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Changes to legislation: Housing Act 1996, Cross Heading: Right of tenant to acquire dwelling is up to date with all changes known to be in force on or before 09 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)



Housing Act 1996

1996 CHAPTER 52

PART I

SOCIAL RENTED SECTOR

CHAPTER II

DISPOSAL OF LAND AND RELATED MATTERS

Right of tenant to acquire dwelling

VALID FROM 01/04/1997

16 Right of tenant to acquire dwelling.

- (1) A tenant of a registered social landlord has the right to acquire the dwelling of which he is a tenant if—
 - (a) he is a tenant under an assured tenancy, other than an assured shorthold tenancy or a long tenancy, or under a secure tenancy,
 - (b) the dwelling was provided with public money and has remained in the social rented sector, and
 - (c) he satisfies any further qualifying conditions applicable under Part V of the ^{M1}Housing Act 1985 (the right to buy) as it applies in relation to the right conferred by this section.
- (2) For this purpose a dwelling shall be regarded as provided with public money if—
 - (a) it was provided or acquired wholly or in part by means of a grant under section 18 (social housing grant),
 - (b) it was provided or acquired wholly or in part by applying or appropriating sums standing in the disposal proceeds fund of a registered social landlord (see section 25), or

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- (c) it was acquired by a registered social landlord after the commencement of this paragraph on a disposal by a public sector landlord at a time when it was capable of being let as a separate dwelling.
- (3) A dwelling shall be regarded for the purposes of this section as having remained within the social rented sector if, since it was so provided or acquired—
- (a) the person holding the freehold interest in the dwelling has been either a registered social landlord or a public sector landlord; and
- (b) any person holding an interest as lessee (otherwise than as mortgagee) in the dwelling has been—
- (i) an individual holding otherwise than under a long tenancy; or
- (ii) a registered social landlord or a public sector landlord.
- (4) A dwelling shall be regarded for the purposes of this section as provided by means of a grant under section 18 (social housing grant) if, and only if, the Corporation when making the grant notified the recipient that the dwelling was to be so regarded.

The Corporation shall before making the grant inform the applicant that it proposes to give such a notice and allow him an opportunity to withdraw his application within a specified time.

Modifications etc. (not altering text)

- C1** S. 16 restricted (1.4.1997) by Housing Act 1985 c. 68, Pt. V (see s. 122(4)) as modified by S.I. 1997/619, art. 2(1)(2), Sch. 1 para. 4, Sch. 2
- C2** S. 16(2)(c) restricted (5.3.1997) by S.I. 1997/618, art. 2, Sch. para. 1

Marginal Citations

- M1** 1985 c. 68.

17 Right of tenant to acquire dwelling: supplementary provisions.

- (1) The Secretary of State may by order—
- (a) specify the amount or rate of discount to be given on the exercise of the right conferred by section 16; and
- (b) designate rural areas in relation to dwellings in which the right conferred by that section does not arise.
- (2) The provisions of Part V of the Housing Act 1985 apply in relation to the right to acquire under section 16—
- (a) subject to any order under subsection (1) above, and
- (b) subject to such other exceptions, adaptations and other modifications as may be specified by regulations made by the Secretary of State.
- (3) The regulations may provide—
- (a) that the powers of the Secretary of State under sections 164 to 170 of that Act (powers to intervene, give directions or assist) do not apply,
- (b) that paragraphs 1 and 3 (exceptions for charities and certain housing associations), and paragraph 11 (right of appeal to Secretary of State), of Schedule 5 to that Act do not apply,

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- (c) that the provisions of Part V of that Act relating to the right to acquire on rent to mortgage terms do not apply,
- (d) that the provisions of that Part relating to restrictions on disposals in National Parks, &c. do not apply, and
- (e) that the provisions of that Part relating to the preserved right to buy do not apply.

Nothing in this subsection affects the generality of the power conferred by subsection (2).

- (4) The specified exceptions, adaptations and other modifications shall take the form of textual amendments of the provisions of Part V of that Act as they apply in relation to the right to buy under that Part; and the first regulations, and any subsequent consolidating regulations, shall set out the provisions of Part V as they so apply.
- (5) An order or regulations under this section—
 - (a) may make different provision for different cases or classes of case including different areas, and
 - (b) may contain such incidental, supplementary and transitional provisions as the Secretary of State considers appropriate.
- (6) Before making an order which would have the effect that an area ceased to be designated under subsection (1)(b), the Secretary of State shall consult—
 - (a) the local housing authority or authorities in whose district the area or any part of it is situated or, if the order is general in its effect, local housing authorities in general, and
 - (b) such bodies appearing to him to be representative of registered social landlords as he considers appropriate.
- (7) An order or regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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