



Department for  
Communities and  
Local Government

# The general consents issued under section 25 of the Local Government Act 1988 (Local Authority assistance for privately let housing) – 2014

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# Introduction

1. The revised version of the “General Consents” AA and B issued by the Secretary of State under section 25 of the Local Government Act 1988 will provide additional flexibilities to councils who wish to dispose of their assets for new housing to any body or organisation excluding wholly or partly owned local authority organisations.
2. General Consent AA – this is a *new* consent and would allow councils to dispose of vacant housing land to non-registered providers at less than market value. This therefore mirrors General Consent A which allows for the disposal of vacant housing land to registered providers.
3. General Consent B – this is an *amended* consent and removes the requirement that a property should be in need of renovation before disposal to a registered provider at less than market value. It also removes the cap that limited the number of properties that could be disposed of in this way.
4. Sections A, C and D of the general consent under section 25 of the Local Government Act 1888 (Local Authority assistance for privately let housing) 2010 remain in place and unchanged.

# AA. The general consent under section 25 of the Local Government Act 1988 for the disposal of Housing Revenue Account land 2014.

The Secretary of State in exercise of his powers under sections 25(1) and 26(1) of the Local Government Act 1988 (“the 1988 Act”), hereby gives to all local authorities in England the following general consent:

## **Consent**

AA1 A local authority may provide any person, or body for the purposes of or in connection with the matters mentioned in section 24(1) of the 1988 Act, with any financial assistance or any gratuitous benefit consisting of:

(a) the disposal to that person or body of Housing Revenue Account land for:

(i) development as housing accommodation or as housing accommodation and other facilities which are intended to benefit mainly the occupiers of the housing accommodation; or

(ii) the provision of access to land used or to be developed as housing accommodation; or

(b) the grant to that person or body of any easement or right appurtenant to Housing Revenue Account land used or to be developed as housing accommodation.

AA2 Consent is given on condition that:

(a) any housing accommodation on the land when the disposal is completed is vacant, and that the terms of the disposal provide that the housing accommodation (other than any accommodation which has been developed pursuant to the terms of the disposal) shall not be used again as housing accommodation and shall be demolished; and

(b) completion of the disposal is by transfer of the freehold, assignment of a lease with an unexpired term of 99 years or more or grant of a lease for a term of 99 years or more; and

(c) the terms of the disposal provide that the development of any housing accommodation on the land shall be completed by a date which is not more than three years after the completion of the disposal, but provision may be made for that date to be varied in the event of circumstances beyond the person or body’s control;

(d) subject to paragraph AA3, the terms of the disposal provide that any housing accommodation to be developed on the land shall be privately let as housing accommodation as defined by section 24(3) of the Local Government Act 1988; and

(e) the local authority are not, under any agreement or other arrangement made on or before the disposal, entitled to manage or maintain any of the housing accommodation to be developed on the land.

AA3 The condition specified in paragraph AA2(d) need not be binding on any mortgagee of the land or any person whose title is derived through such a mortgagee.

AA4 No further consent of the Secretary of State to a disposal under this consent shall be required by virtue of section 32(2) or 43(1) of the Housing Act 1985.

### **Interpretation**

AA5 In this consent:

“development” has the same meaning as in section 55(1) of the Town and Country Planning Act 1990;

“disposal” includes an agreement which provides for the person or body or its contractors to occupy the land for the purposes of carrying out the development and for the registered provider to obtain legal title to the land when the development has been completed;

“dwelling-house” means a house or flat, including any yard, garden, out-houses and appurtenances belonging to or usually enjoyed with it; “Housing Revenue Account land” means land in respect of which a local housing authority shall keep a Housing Revenue Account under section 74 of the Local Government and Housing Act 1989;

“house” has the same meaning as in section 183 of the Housing Act 1985;

“the land” means land disposed of under this consent;

otherwise expressions have the same meaning as they have in Part III of the 1988 Act.

### **Citation and commencement**

AA6 This consent may be cited as The General Consent under Section 25 of the Local Government Act 1988 for the disposal of Housing Revenue Account land and shall come into force in April 2014.

**Jane Todorovic**  
**Affordable Housing Management and Standards Division**  
**Department for Communities and Local Government**  
**April 2014**

## B. The general consent under section 25 of the Local Government Act 1988 for the disposal of dwelling-houses to registered providers of social housing 2014

The Secretary of State, in exercise of his powers under sections 25(1) and 26(1) of the Local Government Act 1988 (“the 1988 Act”), hereby gives to all local authorities in England the following general consent:

### **Consent**

B1 A local authority may provide a registered provider (except a registered provider in which the local authority owns an interest), for the purposes of or in connection with the matters mentioned in section 24(1) of the 1988 Act, with any financial assistance or any gratuitous benefit consisting of the disposal of a dwelling-house to that registered provider for the purposes of the dwelling-house being used either wholly as housing accommodation or as housing accommodation and other facilities which are intended to benefit mainly the occupiers of the housing accommodation.

B2 Consent is given on condition that:

(a) the housing accommodation is vacant when the disposal is completed; and

(b) completion of the disposal is by transfer of the freehold, assignment of a lease with an unexpired term of 99 years or more or grant of a lease for a term of 99 years or more; and

(c) the terms of the disposal provide that the housing accommodation must be occupied by a date which is not more than three years after the completion of the disposal, but provision may be made for that date to be varied in the event of circumstances beyond the registered provider’s control; and

(d) subject to paragraph B3, the terms of the disposal provide that the housing accommodation in the dwelling-house after renovations shall be:

(i) let by the registered provider as low cost rental accommodation (as defined by sections 69 and 71 of the Housing and Regeneration Act 2008) on a periodic tenancy or a shared ownership lease or a lease for the elderly; or

(ii) used as temporary accommodation for a homeless person; or

(iii) used as a hostel; or

(iv) occupied by persons who, on account of mental illness or handicap, are receiving support from a local social services authority; and

(e) the local authority are not, under any agreement or other arrangement made on or before the disposal, entitled to manage or maintain the housing accommodation in the dwelling-house after the works; and

(f) where the dwelling disposed of to a registered provider was social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, the dwelling continues to be social housing and remains so unless and until it ceases to be social housing under the provisions of sections 72 to 76 of the Housing and Regeneration Act 2008.

B3 The condition specified in paragraph B2(e) need not be binding on any mortgagee of the housing accommodation or any person whose title is derived through such a mortgagee.

B4 No further consent of the Secretary of State to a disposal under this consent shall be required by virtue of section 26(4) of the Town and Country Planning Act 1959, section 123(2) of the Local Government Act 1972 or section 32(2) or 43(1) of the Housing Act 1985.

### **Interpretation**

B6 In this consent:

“dwelling-house” means a house or flat, including any yard, garden, out-houses and appurtenances belonging to or usually enjoyed with it;

“homeless person” means a person to whom the local authority owes a duty to secure accommodation, or is exercising a power to secure accommodation, under Part VII of the Housing Act 1996;

“hostel” has the same meaning as in section 622 of the Housing Act 1985;  
“registered provider” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008;

otherwise expressions have the same meaning as they have in Part III of the 1988 Act.

### **Citation, commencement and revocation**

B7.1 This consent may be cited as The General Consent under Section 25 of the Local Government Act 1988 for the disposal of dwelling-houses to registered providers of social housing and shall come into force on April 2014.

B7.2 The General Consent under Section 25 of the Local Government Act 1988 for the Disposal of Dwelling-houses to Registered Social Landlords for Refurbishment 2010, is hereby revoked.

**Jane Todorovic**  
**Affordable Housing Management and Standards Division**  
**Department for Communities and Local Government**  
**April 2014**



# Commentary

1. The revised general consents AA and B are largely self-explanatory. The following notes deal only with those provisions where some explanation or comment is necessary.
2. The notes are not an authoritative statement of the law. Local authorities should satisfy themselves, on the basis of their own legal advice that any action they propose to take is in accordance with the consents and the principal legislation.
3. Consents are administrative documents and should be construed reasonably according to their intention.
4. The consents allow local authorities a wide measure of discretion over the scale of the assistance. However, the Secretary of State's consent does not relieve the authority of their obligations under general law to act reasonably and in accordance with their fiduciary duty to local tax and rent payers.
5. Social Services Authorities, which are Local Housing Authorities, as defined in Section 1 of the Housing Act 1985, have the power under section 24 to provide financial assistance.
6. Special consent will be required under section 25(1) of the Local Government Act 1988 for the disposal of land to any person or body wholly or partly owned by local authority.
7. If a proposed transaction falls outside the terms of the general consents, an application for special consent may be made to the Department for Communities and Local Government, Affordable Housing and Management Standards Division, Zone 1/E2, Eland House, Bressenden Place, London SW1E 5DU.