

Status: Point in time view as at 01/04/2010.

Changes to legislation: Housing Act 1985, Cross Heading: Certain dwelling-houses for persons of pensionable age is up to date with all changes known to be in force on or before 19 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)

SCHEDULES

SCHEDULE 5

EXCEPTIONS TO THE RIGHT TO BUY

Certain dwelling-houses for persons of pensionable age

- 10 (1) The right to buy does not arise if the dwelling-house is one of a group of dwelling-houses—
- (a) which are particularly suitable, having regard to their location, size, design, heating systems and other features, for occupation by [^{F1}elderly persons] and
 - (b) which it is the practice of the landlord to let for occupation by [^{F1}persons aged 60 or more], or for occupation by such persons and physically disabled persons,
- and special facilities such as are mentioned in sub-paragraph (2) are provided wholly or mainly for the purposes of assisting those persons.
- (2) The facilities referred to above are facilities which consist of or include—
- (a) the services of a resident warden, or
 - (b) the services of a non-resident warden, a system for calling him and the use of a common room in close proximity to the group of dwelling-houses.

Textual Amendments

- F1** Words in Sch. 5 para. 10(1) substituted (11.10.1993) by 1993 c. 28, s. 106(1)(3); S.I. 1993/2134, arts. 2, 4(b) (with saving in Sch. 1 para. 4(1)(3)).

- [^{F2}11 (1) The right to buy does not arise if the dwelling-house—
- (a) is particularly suitable, having regard to its location, size, design, heating system and other features, for occupation by elderly persons, and
 - (b) was let to the tenant or a predecessor in title of his for occupation by a person who was aged 60 or more (whether the tenant or predecessor or another person).
- (2) In determining whether a dwelling is particularly suitable, no regard shall be had to the presence of any feature provided by the tenant or a predecessor in title of his.
- (3) Notwithstanding anything in section 181 (jurisdiction of county court), any question arising under this paragraph shall be determined as follows.
- (4) If an application for the purpose is made by the tenant to the [^{F3}the appropriate tribunal or authority] before the end of the period of 56 days beginning with the service of the landlord's notice under section 124, the question shall be determined by [^{F3}the appropriate tribunal or authority] .

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(5) If no such application is so made, the question shall be deemed to have been determined in favour of the landlord.

[In this paragraph “the appropriate tribunal or authority” means—

- ^{F4}(5A) (a) in relation to England, a residential property tribunal; and
 (b) in relation to Wales, the Secretary of State.

(5B) [^{F5}Section 231(1), (2), (3) and (5)] of the Housing Act 2004 (appeals to [^{F6}Upper Tribunal]) does not apply to any decision of a residential property tribunal under this paragraph.]

(6) This paragraph does not apply unless the dwelling-house concerned was first let before 1st January 1990.]

Textual Amendments

- F2** Sch. 5 para. 11 substituted (11.10.1993) by 1993 c. 28, s. 106(2)(3)(4); S.I. 1993/2134, arts. 2, 4(b) (with saving in Sch. 1 para. 4(1)).
- F3** Words in Sch. 5 para. 11(4) substituted (4.7.2005 for E. and otherwise prosp.) by Housing Act 2004 (c. 34), ss.181(2)(5), 270(4)(5); S.I. 2005/1729, art. 2(a) (subject to art. 3)
- F4** Sch. 5 para. 11(5A)(5B) inserted (4.7.2005 for E. and otherwise prosp.) by Housing Act 2004 (c. 34), ss. 181(3)(5), 270(4)(5); S.I. 2005/1729, art. 2(a) (subject to art. 3)
- F5** Words in Sch. 5 para. 11(5B) substituted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 310(1), 325(2) (with s. 310(2))
- F6** Words in Sch. 5 para. 11(5B) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order (S.I. 2009/1307), art. 5(1)(2), {Sch. 1 para. 176} (with Sch. 5)

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