



# Housing Act 1996

## 1996 CHAPTER 52

### PART I

#### SOCIAL RENTED SECTOR

### CHAPTER II

#### DISPOSAL OF LAND AND RELATED MATTERS

##### *Right of tenant to acquire dwelling*

#### **16 Right of tenant to acquire dwelling.**

- (1) A tenant of a registered social landlord has the right to acquire the dwelling of which he is a tenant if—
  - (a) he is a tenant under an assured tenancy, other than an assured shorthold tenancy or a long tenancy, or under a secure tenancy,
  - (b) the dwelling was provided with public money and has remained in the social rented sector, and
  - (c) he satisfies any further qualifying conditions applicable under Part V of the <sup>M1</sup>Housing Act 1985 (the right to buy) as it applies in relation to the right conferred by this section.
- (2) For this purpose a dwelling shall be regarded as provided with public money if—
  - (a) it was provided or acquired wholly or in part by means of a grant under section 18 (social housing grant),
  - (b) it was provided or acquired wholly or in part by applying or appropriating sums standing in the disposal proceeds fund of a registered social landlord (see section 25), or
  - (c) it was acquired by a registered social landlord after the commencement of this paragraph on a disposal by a public sector landlord at a time when it was capable of being let as a separate dwelling.

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- (3) A dwelling shall be regarded for the purposes of this section as having remained within the social rented sector if, since it was so provided or acquired—
- (a) the person holding the freehold interest in the dwelling has been either a registered social landlord or a public sector landlord; and
  - (b) any person holding an interest as lessee (otherwise than as mortgagee) in the dwelling has been—
    - (i) an individual holding otherwise than under a long tenancy; or
    - (ii) a registered social landlord or a public sector landlord.
- [<sup>F1</sup>(3A) In subsection (3)(a) the reference to the freehold interest in the dwelling includes a reference to such an interest in the dwelling as is held by the landlord under a lease granted in pursuance of paragraph 3 of Schedule 9 to the Leasehold Reform, Housing and Urban Development Act 1993 (mandatory leaseback to former freeholder on collective enfranchisement).]
- (4) A dwelling shall be regarded for the purposes of this section as provided by means of a grant under section 18 (social housing grant) if, and only if, the [<sup>F2</sup>Relevant Authority] when making the grant notified the recipient that the dwelling was to be so regarded.
- The [<sup>F2</sup>Relevant Authority] shall before making the grant inform the applicant that it proposes to give such a notice and allow him an opportunity to withdraw his application within a specified time.
- [<sup>F3</sup>(5) But notice must be taken to be given to a registered social landlord under subsection (4) by the Housing Corporation if it is sent using electronic communications to such number or address as the registered social landlord has for the time being notified to the Housing Corporation for that purpose.
- (6) The means by which notice is sent by virtue of subsection (5) must be such as to enable the registered social landlord to reproduce the notice by electronic means in a form which is visible and legible.
- (7) An electronic communication is a communication transmitted (whether from one person to another, from one device to another, or from a person to a device or vice versa)—
- (a) by means of [<sup>F4</sup>an electronic communications network]; or
  - (b) by other means but while in an electronic form.]

#### Textual Amendments

- F1** S. 16(3A) inserted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 202(2)**, 270(3)(a) (with s. 202(3))
- F2** Words in Pt. I substituted (1.11.1998) by [1998 c. 38](#), s. 140, **Sch. 16 para. 82(1)(2)** (with [ss. 139\(2\)](#), [141\(1\)](#), [143\(2\)](#)); [S.I. 1998/2244](#), **art. 5**.
- F3** S. 16(5)-(7) added (E.) (24.10.2001) by [S.I. 2001/3257](#), **art. 2**
- F4** Words in s. 16(7)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [ss. 408\(6\)](#), [411\(2\)](#), **Sch. 17 para. 136** (with [Sch. 18](#)); [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [3\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#)); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### Modifications etc. (not altering text)

- C1** S. 16 restricted (1.4.1997) by [Housing Act 1985 c. 68](#), **Pt. V** (see [s. 122\(4\)](#)) as modified by [S.I. 1997/619](#), [art. 2\(1\)\(2\)](#), [Sch. 1 para. 4](#), **Sch. 2**
- S. 16 applied (10.5.1999) by [S.I. 1999/1135](#), [art. 2](#), **Sch.**

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**C2** S. 16(2)(c) restricted (5.3.1997) by [S.I. 1997/618](#), art. 2, [Sch. para. 1](#)

#### Marginal Citations

**M1** [1985 c. 68](#).

### [<sup>F5</sup>16A Extension of section 16 to dwellings funded by grants under section 27A

- (1) Section 16 applies in relation to a dwelling (“a funded dwelling”) provided or acquired wholly or in part by means of a grant under section 27A (grants to bodies other than registered social landlords) with the following modifications.
- (2) In section 16(1) the reference to a registered social landlord includes a reference to any person to whom a grant has been paid under section 27A.
- (3) In section 16(2) and (4) any reference to section 18 includes a reference to section 27A.
- (4) For the purposes of section 16 a funded dwelling is to be regarded as having remained within the social rented sector in relation to any relevant time if, since it was acquired or provided as mentioned in subsection (1) above, it was used—
  - (a) by the recipient of the grant mentioned in that subsection, or
  - (b) if section 27B applies in relation to the grant, by each person to whom the grant was, or is treated as having been, paid,exclusively for the purposes for which the grant was made or any other purposes agreed to by the Relevant Authority.
- (5) In subsection (4) “relevant time” means a time when the dwelling would not be treated as being within the social rented sector by virtue of section 16(3).]

#### Textual Amendments

**F5** S. 16A inserted (17.2.2005 for E.) by [Housing Act 2004 \(c. 34\)](#), [ss. 221](#), 270(4), (5)(c); [S.I. 2005/326](#), art. 2(b)

### 17 Right of tenant to acquire dwelling: supplementary provisions.

- (1) The Secretary of State may by order—
  - (a) specify the amount or rate of discount to be given on the exercise of the right conferred by section 16; and
  - (b) designate rural areas in relation to dwellings in which the right conferred by that section does not arise.
- (2) The provisions of Part V of the Housing Act 1985 apply in relation to the right to acquire under section 16—
  - (a) subject to any order under subsection (1) above, and
  - (b) subject to such other exceptions, adaptations and other modifications as may be specified by regulations made by the Secretary of State.
- (3) The regulations may provide—
  - (a) that the powers of the Secretary of State under sections 164 to 170 of that Act (powers to intervene, give directions or assist) do not apply,

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- (b) that paragraphs 1 and 3 (exceptions for charities and certain housing associations), and paragraph 11 (right of appeal to Secretary of State), of Schedule 5 to that Act do not apply,
- (c) that the provisions of Part V of that Act relating to the right to acquire on rent to mortgage terms do not apply,
- (d) that the provisions of that Part relating to restrictions on disposals in National Parks, &c. do not apply, and
- (e) that the provisions of that Part relating to the preserved right to buy do not apply.

Nothing in this subsection affects the generality of the power conferred by subsection (2).

- (4) The specified exceptions, adaptations and other modifications shall take the form of textual amendments of the provisions of Part V of that Act as they apply in relation to the right to buy under that Part; and the first regulations, and any subsequent consolidating regulations, shall set out the provisions of Part V as they so apply.
- (5) An order or regulations under this section—
  - (a) may make different provision for different cases or classes of case including different areas, and
  - (b) may contain such incidental, supplementary and transitional provisions as the Secretary of State considers appropriate.
- (6) Before making an order which would have the effect that an area ceased to be designated under subsection (1)(b), the Secretary of State shall consult—
  - (a) the local housing authority or authorities in whose district the area or any part of it is situated or, if the order is general in its effect, local housing authorities in general, and
  - (b) such bodies appearing to him to be representative of registered social landlords as he considers appropriate.
- (7) An order or regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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