
STATUTORY INSTRUMENTS

1985 No. 1979

HOUSING, ENGLAND AND WALES

The Housing (Right To Buy) (Priority of Charges) Order 1985

Made - - - - 16th December 1985

Coming into Operation 6th January 1986

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 8(5) of the Housing Act 1980⁽¹⁾, and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following order:—

1. This order may be cited as the Housing (Right to Buy) (Priority of Charges) Order 1985 and shall come into operation on 6th January 1986.
2. The bodies set out in the Schedule to this order are hereby specified for the purposes of section 8(5) of the Housing Act 1980.

⁽¹⁾ section 8(5) was substituted by section 5(5) of the Housing and Building Control Act 1984 (c.29).

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SCHEDULE

BODIES SPECIFIED FOR THE PURPOSES OF SECTION 8(5) OF THE HOUSING ACT 1980

1. National Home Loans Corporation plc.
2. Lombard Home Loans Limited.
3. London and Manchester (Mortgages) Limited.

9th December 1985

Kenneth Baker
Secretary of State for the Environment

11th December 1985

Nicholas Edwards
Secretary of State for Wales

We consent,

16th December 1985

Donald Thompson
T. Garel-Jones
Two of the Lord's Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

Under the Housing Act 1980 (“the 1980 Act”) liability to repay discount following the exercise of the right to buy is secured by a charge on the dwelling-house. The charge has priority, in the circumstances set out in section 8(4)(b) and (4A) (inserted by section 5(4) of the Housing and Building Control Act 1984) of the 1980 Act, after certain legal charges, including charges securing amounts advanced by a body falling within section 8(5) of the 1980 Act. Certain bodies are listed in section 8(5), and additional bodies were specified by the Housing (Right to Buy) (Priority of Charges) Order 1984 (S.I. 1984/1554).

This order specifies three additional bodies for the purposes of section 8(5) of the 1980 Act and for the purposes of the equivalent provisions referred to in section 104B(6) (substituted by paragraph 1(5) of Schedule 6 to the Housing and Building Control Act 1984) of the Housing Act 1957 (c.56). Section 104B (inserted by section 92 of the 1980 Act) deals with voluntary disposals at a discount by local authorities, and is applied to similar disposals by housing associations by section 122(4) of the 1980 Act.