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

193 Right to buy: suspension of landlord's obligation to complete

(1) In section 138 of the Housing Act 1985 (c. 68) (duty of landlord to convey freehold or grant lease) after subsection (2) insert—

"(2A) Subsection (2B) applies if an application is pending before any court—

(a) for a demotion order or Ground 2 possession order to be made in respect of the tenant, or

(b) for a suspension order to be made in respect of the tenancy.

(2B) The landlord is not bound to comply with subsection (1) until such time (if any) as the application is determined without—

(a) a demotion order or an operative Ground 2 possession order being made in respect of the tenant, or

(b) a suspension order being made in respect of the tenancy,

or the application is withdrawn.

(2C) For the purposes of subsection (2A) and (2B)—

"demotion order" means a demotion order under section 82A;

Changes to legislation: *Housing Act 2004, Section 193 is up to date with all changes known to be in force on or before 24 August 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) View outstanding changes*

"Ground 2 possession order" means an order for possession under Ground 2 in Schedule 2;

"operative Ground 2 possession order" means an order made under that Ground which requires possession of the dwelling-house to be given up on a date specified in the order;

"suspension order" means a suspension order under section 121A.

(2D) Subsection (1) has effect subject to section 121A(5) (disapplication of subsection (1) where suspension order is made)."

(2) The amendment made by this section does not apply in any case where the tenant's notice under section 122 of that Act (notice claiming to exercise right to buy) was served before the day on which this section comes into force.

Commencement Information

I1 S. 193 wholly in force at 25.11.2005; s. 193 not in force at Royal Assent see s. 270(4)(5); s. 193 in force for E. at 6.6.2005 by S.I. 2005/1451, **art. 2(b)**; s. 193 in force for W. at 25.11.2005 by S.I. 2005/3237, **art. 2(g)**

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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)