



# Housing Act 1985

## 1985 CHAPTER 68

### PART XVI

#### ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

##### *Effect of repurchase on occupier*

#### **553 Effect of repurchase on certain existing tenancies [<sup>F1</sup>(England)]**

- (1) Where an authority mentioned in section 80 (authorities satisfying the landlord condition for secure tenancy) acquire an interest in a defective dwelling [<sup>F2</sup>in England] in pursuance of Schedule 20 (repurchase) and—
- (a) the land in which the interest subsists is or includes a dwelling-house occupied as a separate dwelling, and
  - (b) the interest of the person entitled to assistance by way of repurchase is, immediately before the completion of the authority's acquisition, subject to a tenancy of the dwelling-house,
- the tenancy shall not, on or after the acquisition, become a secure tenancy unless the conditions specified in subsection (2) are met.
- (2) The conditions are—
- (a) that the tenancy was a protected tenancy [<sup>F3</sup>or an assured tenancy] throughout the period beginning with the making of an application for assistance under this Part in respect of the defective dwelling and ending immediately before the authority's acquisition; and
  - (b) no notice was given in respect of the tenancy in accordance with any of Cases 11 to 18 and 20 in Schedule 15 to the <sup>M1</sup>Rent Act 1977 (notice that possession might be recovered under that Case) or under section 52(1)(b) of the <sup>M2</sup>Housing Act 1980 (notice that tenancy is to be a protected shorthold tenancy) [<sup>F4</sup>or in accordance with any of Grounds 1, 3, 4 and 5 in Schedule 2 to the Housing Act 1988 (notice that possession might be recovered under that ground) <sup>F5</sup>. . . ; and].

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[<sup>F6</sup>(c) the tenancy is not by virtue of any provision of Part I of the Housing Act 1988 an assured shorthold tenancy;]

#### Textual Amendments

- F1** Word in s. 553 heading inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(21)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)
- F2** Words in s. 553(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(21)(b)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)
- F3** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 60(a)**
- F4** Words added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 60(b)**
- F5** Words in s. 553(2)(b) repealed (28.2.1997) by 1996 c. 52, s. 227, **Sch. 19 Pt. IV**; [S.I. 1997/225](#), **art. 2**
- F6** [S. 553\(2\)\(c\)](#) substituted (28.2.1997) by 1996 c. 52, s. 104, **Sch. 8 para. 1**; [S.I. 1997/225](#), **art. 2**

#### Marginal Citations

- M1** 1977 c. 42.  
**M2** 1980 c. 51.

#### [<sup>F7</sup>553A Effect of repurchase on certain existing tenancies (Wales)]

- (1) Where an authority mentioned in section 80 (authorities satisfying the landlord condition for secure tenancy) acquire an interest in a defective dwelling in Wales in pursuance of Schedule 20 (repurchase) and—
- (a) the land in which the interest subsists is or includes a dwelling-house occupied as a separate dwelling, and
  - (b) the interest of the person entitled to assistance by way of repurchase is, immediately before the completion of the authority's acquisition, subject to a tenancy of the dwelling-house,
- the tenancy shall not, on or after the acquisition, become a secure contract unless the conditions specified in subsection (2) are met.
- (2) The conditions are—
- (a) that the tenancy was a protected tenancy throughout the period beginning with the making of an application for assistance under this Part in respect of the defective dwelling and ending immediately before the authority's acquisition, and
  - (b) no notice was given in respect of the tenancy in accordance with any of the Cases 11 to 18 and 20 in Schedule 15 to the [Rent Act 1977 \(c. 42\)](#) (notice that possession might be recovered under that Case).
- (3) This section has effect notwithstanding any provision to the contrary in section 11 of the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#).]

#### Textual Amendments

- F7** [S. 553A](#) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(22)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)

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## 554 Grant of tenancy to former owner-occupier.

(1) Where an authority acquire an interest in a defective dwelling in pursuance of Schedule 20 (repurchase), or in the circumstances described in section 549(3) (exercise of right of pre-emption &c.), and—

- (a) the land in which the interest subsists is or includes a dwelling-house occupied as a separate dwelling, and
- (b) an individual is an occupier of the dwelling-house throughout the period beginning with the making of an application for assistance under this Part in respect of the dwelling and ending immediately before the completion of the authority's acquisition, and
- (c) he is a person entitled to assistance by way of repurchase in respect of the defective dwelling, or the persons so entitled are in relation to the interest concerned his trustees,

the authority shall, in accordance with this section, either grant or arrange for him to be granted a tenancy (of that dwelling-house or another: see section 556) on the completion of their acquisition of the interest concerned.

(2) If the authority are among those mentioned in section 80(1) (public sector authorities capable of granting secure tenancies) their obligation is to grant a secure tenancy [<sup>F8</sup>or secure contract].

[<sup>F9</sup>(2A) If the authority is [<sup>F10</sup>the new towns residuary body or] a [<sup>F11</sup>private registered provider of social housing or][<sup>F12</sup>registered social landlord], other than a housing co-operative, within the meaning of section 27B, their obligation is to grant a secure tenancy [<sup>F13</sup>or, where the dwelling-house is in Wales, a secure contract] if the individual to whom a tenancy is to be granted—

- (a) is a person who, immediately before he acquired his interest in the dwelling-house, was a secure tenant [<sup>F14</sup>or a secure contract-holder] of it; or
- [<sup>F15</sup>(b) is the spouse or civil partner, or a former spouse or former civil partner, or the surviving spouse or surviving civil partner, of a person falling within paragraph (a); or]
- (c) is a member of the family, within the meaning of section 186, of a person falling within paragraph (a) who has died, and was residing with that person in the dwelling-house at the time of and for the period of twelve months before his death]

(3) In any other case their obligation is to grant or arrange for the grant of either—

- (a) a secure tenancy, or
- (b) a protected tenancy other than one under which the landlord might recover possession under one of the cases in Part II of Schedule 15 to the <sup>M3</sup>Rent Act 1977 (cases in which the court must order possession) [<sup>F16</sup>or
- (c) an assured tenancy which is neither an assured shorthold tenancy, within the meaning of Part I of the Housing Act 1988, nor a tenancy under which the landlord might recover possession on any of Grounds 1 to 5 in Schedule 2 to that Act][<sup>F17</sup>, or
- (d) a secure contract.]

(4) Where two or more persons qualify for the grant of a tenancy under this section in respect of the same dwelling-house, the authority shall grant the tenancy, or arrange for it to be granted, to such one or more of them as they may agree among themselves or (if there is no such agreement) to all of them.

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### Textual Amendments

- F8** Words in s. 554(2) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(23)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)
- F9** S. 554(2A) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 61(1)**
- F10** Words in s. 554(2A) inserted (1.12.2008) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 4, **Sch. 1 para. 26** (with Sch. 2); [S.I. 2008/3068](#), arts. 1(2), **2(1)(b)** (with arts. 6-13)
- F11** Words in s. 554(2A) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 35** (with art. 6, Sch. 3)
- F12** Words in s. 554(2A) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), **Sch. 2 para. 14(28)**
- F13** Words in s. 554(2A) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(23)(b)(i)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)
- F14** Words in s. 554(2A)(a) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(23)(b)(ii)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)
- F15** S. 554(2A)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), **Sch. 8 para. 32**; [S.I. 2005/3175](#), **art. 2(1)**, Sch. 1
- F16** S. 554(3)(c) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 61(2)**
- F17** S. 554(3)(d) and word inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(23)(c)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)

### Marginal Citations

- M3** 1977 c. 42.

## 555 Grant of tenancy to former statutory tenant.

- (1) Where an authority mentioned in section 80(1) (public sector authorities capable of granting secure tenancies) acquire an interest in a defective dwelling in pursuance of Schedule 20 (repurchase) and—
- (a) the land in which the interest subsists is or includes a dwelling-house occupied as a separate dwelling, and
  - (b) an individual is an occupier of a dwelling-house throughout the period beginning with the making of an application for assistance under this Part in respect of the dwelling and ending immediately before the completion of the authority's acquisition, and
  - (c) he is a statutory tenant of the dwelling-house at the end of that period, and
  - (d) no notice was given in respect of the original tenancy in accordance with any of Cases 11 to 18 and 20 in Schedule 15 to the Rent Act 1977 (notice that possession might be recovered under that Case) or under section 52(1)(b) of the <sup>M4</sup>Housing Act 1980 (notice that tenancy is to be a protected shorthold tenancy), and
  - (e) the interest of the person entitled to assistance would, if the statutory tenancy were a contractual tenancy, be subject to the tenancy at the end of the period mentioned in paragraph (b),

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the authority shall grant him a secure tenancy [<sup>F18</sup>or, where the dwelling-house is in Wales, a secure contract] (of that dwelling-house or another: see section 556) on the completion of their acquisition of the interest concerned.

(2) Where two or more persons qualify for the grant of a tenancy under this section in respect of the same dwelling-house, the authority shall grant the tenancy to such one or more of them as they may agree among themselves or (if there is no such agreement) to all of them.

(3) If at any time after the service of a notice of determination it appears to the purchasing authority that a person may be entitled to request them to grant him a secure tenancy [<sup>F19</sup>or secure contract] under this section, they shall forthwith give him notice in writing of that fact.

[<sup>F20</sup>(4) This section has effect notwithstanding any provision to the contrary in section 11 of the Renting Homes (Wales) Act 2016 (anaw 1).]

#### Textual Amendments

**F18** Words in s. 555(1) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(24)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)

**F19** Words in s. 555(3) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(24)(b)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)

**F20** S. 555(4) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(24)(c)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)

#### Marginal Citations

**M4** 1980 c. 51.

### 556 Alternative accommodation under s. 554 or 555,

- (1) The dwelling-house to be let under the tenancy granted to a person—
- under section 554 or 555 (grant of tenancy to former owner-occupier or statutory tenant of defective dwelling-house acquired by authority), or
  - under arrangements made for the purposes of section 554,

shall be the dwelling-house of which he is the occupier immediately before the completion of the authority's acquisition (the "current dwelling-house"), except in the following Cases.

#### Case 1

By reason of the condition of any building of which the current dwelling-house consists or of which it forms part, the dwelling-house may not safely be occupied for residential purposes.

#### Case 2

The authority intend, within a reasonable time of the completion of their acquisition of the interest concerned—

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- (a) to demolish or reconstruct the building which consists of or includes the defective dwelling in question, or
  - (b) to carry out work on any building or land in which the interest concerned subsists, and cannot reasonably do so if the current dwelling-house remains in residential occupation.
- (2) In those Cases the dwelling-house to be let shall be another dwelling-house which, so far as is reasonably practicable in the case of that authority, affords accommodation which is—
- (a) similar as regards extent and character to the accommodation afforded by the current dwelling-house,
  - (b) reasonably suitable to the means of the prospective tenant and his family, and
  - (c) reasonably suitable to the needs of the prospective tenant and his family as regards proximity to place of work and place of education.

**557 Request for tenancy under s. 554 or 555.**

- (1) An authority are not required to grant, or arrange for the grant of, a tenancy to a person under section 554 or 555 unless he requests them to do so in writing before—
- (a) in the case of an acquisition under Schedule 20 (repurchase,), the service on the person entitled to assistance of a copy of the agreement drawn up under paragraph 5 of that Schedule, or
  - (b) in the case of an acquisition in the circumstances described in section 549(3) (acquisition in pursuance of right of pre-emption, &c.), the time of the disposal.
- (2) An authority receiving a request under subsection (1) shall, as soon as reasonably practicable, give notice in writing to the person making the request stating whether in their opinion either of the Cases in section 556(1) applies (cases in which tenancy may be of a dwelling-house other than the current dwelling-house).
- (3) If their opinion is that either Case does apply, the notice shall also state which of the Cases is applicable and the effect of section 556.

**558 Interpretation of ss. 553 to 557.**

- (1) In sections 553 to 557 (effect of repurchase on occupier)—
- (a) “dwelling-house” has the same meaning as in Part IV (secure tenancies);
  - (b) “occupier”, in relation to a dwelling-house, means a person who occupies the dwelling-house as his only or principal home or (in the case of a statutory tenant) as his residence;
  - (c) references to the grant of a secure tenancy are to the grant of a tenancy which would be a secure tenancy assuming that the tenant under the tenancy occupies the dwelling-house as his only or principal home
  - [<sup>F21</sup>(d) references to the grant of a secure contract are to the grant of an occupation contract which would be a secure contract (within the meaning given by section 8 of the Renting Homes (Wales) Act 2016 (anaw 1)) assuming that the contract-holder under the contract occupies the dwelling as their only or principal home;
  - (e) the following terms have the same meaning as in the Renting Homes (Wales) Act 2016—

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- (i) “contract-holder” (see section 7 (see also section 48) of that Act);
- (ii) “occupation contract” (see section 7 of that Act).]

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**Textual Amendments**

**F21** S. 558(d)(e) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(25)** (with savings and transitional provisions in [S.I. 2022/1172](#), regs. 2, 11, 12, 19)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172](#) Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)