

1986 No. 2194

HOUSING, ENGLAND AND WALES

The Housing (Right to Buy) (Prescribed Forms) Regulations 1986

Made - - - - 12th December 1986
Coming into Operation 7th January 1987

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 176(1) and (5) of the Housing Act 1985 (a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

1. These regulations may be cited as the Housing (Right to Buy) (Prescribed Forms) Regulations 1986 and shall come into operation on 7th January 1987.

2. The form set out in Schedule 1 to these regulations, or a form substantially to the like effect, shall be the form of notice to be used by a secure tenant in claiming to exercise the right to buy under section 122(1) of the Housing Act 1985.

3. The form set out in Schedule 2 to these regulations, or a form substantially to the like effect, shall be the form of notice to be used by the landlord in admitting or denying the tenant's right to buy under section 124(1) of the Housing Act 1985.

4. The particulars to be contained in any notice, the form of which is prescribed by regulation 2 or 3 above, shall be those required by that form.

5.—(1) The Housing (Right to Buy) (Prescribed Forms) Regulations 1984 (b) are hereby revoked.

(2) Nothing in these regulations shall affect the validity of any notice served by a secure tenant under section 122(1) of the Housing Act 1985 (c) before 7th March 1987 if the notice was in the form prescribed by the regulations mentioned in paragraph (1) above or in a form substantially to the like effect.

(a) 1985 c.68.

(b) S.I. 1984/1175.

(c) By virtue of section 2(2) of the Housing (Consequential Provisions) Act 1985 (c.71), a notice served under section 5(1) of the Housing Act 1980 (c.51) has effect as if served under section 122(1) of the Housing Act 1985.

SCHEDULE 1

Regulation 2.

Form RTB 1

HOUSING ACT 1985: SECTION 122

NOTICE CLAIMING THE RIGHT TO BUY

This notice is for use by council tenants and certain other tenants (e.g. new town tenants and housing association tenants) who wish to claim the right to buy their homes.

Before filling in each part of this notice please read the notes relating to that part.

You may find it helpful to read the Government booklet 'Your Right to Buy Your Home'. You can get a copy from your landlord or a Citizens Advice Bureau or by writing to the Department of the Environment (B3/3), Victoria Road, Ruislip HA4 0NZ or, if you live in Wales, to the Welsh Office, Cathays Park, Cardiff CF1 3NQ.

If you want advice you can get help from a Citizens Advice Bureau or you could consult a solicitor. Help with the cost of advice from a solicitor may be available under the Legal Aid Scheme.

When you have filled in this notice, take it or send it by recorded delivery to **your landlord**. If you take it by hand, ask for a receipt. Keep a copy of the completed notice for yourself.

TO THE LANDLORD:

Part A: The property

Give the following details:
Address of the property you wish to buy

Name of your landlord

Note

You can only claim the right to buy the property of which you are a tenant. It does not matter whether it is a house or a bungalow, a flat or a maisonette—the right to buy can still apply.

Part B: The tenant(s)

Give the following details for each tenant of the property:

Surname	Other names	Is the property the tenant's only or principal home? <i>('Yes' or 'No')</i>	Does he or she wish to buy? <i>('Yes' or 'No')</i>

Notes

1. You will be a tenant if your name appears on the tenancy agreement, rent book or rent card.
 2. You can only claim the right to buy if the property is your only or principal home. (If you are applying to buy jointly with other tenants, only one tenant need satisfy this requirement.)
 3. The agreement of any tenant who does not wish to buy must be obtained before you claim the right to buy. They should sign Part G of this notice. Their tenancy will end when you buy the property.
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Part C: Family member(s) sharing the right to buy

If you wish to share the right to buy with any member of your family who is not a tenant, give their details below:

Surname	Other names	Relationship to tenant	Is the property the family member's only or principal home? (<i>'Yes' or 'No'</i>)	Has he or she lived with the tenant throughout the last 12 months? (<i>'Yes' or 'No'</i>)

Notes

1. Your husband or wife may share the right to buy if the property is their only or principal home.
 2. Other members of your family may share the right to buy if the property is their only or principal home and they have lived with you throughout the last 12 months (or a shorter period accepted by your landlord). A person living with you as your husband or wife, but not actually married to you, is regarded as a member of your family.
 3. You may share the right to buy with up to 3 members of your family who are not themselves tenants.
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Part D: Qualification and discount

Please read these notes before filling in the following table(s).

1. To qualify for the right to buy you must be able to count a total of at least 2 years spent as a public sector tenant or an armed forces occupier. You need not have spent the 2 years in your present home or with your present landlord, and in some circumstances periods which another person (such as your husband or wife) has spent as a public sector tenant or an armed forces occupier can count towards your 2 year qualifying period.

A public sector tenant is a tenant of one of the public sector landlords listed at the end of this notice who occupies the property as their only or principal home. (This may include an employee living in accommodation provided in connection with their job.)

An armed forces occupier is a person who occupies accommodation provided for them as a member of the regular armed forces of the Crown.

2. Discount also depends on periods spent as a public sector tenant or an armed forces occupier. The periods need not have been spent in your present home or with your present landlord, and in some circumstances periods which another person (such as your husband or wife) has spent as a public sector tenant or an armed forces occupier can count towards discount.

3. In general, if you are the tenant of a **house** and you have the 2 year period needed to qualify for the right to buy, you will be entitled to a discount of 32%. You may also be entitled to an extra 1% discount for each complete year over the 2 years. So if, for instance, you have been a public sector tenant for 10 years, your discount could be 40%. The maximum discount for houses is 60%.

4. In general, if you are the tenant of a **flat or maisonette** and you have the 2 year period needed to qualify for the right to buy, you will be entitled to a discount of 44%. You may also be entitled to an extra 2% discount for each complete year over the 2 years. So if, for instance, you have been a public sector tenant for 5 years, your discount could be 50%. The maximum discount for flats and maisonettes is 70%.

Go through the headings below. Where a heading applies to you, give details in the table opposite. If you are applying to buy jointly with others, each purchaser should fill in a separate table.

1. Present and previous tenancies

Give details of:

- your present tenancy if you are a tenant of the property
- any periods in the past when you were a public sector tenant or an armed forces occupier.

2. If you are married and living with your husband or wife

Give details of any periods when your husband or wife:

- was a public sector tenant or an armed forces occupier
- was previously married to another person and lived in a property of which that person was a public sector tenant or an armed forces occupier.

3. If you are separated or have been divorced

Give details of any periods when you were living in a property of which your separated or former husband or wife was a public sector tenant or an armed forces occupier.

4. If your husband or wife has died and you were living together when he or she died

Give details of any periods when your deceased husband or wife:

- was a public sector tenant or an armed forces occupier
- was previously married to another person and lived in a property of which that person was a public sector tenant or an armed forces occupier.

5. Tenants who have taken over a public sector tenancy from a parent

(Periods spent after reaching the age of 16 living in a property of which a parent was a public sector tenant may count for qualification and discount if the child took over the parent's public sector tenancy.)

Give details of any periods when:

- You were over the age of 16 and living with a parent who was a public sector tenant
- a person to whom you are or were previously married was over the age of 16 and living with a parent who was a public sector tenant
- a person to whom your husband or wife was previously married was over the age of 16 and living with a parent who was a public sector tenant.

Purchaser's Name:

Period		Name of tenant(s) (or member of armed forces)	Address of property (not required for armed forces accommodation)	Name of landlord (or branch of armed forces)
from (month/ year)	to (month/ year)			

Part E: Previous discount

Give details below of any previous purchase at a discount from a public sector landlord listed at the end of this notice which you (or your husband or wife or deceased husband or wife) have made. If you are applying to buy jointly with others, give details in relation to each purchaser.

Address of property	Name of public sector landlord	Name of previous purchaser	Date of purchase <i>(Month/Year)</i>

Note

The amount of any discount on a previous purchase from a public sector landlord, less any sum later repaid, may be deducted from the discount allowed on your present purchase.

Part F: Tenants' improvements

Give the following details of any tenants' improvements to the property:

Description of improvement	Name of the tenant who made the improvement

Notes

1. When the property is valued to fix the price, any improvements which you have made will be ignored and the price may therefore be lower.
2. If a member of your family, or your former husband or wife, was the tenant of the property immediately before you, any improvements they made to the property will also be ignored.
3. You should give details of any such improvements if you think they may affect the value of your property e.g. central heating, double glazing, a fitted kitchen or a new bathroom suite.

Part G: Signature

Remember, if you deliberately give false information you may be prosecuted.

To be completed by each tenant wishing to buy:

- I claim the right to buy
- As far as I know the information given in this notice is true

<i>Signature</i>	<i>Surname</i>	<i>Other names</i>	<i>Date</i>	<i>Daytime Tel. No. (if any)</i>

To be completed by each family member (who is not a tenant) sharing the right to buy:

- I agree to share the right to buy
- As far as I know the information given in this notice is true

<i>Signature</i>	<i>Surname</i>	<i>Other names</i>	<i>Date</i>

To be completed by each tenant not wishing to buy:

(Your tenancy will end if the purchase goes ahead)

- I do not wish to claim the right to buy
- I agree to the above purchaser(s) exercising the right to buy and the right to a mortgage

<i>Signature</i>	<i>Surname</i>	<i>Other names</i>	<i>Date</i>

What happens next?

Your landlord must reply to your claim either by admitting or denying the right to buy. If the right to buy is denied, reasons must be given. Your landlord has 4 weeks to reply unless the 2 year period on which you rely to qualify for the right to buy includes a period spent as a tenant of another landlord. In that case your landlord must reply within 8 weeks.

Once your landlord has admitted the right to buy he must notify you of the proposed terms of sale, including the purchase price.

This notice does not commit you to buying the property. You may withdraw at any time before completion by notifying your landlord in writing.

Public sector landlords (see Parts D and E)

Local authorities	New town development corporations
Any of the following bodies set up in consequence of the abolition of the Greater London Council and the metropolitan county councils:	Registered housing associations but not if co-ownership or fully mutual co-operative societies
the Inner London Education Authority;	Housing Corporation
a metropolitan county police authority;	Urban development corporations
the Northumbria Police Authority;	Commission for the New Towns
a metropolitan county fire and civil defence authority;	Area electricity boards
the London Fire and Civil Defence Authority;	Fire authorities
a metropolitan county passenger transport authority;	Internal drainage boards
the London Waste Regulation Authority; the West London, North London, East London and Western Riverside Waste Authorities;	Ministers of the Crown and Government Departments*
the Merseyside and Greater Manchester Waste Disposal Authorities;	Parish councils
the London Residuary Body; a metropolitan county residuary body;	Passenger transport executives
	Police authorities
	Water authorities
Agricultural and Food Research Council	Medical Research Council
British Airports Authority	National Bus Company
British Broadcasting Corporation	National Coal Board
British Gas Corporation	Natural Environment Research Council
British Railways Board	Nature Conservancy Council
British Steel Corporation	Peak Park Joint Planning Board
British Waterways Board	Post Office
Central Electricity Generating Board	Science and Engineering Research Council
Civil Aviation Authority	Sports Council
Electricity Council	Trinity House†
Lake District Special Planning Board	United Kingdom Atomic Energy Authority
London Regional Transport	
Community councils	National Museum of Wales
Development Board for Rural Wales	Sports Council for Wales
National Library of Wales	Welsh Development Agency
Commissioners of Northern Lighthouses	North of Scotland Hydro-Electric Board
Countryside Commission for Scotland	Scottish Special Housing Association
Highlands and Islands Development Board	Scottish Sports Council
	South of Scotland Electricity Board
Education and library boards in Northern Ireland	Northern Ireland Housing Executive
Fire Authority for Northern Ireland	Northern Ireland Transport Holding Company
Northern Ireland Electricity Service	Police Authority for Northern Ireland

*except prison officers' accommodation

†only in its capacity as a lighthouse authority

AND ANY PREDECESSOR OF THESE LANDLORDS

Regulation 3.

SCHEDULE 2

Form RTB 2

HOUSING ACT 1985: SECTION 124

NOTICE IN REPLY TO TENANT'S RIGHT TO BUY CLAIM

LANDLORD'S NAME

*The landlord should delete any part of this notice which does not apply.***Part A: Admission of the right to buy**

To: Name(s) of person(s) whose right to buy is admitted

<i>Surname</i>	<i>Other names</i>

Your right to buy the following property is admitted:

Address of property

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Your claim was received on [date]. The purchase price will be based on the property's market value at this date.

NOTE TO TENANT

The landlord is required to send you a notice stating the proposed terms of sale, including the purchase price, within the next 8 weeks (or 12 weeks, if you are buying a lease of the property rather than the freehold).

Part B: Denial of the right to buy

To: Name(s) of person(s) whose right to buy is denied

<i>Surname</i>	<i>Other names</i>

Your right to buy the following property is denied:

Address of property

Reason(s) for denial

In the opinion of the landlord you do not have the right to buy for the following reason(s);

Give full reasons; include references to any relevant statutory provisions

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NOTE TO TENANT

Your right to buy can only be denied in the circumstances set out in the Housing Act 1985, as amended by the Housing and Planning Act 1986. The booklet 'Your Right to Buy Your Home' contains guidance and explains how to get help and advice if you dispute the reasons given.

Signed on behalf of the landlord Name

Office held Date

Nicholas Ridley,
Secretary of State for the Environment.

9th December 1986.

Nicholas Edwards,
Secretary of State for Wales.

12th December 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the forms of notice for use in connection with the right to buy under sections 122(1) and 124(1) of the Housing Act 1985 (regulations 2 and 3) and the particulars to be contained in them (regulation 4). The forms are—

- (a) the form of notice to be used by a secure tenant to claim the right to buy (Form RTB1); and
- (b) the form of notice to be used by a landlord to accept or reject the tenant's claim (Form RTB2).

The forms replace those prescribed by the Housing (Right to Buy) (Prescribed Forms) Regulations 1984 which are revoked (regulation 5(1)). A notice claiming the right to buy served by a secure tenant before 7th March 1987 is not invalidated by these regulations if it is in the form required by the 1984 Regulations or in a substantially similar form (regulation 5(2)).

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