



# Housing and Planning Act 1986

## 1986 CHAPTER 63

### PART I

#### HOUSING

##### *The right to buy*

## 2 Discount on right to buy and similar sales.

(1) In section 129 of the <sup>M1</sup>Housing Act 1985 (discount on exercise of right to buy), for subsections (1) and (2) substitute—

“(1) Subject to the following provisions of this Part, a person exercising the right to buy is entitled to a discount of a percentage calculated by reference to the period which is to be taken into account in accordance with Schedule 4 (qualifying period for right to buy and discount).

(2) The discount is, subject to any order under subsection (2A)—

- (a) in the case of a house, 32 per cent. plus one per cent. for each complete year by which the qualifying period exceeds two years, up to a maximum of 60 per cent. ;
- (b) in the case of a flat, 44 per cent. plus two per cent. for each complete year by which the qualifying period exceeds two years, up to a maximum of 70 per cent.

(2A) The Secretary of State may by order made with the consent of the Treasury provide that, in such cases as may be specified in the order—

- (a) the minimum percentage discount,
- (b) the percentage increase for each complete year of the qualifying period after the first two, or
- (c) the maximum percentage discount,

shall be such percentage, higher than that specified in subsection (2), as may be specified in the order.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Housing and Planning Act 1986, Section 2. (See end of Document for details)*

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(2B) An order—

- (a) may make different provision with respect to different cases or descriptions of case,
- (b) may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient, and
- (c) shall be made by statutory instrument and shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”.

(2) The amendment made by subsection (1) does not apply where—

- (a) the tenant’s notice claiming to exercise the right to buy or, as the case may be, to acquire an additional share under a shared ownership lease was served before the commencement of that subsection, and
- (b) the landlord has before commencement served its notice as to the terms of exercise of that right, that is, its notice under section 125 of, or paragraph 1(3) of Schedule 8 to, the <sup>M2</sup>Housing Act 1985,

but without prejudice to the tenant’s right to withdraw the notice served before commencement and serve a new notice.

(3) In the following provisions (which in the case of disposals at a discount require a covenant for repayment of a proportion of the discount if the dwelling-house is disposed of within five years)—

section 35(2) of the Housing Act 1985 (voluntary disposals by local authorities),

section 155(2) of that Act (disposals in pursuance of the right to buy),

section 155(3) of that Act (disposals in pursuance of the right to be granted a shared ownership lease), and

paragraph 1(2) of Schedule 2 to the <sup>M3</sup>Housing Associations Act 1985 (voluntary disposals by registered housing associations),

for “five years” substitute “three years” and for “20 per cent.” substitute “one-third”.

(4) A conveyance or lease containing the covenant required by any of the provisions mentioned in subsection (3) which was executed before the amendments made by that subsection came into force shall, provided no amount was then or had previously been payable under the covenant, have effect with such modifications as may be necessary to bring it into conformity with the amendments.

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**Marginal Citations**

**M1** 1985 c. 68.

**M2** 1985 c. 68.

**M3** 1985 c. 69.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Housing and Planning Act 1986, Section 2.