

**EXPLANATORY MEMORANDUM TO  
THE HOUSING (RIGHT TO BUY) (PRESCRIBED FORMS) (AMENDMENT)  
(ENGLAND) REGULATIONS 2015**

**2015 No. 1542**

**1.** This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by the Command of Her Majesty.

**2. Purpose of the instrument**

2.1 These Regulations prescribe the form of notice to be used by a tenant claiming to exercise the right to buy his or her dwelling-house in England. A new form of notice is substituted for that currently in use.

2.2 These Regulations also revoke various Regulations prescribing earlier versions of the form which have been superseded.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 A tenant who claims the right to buy must give written notice to his or her landlord, in accordance with section 122 of the Housing Act 1985. Section 176 of that Act confers a power on the Secretary of State to prescribe a form for this purpose, by means of regulations. The existing form of notice is set out in the Housing (Right to Buy) (Prescribed Forms) (England) Regulations 1986 (S.I. 1986/2194) (“the 1986 Regulations”) as amended by the Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) Regulations 2014 (S.I. 2014/1797) (“the 2014 Regulations”). These Regulations insert a new form in the Schedule to the 1986 Regulations, thereby replacing the current form. These Regulations also revoke the 2014 Regulations together with S.I. 2005/2876 and S.I. 2007/784 as the forms prescribed therein have been superseded.

**5. Territorial Extent and Application**

5.1 This instrument applies in relation to dwelling-houses in England only.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Right to Buy scheme was introduced in 1980 and gives qualifying social tenants the opportunity to buy their rented home at a discount. The scheme is open to secure tenants of local authorities and non-charitable housing associations. It is also open to those assured tenants of housing associations who have transferred with their homes from a local authority as part of a stock transfer – this is known as the Preserved Right to Buy.

7.2 To claim the Right to Buy, a tenant must apply in writing to their landlord and this is generally done using the application form (or a form “substantially to the like effect”) prescribed by the 1986 Regulations (as amended). The form requires tenants to confirm their tenancy details and to provide information on, amongst other things, whether any family members wish to share in the Right to Buy, previous tenancy periods and any discounts received under previous purchases from a public sector landlord.

7.3 The form also includes information on eligibility for the Right to Buy, including the qualifying period for the scheme. The Deregulation Act 2015 reduced the number of years a person must accrue as a public sector tenant in order to qualify for the Right to Buy from five years to three years. It is therefore necessary to amend the form to reflect this reduction.

7.4 This statutory instrument will make that amendment.

## **8. Consultation outcome**

8.1 The reduction in the qualifying period from five to three years has been well publicised to tenants and landlords through a variety of media including press notices, email communications and announcements. A consultation exercise has not been undertaken for this instrument because tenants and landlords are expecting the application form to be changed to reflect the new 3 year qualifying period.

## **9. Guidance**

9.1 The new form has extensive guidance for tenants incorporated into the text. We will continue to keep the content of the form under review.

## **10. Impact**

10.1 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 This is a consequential amendment as a result of changes introduced by the Deregulation Act 2015. We will continue to keep the information provided in the form under review and make amendments as and when necessary.

**13. Contact**

Diana Fergus at the Department for Communities and Local Government Tel: 0303 444 3798 or email: [diana.fergus@communities.gsi.gov.uk](mailto:diana.fergus@communities.gsi.gov.uk) can answer any queries regarding the instrument.