



Housing Act 1988

1988 CHAPTER 50

PART V

MISCELLANEOUS AND GENERAL

Disposals of housing stock

133 Consent required for certain subsequent disposals.

- (1) Where consent is required for a disposal (in this section referred to as “the original disposal”) by virtue of section 32 or section 43 of the Housing Act 1985 and that consent does not provide otherwise, the person who acquires the land or house on the disposal shall not dispose of it except with the consent of the [^{F1}appropriate authority]; but nothing in this section shall apply in relation to an exempt disposal ^{F2}....

[^{F3}(1ZA) In this section “the appropriate authority” means—

- ^{F4}(a)
(b) in relation to [^{F5} a] disposal of land in England, the Secretary of State, and
(c) in relation to a disposal of land in Wales, the Welsh Ministers.]

[^{F6}(1A) This section does not apply if the original disposal was made before the date on which this section comes into force.]

[^{F7}(1B) This section does not apply if the original disposal was made to a private registered provider of social housing [^{F8} or to a body registered as a registered social landlord under Chapter 1 of Part 1 of the Housing Act 1996.]]

- (2) Where an estate or interest of the person who acquired the land or house on the original disposal has been mortgaged or charged, the prohibition in subsection (1) above applies also to a disposal by the mortgagee or chargee in exercise of a power of sale or leasing, whether or not the disposal is in the name of the person who so acquired the land or house; and in any case where—

Status: Point in time view as at 01/12/2022.

Changes to legislation: Housing Act 1988, Section 133 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) by operation of law or by virtue of an order of a court, the land or house which has been acquired passes or is transferred from the person who so acquired it to another person, and
- (b) that passing or transfer does not constitute a disposal for which consent is required under this section,

this section (including, where there is more than one such passing or transfer, this subsection) shall apply as if the other person to whom the land or house passes or is transferred were the person who acquired it on the original disposal.

[^{F9}(2A) Consent required for the purposes of this section may be given either generally to all persons who may require such consent or to any particular person or description of person who may require such consent.]

(3) Where subsection (1) above applies—

- (a) if section 34 of the ^{M1}Housing Act 1985 applies to the consent given to the original disposal, subsections (2)(b) [^{F10}, (3), (4) and (4A)(a) to (c) and (d)] of that section shall also apply to any consent required by virtue of this section;
- (b) if the consent to the original disposal was given under section 43 of that Act, subsections (2)(b) and [^{F10}, (3), (4) and (4A)(a) to (c) and (d)] of that section shall also apply to any consent required by virtue of this section;
- (c) in the application of subsection [^{F10}(4A)(a) to (c) and (d)] of section 34 or section 43 to any consent required by virtue of this section, [^{F11} any reference to the appropriate national body shall be construed as a reference to the appropriate authority and]any reference to the local authority making the disposal shall be construed as a reference to the local authority making the original disposal; and
- (d) the instrument by which the original disposal is effected shall contain a statement in a form approved by the Chief Land Registrar that the requirement of this section as to consent applies to a subsequent disposal of the land or house by the person to whom the original disposal was made.

(4) Subsection (4) of section 32 of the Housing Act 1985 or, as the case may be, subsection (5) of section 43 of that Act (options to purchase as disposals) applies for the purposes of this section.

(5) Before giving any consent required by virtue of this section, the [^{F12}appropriate authority]—

- (a) shall satisfy [^{F13}itself] that the person who is seeking the consent has taken appropriate steps to consult every tenant of any land or house proposed to be disposed of; and
- (b) shall have regard to the responses of any such tenants to that consultation.

^{F14}[(5A) A person seeking any consent required by virtue of this section is not required to consult a tenant of the land or house proposed to be disposed of if—

- (a) consent is sought for the disposal of the land or house to that tenant or to persons including that tenant; or
- (b) consent is sought subject to the condition that the land or house is vacant at the time of the disposal;

and, accordingly, subsection (5) does not apply in either case.]

^{F15}(6)

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- (7) No consent shall be required under ^{F16}... [^{F17}section ^{F18}...42 of the Housing Act 1996 or section 9 of the Housing Associations Act 1985] for any disposal in respect of which consent is given [^{F19}under this section].
- (8) Where the title of the authority to the land or house which is disposed of by the original disposal is not registered, and the original disposal is a [^{F20}transfer or grant] of a description mentioned in [^{F21}section 4 of the Land Registration Act 2002] (compulsory registration of title)—
- ^{F22}(a)
- (b) the authority shall give to the person to whom the original disposal is made a certificate in a form approved by the Chief Land Registrar stating that the authority is entitled to make the disposal subject only to such encumbrances, rights and interests as are stated in the instrument by which the original disposal is effected or summarised in the certificate; and
- (c) for the purpose of registration of title, the Chief Land Registrar shall accept such a certificate as evidence of the facts stated in it, but if as a result he has to meet a claim against him under the [^{F23}Land Registration Act 2002] the authority by whom the original disposal was made is liable to indemnify him.
- [^{F24}(9) Where the Chief Land Registrar approves an application for registration of—
- (a) a disposition of registered land, or
- (b) a person’s title under a disposition of unregistered land,
- and the instrument effecting the original disposal contains the statement required by subsection (3)(d) above, he shall enter in the register a restriction reflecting the limitation under this section on subsequent disposal.]
- (10) In every case where the consent of the Secretary of State is required for the original disposal by virtue of section 32 or section 43 of the ^{M2}Housing Act 1985 (whether or not consent is required under this section to a subsequent disposal), the authority by which the original disposal is made shall furnish to the person to whom it is made a copy of that consent.
- [^{F25}(11) In this section “exempt disposal” means—
- (a) the disposal of a dwelling-house to a person having the right to buy it under Part 5 of the Housing Act 1985 (whether the disposal is in fact made under that Part or otherwise);
- (b) a compulsory disposal, within the meaning of Part 5 of the Housing Act 1985;
- (c) the disposal of an easement or rentcharge;
- (d) the disposal of an interest by way of security for a loan;
- (e) the grant of a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985;
- (f) the grant of an assured tenancy or an assured agricultural occupancy, within the meaning of Part 1 of this Act, or what would be such a tenancy or occupancy but for any of paragraphs 4 to 8 of Schedule 1 to this Act;
- [^{F26}(fa) the grant of an occupation contract within the meaning of the Renting Homes (Wales) Act 2016 (anaw 1) (see section 8 of that Act);]
- (g) the transfer of an interest held on trust for any person where the disposal is made in connection with the appointment of a new trustee or in connection with the discharge of any trustee.]

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Textual Amendments

- F1** Words in s. 133(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(3)(a)**, [325\(1\)](#) (with s. 189); S.I. 2010/862, **art. 2** (with Sch.)
- F2** Words in s. 133(1) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), **ss. 13(4)**, 19(2); S.I. 2018/777, **art. 3(e)**
- F3** S. 133(1ZA) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(3)(b)**, [325\(1\)](#) (with s. 189); S.I. 2010/862, **art. 2** (with Sch.)
- F4** S. 133(1ZA)(a) omitted (6.4.2017) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 4(2)(a)**; S.I. 2017/75, **reg. 4**
- F5** Word in s. 133(1ZA)(b) substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 4(2)(b)**; S.I. 2017/75, **reg. 4**
- F6** Words in s. 133(1A) inserted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. IV para. 21(2)**; S.I. 1996/2402, **art. 2**
- F7** S. 133(1B) substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 4(3)**; S.I. 2017/75, **reg. 4**
- F8** Words in s. 133(1B) inserted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), **ss. 13(5)**, 19(2); S.I. 2018/777, **art. 3(e)**
- F9** Words in s. 133(2A) inserted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. IV para. 21(3)**; S.I. 1996/2402, **art. 2**
- F10** Words in s. 133(3) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 311, [325](#), **Sch. 14 para. 2**; S.I. 2008/3068, **art. 4(1)(c)** (with savings and transitional provisions in arts. 6-13)
- F11** Words in s. 133(3)(c) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(3)(d)**, [325\(1\)](#) (with s. 189); S.I. 2010/862, **art. 2** (with Sch.)
- F12** Words in s. 133(5) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(3)(e)**, [325\(1\)](#) (with s. 189); S.I. 2010/862, **art. 2** (with Sch.)
- F13** Word in s. 133(5)(a) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(3)(f)**, [325\(1\)](#) (with s. 189); S.I. 2010/862, **art. 2** (with Sch.)
- F14** Words in s. 133(5A) inserted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. IV para. 21(4)**; S.I. 1996/2402, **art. 2**
- F15** S. 133(6) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 191(3)(g), [325\(1\)](#), **Sch. 16** (with s. 189); S.I. 2010/862, **arts. 2, 3** (with Sch.)
- F16** Words in s. 133(7) omitted (6.4.2017) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 4(4)**; S.I. 2017/75, **reg. 4**
- F17** Words in s. 133(7) substituted (1.10.1996) by S.I. 1996/2325, **art. 5(1)**, **Sch. 2 para. 18(12)(b)**
- F18** Words in s. 133(7) omitted (15.8.2018) by virtue of [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), **ss. 13(6)**, 19(2); S.I. 2018/777, **art. 3(e)**
- F19** Words in s. 133(7) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 71(b)**(with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F20** Words in s. 133(8) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 133, 136(2), **Sch. 11 para. 23(5)(a)** (with s. 129); S.I. 2003/1725, **art. 2(1)**
- F21** Words in s. 133(8) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 133, 136, **Sch. 11 para. 23(5)(b)** (with s. 129); S.I. 2003/1725, **art. 2(1)**
- F22** S. 133(8)(a) repealed (1.4.1998) by 1997 c. 2, s. 4(2), **Sch. 2 Pt. I**; S.I. 1997/3036, **art. 2**
- F23** Words in s. 133(8)(c) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 133, 136(2), **Sch. 11 para. 23(5)(c)** (with s. 129); S.I. 2003/1725, **art. 2(1)**
- F24** S. 133(9) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 133, 136(2), {Sch. 11 para. 23(6)} (with s. 129); S.I. 2003/1725, **art. 2(1)**
- F25** S. 133(11) inserted (15.8.2018) by [Regulation of Registered Social Landlords \(Wales\) Act 2018 \(anaw 4\)](#), **ss. 13(7)**, 19(2); S.I. 2018/777, **art. 3(e)**

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F26 S. 133(11)(fa) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **16(17)** (with savings and transitional provisions in S.I. 2022/1172, regs. 3, 10, 19)

Modifications etc. (not altering text)

- C1** S. 133 excluded (1.11.1993) by 1993 c. 28, ss. 37, 56(6), **Sch. 10 para. 1(2)(a)**; S.I. 1993/2134, **arts. 2, 5**
- C2** S. 133: transfer of functions (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 190(b), 325(1)** (with s. 189); S.I. 2010/862, art. 2 (with Sch.)
- C3** S. 133(6) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 1**; S.I. 2008/3068, **art. 2(1)(b)** (with arts. 6-12)

Marginal Citations

- M1** 1985 c. 68.
M2 1985 c. 68.

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