



# Housing Act 1988

## 1988 CHAPTER 50

### PART IV

#### CHANGE OF LANDLORD: SECURE TENANTS

##### *Subsequent disposals*

#### **105 Consent required for subsequent disposals**

- (1) A person who acquires any property under this Part (in this section referred to as “the new landlord”) shall not dispose of it except with the consent of the Secretary of State; but nothing in this subsection shall apply in relation to an exempt disposal, as defined in subsection (7) below.
- (2) Where an estate or interest in property acquired by the new landlord has been mortgaged or charged, the prohibition in subsection (1) above on disposal of the property without consent applies also to a disposal by the mortgagee or chargee in exercise of a power of sale or leasing, whether or not the disposal is in the name of the new landlord.
- (3) In any case where—
  - (a) by operation of law or by virtue of an order of a court property which has been acquired by the new landlord passes or is transferred to another person, and
  - (b) that passing or transfer does not constitute a disposal for which consent is required under subsection (1) above,this section (including, where there is more than one such passing or transfer, this subsection) shall apply as if the other person to whom the property passes or is transferred were the new landlord.
- (4) Any consent for the purposes of subsection (1) above may be given either unconditionally or subject to conditions; but, before giving any such consent, the Secretary of State—

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*Status: This is the original version (as it was originally enacted).*

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- (a) shall satisfy himself that the person who is seeking the consent has taken appropriate steps to consult every tenant of the whole or any part of the property proposed to be disposed of; and
  - (b) shall have regard to the responses of any such tenants to that consultation.
- (5) If, apart from subsection (6) below, the consent of the Housing Corporation or Housing for Wales would be required under section 9 of the Housing Associations Act 1985 (control of dispositions of land by housing associations) for a disposal to which subsection (1) above applies, the Secretary of State shall consult that body before giving his consent in respect of that disposal for the purposes of that subsection.
- (6) No consent shall be required under the said section 9 for any disposal in respect of which consent is given in accordance with subsection (5) above.
- (7) In this section an “exempt disposal” means—
  - (a) the grant of a lease pursuant to such a requirement as is referred to in section 100(1)(b) above;
  - (b) the disposal of a dwelling-house to a person having the right to buy it under Part V of the 1985 Act (whether the disposal is in fact made under that Part or otherwise);
  - (c) a compulsory disposal, within the meaning of Part V of the 1985 Act;
  - (d) the disposal of an easement or rentcharge;
  - (e) the disposal of an interest by way of security for a loan;
  - (f) the grant of a secure tenancy or what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the 1985 Act;
  - (g) the grant of an assured tenancy, within the meaning of Part I of this Act, or what would be such a tenancy but for any of paragraphs 4 to 8 of Schedule 1 to this Act; and
  - (h) the transfer of an interest which is held on trust where the disposal is made in connection with the appointment of a new trustee or in connection with the discharge of any trustee.
- (8) In this section references to disposing of property include references to—
  - (a) granting or disposing of any interest in property;
  - (b) entering into a contract to dispose of property or to grant or dispose of any such interest; and
  - (c) granting an option to acquire property or any such interest.