
STATUTORY INSTRUMENTS

1992 No. 1709

HOUSING, ENGLAND AND WALES

The Housing (Preservation of Right to Buy) (Amendment) Regulations 1992

<i>Made</i>	- - - -	<i>15th July 1992</i>
<i>Laid before Parliament</i>		<i>16th July 1992</i>
<i>Coming into force</i>	- -	<i>17th August 1992</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 171C of the Housing Act 1985(1) and of all other powers enabling them in that behalf, hereby make the following Regulations—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Housing (Preservation of Right to Buy) (Amendment) Regulations 1992 and shall come into force on 17th August 1992.

(2) These Regulations shall not apply in a case where a notice under section 122(1) of the Housing Act 1985 as it applies where the right to buy is preserved (tenant’s notice claiming to exercise the right) was served before 17th August 1992.

Amendment

2. Schedule 4 to the Housing Act 1985 (the qualifying period for right to buy and discount), as it applies in the circumstances described in section 171A(1)(2) of that Act (cases in which right to buy is preserved), is amended by substituting—

- (a) “qualifying person” for “secure tenant” in paragraph 5A(a)(3); and
- (b) “paragraph 7A” for “paragraph 7A and to” in paragraph 7(1)(4).

3. The Housing (Preservation of Right to Buy) Regulations 1989(5), are amended in both paragraph 47 of Part I of Schedule 1 (modification to Schedule 4 to the Housing Act 1985 where

(1) 1985 c. 68; section 171C was inserted by section 8 of the Housing and Planning Act 1986 (c. 63) and amended by section 127 of and paragraph 106 of Part II of Schedule 17 to the Housing Act 1988 (c. 50).
(2) Section 171A was inserted by section 8 of the Housing and Planning Act 1986.
(3) Paragraph 5A was inserted by paragraph 40(2) of Schedule 5 to the Housing and Planning Act 1986.
(4) Paragraph 7 was amended by paragraph 40(3) of Schedule 5 to the Housing and Planning Act 1986.
(5) S.I.1989/368, to which there are amendments not relevant to these Regulations.

the right to buy is preserved) and Schedule 2, where it sets out the provision of paragraph 7(4) of Schedule 4 as it applies where the right to buy is preserved, by—

(a) omitting—

“the Countryside Commission for Scotland”,
“the Highlands and Islands Development Board”,
“the Nature Conservancy Council”; and

(b) inserting at the appropriate places—

“a National Health Service trust constituted under section 5 of the National Health Service and Community Care Act 1990”(6),
“the Countryside Council for Wales”,
“Highlands and Islands Enterprise”,
“the National Rivers Authority”,
“the Nature Conservancy Council for England”,
“Scottish Natural Heritage”.

15th July 1992

Michael Howard
Secretary of State for the Environment

15th July 1992

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Housing (Preservation of Right to Buy) Regulations 1989 modify Part V (the right to buy) of the Housing Act 1985 in cases where the tenant's right to buy is preserved by section 171A of the 1985 Act following the landlord's disposal of a dwelling-house occupied by that tenant. These Regulations make further modifications to Part V as it applies in those cases and amends the 1989 Regulations (except in the case mentioned in regulation 1(2)).

Regulation 2 makes modifications consequential on the commencement of paragraph 40 of Schedule 5 to the Housing and Planning Act 1986. Regulation 3 amends a list of landlords specified for the purpose of paragraph 7 of Schedule 4 to the 1985 Act. National Health Service trusts, the Countryside Council for Wales, Highlands and Islands Enterprise, the National Rivers Authority, the Nature Conservancy Council for England and Scottish Natural Heritage are added to the list. The Countryside Commission for Scotland, the Highlands and Islands Development Board and the Nature Conservancy Council are omitted.