



Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 1

SECURE TENANCIES

Suspension of certain rights in connection with anti-social behaviour

192 Right to buy: suspension by court order

(1) In section 121 of the Housing Act 1985 (circumstances in which right to buy cannot be exercised), after subsection (2) insert—

“(3) The right to buy cannot be exercised at any time during the suspension period under an order made under section 121A in respect of the secure tenancy.”

(2) After section 121 of that Act insert—

“121A Order suspending right to buy because of anti-social behaviour

(1) The court may, on the application of the landlord under a secure tenancy, make a suspension order in respect of the tenancy.

(2) A suspension order is an order providing that the right to buy may not be exercised in relation to the dwelling-house during such period as is specified in the order (“the suspension period”).

(3) The court must not make a suspension order unless it is satisfied—

(a) that the tenant, or a person residing in or visiting the dwelling-house, has engaged or threatened to engage in conduct to which section 153A

Changes to legislation: Housing Act 2004, Section 192 is up to date with all changes known to be in force on or before 13 August 2023. 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) View outstanding changes

- or 153B of the Housing Act 1996 applies (anti-social behaviour or use of premises for unlawful purposes), and
- (b) that it is reasonable to make the order.
- (4) When deciding whether it is reasonable to make the order, the court must consider, in particular—
- (a) whether it is desirable for the dwelling-house to be managed by the landlord during the suspension period; and
- (b) where the conduct mentioned in subsection (3)(a) consists of conduct by a person which is capable of causing nuisance or annoyance, the effect that the conduct (or the threat of it) has had on other persons, or would have if repeated.
- (5) Where a suspension order is made—
- (a) any existing claim to exercise the right to buy in relation to the dwelling-house ceases to be effective as from the beginning of the suspension period, and
- (b) section 138(1) shall not apply to the landlord, in connection with such a claim, at any time after the beginning of that period, but
- (c) the order does not affect the computation of any period in accordance with Schedule 4.
- (6) The court may, on the application of the landlord, make (on one or more occasions) a further order which extends the suspension period under the suspension order by such period as is specified in the further order.
- (7) The court must not make such a further order unless it is satisfied—
- (a) that, since the making of the suspension order (or the last order under subsection (6)), the tenant, or a person residing in or visiting the dwelling-house, has engaged or threatened to engage in conduct to which section 153A or 153B of the Housing Act 1996 applies, and
- (b) that it is reasonable to make the further order.
- (8) When deciding whether it is reasonable to make such a further order, the court must consider, in particular—
- (a) whether it is desirable for the dwelling-house to be managed by the landlord during the further period of suspension; and
- (b) where the conduct mentioned in subsection (7)(a) consists of conduct by a person which is capable of causing nuisance or annoyance, the effect that the conduct (or the threat of it) has had on other persons, or would have if repeated.
- (9) In this section any reference to the tenant under a secure tenancy is, in relation to a joint tenancy, a reference to any of the joint tenants.”
- (3) Regulations under—
- (a) section 171C of that Act (modifications of Part 5 in relation to preserved right to buy), or
- [^{F1}(b) section 184 of the Housing and Regeneration Act 2008 (c. 17) (application of that Part in relation to the right to acquire a dwelling in England),]
- may make provision for continuing the effect of a suspension order where the secure tenancy in respect of which the order was made has been replaced by an assured tenancy.

Changes to legislation: *Housing Act 2004, Section 192 is up to date with all changes known to be in force on or before 13 August 2023. 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) View outstanding changes*

Textual Amendments

- F1** S. 192(3)(b) substituted (26.1.2019) by [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(anaw 1\)](#), s. 11(3)(4), [Sch. 1 para. 5\(2\)](#); S.I. 2018/100, art. 2(b) (with art. 3)

Commencement Information

- I1** S. 192 wholly in force at 25.11.2005; s. 192 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 192 in force for E. at 6.6.2005 by [S.I. 2005/1451](#), [art. 2\(b\)](#); s. 192 in force for W. at 25.11.2005 by [S.I. 2005/3237](#), [art. 2\(g\)](#)

Changes to legislation:

Housing Act 2004, Section 192 is up to date with all changes known to be in force on or before 13 August 2023. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)