Abolition of the Right to Buy and Associated Rights (Wales) Act 2018

2018 anaw 1

Restriction on exercising the right to buy and the right to acquire

2 Restriction on exercising the right to buy

(1) The Housing Act 1985 (c. 68) is amended as follows.

(2) After section 121 (circumstances in which the the right to buy cannot be exercised), insert—

"**121ZA Restriction on exercising the right to buy in Wales**

(1) The right to buy cannot be exercised in respect of a dwelling-house in Wales unless—

(a) the dwelling-house is from previously let social housing stock, or

(b) any of the cases specified in section 121ZB applies, or has applied, in respect of the dwelling-house.

(2) For the purposes of this Part—

(a) a dwelling-house is from previously let social housing stock if, at any time during the period of six months ending with the relevant date, it has been—

(i) let under a secure tenancy,

(ii) let under an introductory tenancy (within the meaning given by Chapter 1 of Part 5 of the Housing Act 1996 (c. 52)),

(iii) let under a demoted tenancy (within the meaning given by section 143A of the Housing Act 1996), or

(iv) a qualifying dwelling-house in relation to the preserved right to buy (see section 171B);

(b) "relevant date" means the day on which section 2 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.

(3) This section does not affect the computation of any period under Schedule 4."

(3) In section 171B (extent of the preserved right to buy), after subsection (6), insert—

"(7) Nothing in subsection (6) gives a person the right to exercise the preserved right to buy in respect of a dwelling-house in Wales unless—

(a) the dwelling-house is from previously let social housing stock (see section 121ZA), or

(b) any of the cases specified in section 121ZB applies, or has applied, in respect of the dwelling-house."

3 Exceptions to the restriction on exercising the right to buy

(1) The Housing Act 1985 (c. 68) is amended as follows.

(2) After section 121ZA (restriction on exercising the right to buy in Wales), insert—

"**121ZB Exceptions to restriction on exercising the right to buy in Wales**

(1) The first case applies in respect of a dwelling-house (the "exempted dwelling") if—

(a) after the relevant date, the court orders a person who has the right to buy to give up possession of a dwelling-house,

(b) the order is made on any of the grounds set out in Parts 2 or 3 of Schedule 2,

(c) the person becomes the tenant of the exempted dwelling, and

(d) the exempted dwelling is suitable alternative accommodation for the purposes of the order.

(2) The second case applies in respect of a dwelling-house (the "exempted dwelling") if—

(a) after the relevant date, the court orders a person who has the preserved right to buy (see section 171B) to give up possession of a dwelling-house,

(b) the order is made—

(i) on Ground 9 in Schedule 2 to the Housing Act 1988 (c. 50) (possession of dwelling-house let under assured tenancy on grounds that there is suitable alternative accommodation), or

(ii) in pursuance of section 98(1)(a) of the Rent Act 1977 (c. 42) (limitation on recovery of possession of dwelling-houses let under certain tenancies),

(c) the person becomes the tenant of the exempted dwelling, and

(d) the exempted dwelling is suitable alternative accommodation for the purposes of the order.

(3) The third case applies in respect of a dwelling-house (the "exempted dwelling") if—

(a) the exempted dwelling has, at some time during the period of six months ending with the relevant date, been let by a registered social landlord or a private registered provider of social housing under an assured tenancy (other than a long tenancy),

(b) after the relevant date, a person having the preserved right to buy in respect of another dwelling-house ("the relevant dwelling-house") becomes the tenant of the exempted dwelling, and

(c) the exempted dwelling becomes the relevant dwelling-house for the purposes of section 171B(6).

(4) The Welsh Ministers may, by regulations made by statutory instrument, amend this section by adding additional cases.

(5) Regulations under subsection (4) may not be made unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of the National Assembly for Wales."

4 Restriction on exercising the right to acquire

(1) The Housing Act 1996 (c. 52) is amended as follows.

(2) After section 16A (extension of the right to acquire to dwellings funded by grants under section 27A), insert—

"**16B Restriction on exercising the right to acquire**

(1) But the right to acquire cannot be exercised in respect of a dwelling unless—

(a) the dwelling is from previously let social housing stock, or

(b) section 16C applies, or has applied, in respect of the dwelling.

(2) For the purposes of this Part—

(a) a dwelling is from previously let social housing stock if, at any time during the period of six months ending with the relevant date—

(i) it has been let by a registered social landlord or a private registered provider of social housing under an assured tenancy (other than a long tenancy), or

(ii) it has been let under a secure tenancy, and

(b) "relevant date" means the day on which section 4 of the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 comes into force.

(3) This section does not affect the computation of any period under Schedule 4 to the Housing Act 1985."

(3) In section 16 (right of tenant to acquire dwelling), in subsection (1), at the beginning, insert "Subject to section 16B,".

(4) In section 21 (purchase grant in respect of certain disposals), after subsection (2), insert—

"(2A) But subsection (2) does not apply in respect of a discount on a disposal of a dwelling unless—

(a) the dwelling is from previously let social housing stock, or

(b) section 16C applies, or has applied, in respect of the dwelling."

5 Exception to the restriction on exercising the right to acquire

(1) The Housing Act 1996 (c. 52) is amended as follows.

(2) After section 16B (restriction on exercising the right to acquire), insert—

"**16C Exception to restriction on exercising the right to acquire**

(1) This section applies in respect of a dwelling (the "exempted dwelling") if—

(a) after the relevant date, the court has ordered a person to give up possession of a dwelling,

(b) the order is made—

(i) on any of the grounds set out in Parts 2 or 3 of Schedule 2 to the Housing Act 1985 (c. 68) (discretionary grounds for possession of dwelling let under secure tenancy), or

(ii) on Ground 9 in Schedule 2 to the Housing Act 1988 (c. 50) (possession of dwelling let under assured tenancy on grounds that there is suitable alternative accommodation),

(c) the person becomes the tenant of the exempted dwelling, and

(d) the exempted dwelling is suitable alternative accommodation for the purposes of the order.

(2) The Welsh Ministers may, by regulations made by statutory instrument, amend this section by making provision for further circumstances in which this section applies in respect of a dwelling.

(3) Regulations under subsection (2) may not be made unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of the National Assembly for Wales."