

*These notes refer to the Housing Act 2004 (c.34) which received Royal Assent on Thursday 18 November 2004*

# HOUSING ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 6

#### ***Section 181: Exceptions to the right to buy: determination whether exception for dwelling-house suitable for elderly persons applies***

410. This section transfers jurisdiction for the determination of tenants' appeals against being denied the Right to Buy by their landlord, on the basis that the property falls within the exception for dwelling-houses suitable for elderly persons, from the Secretary of State to a residential property tribunal. The transfer only applies to appeals regarding properties in England.
411. **Paragraph 11** of Schedule 5 provides that the RTB does not arise if the dwelling:
- is particularly suitable, having regard to its location, size, design, heating system and other features, for occupation by elderly persons; and
  - it was let to the tenant or a predecessor in title of his for occupation by a person who was aged 60 or more.
412. The section amends paragraph 11 so that appeals will be determined by a residential property tribunal in respect of England, and by the Secretary of State in respect of Wales. Devolution has resulted in the functions of the Secretary of State in this regard being transferred to the National Assembly for Wales.
413. The National Assembly for Wales will have power under section 229 of the Act to transfer jurisdiction for determining appeals from the Secretary of State to a residential property tribunal in respect of Wales under paragraph 11 in future, if it considers that this is appropriate.