

ABOLITION OF THE RIGHT TO BUY AND ASSOCIATED RIGHTS (WALES) ACT 2018

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2 – Restriction on exercising the right to buy

9. This section amends the Housing Act 1985. It inserts a new section 121ZA into that Act to restrict the right of secure tenants to exercise the right to buy homes in Wales in certain circumstances.
10. As a result of section 2, as a general rule, the right to buy is not exercisable in relation to a home in Wales unless the home has been let under one of the social tenancies listed in section 121ZA(2) at some point during the six months before section 2 came into force. The Act calls a home that has been let under any of the listed social tenancies a dwelling-house that is “from previously let social housing stock”. There are exceptions to this general rule, which are set out in section 121ZB, inserted into the Housing Act 1985 by section 3 of this Act .
11. The effect of the amendment made by section 2 is that a tenant who moves into a home that is new to the social housing market cannot exercise the right to buy in respect of that home.
12. But time spent in such a home will still qualify for the purposes of the right to buy if the tenant later moves into another home in relation to which the right to buy can be exercised (so long as that happened before the right to buy was abolished by section 6). In those circumstances, the tenant’s right to buy discount won’t be affected by the fact that the tenant has spent time in a home in relation to which the right to buy couldn’t be exercised.
13. Subsection (3) amends section 171B of the Housing Act 1985 to restrict the right to exercise the preserved right to buy where a home is new to the social housing market.