

*Status: Point in time view as at 06/04/2017.*

**Changes to legislation:** Leasehold Reform, Housing and Urban Development Act 1993, SCHEDULE 10 is up to date with all changes known to be in force on or before 04 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)

## SCHEDULES

### SCHEDULE 10

Section 37.

#### ACQUISITION OF INTERESTS FROM LOCAL AUTHORITIES ETC.

##### Commencement Information

**II** Sch. 10 wholly in force at 1.11.1993 see s. 188(2) and S.I. 1993/2134, art. 5

*Disapplication of provisions relating to disposals by local authorities etc.*

- 1 (1) It is hereby declared that nothing in any of the provisions specified in sub-paragraph (2) (which impose requirements as to consent or consultation or other restrictions in relation to disposals falling within those provisions) applies to any disposal of a freehold or leasehold interest in any premises which is made in pursuance of this Chapter.
- (2) The provisions referred to in sub-paragraph (1) are—
- (a) sections 32 and 43 of the <sup>M1</sup>Housing Act 1985 (disposals of land by local authorities) and section 133 of the <sup>M2</sup>Housing Act 1988 (certain subsequent disposals);
  - [<sup>F1</sup>(b) [<sup>F2</sup>section 148] of the Housing and Regeneration Act 2008 (disposals by registered providers of social housing);
  - (ba) sections 9 and 42 of the Housing Act 1996 (disposals by registered social landlords);
  - (bb) section 9 of the Housing Associations Act 1985 (disposals by unregistered housing associations);]
  - (c) section 79(1) and (2) of the Housing Act 1988 (disposals by housing action trusts) and section 81 of that Act (certain subsequent disposals); and
  - <sup>F3</sup>(d) .....

##### Textual Amendments

- F1** Sch. 10 para. 1(2)(b)(ba)(bb) substituted for Sch. 10 para. 1(2)(b) (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 79** (with art. 6, Sch. 3)
- F2** Words in Sch. 10 para. 1(2)(b) substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 4 para. 6**; S.I. 2017/75, reg. 4
- F3** Sch. 10 para. 1(2)(d) repealed (1.10.1996) by [1996 c. 52, s. 227](#), **Sch. 19 Pt.IX**; 1996/2402, art.3 (with savings in Sch.)

##### Marginal Citations

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

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*Provisions relating to secure tenants following leaseback*

2 (1) This paragraph applies where a lease is granted to a public sector landlord in pursuance of paragraph 2 of Schedule 9.

(2) Where—

- (a) immediately before the appropriate time the public sector landlord was the immediate landlord under a secure tenancy [<sup>F4</sup>or an introductory tenancy] of a flat contained in the demised premises, and
- (b) that tenancy continues in force after the grant of the lease referred to in sub-paragraph (1),

the tenant shall be deemed to have continued without interruption as tenant of the landlord under the secure tenancy [<sup>F4</sup>or, as the case may be, the introductory tenancy], despite the disposal of the landlord's interest which immediately preceded the grant of the lease referred to in that sub-paragraph.

(3) Where—

- (a) immediately before the appropriate time a person was a successor in relation to a secure tenancy [<sup>F5</sup>or an introductory tenancy] of a flat contained in the demised premises, and
- (b) that person is, in connection with the grant of the lease referred to in sub-paragraph (1), granted a new secure tenancy of that flat which is a tenancy for a term certain,

then for the purposes of sections 87 to 90 of the <sup>M3</sup>Housing Act 1985 (succession on death of tenant) that person shall also be a successor in relation to the new tenancy.

(4) Where—

- (a) immediately before the appropriate time a person was the tenant under a secure tenancy [<sup>F6</sup>or an introductory tenancy] of a flat contained in the demised premises, and
- (b) that person is, in connection with the grant of the lease referred to in sub-paragraph (1), granted a new secure tenancy [<sup>F6</sup>or introductory tenancy] of that flat,

then, for the purpose of determining whether either of the conditions referred to in sub-paragraph (5) is satisfied, the new tenancy shall not be regarded as a new letting of the flat but shall instead be regarded as a continuation of the secure tenancy [or introductory tenancy] referred to in paragraph (a) above.

(5) Those conditions are—

- (a) the condition specified in sub-paragraph (1)(b) of paragraph 5 of Schedule 5 to the Housing Act 1985 (exception to the right to buy in case of letting in connection with employment); and
- (b) the condition specified in sub-paragraph (1)(b) of paragraph 11 of that Schedule (exception to the right to buy in case of letting for occupation by person of pensionable age etc.).

(6) In this paragraph—

- (a) any reference to a secure tenancy [<sup>F7</sup>or an introductory tenancy] of a flat is a reference to a secure tenancy [<sup>F7</sup>or an introductory tenancy] of a flat whether with or without any yard, garden, garage, outhouses or appurtenances belonging to or usually enjoyed with it; and

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- (b) any reference to a flat includes a reference to a unit (other than a flat) which is used as a dwelling.
- (7) In this paragraph—
- (a) “the appropriate time” and “the demised premises” have the same meaning as in Schedule 9; and
  - (b) “successor” has the same meaning as in section 88 of the <sup>M4</sup>Housing Act 1985 [<sup>F8</sup>in relation to a secure tenancy and as in section 132 of the Housing Act 1996 in relation to an introductory tenancy.].

#### Textual Amendments

- F4** Words in Sch. 10 para. 2(2) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 9(e)(i)
- F5** Words in Sch. 10 para. 2(3)(a) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 9(e)(ii)
- F6** Words in Sch. 10 para. 2(4) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 9(e)(iii)
- F7** Words in Sch. 10 para. 2(6)(a) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 9(e)(iv)
- F8** Words in Sch. 10 para. 2(7) inserted (12.2.1997) by S.I. 1997/74, art. 2, Sch. para. 9(e)(v)

#### Marginal Citations

- M3** 1985 c. 68.
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