



Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 2

DISPOSALS ATTRACTING DISCOUNTS OTHER THAN UNDER RIGHT TO BUY

Disposals by housing action trusts

205 Deferred resale agreements

(1) After paragraph 7 of Schedule 11 to the Housing Act 1988 (c. 50) insert—

“Treatment of deferred resale agreements

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- (1) If a purchaser or his successor in title enters into an agreement within sub-paragraph (3), any liability arising under the covenant required by paragraph 1 shall be determined as if a relevant disposal which is not an exempted disposal had occurred at the appropriate time.
 - (2) In sub-paragraph (1) “the appropriate time” means—
 - (a) the time when the agreement is entered into, or
 - (b) if it was made before the beginning of the discount repayment period, immediately after the beginning of that period.
 - (3) An agreement is within this sub-paragraph if it is an agreement between the purchaser or his successor in title and any other person—
 - (a) which is made (expressly or impliedly) in contemplation of, or in connection with, a disposal to be made, or made, under section 79,
 - (b) which is made before the end of the discount repayment period, and

Status: This is the original version (as it was originally enacted).

- (c) under which a relevant disposal (other than an exempted disposal) is or may be required to be made to any person after the end of that period.
 - (4) Such an agreement is within sub-paragraph (3)—
 - (a) whether or not the date on which the relevant disposal is to take place is specified in the agreement, and
 - (b) whether or not any requirement to make that disposal is or may be made subject to the fulfilment of any condition.
 - (5) The Secretary of State may by order provide—
 - (a) for sub-paragraph (1) to apply to agreements of any description specified in the order in addition to those within sub-paragraph (3);
 - (b) for sub-paragraph (1) not to apply to agreements of any description so specified to which it would otherwise apply.
 - (6) An order under sub-paragraph (5)—
 - (a) may make different provision with respect to different cases or descriptions of case; and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (7) In this paragraph—
 - “agreement” includes arrangement;
 - “the discount repayment period” means the period of 3 years that applies for the purposes of paragraph 1(2) or the period of five years that applies for the purposes of paragraph 1(3) (depending on whether an offer such as is mentioned in section 203(4) of the Housing Act 2004 was made before or on or after the coming into force of that section).”
- (2) The amendment made by this section does not apply in relation to any agreement or arrangement made before the day on which this section comes into force.