



Housing Act 1988

1988 CHAPTER 50

PART V

MISCELLANEOUS AND GENERAL

Disposals of housing stock

133 Consent required for certain subsequent disposals

- (1) Where consent is required for a disposal (in this section referred to as “the original disposal”) by virtue of section 32 or section 43 of the Housing Act 1985 and that consent does not provide otherwise, the person who acquires the land or house on the disposal shall not dispose of it except with the consent of the Secretary of State; but nothing in this section shall apply in relation to an exempt disposal as defined in section 81(8) above.
- (2) Where an estate or interest of the person who acquired the land or house on the original disposal has been mortgaged or charged, the prohibition in subsection (1) above 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 person who so acquired the land or house; and in any case where—
 - (a) by operation of law or by virtue of an order of a court, the land or house which has been acquired passes or is transferred from the person who so acquired it to another person, and
 - (b) that passing or transfer does not constitute a disposal for which consent is required under this section,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 land or house passes or is transferred were the person who acquired it on the original disposal.
- (3) Where subsection (1) above applies—

Status: This is the original version (as it was originally enacted).

- (a) if section 34 of the Housing Act 1985 applies to the consent given to the original disposal, subsections (2)(b) and (3) to (4A) of that section shall also apply to any consent required by virtue of this section;
 - (b) if the consent to the original disposal was given under section 43 of that Act, subsections (2)(b) and (3) to (4A) of that section shall also apply to any consent required by virtue of this section;
 - (c) in the application of subsection (4A) of section 34 or section 43 to any consent required by virtue of this section, any reference to the local authority making the disposal shall be construed as a reference to the local authority making the original disposal; and
 - (d) the instrument by which the original disposal is effected shall contain a statement in a form approved by the Chief Land Registrar that the requirement of this section as to consent applies to a subsequent disposal of the land or house by the person to whom the original disposal was made.
- (4) Subsection (4) of section 32 of the Housing Act 1985 or, as the case may be, subsection (5) of section 43 of that Act (options to purchase as disposals) applies for the purposes of this section.
- (5) Before giving any consent required by virtue of this section, the Secretary of State—
 - (a) shall satisfy himself that the person who is seeking the consent has taken appropriate steps to consult every tenant of any land or house proposed to be disposed of; and
 - (b) shall have regard to the responses of any such tenants to that consultation.
- (6) If, apart from subsection (7) 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 in respect of which, by virtue of subsection (1) above, the consent of the Secretary of State is required, the Secretary of State shall consult that body before giving his consent for the purposes of this section.
- (7) No consent shall be required under the said section 9 for any disposal in respect of which consent is given in accordance with subsection (6) above.
- (8) Where the title of the authority to the land or house which is disposed of by the original disposal is not registered, and the original disposal is a conveyance, grant or assignment of a description mentioned in section 123 of the Land Registration Act 1925 (compulsory registration of title)—
 - (a) that section applies in relation to the instrument by which the original disposal is effected whether or not the land or house is in an area in which an Order in Council under section 120 of that Act (areas of compulsory registration) is in force;
 - (b) the authority shall give to the person to whom the original disposal is made a certificate in a form approved by the Chief Land Registrar stating that the authority is entitled to make the disposal subject only to such encumbrances, rights and interests as are stated in the instrument by which the original disposal is effected or summarised in the certificate; and
 - (c) for the purpose of registration of title, the Chief Land Registrar shall accept such a certificate as evidence of the facts stated in it, but if as a result he has to meet a claim against him under the Land Registration Acts 1925 to 1986 the authority by whom the original disposal was made is liable to indemnify him.

- (9) On an application being made for registration of a disposition of registered land or, as the case may be, of the title under a disposition of unregistered land, if the instrument by which the original disposal is effected contains the statement required by subsection (3)(d) above, the Chief Land Registrar shall enter in the register a restriction stating the requirement of this section as to consent to a subsequent disposal.
- (10) In every case where the consent of the Secretary of State is required for the original disposal by virtue of section 32 or section 43 of the Housing Act 1985 (whether or not consent is required under this section to a subsequent disposal), the authority by which the original disposal is made shall furnish to the person to whom it is made a copy of that consent.