



Local Government and Housing Act 1989

1989 CHAPTER 42

PART IX

MISCELLANEOUS AND GENERAL

Miscellaneous housing provisions

173 Consent required for subsequent disposals.

- (1) Where a dwelling which is for the time being subject to a secure tenancy is transferred under section 172 above to a person approved as mentioned in subsection (2)(b) of that section (in this section referred to as an “approved person”), that person shall not dispose of it except—
- (a) with the consent of the [^{F1}appropriate authority], which may be given either unconditionally or subject to conditions; or
 - (b) by an exempt disposal, as defined in section 81(8) of the ^{M1}Housing Act 1988; and any reference in the following provisions of this section to an initial transfer is a reference to the transfer of a dwelling to an approved person under section 172 above.

[^{F2}(1A) In this section “the appropriate authority” means—

- (a) in relation to a disposal of land in England by a [^{F3}private registered provider] of social housing, the Regulator of Social Housing,
 - (b) in relation to any other disposal of land in England, the Secretary of State, and
 - (c) in relation to a disposal of land in Wales, the Welsh Ministers.]
- (2) Where an estate or interest in a dwelling of the approved person who acquired it on the initial transfer 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 approved person; and in any case where—
- (a) by operation of law or by virtue of an order of a court, the dwelling which has been acquired on the initial transfer passes or is transferred from the approved person to another person, and

Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.

Changes to legislation: Local Government and Housing Act 1989, Section 173 is up to date with all changes known to be in force on or before 07 August 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)

(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 dwelling passes or is transferred were the approved person.

(3) Where subsection (1) above applies—

(a) the new town corporation by whom the initial transfer is made shall furnish to the approved person a copy of the consent of the Secretary of State under section 172(4) above; and

(b) the instrument by which the initial transfer 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 dwelling by the approved person.

(4) For the purposes of this section the grant of an option to purchase the fee simple or any other interest in a dwelling is a disposal and a consent given to such a disposal extends to a disposal made in pursuance of the option.

(5) Before giving any consent required by virtue of this section, the [^{F4}appropriate authority]—

(a) shall satisfy [^{F5}itself] that the person who is seeking the consent has taken appropriate steps to consult every tenant of any dwelling proposed to be disposed of; and

(b) shall have regard to the responses of any such tenants to that consultation.

^{F6}(6)

(7) No consent shall be required under [^{F7}section 148 or 172 of the Housing and Regeneration Act 2008,][^{F8}section 9 or 42 of the Housing Act 1996 or section 9 of the Housing Associations Act 1985] for any disposal in respect of which consent is given [^{F9}under this section].

(8) Where the title of the new town corporation to the dwelling which is transferred by the initial transfer is not registered, and the initial transfer is a [^{F10}transfer or grant] of a description mentioned in [^{F11}section 4 of the Land Registration Act 2002] (compulsory registration of title)—

^{F12}(a)

(b) the corporation shall give the approved person a certificate in a form approved by the Chief Land Registrar stating that the corporation is entitled to make the transfer subject only to such encumbrances, rights and interests as are stated in the instrument by which the initial transfer 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 [^{F13}Land Registration Act 2002] the corporation by whom the initial transfer was made is liable to indemnify him.

[^{F14}(9) Where the Chief Land Registrar approves an application for registration of—

(a) a disposition of registered land, or

(b) a person’s title under a disposition of unregistered land,

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and the instrument effecting the initial transfer contains the statement required by subsection (3) above, he shall enter in the register a restriction reflecting the limitation under this section on subsequent disposal.]

(10) In this section—

- (a) “dwelling” and “new town corporation” have the same meaning as in section 172 above; and
- (b) “secure tenancy” has the meaning assigned by section 79 of the ^{M2}Housing Act 1985.

Textual Amendments

- F1 Words in s. 173(1)(a) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(4)(a)**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)
- F2 S. 173(1A) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(4)(b)**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)
- F3 Words in s. 173(1A)(a) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 22**
- F4 Words in s. 173(5) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(4)(c)**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)
- F5 Word in s. 173(5)(a) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(4)(d)**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)
- F6 S. 173(6) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 191(4)(e)**, 325(1), **Sch. 16** (with s. 189); S.I. 2010/862, arts. 2, 3 (with Sch.)
- F7 Words in s. 173(7) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 77** (with Sch. 3)
- F8 Words in s. 173(7) substituted (1.10.1996) by S.I. 1996/2325, art. 5(1), **Sch. 2 para. 19(7)(b)**
- F9 Words in s. 173(7) substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 76(1)(3)** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**
- F10 Words in s. 173(8) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 11 para. 24(2)(a)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F11 Words in s. 173(8) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 11 para. 24(2)(b)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F12 S. 173(8)(a) repealed (1.4.1998) by 1997 c. 2, s. 4(2), **Sch. 2 Pt. I**; S.I. 1997/3036, **art. 2(c)**
- F13 Words in s. 173(8)(c) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 11 para. 24(2)(c)** (with s. 129); S.I. 2003/1725, art. 2(1)
- F14 S. 173(9) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 11 para. 24(3)** (with s. 129); S.I. 2003/1725, art. 2(1)

Modifications etc. (not altering text)

- C1 S. 173: transfer of functions (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 190(c)**, 325(1) (with s. 189); S.I. 2010/862, art. 2 (with Sch.)

Marginal Citations

- M1 1988 c.50.
- M2 1985 c. 68.

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