



# Housing Act 1985

## 1985 CHAPTER 68

### PART V

#### THE RIGHT TO BUY

##### *Provisions affecting future disposals*

#### **157 Restriction on disposal of dwelling-houses in National Parks, etc.**

- (1) Where in pursuance of this Part a conveyance or grant is executed by a local authority<sup>F1</sup> . . . or a housing association (“the landlord”) of a dwelling-house situated in—
- a National Park,
  - an area designated under [F2section 82 of the Countryside and Rights of Way Act 2000] as an area of outstanding natural beauty, or
  - an area designated by order of the Secretary of State as a rural area,
- the conveyance or grant may [F3(subject to section 156A(8))] contain a covenant limiting the freedom of the tenant (including any successor in title of his and any person deriving title under him or such a successor) to dispose of the dwelling-house in the manner specified below.
- (2) The limitation is, <sup>F4</sup> . . . ), that until such time (if any) as may be notified in writing by the landlord to the tenant or a successor in title of his
- [F5(a)] , there will be no relevant disposal which is not an exempted disposal without the written consent of the landlord; but that consent shall not be withheld if the disposal is to a person satisfying the condition stated in subsection (3) [F6and—
- there will be no disposal by way of tenancy or licence without the written consent of the landlord unless the disposal is to a person satisfying that condition or by a person whose only or principal home is and, throughout the duration of the tenancy or licence, remains the dwelling-house].
- (3) The condition is that the person to whom the disposal is made (or, if it is made to more than one person, at least one of them) has, throughout the period of three years

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immediately preceding the application for consent [<sup>F7</sup>or, in the case of a disposal by way of tenancy or licence, preceding the disposal]—

- (a) had his place of work in a region designated by order of the Secretary of State which, or part of which, is comprised in the National Park or area, or
  - (b) had his only or principal home in such a region;
- or has had the one in part or parts of that period and the other in the remainder; but the region need not have been the same throughout the period.

(4) <sup>F8</sup> .....

(5) <sup>F9</sup> .....

(6) A disposal in breach of such a covenant as is mentioned in subsection (1) is void [<sup>F10</sup>and, so far as it relates to disposals by way of tenancy or licence, such a covenant may be enforced by the landlord as if—

- (a) the landlord were possessed of land adjacent to the house concerned; and
- (b) the covenant were expressed to be made for the benefit of such adjacent land].

[<sup>F11</sup>(6A) Any reference in the preceding provisions of this section to a disposal by way of tenancy or licence does not include a reference to a relevant disposal or an exempted disposal.]

(7) Where such a covenant imposes the limitation specified in subsection (2), the limitation is a local land charge and the Chief Land Registrar shall enter [<sup>F12</sup>a restriction in the register of title reflecting the limitation].

(8) An order under this section—

- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, 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** Words in s. 157(1) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F2** Words in s. 157(1)(b) substituted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, s. 93, **Sch. 15 Pt. I para. 9** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- F3** Words in s. 157(1) inserted (18.1.2005) by Housing Act 2004 (c. 34), **ss. 188(2)(5)(6)**, 270(3)
- F4** Words in s. 157(2) omitted (18.1.2005) by virtue of Housing Act 2004 (c. 34), **ss. 188(2)(b)(5)(6)**, 270 and said words repealed (6.4.2006 (E.) and 16.6.2006 (W.)) by Housing Act 2004 (c. 34), ss. 266, 270(4)(5), **Sch. 16**; S.I. 2006/1060, **art. 2(1)(e)(v)**; S.I. 2006/1535, **art. 2(c)(v)**
- F5** "(a)" inserted by Housing Act 1988 (c. 50, SIF 61), **s. 126(2)(6)**
- F6** "and" and s. 157(2)(b) added by Housing Act 1988 (c. 50, SIF 61), **s. 126(2)(6)**
- F7** Words inserted by Housing Act 1988 (c. 50, SIF 61), **s. 126(3)(6)**
- F8** S. 157(4) omitted (18.1.2005) by virtue of Housing Act 2004 (c. 34), **ss. 188(2)(c)(5)(6)**, 270(3) and said sub-provision repealed (6.4.2006 (E.) and 16.6.2006 (W.)) by Housing Act 2004 (c. 34), ss. 266, 270(4)(5), **Sch. 16**; S.I. 2006/1060, **art. 2(1)(e)(v)**; S.I. 2006/1535, **art. 2(c)(v)**
- F9** S. 157(5) omitted (18.1.2005) by virtue of Housing Act 2004 (c. 34), **ss. 188(2)(c)(5)(6)**, 270(3) and said sub-provision repealed (6.4.2006 (E.) and 16.6.2006 (W.)) by Housing Act 2004 (c. 34), ss. 266, 270(4)(5), **Sch. 16**; S.I. 2006/1060, **art. 2(1)(e)(v)**; S.I. 2006/1535, **art. 2(c)(v)**
- F10** Words beginning "and, so far" and s. 157(6)(a)(b) added by Housing Act 1988 (c. 50, SIF 61), **s. 126(4)(6)**

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**F11** S.157(6A) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 126(5)(6)**

**F12** Words in s. 157(7) substituted (13.10.2003) by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(4) (with s. 129); S.I. 2003/1725, **art. 2**

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