



Housing Act 1985

1985 CHAPTER 68

PART V

THE RIGHT TO BUY

[^{F1} Tenant's sanction for landlord's delays]

[^{F1}153A Tenant's notices of delay.

- (1) Where a secure tenant has claimed to exercise the right to buy, he may serve on his landlord a notice (in this section referred to as an “initial notice of delay”) in any of the following cases, namely,—
- (a) where the landlord has failed to serve a notice under section 124 within the period appropriate under subsection (2) [^{F2}or (3)]of that section;
 - (b) where the tenant's right to buy has been established and the landlord has failed to serve a notice under section 125 within the period appropriate under subsection (1) of that section;
 - ^{F3}(c)
 - ^{F3}(d)
 - (e) where the tenant considers that delays on the part of the landlord are preventing him from exercising expeditiously his right to buy or his [^{F4}right to acquire on rent to mortgage terms];

and where an initial notice of delay specifies [^{F4}either of the cases in paragraphs (a) and (b)], any reference in this section or section 153B to the default date is a reference to the end of the period referred to in the paragraph in question or, if it is later, the day appointed for the coming into force of section 124 of the Housing Act 1988.

- (2) An initial notice of delay—
- (a) shall specify the most recent action of which the tenant is aware which has been taken by the landlord pursuant to this Part of this Act; and
 - (b) shall specify a period (in this section referred to as “the response period”), not being less than one month, beginning on the date of service of the

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Changes to legislation: Housing Act 1985, Section 153A is up to date with all changes known to be in force on or before 28 June 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)

notice, within which the service by the landlord of a counter notice under subsection (3) will have the effect of cancelling the initial notice of delay.

- (3) Within the response period specified in an initial notice of delay or at any time thereafter, the landlord may serve on the tenant a counter notice in either of the following circumstances—
- (a) if the initial notice specifies [^{F5}either of the cases in paragraphs (a) and (b)] of subsection (1) and the landlord has served, or is serving together with the counter notice, the required notice under section 124, [^{F5}or section 125], as the case may be; or
 - (b) if the initial notice specifies the case in subsection (1)(e) and there is no action under this Part which, at the beginning of the response period, it was for the landlord to take in order to allow the tenant expeditiously to exercise his right to buy or his [^{F5}right to acquire on rent to mortgage terms] and which remains to be taken at the time of service of the counter notice.
- (4) A counter notice under subsection (3) shall specify the circumstances by virtue of which it is served.
- (5) At any time when—
- (a) the response period specified in an initial notice of delay has expired, and
 - (b) the landlord has not served a counter notice under subsection (3),
- the tenant may serve on the landlord a notice (in this section and section 153B referred to as an “operative notice of delay”) which shall state that section 153B will apply to payments of rent made by the tenant on or after the default date or, if the initial notice of delay specified the case in subsection (1)(e), the date of the service of the notice.
- (6) If, after a tenant has served an initial notice of delay, a counter notice has been served under subsection (3), then, whether or not the tenant has also served an operative notice of delay, if any of the cases in subsection (1) again arises, the tenant may serve a further initial notice of delay and the provisions of this section shall apply again accordingly.]

Textual Amendments

- F1** Ss. 153A, 153B inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 124
- F2** Words in s. 153A(1)(a) inserted (W.) (3.9.2012) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 31(4), 90(2); S.I. 2012/2091, arts. 1(2), 2
- F3** S. 153A(1)(c)(d) repealed (11.10.1993) by 1993 c. 28, s. 187(2), [Sch. 22](#); S.I. 1993/2134, arts. 2, 4(b), [Sch. 2](#) (with saving in [Sch. 1 para. 4\(1\)](#)).
- F4** Words in s. 153A(1) substituted (11.10.1993) by 1993 c. 28, s. 187(1), [Sch. 21 para. 13\(2\)](#); S.I. 1993/2134, arts. 2, 4(b) (with saving in [Sch. 1 para. 4\(1\)](#)).
- F5** Words in s. 153A(3) substituted (11.10.1993) by 1993 c. 28, s. 187(1), [Sch. 21 para. 13\(3\)](#); S.I. 1993/2134, arts. 2, 4(b) (with saving in [Sch. 1 para. 4\(1\)](#)).

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