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STATUTORY INSTRUMENTS

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**1993 No. 2241**

**HOUSING, ENGLAND AND WALES**

**The Housing (Preservation of Right to Buy) Regulations 1993**

*Made - - - - 9th September 1993*

*Laid before Parliament 20th September 1993*

*Coming into force 11th October 1993*

**THE HOUSING (PRESERVATION OF  
RIGHT TO BUY) REGULATIONS 1993**

1. Citation, commencement and application
  2. Modifications to the Right to Buy
  3. Transitional Provisions
  4. Revocations
- Signature

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SCHEDULE 1 — MODIFICATIONS TO PART V OF THE HOUSING ACT 1985  
PART I — EXCEPTIONS AND ADAPTATIONS

1. (1) Subject to the following provisions of this paragraph, in...
2. (1) Subject to the following provisions of this paragraph, in...
3. Omit section 118(2) (the right to buy).
4. In section 119(2) (qualifying period for right to buy), for...
5. At the end of section 122 (qualifying person's notice claiming...
6. For section 123(3) (claim to share right to buy with...
7. In section 125(5) (landlord's notice of purchase price and other...
8. In section 125A(2)(b) (estimates and information about service charges), omit...
9. In section 125D(1) (qualifying person's notice of intention) for the...
10. In section 127 (value of qualifying dwelling-house)—
11. In section 131 (limits on amount of discount)—
12. In section 136 (change of qualifying person after notice claiming...
13. In section 137(1) (change of landlord after claiming right to...
14. In section 139(2) (terms and effect of conveyance or grant)...
15. For section 140(3) (landlord's first notice to complete) substitute—
16. Omit sections 143 to 153 (right to acquire on rent...
17. In section 153A(1)(e) and (3)(b) (qualifying person's notices of delay)...

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18. In section 153B (payments of rent attributable to purchase price...
19. In section 154 (registration of title), in subsection (1) omit...
20. In section 155 (repayment of discount on early disposal)—
21. In section 156 (liability to repay is a charge on...
22. In section 157 (restriction on disposal of qualifying dwelling-houses in...
23. In section 158 (consideration for reconveyance or surrender under s....
24. In section 162(a) (exempted disposals which end liability under covenants)...
25. Omit sections 164 to 170 (various powers of Secretary of...
26. Omit section 171 (power to extend right to buy, etc.)....
27. In section 171A(2) (cases in which right to buy is...
28. In section 171B(5)(b) (extent of preserved right: qualifying persons and...
29. Omit section 171C (modifications to Part V in relation to...
30. Omit section 173 (exclusion of shared ownership leases granted under...
31. In section 174 (leases granted under Part V to be...
32. In section 176 (notices) omit subsections (1), (2) and (5)....
33. Omit section 177 (errors and omissions in notices).
34. For section 178 (costs) substitute— An agreement between the landlord and qualifying person claiming to...
35. In section 179 (provisions restricting right to buy, etc. of...
36. In section 180 (statutory declarations) for the words from the...
37. In section 181(1)(b) (jurisdiction of county court) omit “or under...
38. Omit section 182 (power to repeal or amend local Acts)....
39. In section 184(2)(a) and (3) (land let with or used...
40. In section 188 (the index of defined expressions: Part V)—...
41. In Schedule 5 (exceptions to the right to buy) omit...
42. After Schedule 5 insert as Schedule 5A the Schedule set...
43. In Schedule 6 (conveyance of freehold and grant of lease...
44. Omit Schedule 6A (redemption of landlord’s share under rent to...

PART II — SCHEDULE TO BE INSERTED AFTER SCHEDULE 5

SCHEDULE 2 — PART V AS IT APPLIES IN CASES WHERE THE RIGHT TO BUY IS PRESERVED

*The Right to Buy*

118. The right to buy
119. Qualifying period for right to buy
120. Exceptions to the right to buy
121. Circumstances in which the right to buy cannot be exercised

*Claim to exercise right to buy*

122. Qualifying person’s notice claiming to exercise right to buy
123. Claim to share right to buy with members of family
124. Landlord’s notice admitting or denying right to buy
125. Landlord’s notice of purchase price and other matters
- 125A Estimates and information about service charges
- 125B Estimates and information about improvement contributions
- 125C Reference period for purposes of ss. 125A and 125B
- 125D Qualifying person’s notice of intention
- 125E Landlord’s notice in default

*Purchase price*

- 126. Purchase price
- 127. Value of qualifying dwelling-house
- 128. Determination of value by district valuer
- 129. Discount
- 130. Reduction of discount where previous discount given
- 131. Limits on amount of discount

*Change of qualifying person or landlord after service of notice claiming right to buy*

- 136. Change of qualifying person after notice claiming right to buy
- 137. Change of landlord after notice claiming right to buy

*Completion of purchase in pursuance of right to buy*

- 138. Duty of landlord to convey freehold or grant lease
- 139. Terms and effect of conveyance or grant
- 140. Landlord's first notice to complete
- 141. Landlord's second notice to complete

*Qualifying person's sanction for landlord's delay*

- 153A. Qualifying person's notices of delay
- 153B. Payments of rent attributable to purchase price etc.

*Registration of title*

- 154. Registration of title

*Provisions affecting future disposals*

- 155. Repayment of discount on early disposal
- 156. Liability to repay is a charge on the premises
- 157. Restriction on disposal of qualifying dwelling-houses in National Parks, etc.
- 158. Consideration for reconveyance or surrender under s. 157.
- 159. Relevant disposals
- 160. Exempted disposals
- 161. Meaning of "compulsory disposal"
- 162. Exempted disposals which end liability under covenants
- 163. Treatment of options

*Preservation of right to buy on disposal to private sector landlord*

- 171A. Cases in which right to buy is preserved
- 171B. Extent of preserved right: qualifying persons and dwelling-houses
- 171D. Subsequent dealings: disposal of landlord's interest in qualifying dwelling-house
- 171E. Subsequent dealings: termination of landlord's interest in qualifying dwelling-house
- 171F. Subsequent dealings: transfer of qualifying person to alternative accommodation
- 171G. Land registration and related matters
- 171H. Disposal after notice claiming to exercise right to buy, etc.

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*Modifications of Leasehold Reform Act 1967 in relation to leases granted under this Part*

- 172. Exclusion of leases where landlord is housing association and freeholder is a charity
- 174. Leases granted under this Part to be treated as long leases at a low rent
- 175. Determination of price payable

*Supplementary provisions*

- 176. Notices
- 178. Costs
- 179. Provisions restricting right to buy, etc. of no effect
- 180. Statutory declarations
- 181. Jurisdiction of county court
- 183. Meaning of “house”, “flat” and “dwelling-house”
- 184. Land let with or used for purposes of dwelling-house
- 185. Meaning of “secure tenancy” and “secure tenant”
- 186. Members of a person’s family
- 187. Minor definitions
- 188. Index of defined expressions: Part V

SCHEDULE 4 — QUALIFYING PERIOD FOR RIGHT TO BUY AND DISCOUNT

*Introductory*

- 1. The period to be taken into account—

*Periods occupying accommodation subject to public sector tenancy*

- 2. A period qualifies under this paragraph if it is a...
- 3. For the purposes of paragraph 2 a person who, as...
- 4. (1) This paragraph applies where the public sector tenant of...

*Periods occupying forces accommodation*

- 5. A period qualifies under this paragraph if it is a...

*Periods during which right to buy is preserved*

- 5A. A period qualifies under this paragraph if it is a...

*Meaning of “public sector tenant”*

- 6. (1) In this Schedule a “public sector tenant” means a...

*The landlord condition*

- 7. (1) The landlord condition is, subject to paragraph 7A and...
- 7A. (1) The landlord condition shall be treated as having been...
- 8. (1) The landlord condition shall also be treated as having...

*The tenant condition*

- 9. The tenant condition is that the tenant was an individual...

*Application to certain housing association tenancies*

- 10. For the purpose of determining whether at any time a...

## SCHEDULE 5 — EXCEPTIONS TO THE RIGHT TO BUY

### *Certain housing associations*

2. The right to buy does not arise if the landlord...

### *Landlord with insufficient interest in the property*

4. The right to buy does not arise unless the landlord...

### *Qualifying dwelling-houses let in connection with employment*

5. (1) The right to buy does not arise if the...

### *Certain qualifying dwelling-houses for the disabled*

7. The right to buy does not arise if the qualifying...
9. (1) The right to buy does not arise if—

### *Certain qualifying dwelling-houses for persons of pensionable age*

10. (1) The right to buy does not arise if the...
11. (1) The right to buy does not arise if the...

### *Qualifying dwelling-houses held on Crown tenancies*

12. (1) The right to buy does not arise if the...

## SCHEDULE 5A — LIMITS ON AMOUNT OF DISCOUNT RELEVANT COSTS

### *Introductory*

1. In this Schedule—“cost floor” means the amount mentioned in...

### *Relevant costs and relevant works*

2. Costs shall be treated as relevant costs if, and only...
3. Works of improvement to a qualifying dwelling-house are relevant works...
4. Costs incurred on any relevant works shall not be treated...

### *Ascertainment of cost floor*

5. (1) The cost floor is an amount equal to the...

### *Estimates*

6. An estimate may be made for the purposes of arriving...

### *Companies*

7. (1) In a case where a landlord is a company,...

## SCHEDULE 6 — CONVEYANCE OF FREEHOLD AND GRANT OF LEASE IN PURSUANCE OF RIGHT TO BUY

### PART I — COMMON PROVISIONS

### *Rights to be conveyed or granted—general*

1. The conveyance or grant shall not exclude or restrict the...

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*Rights of support, passage of water, etc.*

2. (1) The conveyance or grant shall, by virtue of this...

*Rights of way*

3. The conveyance or grant shall include— (a) such provisions (if...

*Covenants and conditions*

4. The conveyance or grant shall include such provisions (if any)...  
5. Subject to paragraph 6, and to Parts II and III...

*No charge to be made for landlord's consent or approval*

6. A provision of the conveyance or lease is void in...

*Meaning of "incumbrances" and "tenant's incumbrance"*

7. In this Schedule— "incumbrances" includes personal liabilities attaching in respect...

PART II — CONVEYANCE OF FREEHOLD

*General*

8. The conveyance shall not exclude or restrict the all estate...  
9. (1) The conveyance shall be of an estate in fee...

*Covenants*

10. The conveyance shall be expressed to be made by the...  
PART III — LEASES

*General*

11. A lease shall be for the appropriate term defined in...

*The appropriate term*

12. (1) If at the time the grant is made the...

*Common use of premises and facilities*

13. Where the qualifying dwelling-house is a flat and the qualifying...

*Covenants by the landlord*

14. (1) This paragraph applies where the qualifying dwelling-house is a...  
15. (1) This paragraph applies where the landlord's interest in the...

*Covenant by tenant*

16. Unless otherwise agreed between the landlord and the qualifying person,...

*Service charges and other contributions payable by the tenant*

- 16A (1) The lease may require the tenant to bear a...  
16B (1) Where a lease of a flat requires the tenant...  
16C (1) Where a lease of a flat requires the tenant...

- 16D (1) The Secretary of State may by order prescribe—

*Avoidance of certain provisions*

17. (1) A provision of the lease, or of an agreement...  
18. Where the qualifying dwelling-house is a flat, a provision of...  
19. A provision of the lease, or of an agreement collateral...

PART IV — CHARGES

*Grant of lease*

20. A charge (however created or arising) on the interest of...

*Conveyance of freehold*

21. (1) This paragraph applies to a charge (however created or...

SCHEDULE 9A — LAND REGISTRATION AND RELATED MATTERS WHERE  
RIGHT TO BUY PRESERVED

*Statement to be contained in instrument effecting qualifying disposal*

1. On a qualifying disposal, the disponor shall secure that the...

*Registration of title on qualifying disposal*

2. (1) Where, on a qualifying disposal the disponor's title to...  
3. Where a qualifying disposal takes the form of the grant...

*Entries on register protecting preserved right to buy*

4. The Chief Land Registrar on application being made for registration...

*Change of qualifying dwelling-house*

5. (1) This paragraph applies where by virtue of section 171B(6)...

*Effect of non-registration*

6. (1) The rights of a qualifying person under this Part...

*Statement required on certain disposals on which right to buy ceases to be preserved*

7. (1) A conveyance of the freehold or grant of a...

*Removal of entries on land register*

8. Where the registered title to land contains an entry made...

*Liability to compensate or indemnify*

9. (1) An action for breach of statutory duty lies where—...

*Meaning of “disposal” and “instrument effecting disposal”*

10. References in this Schedule to a disposal or to the...

SCHEDULE 3 — TRANSITIONAL MODIFICATIONS TO PART V OF THE  
HOUSING ACT 1985

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1. For subsection 125(5) (landlord's notice of purchase price and other...
2. For subsection 140(3) (landlord's first notice to complete) substitute—
3. For section 142 (when qualifying person is entitled to defer...
4. After Schedule 6A insert— SCHEDULE 6B RECKONABLE AMOUNT OF QUALIFYING...

SCHEDULE 4 — ADDITIONAL OR SUBSTITUTED PROVISIONS TO BE  
INSERTED IN SCHEDULE 2 IN TRANSITIONAL CASES

125. Landlord's notice of purchase price and other matters
140. Landlord's first notice to complete.
142. When qualifying person is entitled to defer completion.
- 153B Payments of rent attributable to purchase price etc.

SCHEDULE 6 —  
PART III — LEASES

*Service charges and other contributions payable by the tenant*

- 16B (4), and (c) if the tenant served notice under...
- 16C (4), and (c) if the tenant served notice under...

SCHEDULE 6B — RECKONABLE AMOUNT OF QUALIFYING PERSON FOR  
PURPOSES OF RIGHT TO DEFER COMPLETION

*Introductory*

1. This Schedule has effect with respect to the calculation of...
2. In this Schedule— "admissible source" means a source of income...

*Reckonable amount*

3. The qualifying person's reckonable amount for the purposes of section...

*Income from employment*

4. (1) This paragraph applies to income from an employment.

*Income from business*

5. (1) This paragraph applies to income from a business carried...

*Other income*

6. (1) This paragraph applies to income from a source to...

*Income from more than one source*

7. If the qualifying person has income from more than one...

*Estimates*

8. The landlord may accept any estimate for the purposes of...

*Joint tenants*

9. Where the right to buy is being exercised by more...



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*Multipliers*

10. (1) This paragraph specifies the appropriate factor to be applied...

Explanatory Note