

2005 No. 2908

HOUSING, ENGLAND

The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) (No 2) Order 2005

Made - - - - *14th October 2005*
Laid before Parliament *25th October 2005*
Coming into force - - *16th November 2005*

The First Secretary of State, in exercise of the powers conferred by section 157(1)(c) and (3) of the Housing Act 1985(a), makes the following Order:

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Housing (Right to Buy)(Designated Rural Areas and Designated Regions) (England) (No 2) Order 2005 and shall come into force on 16th November 2005.

(2) This Order applies in relation to England only(b).

(3) In this Order “the Act” means the Housing Act 1985.

Designated rural areas

2. The areas specified in the Schedule are designated as rural areas for the purposes of section 157 of the Act.

Designated regions

3.—(1) In relation to a dwelling-house which is situated in a rural area designated by article 2 and listed in Part 1 of the Schedule, the region designated for the purposes of section 157(3) of the Act shall be the district of Mole Valley.

(2) In relation to a dwelling-house which is situated in a rural area designated by article 2 and listed in Part 2 of the Schedule, the region designated for the purposes of section 157(3) of the Act shall be the district of Richmondshire.

(a) 1985 c.68. Section 157(1) was amended by Part 4 of Schedule 18 to the Government of Wales Act 1998 (c.38) and by paragraph 9 of Part 1 of Schedule 15 to the Countryside and Rights of Way Act 2000 (c.37). Subsections (2), (3) and (6) of section 157 were amended, and subsection (6A) inserted, by section 126 of the Housing Act 1988 (c.50). Subsections (1) and (2) of section 157 were amended, and subsections (4) and (5) repealed, by section 188 of the Housing Act 2004 (c.34). There are other amendments to section 157 which are not relevant to this Order.

(b) The functions of the Secretary of State under section 157 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672, to which there are amendments not relevant to this Order). By virtue of section 267 of the Housing Act 2004, references in that Order to the Housing Act 1985 (c.68) are to be treated as references to that Act as amended by the Housing Act 2004.

Signed by authority of the First Secretary of State

14th October 2005

Yvette Cooper
Minister of State
Office of the Deputy Prime Minister

SCHEDULE 1

Article 2

Designation of rural areas

PART 1

District of Mole Valley

In the district of Mole Valley, the parishes of Abinger, Betchworth, Buckland, Charlwood, Headley, Holmwood, Leigh, Mickleham, Newdigate and Ockley.

PART 2

District of Richmondshire

In the district of Richmondshire, the parishes of Akebar, Aldbrough, Appleton East and West, Arrathorne, Aske, Barden, Barton, Bellerby, Bolton on Swale, Brough with St Giles, Cleasby, Cliffe, Constable Burton, Croft on Tees, Dalton, Dalton on Tees, Downholme, Easby, East Hauxwell, East Layton, Ellerton on Swale, Eppleby, Eryholme, Finghall, Forcett and Carkin, Garriston, Gayles, Gilling with Hartforth and Sedbury, Harmby, Hornby, Hudswell, Hunton, Hutton Hang, Kirby Hill, Leyburn, Manfield, Marrick, Marske, Melsonby, Middleham, Middleton Tyas, Moulton, New Forest, Newsham, Newton Morrell, Newton le Willows, North Cowton, Patrick Brompton, Preston under Scar, Ravensworth, Redmire, Scorton, Skeeby, Spennithorne, Stainton, Stanwick St John, Stapleton, Thornton Steward, Tunstall, Uckerby, Walburn, Wensley, West Hauxwell, West Layton and Whashton.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates certain parishes in the districts of Mole Valley and Richmondshire as rural areas, and provides for each of those districts to be a designated region, for the purposes of section 157 of the Housing Act 1985 (“the Act”). Mole Valley is the designated region in relation to dwelling-houses in the parishes listed in Part 1 of the Schedule to the Order, and Richmondshire in relation to dwelling-houses in the parishes listed in Part 2 of the Schedule.

Where a dwelling-house in a designated rural area is sold under the right to buy, the vendor may—

- (a) impose a covenant requiring its consent to any further disposal unless it is an exempted disposal under section 160 of the Act (that consent cannot be withheld if the disposal is to a person who has throughout the preceding 3 years had his only or principal home or place of work in a designated region which, or part of which, is comprised in the designated rural area) (section 157(3) of the Act); or
- (b) reserve a right of pre-emption if the Secretary of State or, if the vendor is a housing association, the Housing Corporation, consents (section 156A(8) of the Act as inserted by section 188 of the Housing Act 2004).

Similar covenants as to consent or rights of pre-emption may be imposed in relation to dwelling-houses in the areas designated by this Order that are sold voluntarily under section 32 of the Act.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.

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Designated Regions) (England) (No 2) Order 2005**

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