

1989 No. 174

HOUSING, ENGLAND AND WALES

**The Housing (Right to Buy) (Prescribed Persons) Order
1989**

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|-------------------------------|---------------------------|
| <i>Made - - - -</i> | <i>9th February 1989</i> |
| <i>Laid before Parliament</i> | <i>16th February 1989</i> |
| <i>Coming into force</i> | <i>10th March 1989</i> |

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 130(2)(a) and paragraph 8 of Schedule 4 to the Housing Act 1985(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Housing (Right to Buy) (Prescribed Persons) Order 1989.

(2) This Order comes into force on 10th March 1989 and applies in relation to claims made on or after that date to exercise the right to buy, the right to a shared ownership lease or the right to acquire an additional share.

- (3) This Order also applies in relation to a claim made before that date to exercise—
- (a) the right to buy or the right to a shared ownership lease unless before that date—
 - (i) the landlord has duly served a notice denying that claim; or
 - (ii) the transaction has been completed;
 - (b) the right to acquire an additional share, unless the transaction has been completed before that date.

Amendment of 1984 Order

2. The Housing (Right to Buy) (Prescribed Persons) Order 1984(b) is amended as follows:

- (a) by the deletion of article 3(2)(a);
- (b) by the substitution of “The British Coal Corporation” for “The National Coal Board” in the Schedule.

Prescribed Persons

3. The following persons and any predecessor of any of those persons are prescribed in all circumstances for the purposes of section 130(2)(a) and paragraph 8 of Schedule 4 to the Housing Act 1985:

- (a) The AFRC Institute for Grassland and Animal Production,
- (b) The Church Commissioners,

(a) 1985 c.68.
(b) S.I. 1984/1173.

- (c) The Historic Buildings and Monuments Commission for England,
- (d) The Lee Valley Regional Park Authority,
- (e) The Sports Council for Northern Ireland.

7th February 1989

Nicholas Ridley
Secretary of State for the Environment

9th February 1989

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

Part V of the Housing Act 1985 provides for the right to buy. Section 130 of the 1985 Act requires discount obtained on a previous purchase from a public sector landlord or a person prescribed by Order under section 130(2)(a) to be taken into account in calculating discount on a later purchase under the right to buy.

Under Schedule 4 to the 1985 Act qualification for the right to buy and entitlement to discount are determined by reference to periods spent in armed forces accommodation or as a tenant of a public sector landlord. Paragraph 8 of Schedule 4 to the 1985 Act provides for prescribed persons to be treated as public sector landlords for these purposes.

The Housing (Right to Buy) (Prescribed Persons) Order 1984 contains a list of persons prescribed for the purposes of paragraphs 9(2) and 10(2) of Schedule 1A to the Housing Act 1980 (c.51), (now to be found respectively in section 130(2)(a) and in paragraph 8 of Schedule 4 to the 1985 Act). The 1984 Order was retained in force by section 2 of the Housing (Consequential Provisions) Act 1985 (c.71). Article 2(a) of this Order amends the 1984 Order by deleting an exemption of dwellings let by Ministers of the Crown or government departments to persons appointed under section 3(1) of the Prison Act 1952 (c.52). The former National Coal Board has changed its name to the British Coal Corporation and article 2(b) reflects this.

Article 3 of this Order prescribes five additional persons.

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