

SCHEDULE 1

Regulation 3

MODIFICATIONS OF THE RIGHT TO BUY PROVISIONS OF THE ACT FOR THE PURPOSE OF THEIR APPLICATION IN CASES WHERE THE RIGHT TO BUY IS PRESERVED

1. In section 61 (secure tenant's right to purchase)((1))–
 - (a) in subsection (1) for the words from “a tenant of a house” to “applies” substitute “a qualifying person”, for the words “joint tenants” substitute “qualifying persons” and for the word “house” substitute “qualifying house”;
 - (b) in subsection (2)–
 - (i) for the words from “This section” to “tenancy” substitute “This section applies to every qualifying house”;
 - (ii) omit paragraph (a);
 - (iii) in paragraph (b) omit the words from “house” to the end and substitute “qualifying house”; and
 - (iv) in paragraph (c) for the word “tenant” substitute “qualifying person” and at the end add “or of the qualifying house or any other house provided by the landlord which was a qualifying house”;
 - (c) in subsection (2A) after the word “house” where it occurs for the first time add “or qualifying house” and for the words “the house” where they occur for the second and third times substitute “that house”((2));
 - (d) in subsection (3) for the words from “house” to “tenant” substitute “qualifying house let to the qualifying person following acquisition by the landlord of a defective dwelling previously purchased by the qualifying person if the qualifying person”;
 - (e) in subsection (4)–
 - (i) in paragraphs (a) and (f) for the word “house” substitute “qualifying house”; and
 - (ii) omit paragraphs (d) and (e);
 - (f) in subsection (5)–
 - (i) for the words from “tenant” to “joint tenant”, where it occurs for the first time substitute “qualifying person”;
 - (ii) for the word “house” substitute “qualifying house”; and
 - (iii) for the words “joint tenant” where they occur for the second time substitute “qualifying person”;
 - (g) in subsection (6) for the word “tenant” substitute “qualifying person” and for the word “house” substitute “qualifying house”; and
 - (h) omit subsections (8) and (9); and
 - (i) in subsection (10)–
 - (i) in paragraph (a) for the words “joint tenants” in sub-paragraph (i) substitute “more than one qualifying person” and in sub-paragraph (iii) for the words “tenant, joint tenant” substitute “qualifying person”;
 - (ii) in paragraph (a) omit sub-paragraphs (iv) and (v); and

(1) Section 61 was amended by the Housing (Scotland) Act 1988 (c. 43) (“the 1988 Act”), section 3(2), Schedule 2, paragraph 9, Schedule 7, paragraph 2 and Schedule 8, paragraph 1; by the Housing Act 1988 (c. 50), Schedule 17, paragraph 79 and Schedule 18; and by the Local Government and Housing Act 1989 (c. 42), section 176, Schedule 11, paragraph 93 and Schedule 12.

(2) Sub-section (2A) was inserted by the 1988 Act, Schedule 8, paragraph 1.

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- (iii) in paragraph (b) for the word “house” where it occurs in sub-paragraph (iii) for the first and second time substitute “qualifying house”, for the words “joint tenant” substitute “qualifying person” and after the words “the tenant” add “or of a qualifying person”.
- 2. In section 62 (the price)((3))–
 - (a) in subsections (1) and (2) for the word “tenant” substitute “qualifying person” and for the word “house” substitute “qualifying house”;
 - (b) in subsection (3)–
 - (i) for the words “the house” substitute “the qualifying house”;
 - (ii) in paragraph (b) after the words “a house” insert “or of a qualifying house”;
 - (c) in subsection (4)–
 - (i) for the word “tenant” substitute “qualifying person”;
 - (ii) for the words “tenant's” substitute “qualifying person's”;
 - (iii) for the words “joint tenant” substitute “qualifying person”; and
 - (iv) after the word “house” insert “or qualifying house”; and
 - (d) in subsection (6A) for the word “house” substitute “qualifying house”.
- 3. Omit section 62A((4)).
- 4. In section 63 (application to purchase etc.)(5)–
 - (a) in subsection (1)–
 - (i) for the word “tenant” substitute “qualifying person”;
 - (ii) for the word “house” where it occurs for the first time substitute “qualifying house”;
 - (iii) in paragraph (b) after the word “house” add “including the qualifying house”; and
 - (iv) omit paragraph (d); and
 - (b) in subsection (2)–
 - (i) for the words “section 68 to 70” substitute “section 68 or 69”;
 - (ii) for the word “tenant” substitute “qualifying person”;
 - (iii) for the word “house” substitute “qualifying house”; and
 - (iv) omit paragraph (cc); and
 - (c) omit subsection (3).
- 5. In section 64 (conditions of sale)((6))–
 - (a) for the word “tenant”, except where it occurs for the second time in subsection (1)(a), substitute “qualifying person”;
 - (b) for the word “house”, except where it occurs for the third time in subsection (4) substitute “qualifying house”;
 - (c) in subsection (4) omit the words “Subject to subsection (6)”; and
 - (d) omit subsections (6) to (9).

(3) Section 62 was amended by the 1988 Act, section 65, Schedule 8, paragraph 2 and Schedule 10, by the Local Government and Housing Act 1989 (c. 42), Schedule 11, paragraph 94 and by section 157(3) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) “the 1993 Act”.

(4) Section 62A was inserted by section 141 of the 1993 Act.

(5) Section 63 was amended by section 143(2) of the 1993 Act.

(6) Section 64 was amended by the 1988 Act, Schedule 9, paragraph 11.

6. In section 65 (variation of conditions) for the word “tenant” substitute “qualifying person”.
7. In section 66 (notice of acceptance)–
 - (a) for the word “tenant” substitute “qualifying person” and for the word “house” substitute “qualifying house”; and
 - (b) in paragraph (vi) of subsection (1) for the words “on the landlord” substitute “in accordance with that section”.
8. In section 66A((7))–
 - (a) for the words “tenant” and “house” substitute “qualifying person” and “qualifying house” respectively; and
 - (b) in paragraph (a) of subsection (1) omit from “or” to the end of that paragraph.
9. In section 66B((8)) for the word “tenant” substitute “qualifying person”;
10. In section 67 (fixed price option)((9)) for the word “tenant” substitute “qualifying person”, for the word “house” substitute “qualifying house” and omit subsection (4).
11. In section 68 (refusal of applications)–
 - (a) for the word “tenant's” substitute “qualifying person's”;
 - (b) for the word “house” substitute “qualifying house”;
 - (c) in subsection (1) omit the words from “or” where it first occurs to the end; and
 - (d) for the word “tenant” substitute the words “qualifying person”.
12. In section 69 (Secretary of State’s power to authorise refusal to sell)((10))–
 - (a) for the word “house” except where it occurs for the second time in subsection (1), substitute “qualifying house”;
 - (b) in subsection (1A) for the word “houses” substitute “qualifying houses”; and
 - (c) for the word “tenant” substitute “qualifying person”.
13. Omit section 70 (power to refuse to sell certain houses required for educational purposes).
14. In section 71 (reference to Lands Tribunal)((11))–
 - (a) for the word “tenant” substitute “qualifying person”;
 - (b) in subsection (1)–
 - (i) in paragraph (a) omit “or amended offer” in both places where it occurs; and
 - (ii) in paragraph (d), omit “or amended offer” and “and, in the case of an amended offer, they do not conform with the requirements of section 63(3)”;
 - (c) in subsection (2) omit “or amended offer” and “and, in the case of an amended offer, under section 63(3)”.
15. In section 72 (recovery of discount on early re-sale)((12))–
 - (a) for the words “person” and “tenant” respectively substitute “qualifying person” and for the word “house” substitute “qualifying house”; and
 - (b) in subsection (1) after the word “shall” insert the words “on the request of the landlord”.

(7) Section 66A was inserted by section 144 of the 1993 Act.

(8) Section 66B was inserted by section 144 of the 1993 Act.

(9) Section 67(4) was inserted by section 143(3) of the 1993 Act.

(10) Section 69 was amended by the Local Government and Housing Act 1989, section 177.

(11) Section 71 was amended by section 143(4) of the 1993 Act.

(12) Section 72 was amended by section 145 of the 1993 Act.

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16. In section 73 (cases where discount etc. is not recoverable) for the word “house” substitute “qualifying house”.

17. Omit sections 73A to 73D((13)).

18. In section 74 (duties of landlords) for the word “house” substitute “qualifying house” and for the word “tenant” substitute “qualifying person”.

19. In section 75 (agreements affecting right to purchase)–

- (a) for the word “person” substitute “qualifying person”; and
- (b) in subsection (1)(b) omit the words “mentioned in section 61(2)(a)(i) or (ii)”.

20. Omit sections 75A((14)), 76, and 77.

21. In section 78 (Secretary of State may give directions to modify conditions of sale)–

- (a) in subsection (2)(b) for the word “tenant” substitute “qualifying person”; and
- (b) omit subsection (4).

22. In section 79(1) (financial or other assistance for persons involved in proceedings) for the words “tenant or purchaser” substitute “qualifying person”.

23. Omit sections 81, 81A and 81B.

24. In section 82((15)) omit “214” and the definitions of “rent to loan purchaser” and “rent to loan scheme”.

25. In section 84A (application of right to buy to cases where landlord is lessee)((16))–

- (a) in subsection (1)–
 - (i) omit the words “(but not 76 or 77)”;
 - (ii) in paragraph (a) for the words “tenant of a house let on a secure tenancy” substitute “qualifying person”;
- (b) for the word “tenant” substitute “qualifying person” and for the word “house” substitute “qualifying house”;
- (c) in subsection (5) for the word “tenant's” substitute “qualifying person's”; and
- (d) in subsection (6) for the words “subsection (5) and (9)” substitute “subsection (5)”.

26. In section 216 (loans)((17))–

- (a) for the word “tenant” substitute “qualifying person” and for the word “house” substitute “qualifying house”;
- (b) for the word “landlord” except where it occurs for the first time, substitute “former landlord”; and
- (c) omit subsection (10).

(13) Sections 73A to 73D were inserted by section 142 of the 1993 Act.

(14) Section 75A was inserted by section 148 of the 1993 Act.

(15) Section 82 was amended by section 143(5) of the 1993 Act.

(16) Section 84A was inserted by the Local Government and Housing Act 1989, section 178(2).

(17) Section 216 was amended by the 1988 Act, Schedule 2, paragraph 13 and by section 143(7) of the 1993 Act.