



Housing Act 1985

1985 CHAPTER 68

PART V

THE RIGHT TO BUY

[^{F1} Preservation of right to buy on disposal to private sector landlord]

[^{F1}171B Extent of preserved right: qualifying persons and dwelling-houses.

- (1) A person to whom this section applies has the preserved right to buy so long as he occupies the relevant dwelling-house as his only or principal home, subject to the following provisions of this Part.

[A person to whom this section applies ceases to have the preserved right to buy if
^{F2}(1A) the tenancy of a relevant dwelling-house becomes a demoted tenancy by virtue of a demotion order under section 6A of the Housing Act 1988.]

- (2) References in this Part to a “qualifying person” and “qualifying dwelling-house”, in relation to the preserved right to buy, are to a person who has that right and to a dwelling-house in relation to which a person has that right.

- (3) The following are the persons to whom this section applies—

- (a) the former secure tenant, or in the case of a joint tenancy, each of them;
- (b) a qualifying successor as defined in subsection (4); and
- (c) a person to whom a tenancy of a dwelling-house is granted jointly with a person who has the preserved right to buy in relation to that dwelling-house.

- (4) The following are qualifying successors for this purpose—

- [where the former secure tenancy was not a joint tenancy and, immediately
^{F3}(a) before his death, the former secure tenant was tenant under an assured tenancy of a dwelling-house in relation to which he had the preserved right to buy, a member of the former secure tenant’s family who acquired that assured tenancy under the will or intestacy of the former secure tenant [^{F4}or in

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- whom that assured tenancy vested under section 17 of the Housing Act 1988 (statutory succession to assured tenancy)];
- (aa) where the former secure tenancy was not a joint tenancy, a member of the former secure tenant’s family to whom the former secure tenant assigned his assured tenancy of a dwelling-house in relation to which, immediately before the assignment, he had the preserved right to buy]
- (b) a person who becomes the tenant of a dwelling-house in pursuance of—
- (i) a property adjustment order under section 23A or 24 of the Matrimonial Causes Act 1973, or
 - (ii) an order under Schedule 1 to the Matrimonial Homes Act 1983 [^{F5}or Schedule 7 to the Family Law Act 1996] transferring the tenancy, [^{F6}or
 - (iii) a property adjustment order under section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.), or
 - (iv) an order under paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents),]^{F7}or
 - (v) an order under Part 2 of Schedule 5, or a property adjustment order under paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc.),]
- in place of a person who had the preserved right to buy in relation to that dwelling-house.
- (5) The relevant dwelling-house is in the first instance—
- (a) in relation to a person within paragraph(a) subsection (3), the dwelling-house which was the subject of the qualifying disposal;
 - (b) in relation to a person within paragraph (b) of that subsection, the dwelling-house of which he became the statutory tenant or tenant as mentioned in [^{F8}subsection (4)];
 - (c) in relation to a person within paragraph (c) of subsection (3), the dwelling-house of which he became a joint tenant as mentioned in that paragraph.
- (6) If a person having the preserved right to buy becomes the tenant of another dwelling-house in place of the relevant dwelling-house (whether the new dwelling-house is entirely different or partly or substantially the same as the previous dwelling-house) and the landlord is the same person as the landlord of the previous dwelling-house or, where that landlord was a company, is a connected company, the new dwelling-house becomes the relevant dwelling-house for the purposes of the preserved right to buy.

For this purpose “connected company” means a subsidiary or holding company within the meaning of [^{F9}section 1159 of the Companies Act 2006].]

Textual Amendments

- F1** Ss. 171A–171H inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\), s. 8\(1\)](#)
- F2** S. 171B(1A) inserted (30.6.2004 for E. and 30.9.2004 for specified purposes for W. and 30.4.2005 otherwise for W.) by Anti-social [Behaviour Act 2003 \(c. 38\), ss. 14, 93\(2\), Sch. para. 2\(3\); S.I. 2004/1502, art. 2\(a\)\(iii\); S.I. 2004/2557, art. 2\(a\)\(ii\); S.I. 2005/1225, art. 2\(b\)](#)
- F3** S. 171B(4)(a)(aa) substituted for S. 171B(4)(a) by [Housing Act 1988 \(c. 50, SIF 61\), s. 127\(1\)](#)
- F4** Words in s. 171B(4)(a) inserted (24.9.1996) by [1996 c. 52, ss. 222, 232\(2\), Sch. 18 Pt. IV para. 26\(1\) \(a\)](#)

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- F5** Words in s. 171B(4)(b)(ii) inserted (1.10.1997) by 1996 c. 27, s. 66(1), **Sch. 8 Pt. III para. 56** (with **Sch. 9 paras. 8-10**); S.I. 1997/1892, **art. 3**
- F6** S. 171B(4)(b)(iii)(iv) and word preceding it inserted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. III para. 16**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in **Sch.**)
- F7** S. 171B(4)(b)(v) and preceding word inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, ss. 81, 263(2), **Sch. 8 para. 31**; S.I. 2005/3175, **art. 2(1)**, **Sch. 1**
- F8** Words in s. 171B(5)(b) substituted (24.9.1996) by 1996 c. 52, s. 222, 232(2), **Sch. 18 Pt. IV para. 26(1)(b)**
- F9** Words in s. 171B(6) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order (**S.I. 2009/1941**), art. 2(1), **Sch. 1 para. 62(5)** (with art. 10)

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