1985 and section 3(1) of the <sup>M<sup>2</sup></sup>Chronically Sick and Disabled Persons Act 1970;
  - (b) the functions conferred by Part II of the <sup>M<sup>3</sup></sup>Housing Associations Act 1985 on a local authority, within the meaning of that Act; and
  - (c) the functions conferred by sections 39 to 41 of the <sup>M<sup>4</sup></sup>Land Compensation Act 1973 on the authority which is “the relevant authority” for the purposes of section 39 of that Act.
- (3) As respects the designated area or part thereof to which an order under this section applies, on the coming into force of the order, any function conferred on a housing action trust by the order shall, according to the terms of the order, be exercisable either—
  - (a) by the trust instead of by the authority by which, apart from the order, the function would be exercisable; or
  - (b) by the trust concurrently with that authority.
- (4) Any enactment under which a housing action trust is to exercise a function by virtue of an order under this section shall have effect—

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- (a) in relation to the trust, and
  - (b) where the trust is to have the function concurrently with another authority, in relation to that authority,
- subject to such modifications (if any) as may be specified in the order.
- (5) Where a housing action trust is to exercise functions conferred on a local housing authority by any of Parts VI, VII, IX and XI of the Housing Act 1985, section 36 of the <sup>M5</sup>Local Government Act 1974 (recovery by local authorities of establishment charges) shall apply to the housing action trust as if it were a local authority within the meaning of that section.
- (6) Such (if any) of the provisions of Parts XVII and XVIII of the Housing Act 1985 (compulsory purchase, land acquisition and general provisions) as may be specified in an order under this section shall have effect in relation to a housing action trust subject to such modifications as may be specified in the order.
- (7) An order under this section—
- (a) may contain such savings and transitional and supplementary provisions as appear to the Secretary of State to be appropriate; and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F1** Word in s. 65(2)(a) substituted (3.5.1997) by 1996 c. 62, s. 80(2)(b); S.I. 1997/350, art. 2

#### Marginal Citations

**M1** 1985 c. 68.  
**M2** 1970 c. 44.  
**M3** 1985 c. 69.  
**M4** 1973 c. 26.  
**M5** 1974 c. 7.

## 66 Planning control.

- (1) A housing action trust may submit to the Secretary of State proposals for the development of land within its designated area and the Secretary of State, after consultation with the local planning authority within whose area the land is situated and with any other local authority which appears to him to be concerned, may approve any such proposals either with or without modification.
- (2) Without prejudice to the generality of the powers conferred by [<sup>F2</sup>sections 59 to 61 of the 1990 Act], a special development order made by the Secretary of State under [<sup>F2</sup>section 59] with respect to a designated area may grant permission for any development of land in accordance with proposals approved under subsection (1) above, subject to such conditions, if any (including conditions requiring details of any proposed development to be submitted to the local planning authority), as may be specified in the order.
- (3) The Secretary of State shall give to a housing action trust such directions with regard to the disposal of land held by it and with respect to the development by it of such land as appear to him to be necessary or expedient for securing, so far as practicable,

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the preservation of any features of special architectural or historical interest and, in particular, of any buildings included in any list compiled or approved or having effect as if compiled or approved under [F<sup>3</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990] (which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historical interest).

- (4) Any reference in this section to the local planning authority,—
- (a) in relation to land in [F<sup>4</sup>Wales,] Greater London or a metropolitan county, is a reference to the authority which is the local planning authority as ascertained in accordance with [F<sup>5</sup>sections 1 and 2 of the 1990 Act]; and
  - (b) in relation to other land, is a reference to the district planning authority and also (in relation to proposals for any development which is a county matter, as defined in [F<sup>6</sup>paragraph 1 of Schedule 1 to the 1990 Act]) to the county planning authority.

#### Textual Amendments

- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(2\)\(a\)](#)
- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(2\)\(b\)](#)
- F4** Word in s. 66(4)(a) inserted (1.4.1996) by [1994 c. 19, s. 22\(2\), Sch. 8 para. 9\(1\)](#) (with ss. 54(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, 3, Sch. 1
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(2\)\(c\)](#)
- F6** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(2\)\(d\)](#)

## 67 Housing action trust as planning authority.

- (1) [F<sup>7</sup>The Secretary of State may by order provide that, for such purposes of Part III of the 1990 Act and sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990,] and in relation to such kinds of development as may be specified in the order, a housing action trust shall be the local planning authority for the whole or such part as may be so specified of its designated area . . . F<sup>8</sup>
- (2) An order under subsection (1) above may provide—
- (a) that any enactment relating to local planning authorities shall not apply to the trust; and
  - (b) that any such enactment which applies to the trust shall apply to it subject to such modifications as may be specified in the order.
- (3) An order made by the Secretary of State may provide—
- (a) that, subject to any modifications specified in the order, a housing action trust specified in the order shall have, in the whole or any part of its designated area . . . F<sup>9</sup>, such of the functions conferred by [F<sup>10</sup>the provisions mentioned in subsection (3A) below] as may be so specified; and
  - (b) that such of the provisions of [F<sup>11</sup>Part VI and sections 249 to 251 and 258 of the 1990 Act and sections 32 to 37 of the Planning (Listed Buildings and Conservation Areas) Act 1990] as are mentioned in the order shall have effect, in relation to the housing action trust specified in the order and to land in the trust's area, subject to the modifications there specified.

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- [<sup>F12</sup>(3A) The provisions referred to in subsection (3)(a) above are sections 96, 100, 104 [<sup>F13</sup>171C, 171D], 172 to 185, 187 to 202, 206 to 222, 224, 225, 231 and 320 to 336 of and paragraph 11 of Schedule 9 to the 1990 Act, Chapters I, II and IV of Part I and sections 54 to 56, 59 to 61, 66, 68 to 72, 74 to 76 and 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and sections 4 to 15, 17 to 21, 23 to [<sup>F14</sup>26AA, 36 and 36A] of the Planning (Hazardous Substances) Act 1990.]
- (4) An order under subsection (3) above may provide that, for the purposes of any of the provisions specified in the order, any enactment relating to local planning authorities shall apply to the housing action trust specified in the order subject to such modifications as may be so specified.
- (5) ..... <sup>F15</sup>
- (7) Any power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and any such order shall have effect subject to such savings and transitional provisions as may be specified in the order.

#### Textual Amendments

- F7** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 paras. 79\(3\)\(a\)](#)
- F8** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), ss. 3, 4, Sch. 1 Pt. I, Sch. 2 para. 79\(3\)\(a\)](#)
- F9** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 3, Sch. 1 Pt. I](#)
- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(3\)\(b\)\(i\)](#)
- F11** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(3\)\(b\)\(ii\)](#)
- F12** [S. 67\(3A\)](#) inserted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(3\)\(c\)](#)
- F13** Words in [s. 67\(3A\)](#) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 32, Sch. 7, para.7 \(with s. 84\(5\)\); S.I. 1991/2905, art.3, Sch.](#)
- F14** Words in [s. 67\(3A\)](#) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 25, Sch. 3, Pt. II, para.18 \(with s. 84\(5\)\); S.I. 1991/2905, art.3](#)
- F15** [S. 67\(5\)\(6\)](#) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), ss. 3, 4, Sch. 1 Pt. I, Sch. 2 para. 79\(3\)\(d\)](#)

## 68 Public health.

- (1) The Secretary of State may by order provide that, in relation to premises comprising or consisting of housing accommodation, a housing action trust shall have in its designated area (or in such part of its designated area as may be specified in the order) the functions conferred on a local authority—
- (a) by sections 83 and 84 of the <sup>M6</sup>Public Health Act 1936 (the “1936 Act”) and section 36 of the <sup>M7</sup>Public Health Act 1961 (all of which relate to filthy or verminous premises or articles);
  - (b) by any enactment contained in Part III (nuisances and offensive trades) of the 1936 Act;

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- (c) by so much of Part XII of the 1936 Act as relates to any of the enactments mentioned in paragraphs (a) and (b) above; and
    - (d) by Part I of the <sup>M8</sup>Prevention of Damage by Pests Act 1949 (rats and mice).
  - (2) On the order coming into force, the trust shall have the functions conferred in relation to the designated area (or part) instead of or concurrently with any such authority, depending on the terms of the order.
  - (3) The order may provide that any enactment under which the trust is to exercise functions by virtue of the order shall have effect in relation to the trust and, where the trust is to have any function concurrently with another authority, in relation to that authority, as modified by the order.
  - (4) Where an order under this section provides that a housing action trust shall have the functions conferred upon a local authority by Part III of the 1936 Act, section 36 of the <sup>M9</sup>Local Government Act 1974 (recovery by local authorities of establishment charges) shall apply to the housing action trust as if it were a local authority within the meaning of that section.
  - (5) The order shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.
  - (6) The power to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Marginal Citations

**M6** 1936 c. 49.

**M7** 1961 c. 64.

**M8** 1949 c. 55.

**M9** 1974 c. 7.

## 69 Highways.

- (1) When any street works have been executed [<sup>F16</sup>on any land in a designated area which was then or has since become a private street (or part of a private street)], the housing action trust may serve a notice on the street works authority requiring it to declare the street (or part) to be a highway which for the purposes of the <sup>M10</sup>Highways Act 1980 is a highway maintainable at the public expense.
- (2) Within the period of two months beginning on the date of the service of a notice under subsection (1) above, the street works authority may appeal against the notice to the Secretary of State <sup>F17</sup> . . .
- (3) After considering any representations made to him by the housing action trust and the street works authority, the Secretary of State shall determine an appeal under subsection (2) above by setting aside or confirming the notice under subsection (1) above (with or without modifications).
- (4) Where, under subsection (3) above, the Secretary of State confirms a notice,—
  - (a) he may at the same time impose conditions (including financial conditions) upon the housing action trust with which the trust must comply in order for the notice to take effect, and

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- (b) the highway (or part) shall become a highway maintainable at the public expense with effect from such date as the Secretary of State may specify.
- (5) Where a street works authority neither complies with the notice under subsection (1) above, nor appeals under subsection (2) above, the street (or part) concerned shall become a highway maintainable at the public expense upon the expiry of the period of two months referred to in subsection (2) above.
- (6) In this section “private street” and “street works authority” have the same meanings as in Part XI of the <sup>M11</sup>Highways Act 1980.

**Textual Amendments**

- F16** Words in s. 69(1) substituted (11.10.1993) by 1993 c. 28, s. 182(1); S.I. 1993/2134, arts. 2, 4
- F17** Words in s. 69(2) repealed (11.10.1993) by 1993 c. 28, ss. 182(2), 187(2), Sch. 22; S.I. 1993/2134, arts. 2, 4

**Marginal Citations**

- M10** 1980 c. 66.
- M11** 1980 c. 66.

**F18** 70 .....

**Textual Amendments**

- F18** S. 70 repealed (20.1.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. VIII; S.I. 1996/2959, art. 2 (subject to transitional provisions in Sch. para. 1)

**71 Power to give financial assistance.**

- (1) For the purpose of achieving its objects a housing action trust may, with the consent of the Secretary of State, give financial assistance to any person.
- (2) Financial assistance under subsection (1) above may be given in any form and, in particular, may be given by way of—
  - (a) grants,
  - (b) loans,
  - (c) guarantees,
  - (d) incurring expenditure for the benefit of the person assisted, or
  - (e) purchasing loan or share capital in a company.
- (3) Financial assistance under subsection (1) above may be given on such terms as the housing action trust, with the consent of the Secretary of State, considers appropriate.
- (4) Any consent under this section—
  - (a) may be given either unconditionally or subject to conditions; and
  - (b) may be given in relation to a particular case or in relation to such description of cases as may be specified in the consent;
 and the reference in subsection (3) above to the consent of the Secretary of State is a reference to his consent given with the approval of the Treasury.

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- (5) The terms referred to in subsection (3) above may, in particular, include provision as to—
- (a) the circumstances in which the assistance must be repaid or otherwise made good to the housing action trust and the manner in which that is to be done; or
  - (b) the circumstances in which the housing action trust is entitled to recover the proceeds or part of the proceeds of any disposal of land or buildings in respect of which assistance was provided.
- (6) Any person receiving assistance under subsection (1) above shall comply with the terms on which it is given and compliance may be enforced by the housing action trust.

## **72 Directions as to exercise of functions.**

- (1) In the exercise of its functions, a housing action trust shall comply with any directions given by the Secretary of State.
- (2) Directions given by the Secretary of State may be of a general or particular character and may be varied or revoked by subsequent directions.
- (3) The Secretary of State shall publish any direction given under this section.
- (4) A transaction between any person and a housing action trust acting in purported exercise of its powers under this Part of this Act shall not be void by reason only that the transaction was carried out in contravention of a direction given under this section; and a person dealing with a housing action trust shall not be concerned to see or enquire whether a direction under this section has been given or complied with.

## **73 Transfer of functions.**

- (1) If, in the case of any designated area, it appears to the Secretary of State that it is expedient that the functions of a housing action trust established for the area should be transferred—
  - (a) to the housing action trust established for another designated area, or
  - (b) to a new housing action trust to be established for the area,he may by order provide for the dissolution of the first-mentioned trust and for the transfer of its functions, property, rights and liabilities to the trust referred to in paragraph (a) above, or, as the case may be, to a new housing action trust established for the area by the order.
- (2) Where an order under this section provides for the functions of a housing action trust established for a designated area to be transferred to the housing action trust established for another designated area—
  - (a) the latter trust shall, by virtue of the order, be treated as established for the first-mentioned designated area (as well as the area referred to in subsection (1) (a) above); and
  - (b) the order may alter the name of the latter trust in such manner as appears to the Secretary of State to be expedient.
- (3) Before making an order under this section the Secretary of State shall consult the housing action trust whose functions are to be transferred and also, in a case falling within subsection (1)(a) above, the housing action trust to whom the functions are to be transferred.

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- (4) An order under this section shall be made by statutory instrument but no such order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.



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