
WELSH STATUTORY INSTRUMENTS

2008 No. 371 (W.37)

HOUSING, WALES

**The Housing (Right to Buy) (Priority
of Charges) (Wales) Order 2008**

Made - - - - 14 February 2008

Coming into force - - 28 February 2008

The Welsh Ministers make the following Order in exercise of the powers conferred on the Secretary of State by section 156(4) of the Housing Act 1985⁽¹⁾ which are now vested in them so far as exercisable in Wales⁽²⁾:

Title, commencement and application

1.—(1) The title of this Order is the Housing (Right to Buy) (Priority of Charges) (Wales) Order 2008 and it comes into force on 28 February 2008.

(2) This Order applies in relation to Wales.

Specified bodies

2. The following bodies are specified as approved lending institutions for the purposes of section 156(3) of the Housing Act 1985—

- (a) Accord Mortgages Limited (Company No. 02139881);
- (b) Beacon Homeloans Limited (Company No. 05304252);
- (c) Morgan Stanley Bank International Limited (Company No. 03722571).

(1) 1985 c. 68; section 156(4) was amended by the Housing Act 1988 c. 50, Schedule 17, paragraph 106 and by Part XIII of Schedule 19 to the Housing Act 1996 c. 52.

(2) The functions of the Secretary of State contained in the Housing Act 1985 in relation to Wales were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672 article 2, Schedule 1). The functions of the National Assembly for Wales were vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 c. 32.

(3) Section 156 was also amended by the Housing and Planning Act 1986 c. 63, Schedule 5, paragraph 1(2) and (5) and by section 120(3) and (4) of the Leasehold Reform, Housing and Urban Development Act 1993 c. 28.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

14 February 2008

Jocelyn Davies
Under authority of the Minister for the
Environment Sustainability and Housing, one of
the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies three bodies as approved lending institutions for the purposes of section 156 of the Housing Act 1985 (“the 1985 Act”) in addition to the bodies already specified in that section and by previous Orders.

Section 156 of the 1985 Act provides that the liability to repay discount that may arise under a covenant by the tenant required by section 155 of the 1985 Act, constitutes a legal charge on the dwelling-house, but that a legal charge securing an amount advanced to the tenant by an approved lending institution for the purpose of enabling the tenant to exercise the right to buy has priority over it.

Approved lending institutions for the purposes of the section are building societies, banks, insurance companies, friendly societies and any other body which is specified, or is of a class or description specified, in an order made, in relation to Wales, by the Welsh Ministers.

Such bodies also become approved lending institutions for the purposes of section 36 of the 1985 Act and section 12 of the Housing Act 1996.

In addition, as section 156 of the 1985 Act is applied by section 171A of that Act to cases in which a tenant’s right to buy is preserved and by section 17 of the Housing Act 1996 to cases in which a tenant has the right to acquire under section 16 of that Act, the specified bodies become approved lending institutions for the purposes of those rights.