Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2 E+W

REGULATION OF SOCIAL HOUSING

CHAPTER 5 E+W

DISPOSAL OF PROPERTY[F1 BY PRIVATE REGISTERED PROVIDERS]

Textual Amendments

F1 Words in Pt. 2 Ch. 5 inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 34**

Modifications etc. (not altering text)

C1 Pt. 2 modified (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 16 para. 69(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

Introductory

170 Overview E+W

This Chapter makes provision about the disposal of property by [F2 private registered providers].

Textual Amendments

F2 Words in s. 170 substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 35**

Changes to legislation: *Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

Commencement Information

I1 S. 170 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

171 Power to dispose E+W

(1) A **[**[F3]private registered provider**]** may dispose of land.

(2) But a non-profit registered provider may dispose of the landlord's interest under a secure tenancy only to another non-profit registered provider **[**[F4]or to a local authority which is a registered provider**]**.

(3) Subsection (1) is subject to the following provisions of this Chapter [F5]....

Textual Amendments

F3 Words in s. 171(1) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 36(a)**

F4 Words in s. 171(2) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 36(b)**

F5 Words in s. 171(3) omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 13**; S.I. 2017/75, reg. 4

Commencement Information

I2 S. 171 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

[[F6]Notification of regulator]

Textual Amendments

F6 S. 172 cross-heading substituted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 14**; S.I. 2017/75, reg. 4

[F7]172 Requirement of consent E+W

. . . . . .

Textual Amendments

F7 Ss. 172-175 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 15**; S.I. 2017/75, reg. 4 (with reg. 6)

[F7]173 Exceptions E+W

. . . . . .

Changes to legislation: *Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

Textual Amendments

F7 Ss. 172-175 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 15**; S.I. 2017/75, reg. 4 (with reg. 6)

[F7]174 Procedure E+W

. . . . . .

Textual Amendments

F7 Ss. 172-175 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 15**; S.I. 2017/75, reg. 4 (with reg. 6)

[F7]175 Disposal without consent E+W

. . . . . .

Textual Amendments

F7 Ss. 172-175 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 15**; S.I. 2017/75, reg. 4 (with reg. 6)

[[F8]176 Notification where disposal consent not required E+W

(1) If a private registered provider disposes of a dwelling that is social housing it must notify the regulator.

(2) If a non-profit registered provider disposes of land other than a dwelling it must notify the regulator.

(3) Subsection (1) continues to apply to any land of a private registered provider even if it has ceased to be a dwelling.

(4) The regulator may give directions about—
  (a) the period within which notifications under subsection (1) or (2) must be given;
  (b) the content of those notifications.

(5) The regulator may give directions dispensing with the notification requirement in subsection (1) or (2).

(6) A direction under this section may be—
  (a) general, or
  (b) specific (whether as to particular registered providers, as to particular property, as to particular forms of disposal or in any other way).

(7) A direction dispensing with a notification requirement—
  (a) may be expressed by reference to a policy for disposals submitted by a registered provider;

Changes to legislation: *Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

(b) may include conditions.

(8) The regulator must make arrangements for bringing a direction under this section to the attention of every registered provider to which it applies.**]**

Textual Amendments

F8 S. 176 substituted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 16**; S.I. 2017/75, reg. 4

F9 . . . . . .

Textual Amendments

F9 S. 177 cross-heading omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 33(b)**; S.I. 2017/75, reg. 4 (with reg. 7)

F10 177 Separate accounting E+W

. . . . . .

Textual Amendments

F10 Ss. 177, 178 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 33(a)**; S.I. 2017/75, reg. 4 (with reg. 7)

F10 178 Use of proceeds E+W

. . . . . .

Textual Amendments

F10 Ss. 177, 178 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 33(a)**; S.I. 2017/75, reg. 4 (with reg. 7)

F11 . . . . . .

Textual Amendments

F11 S. 179 and cross-heading omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 17**; S.I. 2017/75, reg. 4

F11 179 Application of Housing Act 1996 E+W

. . . . . .

***Changes to legislation:** Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

Right to acquire

180 Right to acquire E+W

(1) The tenant of a dwelling in England has a right to acquire the dwelling if—

(a) the landlord is a **[**[F12]private registered provider**]** or a registered social landlord,

(b) the tenancy is within subsection (2),

(c) the provision of the dwelling was publicly funded,

(d) the dwelling has remained in the social rented sector ever since that provision, and

(e) the tenant satisfies any qualifying conditions applicable under Part V of the Housing Act 1985 (c. 68) (as it applies by virtue of section 184).

(2) A tenancy is within this subsection if it is—

(a) an assured tenancy, other than [F13]... a long tenancy, or

(b) a secure tenancy.

[[F14](2A) The Secretary of State may by regulations provide that an assured shorthold tenancy of a description specified in the regulations is not a tenancy within subsection (2).**]**

(3) The reference in subsection (1)(a) to a **[**[F15]private registered provider**]** includes—

(a) a person who provided the dwelling in fulfilment of a condition imposed by the HCA when giving assistance to the person;

(b) a person who provided the dwelling wholly or partly by means of a grant under section 27A of the Housing Act 1996 (c. 52).

Textual Amendments

F12 Words in s. 180(1)(a) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 43(a)**

F13 Words in s. 180(2)(a) repealed (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), ss. 165(2), 240(2), **Sch. 25 Pt. 23** (with s. 165(4)); S.I. 2012/57, art. 4(1)(r) (with arts. 679-11); S.I. 2012/628, art. 6(c) (with arts. 911141517)

F14 S. 180(2A) inserted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by Localism Act 2011 (c. 20), **ss. 165(3)**, 240(2) (with s. 165(4)); S.I. 2012/57, art. 4(1)(r) (with arts. 679-11); S.I. 2012/628, art. 6(c) (with arts. 911141517)

F15 Words in s. 180(3) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 43(b)**

Modifications etc. (not altering text)

C2 S. 180(2) restricted (E.) (1.4.2012) by The Transfer of Tenancies and Right to Acquire (Exclusion) Regulations 2012 (S.I. 2012/696), regs. 1(1), **4**

Commencement Information

I3 S. 180 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

181 Interpretation: "publicly funded" E+W

(1) The provision of a dwelling was publicly funded if any of the following conditions is satisfied.

Changes to legislation: *Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

(2) Condition 1 is that—

(a) the dwelling was provided by a person in fulfilment of a condition imposed by the HCA when giving assistance to the person, and

(b) before giving the assistance the HCA notified the person that if it did so the provision of the dwelling would be regarded as publicly funded.

[[F16](2A) Condition 2 is that—

(a) the dwelling was provided wholly or partly by a person using an amount for purposes for which the amount was required to be used by an HCA direction under section 32(4), and

(b) before giving the direction the HCA notified the person that any dwelling so provided would be regarded as publicly funded.**]**

(3) Condition **[**[F17]3**]** is that the dwelling was provided wholly or partly by using sums in the disposal proceeds fund of—

(a) a **[**[F18]private registered provider**]**, or

(b) a registered social landlord.

[[F19](3A) In relation to a private registered provider, the reference in subsection (3) to its disposal proceeds fund is to its disposal proceeds fund before the abolition of that fund by Part 3 of Schedule 4 to the Housing and Planning Act 2016.**]**

(4) Condition **[**[F20]4**]** is that —

(a) the dwelling was acquired by a **[**[F21]private registered provider**]**, or a registered social landlord, on a disposal by a public sector landlord,

(b) the disposal was made on or after 1st April 1997, and

(c) at the time of the disposal the dwelling was capable of being let as a separate dwelling.

(5) Condition **[**[F20]4**]** is not satisfied if the dwelling was acquired in pursuance of a contract made, or option created, before 1st April 1997.

(6) Condition **[**[F22]5**]** is that—

(a) the dwelling was provided wholly or partly by means of a grant under section 18 or 27A of the Housing Act 1996 (c. 52), and

(b) when the grant was made the recipient was notified **[**[F23]by the Welsh Ministers**]** that the dwelling was to be regarded as funded by means of such a grant.

Textual Amendments

F16 S. 181(2A) inserted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 34(2)**; S.I. 2017/75, reg. 4

F17 Word in s. 181(3) substituted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 34(3)**; S.I. 2017/75, reg. 4

F18 Words in s. 181(3)(a) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 44(a)**

F19 S. 181(3A) inserted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 34(4)**; S.I. 2017/75, reg. 4

F20 Word in s. 181(4)(5) substituted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 34(5)**; S.I. 2017/75, reg. 4

F21 Words in s. 181(4)(a) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 44(b)**

F22 Word in s. 181(6) substituted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 34(6)**; S.I. 2017/75, reg. 4

F23 Words in s. 181(6)(b) substituted (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), s. 11(3)(4), **Sch. 1 para. 6(5)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

Commencement Information

I4 S. 181 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

182 Interpretation: "remained in the social rented sector" E+W

(1) This section applies for the purposes of determining whether a dwelling has remained in the social rented sector.

(2) A dwelling shall be treated as having remained in the social rented sector for any period during which—

(a) the freeholder was a person within subsection (3), and

(b) each leaseholder was either a person within that subsection or an individual holding otherwise than under a long tenancy.

(3) A person is within this subsection if the person is—

(a) a **[**[F24]private registered provider**]**,

(b) a registered social landlord, or

(c) a public sector landlord.

(4) A dwelling provided wholly or partly by means of a grant under section 27A of the Housing Act 1996 shall also be treated as having remained in the social rented sector for any period during which it was used exclusively for permitted purposes by—

(a) the recipient of the grant, or

(b) any person treated as the recipient by virtue of section 27B of that Act.

(5) "Permitted purposes" are purposes for which the grant was made and any other purposes agreed by the Housing Corporation or the HCA.

(6) Where a lease of a dwelling has been granted to a former freeholder in pursuance of paragraph 3 of Schedule 9 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (mandatory leaseback to former freeholder on collective enfranchisement) the reference in subsection (1)(a) above to the freeholder shall be construed as a reference to the leaseholder under that lease.

Textual Amendments

F24 Words in s. 182(3)(a) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 45**

Commencement Information

I5 S. 182 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

183 Interpretation: other expressions E+W

(1) The definitions in this section apply to sections 180 to 182.

Changes to legislation: *Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

(2) The HCA gives "assistance" to a person if it—
  (a) transfers housing or other land to the person,
  (b) provides infrastructure to the person, or
  (c) gives financial assistance to the person,

and for this purpose "infrastructure" has the same meaning as in Part 1.

(3) References to a "registered social landlord" are to a body which, at the time to which the reference relates, was a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52) as it then had effect.

(4) "Leaseholder" does not include a mortgagee.

(5) "Long tenancy" has the same meaning as in Part V of the Housing Act 1985 (c. 68).

(6) A person provides a dwelling if the person—
  (a) acquires, constructs, converts, improves or repairs housing or other land for use as a dwelling, or
  (b) ensures such acquisition, construction, conversion, improvement or repair by another.

(7) "Public sector landlord" means anyone falling within section 80(1) of the Housing Act 1985.

Commencement Information

I6 S. 183 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

[F25 184 Right to acquire: supplemental E+W

(1) The Secretary of State may by order—
  (a) specify the amount or rate of discount to be given on the exercise of the right conferred by section 180, and
  (b) designate rural areas in relation to dwellings in which the right conferred by that section does not arise.

(2) The provisions of Part 5 of the Housing Act 1985 apply in relation to the right to acquire under section 180—
  (a) subject to any order under subsection (1) above, and
  (b) subject to such other exceptions, adaptations and other modifications as may be specified by regulations made by the Secretary of State.

(3) The regulations may provide—
  (a) that the powers of the Secretary of State under sections 164 to 170 of that Act (powers to intervene, give directions or assist) do not apply,
  (b) that paragraphs 1 and 3 (exceptions for charities and certain housing associations), and paragraph 11 (right of appeal to Secretary of State), of Schedule 5 to that Act do not apply,
  (c) that the provisions of Part 5 of that Act relating to the right to acquire on rent to mortgage terms do not apply,
  (d) that the provisions of that Part relating to restrictions on disposals in National Parks etc. do not apply, and

***Changes to legislation:** Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

(e) that the provisions of that Part relating to the preserved right to buy do not apply.

Nothing in this subsection affects the generality of the power conferred by subsection (2).

(4) The specified exceptions, adaptations and other modifications shall take the form of textual amendments of the provisions of Part 5 of that Act as they apply in relation to the right to buy under that Part; and any consolidating regulations shall set out the provisions of Part 5 as they so apply.

(5) Before making an order which would have the effect that an area ceased to be designated under subsection (1)(b), the Secretary of State shall consult—

(a) the local housing authority or authorities in whose district the area or any part of it is situated or, if the order is general in its effect, local housing authorities in general, and

(b) such bodies appearing to the Secretary of State to be representative of private registered providers as the Secretary of State considers appropriate.

(6) Regulations made under this section are consolidating regulations if they are made for the purposes of consolidating other regulations that are being revoked in the instrument containing the consolidating regulations.**]**

Textual Amendments

F25 S. 184(1)-(6) substituted for s. 184(1) (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), s. 11(3)(4), **Sch. 1 para. 6(6)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

Commencement Information

I7 S. 184 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

[F26]185 Right to acquire: consequential amendments E+W

. . . . . .

Textual Amendments

F26 S. 185 repealed (26.1.2019) by Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), s. 11(3)(4), **Sch. 1 para. 6(7)**; S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)

Miscellaneous

186 Former registered providers E+W

Where a person ceases to be a **[**[F27]private registered provider**]**, sections 171 **[**[F28]and 176 (apart from section 176(2))**]** continue to apply in respect of any property owned by the person at any time when it was registered.

Changes to legislation: *Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

Textual Amendments

F27 Words in s. 186 substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 47**

F28 Words in s. 186 substituted (6.4.2017) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 18**; S.I. 2017/75, reg. 4

Commencement Information

I8 S. 186 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

[F29]187 Change of use, etc. E+W

. . . . . .

Textual Amendments

F29 S. 187 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 19**; S.I. 2017/75, reg. 4

188 Trustees E+W

Section 39 of the Settled Land Act 1925 (c. 18) (disposal by trustees: best price etc.) shall not apply to the disposal of land by a **[**[F30]private registered provider**]**.

Textual Amendments

F30 Words in s. 188 substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 49**

Commencement Information

I9 S. 188 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

189 Charities E+W

Nothing in this Chapter authorises a charity to effect a disposal which it would not otherwise have power to effect.

Commencement Information

I10 S. 189 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Consents under other legislation

[F31]190 Consent to disposals under other legislation E+W

. . . . . .

***Changes to legislation:** Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

Textual Amendments

F31 S. 190 omitted (6.4.2017) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 4 para. 20**; S.I. 2017/75, reg. 4

191 Section 190: consequential amendments E+W

(1) In section 171D of the Housing Act 1985 (consent to certain disposals of housing obtained subject to the preserved right to buy)—

(a) in subsection (2) (consent) for "Secretary of State" substitute " appropriate authority ", and

(b) after that subsection insert—

"(2A) "The appropriate authority" means—

(a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,

(b) in relation to any other disposal of land in England, the Secretary of State, and

(c) in relation to a disposal of land in Wales, the Welsh Ministers."

(2) In section 81 of the Housing Act 1988 (consent to certain disposals of housing obtained from housing action trusts)—

(a) in subsection (3) (consent) for "Secretary of State" substitute " appropriate authority ",

(b) after that subsection insert—

"(3A) In this section "the appropriate authority" means—

(a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,

(b) in relation to any other disposal of land in England, the Secretary of State, and

(c) in relation to a disposal of land in Wales, the Welsh Ministers.",

(c) in subsection (5) (consultation of tenants) for "Secretary of State" substitute " appropriate authority ",

(d) in subsection (5)(a) for "himself" substitute " itself ", and

(e) omit subsection (6) (consultation of Housing Corporation).

(3) In section 133 of that Act (consent to certain disposals of housing obtained from local authorities)—

(a) in subsection (1) (consent) for "Secretary of State" substitute " appropriate authority ",

(b) after that subsection insert—

"(1ZA) In this section "the appropriate authority" means—

(a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,

(b) in relation to any other disposal of land in England, the Secretary of State, and

Changes to legislation: *Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

(c) in relation to a disposal of land in Wales, the Welsh Ministers.”,

(c) after subsection (1A) insert—

“(1B) This section does not apply to a disposal of land by a registered provider of social housing unless the land is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.”,

(d) in subsection (3)(c) (modification of certain provisions applied for the purposes of section 133) after “this section,” insert “ any reference to the appropriate national body shall be construed as a reference to the appropriate authority and ”,

(e) in subsection (5) (consultation of tenants) for “Secretary of State” substitute “ appropriate authority ”,

(f) in subsection (5)(a) for “himself” substitute “ itself ”, and

(g) omit subsection (6) (consultation of Housing Corporation).

(4) In section 173 of the Local Government and Housing Act 1989 (c. 42) (consent to certain disposals of housing obtained from new town corporations)—

(a) in subsection (1)(a) (consent) for “Secretary of State” substitute “ appropriate authority ”,

(b) after subsection (1) insert—

“(1A) In this section “the appropriate authority” means—

(a) in relation to a disposal of land in England by a registered provider of social housing, the Regulator of Social Housing,

(b) in relation to any other disposal of land in England, the Secretary of State, and

(c) in relation to a disposal of land in Wales, the Welsh Ministers.”,

(c) in subsection (5) (consultation of tenants) for “Secretary of State” substitute “ appropriate authority ”,

(d) in subsection (5)(a) for “himself” substitute “ itself ”, and

(e) omit subsection (6) (consultation of Housing Corporation).

Commencement Information

I11 S. 191 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

Changes to legislation:
Housing and Regeneration Act 2008, Chapter 5 is up to date with all changes known to be in force on or before 19 June 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.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)