



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 5

DISPOSAL OF PROPERTY^[F1] BY PRIVATE REGISTERED PROVIDERS]

Right to acquire

180 Right to acquire

- (1) The tenant of a dwelling in England has a right to acquire the dwelling if—
 - (a) the landlord is a ^[F1]private registered provider] or a registered social landlord,
 - (b) the tenancy is within subsection (2),
 - (c) the provision of the dwelling was publicly funded,
 - (d) the dwelling has remained in the social rented sector ever since that provision, and
 - (e) the tenant satisfies any qualifying conditions applicable under Part V of the Housing Act 1985 (c. 68) (as it applies by virtue of section 184).
- (2) A tenancy is within this subsection if it is—
 - (a) an assured tenancy, other than ^{F2}... a long tenancy, or
 - (b) a secure tenancy.

^[F3](2A) The Secretary of State may by regulations provide that an assured shorthold tenancy of a description specified in the regulations is not a tenancy within subsection (2).]

- (3) The reference in subsection (1)(a) to a ^[F4]private registered provider] includes—
 - (a) a person who provided the dwelling in fulfilment of a condition imposed by the HCA when giving assistance to the person;

Status: Point in time view as at 01/04/2012.

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- (b) a person who provided the dwelling wholly or partly by means of a grant under section 27A of the Housing Act 1996 (c. 52).

Textual Amendments

- F1** Words in s. 180(1)(a) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 43(a)**
- F2** Words in s. 180(2)(a) repealed (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss. 165(2), 240(2), **Sch. 25 Pt. 23** (with s. 165(4)); S.I. 2012/57, art. 4(1)(r) (with arts. 679-11); S.I. 2012/628, art. 6(c) (with arts. 911141517)
- F3** S. 180(2A) inserted (15.1.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss. **165(3)**, 240(2) (with s. 165(4)); S.I. 2012/57, art. 4(1)(r) (with arts. 679-11); S.I. 2012/628, art. 6(c) (with arts. 911141517)
- F4** Words in s. 180(3) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 43(b)**

Modifications etc. (not altering text)

- C1** Pt. 2 modified (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 16 para. 69(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- C2** S. 180(2) restricted (E.) (1.4.2012) by [The Transfer of Tenancies and Right to Acquire \(Exclusion\) Regulations 2012 \(S.I. 2012/696\)](#), regs. 1(1), 4

Commencement Information

- I1** S. 180 in force at 1.4.2010 by [S.I. 2010/862](#), art. 2 (with Sch.)

181 Interpretation: “publicly funded”

- (1) The provision of a dwelling was publicly funded if any of the following conditions is satisfied.
- (2) Condition 1 is that—
- (a) the dwelling was provided by a person in fulfilment of a condition imposed by the HCA when giving assistance to the person, and
 - (b) before giving the assistance the HCA notified the person that if it did so the provision of the dwelling would be regarded as publicly funded.
- (3) Condition 2 is that the dwelling was provided wholly or partly by using sums in the disposal proceeds fund of—
- (a) a [^{F5}private registered provider], or
 - (b) a registered social landlord.
- (4) Condition 3 is that —
- (a) the dwelling was acquired by a [^{F6}private registered provider], or a registered social landlord, on a disposal by a public sector landlord,
 - (b) the disposal was made on or after 1st April 1997, and
 - (c) at the time of the disposal the dwelling was capable of being let as a separate dwelling.
- (5) Condition 3 is not satisfied if the dwelling was acquired in pursuance of a contract made, or option created, before 1st April 1997.
- (6) Condition 4 is that—

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- (a) the dwelling was provided wholly or partly by means of a grant under section 18 or 27A of the Housing Act 1996 (c. 52), and
- (b) when the grant was made the recipient was notified under section 16(4) of that Act that the dwelling was to be regarded as funded by means of such a grant.

Textual Amendments

- F5** Words in s. 181(3)(a) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 44\(a\)](#)
- F6** Words in s. 181(4)(a) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 44\(b\)](#)

Commencement Information

- I2** S. 181 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

182 Interpretation: “remained in the social rented sector”

- (1) This section applies for the purposes of determining whether a dwelling has remained in the social rented sector.
- (2) A dwelling shall be treated as having remained in the social rented sector for any period during which—
 - (a) the freeholder was a person within subsection (3), and
 - (b) each leaseholder was either a person within that subsection or an individual holding otherwise than under a long tenancy.
- (3) A person is within this subsection if the person is—
 - (a) a ^{F7}private registered provider],
 - (b) a registered social landlord, or
 - (c) a public sector landlord.
- (4) A dwelling provided wholly or partly by means of a grant under section 27A of the Housing Act 1996 shall also be treated as having remained in the social rented sector for any period during which it was used exclusively for permitted purposes by—
 - (a) the recipient of the grant, or
 - (b) any person treated as the recipient by virtue of section 27B of that Act.
- (5) “Permitted purposes” are purposes for which the grant was made and any other purposes agreed by the Housing Corporation or the HCA.
- (6) Where a lease of a dwelling has been granted to a former freeholder in pursuance of paragraph 3 of Schedule 9 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (mandatory leaseback to former freeholder on collective enfranchisement) the reference in subsection (1)(a) above to the freeholder shall be construed as a reference to the leaseholder under that lease.

Textual Amendments

- F7** Words in s. 182(3)(a) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 45](#)

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Commencement Information

I3 S. 182 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

183 Interpretation: other expressions

- (1) The definitions in this section apply to sections 180 to 182.
- (2) The HCA gives “assistance” to a person if it—
 - (a) transfers housing or other land to the person,
 - (b) provides infrastructure to the person, or
 - (c) gives financial assistance to the person,
 and for this purpose “infrastructure” has the same meaning as in Part 1.
- (3) References to a “registered social landlord” are to a body which, at the time to which the reference relates, was a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52) as it then had effect.
- (4) “Leaseholder” does not include a mortgagee.
- (5) “Long tenancy” has the same meaning as in Part V of the Housing Act 1985 (c. 68).
- (6) A person provides a dwelling if the person—
 - (a) acquires, constructs, converts, improves or repairs housing or other land for use as a dwelling, or
 - (b) ensures such acquisition, construction, conversion, improvement or repair by another.
- (7) “Public sector landlord” means anyone falling within section 80(1) of the Housing Act 1985.

Commencement Information

I4 S. 183 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

184 Right to acquire: supplemental

- (1) Section 17 of the Housing Act 1996 (right to acquire: supplemental) applies in relation to the right to acquire under section 180 of this Act with the modifications set out below.
- (2) The modifications are as follows—
 - (a) references to the right to acquire under section 16 of the 1996 Act shall be treated as references to the right to acquire under section 180 of this Act,
 - (b) references to the Welsh Ministers shall be treated as references to the Secretary of State,
 - (c) the reference to registered social landlords shall be treated as a reference to [^{F8}private registered providers], and
 - (d) the reference to a resolution of the National Assembly for Wales shall be treated as a reference to a resolution of either House of Parliament.

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Textual Amendments

F8 Words in s. 184(2)(c) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 46](#)

Commencement Information

I5 S. 184 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

185 Right to acquire: consequential amendments

- (1) In section 16 of the Housing Act 1996 (right to acquire)—
- (a) for subsection (1) substitute—

“(1) The tenant of a dwelling in Wales has a right to acquire the dwelling if—

 - (a) the landlord is a registered social landlord or a registered provider of social housing,
 - (b) the tenancy is—
 - (i) an assured tenancy, other than an assured shorthold tenancy or a long tenancy, or
 - (ii) a secure tenancy,
 - (c) the dwelling was provided with public money and has remained in the social rented sector, and
 - (d) the tenant satisfies any further qualifying conditions applicable under Part V of the Housing Act 1985 (the right to buy) as it applies in relation to the right conferred by this section.”,

(b) in subsection (2)(c) after “registered social landlord” insert “ or a registered provider of social housing ”, and

(c) in subsection (3)(a) and (b)(ii) after “registered social landlord” insert “ , a registered provider of social housing ”.
- (2) In section 16A(1) (extension of section 16 to dwellings funded by grants under section 27A) after the first “dwelling” insert “ in Wales ”.
- (3) In section 20 (purchase grant where right to acquire exercised)—
- (a) in subsection (1) after “landlords” insert “ and registered providers of social housing ”, and
 - (b) in subsection (4) after “landlord” insert “ or registered provider of social housing ”.
- (4) In section 21 (purchase grant in respect of other disposals)—
- (a) in subsection (1)—
 - (i) after “landlords” insert “ and registered providers of social housing ”, and
 - (ii) after “dwellings” insert “ in Wales ”,
 - (b) in subsection (2)—
 - (i) after “section 16” insert “ or by section 180 of the Housing and Regeneration Act 2008 ”, and

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- (ii) for “landlord's” substitute “ landlord or provider (as the case may be)”, and
- (c) in subsection (4) after “landlord” insert “ or registered provider of social housing ”.

Commencement Information

I6 S. 185 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

Status:

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Changes to legislation:

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