
STATUTORY INSTRUMENTS

1997 No. 619

HOUSING, ENGLAND AND WALES

The Housing (Right to Acquire) Regulations 1997

Made - - - - - *5th March 1997*
Laid before Parliament *7th March 1997*
Coming into force *1st April 1997*

THE HOUSING (RIGHT TO ACQUIRE) REGULATIONS 1997

1. Citation and commencement
2. Modification to the Right to Buy
Signature

SCHEDULE 1 — MODIFICATIONS TO PART V OF THE HOUSING ACT 1985

1. In the provisions of Part V, in the expressions—
2. In the provisions in Part V, for the expression “right...
3. For section 118(1) (the right to buy) substitute— (1) A tenant of a registered social landlord who satisfies...
4. At the end of section 122 (tenant’s notice claiming to...
5. After section 124 (landlord’s notice admitting or denying the right...
6. In section 125 (landlord’s notice of purchase price and other...
7. In section 125A (2)(b) (estimates and information about service charges)...
8. For section 125 D(1) (tenant’s notice of intention) substitute—
9. For section 126(1)(b) (purchase price) substitute— (b) the discount to...
10. In section 127 (value of the dwelling-house)—
11. In section 129 (discount)— (a) in subsection (1) for the...
12. In section 130(2) (reduction of discount where previous discount given)...
13. Omit section 131 (limits on amount of discount).
14. In section 136 (change of secure tenant after notice claiming...
15. For section 140(3) (landlord’s first notice to complete) substitute—
16. Omit sections 143 to 153 (right to acquire on rent...
17. Omit sections 153A (tenant’s notices of delay) and 153B (payments...
18. For section 154(1) (registration of title) substitute—
19. In section 155 (repayment of discount on early disposal)—
20. In section 156 (liability to repay is a charge on...
21. Omit section 157 (restriction on disposal of dwelling-houses in National...

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22. Omit section 158 (consideration for reconveyance or surrender under s....
23. In section 162 (exempted disposals which end liability under covenants)...
24. In section 163 (treatment of options) omit subsection (2).
25. Omit sections 164 to 170 (various powers of the Secretary...
26. Omit section 171 (power to extend the right to buy,...
27. Omit sections 171A to 171H (preservation of the right to...
28. Omit section 173 (exclusion of shared ownership leases granted under...
29. For section 174 (leases granted under this Part to be...
30. In section 176 (notices)— (a) omit subsections (1) and (2);...
31. Omit section 177 (errors and omissions in notices).
32. For section 178 (costs) substitute— Costs An agreement between the landlord and a tenant claiming to...
33. In section 179 (provisions restricting right to buy etc. of...
34. In section 180 (statutory declarations) omit “or the Secretary of...
35. In section 181(1) (jurisdiction of county court)—
36. Omit section 182 (power to repeal or amend local Acts)...
37. In section 184 (land let with or used for the...
38. In section 188 (index of defined expressions: Part V) omit...
39. In Schedule 4 (qualifying period for the right to buy...
40. In Schedule 5 (exceptions to the right to buy)—
41. In Schedule 6 (conveyance of freehold and grant of lease...
42. Omit Schedule 6A (redemption of landlord’s share) and Schedule 9A...

**SCHEDULE 2 — PART V AS IT APPLIES IN CASES WHERE THE RIGHT TO ACQUIRE APPLIES
— THE RIGHT TO ACQUIRE**

The right to acquire

118. The right to acquire
119. Qualifying period for right to acquire
120. Exceptions to the right to acquire
121. Circumstances in which the right to acquire cannot be exercised

Claim to exercise right to acquire

122. Tenant’s notice claiming to exercise right to acquire
123. Claim to share right to acquire with members of family
124. Landlord’s notice admitting or denying right to acquire
- 124A. Landlord’s offer of an alternative dwelling-house
125. Landlord’s notice of purchase price and other matters
- 125A. Estimates and information about service charges
- 125B. Estimates and information about improvement contributions
- 125C. Reference period for purposes of ss. 125A and 125B
- 125D. Tenant’s notice of intention
- 125E. Landlord’s notice in default

Purchase price

126. Purchase price
127. Value of dwelling-house
128. Determination of value by district valuer
129. Discount
130. Reduction of discount where previous discount given

Change of tenant or landlord after service of notice claiming right to acquire

- 136. Change of tenant after notice claiming right to acquire
- 137. Change of landlord after notice claiming right to acquire

Completion of purchase in pursuance of right to acquire

- 138. Duty of landlord to convey freehold or grant lease
- 139. Terms and effect of conveyance or grant
- 140. Landlord's first notice to complete
- 141. Landlord's second notice to complete

Registration of title

- 154. Registration of title

Provisions affecting future disposals

- 155. Repayment of discount on early disposal
- 156. Liability to repay is a charge on the premises
- 159. Relevant disposals
- 160. Exempted disposals
- 161. Meaning of "compulsory disposal"
- 162. Exempted disposals which end liability under covenants
- 163. Treatment of options

Modifications of Leasehold Reform Act 1967 in relation to leases granted under this Part

- 172. Exclusion of leases where landlord is housing association and freeholder is a charity
- 174. Leases granted under this Part to be treated as long leases at a low rent
- 175. Determination of price payable

Supplementary provisions

- 176. Notices
- 178. Costs
- 179. Provisions restricting right to acquire etc. of no effect
- 180. Statutory declarations
- 181. Jurisdiction of county court
- 183. Meaning of "house", "flat" and "dwelling-house"
- 184. Land let with or used for purposes of dwelling-house
- 185. Meaning of "secure tenancy" and "secure tenant"
- 186. Members of a person's family
- 187. Minor definitions
- 188. Index of defined expressions: Part V

SCHEDULE 4 — QUALIFYING PERIOD FOR RIGHT TO ACQUIRE AND DISCOUNT

Introductory

- 1. The period to be taken into account for the purposes...

Periods occupying accommodation subject to public sector tenancy

- 2. A period qualifies under this paragraph if it is a...

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3. For the purposes of paragraph 2 a person who, as...
4. (1) This paragraph applies where the public sector tenant of...

Periods occupying forces accommodation

5. A period qualifies under this paragraph if it is a...

Meaning of “public sector tenant”

6. (1) In this Schedule a “public sector tenant” means a...

The landlord condition

7. (1) The landlord condition is, subject to paragraph 7A and...
- 7A (1) The landlord condition shall be treated as having been...
8. (1) The landlord condition shall also be treated as having...

The tenant condition

9. The tenant condition is that the tenant was an individual...

Application to certain housing association tenancies

10. For the purpose of determining whether at any time a...

SCHEDULE 5 — EXCEPTIONS TO THE RIGHT TO ACQUIRE

Rural areas

- 1A The right to acquire does not arise if the dwelling-house...

Certain housing associations

2. The right to acquire does not arise if the landlord...

Landlord with insufficient interest in the property

4. The right to acquire does not arise unless the landlord...

Dwelling-houses let in connection with employment

5. (1) The right to acquire does not arise if the...

Certain dwelling-houses for the disabled

7. The right to acquire does not arise if the dwelling-house...
9. (1) The right to acquire does not arise if—

Certain dwelling houses for persons with special needs

- 9A (1) The right to acquire does not arise if the...

Certain dwelling-houses for persons of pensionable age

10. (1) The right to acquire does not arise if the...

Dwelling-houses held on Crown tenancies

12. (1) The right to acquire does not arise if the...

Dwelling-houses where the debt is equal to or greater than the purchase price plus discount

13. (1) The right to acquire does not arise if the...

SCHEDULE 6 — CONVEYANCE OF FREEHOLD AND GRANT OF LEASE IN PURSUANCE OF RIGHT TO ACQUIRE
PART I — COMMON PROVISIONS

Rights to be conveyed or granted-general

1. The conveyance or grant shall not exclude or restrict the...

Rights of support, passage of water, etc

2. (1) The conveyance or grant shall, by virtue of this...

Rights of way

3. The conveyance or grant shall include— (a) such provisions (if...

Covenants and conditions

4. The conveyance or grant shall include such provisions (if any)...
4A The conveyance or grant shall be expressed to be made...
5. Subject to paragraph 6, and to Parts II and III...

No charge to be made for landlord's consent or approval

6. A provision of the conveyance or lease is void in...

Meaning of "incumbrances" and "tenant's incumbrance"

7. In this Schedule— "incumbrances" includes personal liabilities attaching in respect...

PART II — CONVEYANCE OF FREEHOLD

General

8. The conveyance shall not exclude or restrict the all estate...
9. (1) The conveyance shall be of an estate in fee...

PART III — LEASES

General

11. A lease shall be for the appropriate term defined in...

The appropriate term

12. (1) If at the time the grant is made the...

Common use of premises and facilities

13. Where the dwelling-house is a flat and the tenant enjoyed,...

Covenants by the landlord

14. (1) This paragraph applies where the dwelling-house is a flat...
15. (1) This paragraph applies where the landlord's interest in the...

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Covenant by tenant

16. Unless otherwise agreed between the landlord and the tenant, there...

Service charges and other contributions payable by the tenant

- 16A (1) The lease may require the tenant to bear a...
16B (1) Where a lease of a flat requires the tenant...
16C (1) Where a lease of a flat requires the tenant...
16D (1) The Secretary of State may by order prescribe—
17. Avoidance of certain provisions
18. Where the dwelling-house is a flat, a provision of the...
19. A provision of the lease, or of an agreement collateral...

PART IV — CHARGES

Grant of lease

20. A charge (however created or arising) on the interest of...

Conveyance of freehold

21. (1) This paragraph applies to a charge (however created or...
22. Notice to lenders
23. Discharge of the charge on the landlord's interest in the dwelling-house

Explanatory Note