

Status: Point in time view as at 02/11/2018.

Changes to legislation: Housing Act 1985, Schedule 9A is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

PROSPECTIVE

[^{F1}SCHEDULE 9A

LAND REGISTRATION AND RELATED MATTERS WHERE RIGHT TO BUY PRESERVED

Textual Amendments

F1 Sch. 9A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 8(2), [Sch. 2](#)

Statement to be contained in instrument effecting qualifying disposal

- 1 On a qualifying disposal, the disponor shall secure that the instrument effecting the disposal—
- (a) states that the disposal is, so far as it relates to dwelling-houses occupied by secure tenants, a disposal to which section 171A applies (preservation of right to buy on disposal to private landlord), and
 - (b) lists, to the best of the disponor's knowledge and belief, the dwelling-houses to which the disposal relates which are occupied by secure tenants.

Registration of title on qualifying disposal

- 2 (1) ^{F2}.....
- (2) [^{F3} Where on a qualifying disposal the disponor's title to the dwelling-house is not registered, the disponor] shall give the disponee a certificate stating that the disponor is entitled to effect the disposal subject only to such incumbrances, rights and interests as are stated in the instrument effecting the disposal or summarised in the certificate.
- (3) Where the disponor's interest in the dwelling-house is a lease, the certificate shall also state particulars of the lease and, with respect to each superior title—
- (a) where it is registered, the title number;
 - (b) where it is not registered, whether it was investigated in the usual way on the grant of the disponor's lease.
- (4) The certificate shall be—
- (a) in a form approved by the Chief Land Registrar, and
 - (b) signed by such officer of the disponor or such other person as may be approved by the Chief Land Registrar.
- and the Chief Registrar shall, for the purpose of registration of title, accept the certificate as sufficient evidence of the facts stated in it.

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Textual Amendments

- F2** Sch. 9A para. 2(1) repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, **art. 2(1)**
- F3** Words in Sch. 9A para. 2(2) substituted (13.10.2003) by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(6) (with s. 129); S.I. 2003/1275, **art. 2(1)**

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F4

Textual Amendments

- F4** Sch. 9A para. 3 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, **art. 2(1)**

Entries on register protecting preserved right to buy

- [^{F54} (1) This paragraph applies where the Chief Land Registrar approves an application for registration of—
- (a) a disposition of registered land, or
 - (b) the donee’s title under a disposition of unregistered land,
- and the instrument effecting the disposition contains the statement required by paragraph 1.
- (2) The Chief Land Registrar must enter in the register—
- (a) a notice in respect of the rights of qualifying persons under this Part in relation to dwelling-houses comprised in the disposal, and
 - (b) a restriction reflecting the limitation under section 171D(2) on subsequent disposal.]

Textual Amendments

- F5** Sch. 9A para. 4 substituted (13.10.2003) by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(7) (with s. 129); S.I. 2003/1725, **art. 2(1)**

Change of qualifying dwelling-house

- 5 (1) This paragraph applies where by virtue of section 171B(6) a new dwelling-house becomes the qualifying dwelling-house which—
- (a) is entirely different from the previous qualifying dwelling-house, or
 - (b) includes new land,
- and applies to the new dwelling-house or the new land, as the case may be.
- [If the landlord’s title is registered, the landlord shall apply for the entry in the register^{F6(2)} of—
- (a) a notice in respect of the rights of the qualifying person or persons under the provisions of this Part, and
 - (b) a restriction reflecting the limitation under section 171D(2) on subsequent disposal.]

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(3) ^{F7}

(4) If the landlord's title is not registered, the rights of the qualifying person or persons under the provisions of this Part are registrable under the Land Charges Act ^{M1}1972 in the same way as an estate contract and the landlord shall, and a qualifying person may, apply for such registration.

Textual Amendments

F6 Sch. 9A para. 5(2) substituted (13.10.2003) by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(8) (with s. 129); S.I. 2003/1725, art. 2(1)

F7 Sch. 9A para. 5(3) repealed (13.10.2003) by 2002 c. 9, ss. 133, 135, 136(2), Sch. 11 para. 18(9), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

Marginal Citations

M1 1972 c.61(98:2).

Effect of non-registration

6 [The rights of a qualifying person under this Part in relation to the qualifying dwelling ^{F8}(1) house shall not be regarded as falling within Schedule 3 to the Land Registration Act 2002 (and so are liable to be postponed under section 29 of that Act, unless protected by means of a notice in the register).]

(2) Where by virtue of paragraph 5(4) the rights of a qualifying person under this Part in relation to the qualifying dwelling-house are registrable under the Land Changes Act ^{M2}1972 in the same way as an estate contract, section 4(6) of that Act (under which such a contract may be void against a purchaser unless registered) applies accordingly, with the substitution for the reference to the contract being void of a reference to the right to buy ceasing to be preserved.

Textual Amendments

F8 Sch. 9A para. 6(1) substituted (13.10.2003) by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(10) (with s. 129); S.I. 2003/1725, art. 2(1)

Marginal Citations

M2 1972 c.61(98:2).

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 lease of the qualifying dwelling-house to a qualifying person in pursuance of the right to buy shall state that it is made in pursuance of the provisions of this Part as they apply by virtue of section 171A (preservation of the right to buy).

(2) Where on a conveyance of the freehold or grant of a lease of the qualifying dwelling-house to a qualifying person otherwise than in pursuance of the right to buy the dwelling-house ceases to be subject to any rights arising under this Part, the conveyance or grant shall contain a statement to that effect.

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- (3) Where on a disposal of an interest in a qualifying dwelling-house the dwelling-house ceases to be subject to the rights of a qualifying person under this Part by virtue of section 171D(1)(a) or 171E(2)(a) (qualifying person becoming tenant of authority or body satisfying landlord condition for secure tenancies), the instrument by which the disposal is effected shall state that the dwelling-house ceases as a result of the disposal to be subject to any rights arising by virtue of section 171A (preservation of the right to buy).

Removal of entries on land register

- 8 Where the registered title to land contains an entry made by virtue of this Schedule, the Chief Land Registrar shall, for the purpose of removing or amending the entry, accept as sufficient evidence of the facts stated in it a certificate by the registered proprietor that the whole or a specified part of the land is not subject to any rights of a qualifying person under this Part.

Liability to compensate or indemnify

- 9 (1) An action for breach of statutory duty lies where—
- (a) the disponent on a qualifying disposal fails to comply with paragraph 1 (duty to secure inclusion of statement in instrument effecting disposal), or
 - (b) the landlord on a change of the qualifying dwelling-house fails to comply with paragraph 5(2) or (4) (duty to apply for registration protecting preserved right to buy),
- and a qualifying person is deprived of the preserved right to buy by reason of the non-registration of the matters which would have been registered if that duty had been complied with.
- (2) If the Chief Land Registrar has to meet a claim under the [F9 Land Registration Act 2002] as a result of acting upon—
- (a) a certificate given in pursuance of paragraph 2 (certificate of title on first registration),
 - (b) a statement made in pursuance of paragraph 7 (statements required on disposal on which right to buy ceases to be preserved), or
 - (c) a certificate given in pursuance of paragraph 8 (certificate that dwelling-house has ceased to be subject to rights under this Part),
- the person who gave the certificate or made the statement shall indemnify him.

Textual Amendments

- F9** Words in Sch. 9A para. 9(2) substituted (13.10.2003) by 2002 c. 9, ss. 133, 136(2), Sch. 11 para. 18(11) (with s. 129); S.I. 2003/1725, art. 2(1)

Meaning of disposal and instrument effecting disposal

- 10 References in this Schedule to a disposal or to the instrument effecting a disposal are to the conveyance, transfer, grant or assignment, as the case may be.]

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