

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 28: Reduction of qualifying period for right to buy

144. This section amends Part 5 of the Housing Act 1985 which enables tenants of a local authority to exercise the right to buy their home provided they meet the eligibility criteria set out in the 1985 Act. To qualify for the right to buy tenants must currently have spent at least 5 years as public sector tenants. The section amends section 119 of the 1985 Act to reduce the qualifying period from 5 years to 3 years.
145. Tenants of housing associations (other than those who have a preserved right to buy) have the right to buy their home from their landlord, providing the housing was acquired using public funding. This is known as the right to acquire. Under section 180(1) of the Housing and Regeneration Act 2008, a tenant of a dwelling in England has the right to acquire where the tenant meets the criteria set out, including that the tenant must satisfy any qualifying conditions in Part 5 of the Housing Act 1985 (the right to buy provisions). Therefore, the amendment to the qualifying period for the right to buy will also apply to tenants with the right to acquire.
146. The section does not change the discounts available to tenants under the right to buy. Tenants will continue to receive a starting discount of 35% for houses and 50% for flats. The increase in the starting discount for each complete year of the qualification period will continue to apply only when the qualifying period exceeds 5 years.
147. The section, like Part 5 of the Housing Act 1985, forms part of the law of England and Wales but the change made by the section applies to England only.
148. The section comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.