
STATUTORY INSTRUMENTS

1992 No. 1703

HOUSING, ENGLAND AND WALES

The Housing (Right to Buy) (Prescribed Persons) Order 1992

<i>Made</i>	- - - -	<i>15th July 1992</i>
<i>Laid before Parliament</i>		<i>16th July 1992</i>
<i>Coming into force</i>	- -	<i>17th August 1992</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) of, and paragraph 8 of Schedule 4 to, the Housing Act 1985⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Housing (Right to Buy) (Prescribed Persons) Order 1992 and shall come into force on 17th August 1992.

(2) This Order shall not apply in relation to claims to exercise the right to buy, the right to a shared ownership lease or the right to acquire an additional share, where in each case the tenant's notice under section 122(1) of the Housing Act 1985 or, as the case may be, the notice mentioned in paragraph 1(2) of Schedule 8 to that Act was served before 17th August 1992.

Revocation

2. The Housing (Right to Buy) (Prescribed Persons) Order 1984⁽²⁾ and the Housing (Right to Buy) (Prescribed Persons) Order 1989⁽³⁾ are hereby revoked.

Prescribed persons

3. The persons listed in the Schedule to this Order and any predecessor of any of those persons are prescribed for the purposes of section 130(2)(a) of, and paragraph 8 of Schedule 4 to, the Housing Act 1985.

(1) 1985 c. 68.

(2) S.I.1984/1173, which was retained in force by section 2 of the Housing (Consequential Provisions) Act 1985 (c. 71).

(3) S.I. 1989/174.

Prescribed circumstances

4.—(1) Subject to paragraph (2) below, all circumstances are prescribed for the purposes of section 130(2)(a) of, and paragraph 8 of Schedule 4 to, the Housing Act 1985.

(2) In relation to the Trinity House the following circumstances only are prescribed:

the interest of the landlord belongs to the Trinity House and the dwelling-house is held in connection with the functions of the Trinity House as a general light-house authority within the meaning of section 634 of the Merchant Shipping Act 1894⁽⁴⁾.

15th July 1992

Michael Howard
Secretary of State for the Environment

15th July 1992

David Hunt
Secretary of State for Wales

(4) 1894 c. 60.

SCHEDULE

Article 3

an area board constituted by section 1(2) of the Electricity Act 1947⁽⁵⁾,
a community council,
an education and library board constituted under the Education and Libraries (Northern Ireland) Order 1986⁽⁶⁾,
a fire authority for the purposes of the Fire Services Acts 1947 to 1959⁽⁷⁾,
a government department,
an internal drainage board constituted by section 1(1) of the Land Drainage Act 1991⁽⁸⁾,
a Minister of the Crown,
a National Health Service trust constituted under section 5 of the National Health Service and Community Care Act 1990⁽⁹⁾,
a parish council and the trustees of a parish without a parish council,
a passenger transport executive constituted under Part II of the Transport Act 1968⁽¹⁰⁾,
a police authority,
a water authority constituted under section 2 of the Water Act 1973⁽¹¹⁾ and a water authority in Scotland constituted under section 3 of the Water (Scotland) Act 1980⁽¹²⁾,
the AFRC Institute for Grassland and Animal Production,
the Agriculture and Food Research Council,
the British Airports Authority,
the British Broadcasting Corporation,
the British Coal Corporation,
the British Gas Corporation,
the British Railways Board,
the British Steel Corporation,
the British Waterways Board,
the Central Electricity Generating Board,
the Church Commissioners,
the Civil Aviation Authority,
the Commissioners of Northern Lighthouses,
the Countryside Council for Wales,
the Electricity Council,
the Fire Authority for Northern Ireland constituted under the Fire Services (Northern Ireland) Order 1984⁽¹³⁾,
Highlands and Islands Enterprise,

⁽⁵⁾ 1947 c. 54.

⁽⁶⁾ S.I. 1986/594 (N.I. 3).

⁽⁷⁾ 1947 c. 41; 1951 c. 27; and 1959 c. 44.

⁽⁸⁾ 1991 c. 59.

⁽⁹⁾ 1990 c. 19.

⁽¹⁰⁾ 1968 c. 73.

⁽¹¹⁾ 1973 c. 37.

⁽¹²⁾ 1980 c. 45.

⁽¹³⁾ S.I. 1984/1821 (N.I. 11).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the Historic Buildings and Monuments Commission for England,
the Lake District Special Planning Board,
the Lee Valley Regional Park Authority,
London Regional Transport,
the Medical Research Council,
the National Bus Company,
the National Library of Wales,
the National Museum of Wales,
the National Rivers Authority,
the Natural Environment Research Council,
the Nature Conservancy Council for England,
the North of Scotland Hydro-Electric Board,
the Northern Ireland Electricity Service constituted under the Electricity Supply (Northern Ireland) Order 1972⁽¹⁴⁾,
the Northern Ireland Transport Holding Company constituted under the Transport Act (Northern Ireland) 1967⁽¹⁵⁾,
the Peak Park Joint Planning Board,
the Police Authority for Northern Ireland,
the Post Office,
the Science and Engineering Research Council,
Scottish Natural Heritage,
the Scottish Sports Council,
the South of Scotland Electricity Board,
the Sports Council,
the Sports Council for Wales,
the Sports Council for Northern Ireland,
the Trinity House,
the United Kingdom Atomic Energy Authority,
the Welsh Development Agency.

(14) S.I. 1972/1072 (N.I. 9).

(15) 1967 c. 37 (N.I.).

EXPLANATORY NOTE

(This note is not part of the Order)

Part V of the Housing Act 1985 (“the Act”) provides for the right to buy. Qualification for the right to buy, entitlement to discount and the taking into account of any previous discount is affected by periods spent with or previous discount given by landlords who are public sector landlords. Section 130 of the Act requires discount obtained on a previous purchase from a public sector landlord, or from a person prescribed by Order under that section, to be taken into account in calculating discount on a later purchase under the right to buy.

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

Article 3 of this Order prescribes persons for the purposes of section 130(2)(a) of, and paragraph 8 of Schedule 4 to, the 1985 Act (except in the cases mentioned in article 1(2)). The article consolidates the lists of persons prescribed by the Housing (Right to Buy) (Prescribed Persons) Order 1984 as amended by the Housing (Right to Buy) (Prescribed Persons) Order 1989. Where statutory functions have been transferred, the new body is prescribed. This applies in relation to National Health Service trusts, the Countryside Council for Wales, Highlands and Islands Enterprise, the National Rivers Authority, the Nature Conservancy Council for England and Scottish Natural Heritage.

Article 4 prescribes circumstances for the purposes of section 130(2)(a) of, and paragraph 8 of Schedule 4 to, the 1985 Act (except in the cases mentioned in article 1(2)). The article consolidates the list of circumstances prescribed by the 1984 and 1989 Orders.

The earlier Orders are revoked (article 2).