



Housing Act 1985

1985 CHAPTER 68

PART V

THE RIGHT TO BUY

The right to buy

118 The right to buy.

- (1) A secure tenant has the right to buy, that is to say, the right, in the circumstances and subject to the conditions and exceptions stated in the following provisions of this Part—
- (a) if the dwelling-house is a house and the landlord owns the freehold, to acquire the freehold of the dwelling-house;
 - (b) if the landlord does not own the freehold or if the dwelling-house is a flat (whether or not the landlord owns the freehold), to be granted a lease of the dwelling-house.
- (2) Where a secure tenancy is a joint tenancy then, whether or not each of the joint tenants occupies the dwelling-house as his only or principal home, the right to buy belongs jointly to all of them or to such one or more of them as may be agreed between them; but such an agreement is not valid unless the person or at least one of the persons to whom the right to buy is to belong occupies the dwelling-house as his only or principal home.
- [^{F1}(3) For the purposes of this Part, a dwelling-house which is a commonhold unit (within the meaning of the Commonhold and Leasehold Reform Act 2002) shall be treated as a house and not as a flat.]

Textual Amendments

- F1** S. 118(3) inserted (27.9.2004) by [Commonhold and Leasehold Reform Act 2002 \(c. 15\)](#), ss. 68, 181(1), Sch. 5 para. 5 (with s. 63); S.I. 2004/1832, [art. 2](#)

Status: Point in time view as at 23/03/2015.

Changes to legislation: Housing Act 1985, Cross Heading: The right to buy is up to date with all changes known to be in force on or before 08 July 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)

119 Qualifying period for right to buy.

- (1) The right to buy does not arise unless the period which, in accordance with Schedule 4, is to be taken into account for the purposes of this section is at least [^{F2}five] years.
- (2) Where the secure tenancy is a joint tenancy the condition in subsection (1) need be satisfied with respect to one only of the joint tenants.

Textual Amendments

F2 Words in s. 119(1) substituted (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 180(1)(5)(6)**, 270(3)

120 Exceptions to the right to buy

The right to buy does not arise in the cases specified in Schedule 5 (exceptions to the right to buy).

121 Circumstances in which the right to buy cannot be exercised.

- [^{F3}(1) The right to buy cannot be exercised if the tenant is subject to an order of the court for possession of the dwelling-house.]
- (2) The right to buy cannot be exercised if the person, or one of the persons, to whom the right to buy belongs—
- (a) has a bankruptcy petition pending against him,
 - ^{F4}(b)
 - (c) is an undischarged bankrupt, ^{F5}...
 - (d) has made a composition or arrangement with his creditors the terms of which remain to be fulfilled [^{F6}or
 - (e) is a person in relation to whom a moratorium period under a debt relief order applies (under Part 7A of the Insolvency Act 1986).]
- [^{F7}(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.]

Textual Amendments

- F3** S. 121(1) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 304(1)**, 325(2) (with s. 304(2))
- F4** S. 121(2)(b) repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, **Sch. 10 Pt. III** and by [Insolvency Act 1986 \(c.45, SIF 66\)](#), s. 437, **Sch. 11**, Pt. II para. 10(2)
- F5** Word in s. 121(2)(c) omitted (1.10.2012) by virtue of [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 21(a)** (with art. 5)
- F6** S. 121(2)(e) and word inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 21(b)** (with art. 5)
- F7** S. 121(3) inserted (6.6.2005 for E. and 25.11.2005 for W.) by [Housing Act 2004 \(c. 34\)](#), **ss. 192(1)**, 270(4)(5); [S.S.I. 2005/1451](#), **art. 2(b)**; [S.I. 2005/3237](#), **art. 2(g)**

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[^{F8}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 [^{F9} engage in—
 - [^{F10}(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, 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 [^{F11} engage in—
 - [^{F12}(i) conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions, or
 - (ii) conduct that consists of or involves using housing accommodation owned or managed by the landlord for an unlawful purpose, and]]
 - (b) that it is reasonable to make the further order.

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- (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.
- [^{F13}(10) In this section “housing accommodation” includes—
- (a) flats, lodging-houses and hostels;
 - (b) any yard, garden, outhouses and appurtenances belonging to the accommodation or usually enjoyed with it;
 - (c) any common areas used in connection with the accommodation.]]

Textual Amendments

- F8** S. 121A inserted (6.6.2005 for E. and 25.11.2005 for W.) by [Housing Act 2004 \(c. 34\)](#), [ss. 192\(2\)](#), [270\(4\)\(5\)](#); [S.I. 2005/1451](#), [art. 2\(b\)](#); [S.I. 2005/3237](#), [art. 2\(g\)](#)
- F9** S. 121A(3)(a): paras. (i)(ii) and words substituted (6.4.2007 for E. and otherwise prosp.) for words by [Police and Justice Act 2006 \(c. 48\)](#) ss. 52, 53, {[Sch. 14 para. 13\(2\)](#)}; [S.I. 2007/709](#), [art. 4\(c\)\(d\)](#) (subject to [art. 8](#))
- F10** S. 121A(3)(a)(i)(ii) substituted (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), [Sch. 11 para. 11\(2\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/373](#), [art. 4\(f\)\(iii\)](#)
- F11** S. 121A(7)(a): paras. (i)(ii) and words substituted (6.7.2007 for E. and otherwise prosp.) for words by [Police and Justice Act 2006 \(c. 48\)](#) ss. 52, 53, {[Sch. 14 para. 13\(2\)](#)}; [S.I. 2007/709](#), [art. 4\(c\)\(d\)](#) (subject to [art. 8](#))
- F12** S. 121A(7)(a)(i)(ii) substituted (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), [Sch. 11 para. 11\(3\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/373](#), [art. 4\(f\)\(iii\)](#)
- F13** S. 121A(10) substituted (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), [Sch. 11 para. 11\(4\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/373](#), [art. 4\(f\)\(iii\)](#)

[^{F14}121A] Information to help tenants decide whether to exercise right to buy etc.

- (1) Every body which lets dwelling-houses under secure tenancies shall prepare a document that contains information for its secure tenants about such matters as are specified in an order made by the Secretary of State.
- (2) The matters that may be so specified are matters which the Secretary of State considers that it would be desirable for secure tenants to have information about when considering whether to exercise the right to buy or the right to acquire on rent to mortgage terms.
- (3) The information contained in the document shall be restricted to information about the specified matters, and the information about those matters—
 - (a) shall be such as the body concerned considers appropriate, but
 - (b) shall be in a form which the body considers best suited to explaining those matters in simple terms.

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- (4) Once a body has prepared the document required by subsection (1), it shall revise it as often as it considers necessary in order to ensure that the information contained in it—
 - (a) is kept up to date so far as is reasonably practicable, and
 - (b) reflects any changes in the matters for the time being specified in an order under this section.
- (5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F14 Ss. 121AA, 121B inserted (18.11.2004 for specified purposes and 18.1.2005 otherwise) by [Housing Act 2004 \(c.34\)](#), **ss. 189(1)**, 270(2)(b)(3)(a)

[^{F15}121B Provision of information

- (1) This section sets out when the document prepared by a body under section 121AA is to be published or otherwise made available.
- (2) The body shall—
 - (a) publish the document (whether in its original or a revised form), and
 - (b) supply copies of it to the body's secure tenants,at such times as may be prescribed by, and otherwise in accordance with, an order made by the Secretary of State.
- (3) The body shall make copies of the current version of the document available to be supplied, free of charge, to persons requesting them.
- (4) The copies must be made available for that purpose—
 - (a) at the body's principal offices, and
 - (b) at such other places as it considers appropriate,at reasonable hours.
- (5) The body shall take such steps as it considers appropriate to bring to the attention of its secure tenants the fact that copies of the current version of the document can be obtained free of charge from the places where, and at the times when, they are made available in accordance with subsection (4).
- (6) In this section any reference to the current version of the document is to the version of the document that was last published by the body in accordance with subsection (2)(a).
- (7) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F15 Ss. 121AA, 121B inserted (18.11.2004 for specified purposes and 18.1.2005 otherwise) by [Housing Act 2004 \(c. 34\)](#), **ss. 189(1)**, 270(2)(b)(3)(a)

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