STATUTORY INSTRUMENTS

1990 No. 1059

HOUSING, ENGLAND AND WALES

The Housing (Change of Landlord) (Prescribed Forms) (Amendment) Regulations 1990

Made - - - -	*11th May 1990*
Coming into force	*31st May 1990*

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 sections 108, 111(b), 112 and 114(1)**(a)** of the Housing Act 1988 **(b)**, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing (Change of Landlord) (Prescribed Forms) (Amendment) Regulations 1990 and shall come into force on 31st May 1990.

Amendment to Regulations

2.—(1) The Housing (Change of Landlord) (Prescribed Forms) Regulations 1989**(c)** are amended in accordance with this regulation.

(2) In regulation 2 (General interpretation), the following definitions are inserted in the appropriate place in alphabetical order –

""capital expenditure on housing" means –

(a) in a case where the relevant financial year starts on or after 1st April 1990, the amount which is certified by an auditor appointed by the Audit Commission for Local Authorities in England and Wales as the expenditure of the landlord incurred during the relevant financial year for capital purposes (within the meaning of section 40 of the Local Government and Housing Act 1989) in the exercise of housing functions under the Housing Act 1985**(d)**, the Housing Associations Act 1985 **(e)**, the Act and the 1989 Act;

(b) in any other case, the amount which is certified by such auditor as the expenditure (being expenditure included in the capital accounts of the landlord) incurred by the landlord during the relevant financial year in the exercise of housing functions under the Housing Act 1985, the Housing Associations Act 1985 and the Act;

"financial year" means a period of twelve months beginning on 1st April;

"relevant financial year" means the financial year which, at the date of the service of the notice referred to in section 99(7), is the most recent financial year for which the audit of the landlord's accounts has been concluded;

(a) See the definition of "prescribed". **(b)** 1988 c.50; relevant amendments were made to sections 99 and 103, and subsection (2A) was inserted in section 104, by section 174 of the Local Government and Housing Act 1989 (c.42). **(c)** S.I. 1989/374. **(d)** 1985 c.68. **(e)** 1985 c.69.

"relevant payment" means any payment (other than that of interest) in respect of any disposal cost under Part IV of the Act which, at the date of the notice referred to in section 99(7), the landlord has an obligation to make during any financial year after the financial year in which that notice was served or given;".

(3) In regulation 3(Forms), after the words "disposal cost" in paragraph (d) there are added the words "and the form of notice and information to be used under section 99(1), as the alternative to the form of notice and information under section 99(7), by a landlord in notifying the applicant of the landlord's intention to pay the disposal cost by instalments and furnishing information required by section 99(8)".

(4) In regulation 3, after paragraph (g) the following two paragraphs are added –

"(h) the form set out in Schedule 8 to these Regulations shall be the form of notice and information to be used under section 99(7), as the alternative to the form of notice and information under section 99(1), by a landlord in notifying an applicant of the landlord's intention to pay the disposal cost by instalments and furnishing information required by section 99(8);

(i) the form set out in Schedule 9 to these Regulations shall be the form of statement to be included in the statement to be furnished to the Chief Land Registrar in accordance with paragraph 3(1) of Schedule 12 to the Act (registration of title and related matters).".

(5) For the form set out in Schedule 4 (notice under section 99(1) of the Act) there is substituted the form set out in Schedule 1 to these Regulations.

(6) In the form set out in Schedule 5, the following paragraph is added after paragraph 6 in Part F –

"6A. Payment by instalments

1. The disposal cost is not such that regulations under section 104(2A) permit it to be paid by instalments.

2. The basis on which, in accordance with regulations under section 104(2A), the disposal cost is to be paid by instalments is as follows:

Amount of disposal cost	
Capital expenditure on housing	

Note to applicant

Cross out either 1 or 2 above. If you cross out 1, complete 2.

Total of disposal cost and any relevant payments, expressed as percentage of capital expenditure on housing	
Amount of each instalment (excluding interest)	
Period over which instalments are payable	

".

(7) After Schedule 7, there are added the Schedule (Schedule 8 to those Regulations) set out in Schedule 2 to these Regulations and the Schedule (Schedule 9 to those Regulations) set out in Schedule 3 to these Regulations.

Chris Patten
Secretary of State
for the Environment

11th May 1990

David Hunt
Secretary of State
for Wales

9th May 1990

SCHEDULE 1

Regulation 2(5)

FORM 4

CHANGE OF LANDLORD

HOUSING ACT 1988: SECTION 99(1) AND (8)

NOTICE SPECIFYING LANDLORD'S PURCHASE PRICE OR DISPOSAL COST

INFORMATION REQUIRED FOR PAYMENT OF DISPOSAL COST BY INSTALMENTS
TO BE COMPLETED BY THE LANDLORD

TO THE APPLICANT

Name, address and reference number of applicant; and date of application

THIS NOTICE SPECIFIES OUR PROPOSALS AS TO THE PURCHASE PRICE OR DISPOSAL COST.

IT MAY ALSO GIVE INFORMATION RELEVANT TO THE PAYMENT OF A DISPOSAL COST BY INSTALMENTS IN ACCORDANCE WITH REGULATIONS UNDER SECTION 104(2A). THE INFORMATION MUST BE GIVEN WHERE THE LANDLORD NOTIFIES THE APPLICANT AS MENTIONED IN SECTION 99(7); IT MAY BE GIVEN BY THIS NOTICE OR BY A NOTICE UNDER SECTION 99(7).

PART A

THE PROPOSED PURCHASE PRICE OR DISPOSAL COST

1. The property, the purchase price or disposal cost of which is to be determined, is the property included in the application under section 96(1) subject to –

(a) any exclusion of property by virtue of section 98(1)(a) to (c) (give details in Annex A),

(b) any inclusion of property by virtue of section 98(1)(d) (give details in Annex B).

2. Give details of the proposed purchase price or disposal cost of all the property to be acquired – see notes below.

Amount	Whether purchase price or disposal cost

Notes to landlord

The proposed purchase price or disposal cost is the amount which on the relevant date the landlord considers the property to which the acquisition relates would realise if sold on the open market by a willing vendor on the assumptions listed in section 99(2).

There will be a disposal cost in the circumstances set out in section 99(3).

3. If the amount entered in paragraph 2 above is a disposal cost give the following details–

	Estimated cost of repairs reasonably necessary under section 99(2)(d)
	Estimate of purchase price of property if works under section 99(2)(d) had been carried out to it.

PART B

PROPOSED AMOUNT ATTRIBUTABLE TO HOUSES

Note to landlord

- YOU NEED ONLY COMPLETE PART B OF THE FORM IF THE PROPERTY TO WHICH THE ACQUISITION RELATES INCLUDES DWELLING-HOUSES WHICH ARE HOUSES AS WELL AS OTHER PROPERTY (SUCH AS FLATS); IF NOT GO TO PART C.

Give details as to the amount attributable to houses (house is defined in section 183 of the Housing Act 1985 and the amount attributable to houses has the meaning given in section 100(4)(b)) and indicate whether it is a purchase price or disposal cost.

Amount	Whether purchase price or disposal cost

PART C

DETAILS AS TO DWELLING-HOUSES WHICH ARE HOUSES

List in Annex C the addresses of the houses which the property to which the acquisition relates consists of or includes and indicate the number of habitable rooms in each of them.

Note to landlord

- a habitable room is defined in section 114(1) as being in relation to a house a room used or intended for use as:
  - a bedroom,
  - a living room,
  - a dining room, or
  - a kitchen.

PART D

SUPPORTING INFORMATION

Give information sufficient to show the applicant how you ascertained –

(a) the proposed purchase price or disposal cost entered in Part A, and

(b) the proposed amount attributable to houses entered in Part B (if applicable).

PART E

NAME AND ADDRESS OF CONTACT FOR APPLICANT

Give the name and address of your contact to whom the applicant may direct enquiries concerning the above contents of this notice.

	Name and address of contact for applicant

PART F

SIGNATURE

I certify that to the best of my knowledge the foregoing information is accurate and complete and fulfils the statutory requirements.

	Signed on behalf of the landlord.
	Name
	Office held
	Date

Note to applicant

You must notify the landlord in writing of any matters in the above portion of this notice you do not accept WITHIN 4 WEEKS OF THIS NOTICE BEING SERVED ON YOU.

PART G

PAYMENT BY INSTALMENTS

If there is a disposal cost which, in accordance with Regulations made under section 104(2A), may be paid by instalments, we intend/do not intend* to pay the cost by instalments.

*Delete as appropriate

Signature

Office held

Date

PART H

RELEVANT FINANCIAL YEAR

The most recent financial year for which the audit of our account has been concluded is the year ended 19 .

PART I

CAPITAL EXPENDITURE ON HOUSING

Our capital expenditure on housing for the relevant financial year was

PART J

RELEVANT PAYMENTS

We have an obligation to make, during financial years which follow the current financial year, the following payments of instalments of disposal costs:

Financial years following the financial year in which the notice referred to in section 99(7) was served or given		
Date of completion of each acquisition	Amount of each payment (excluding interest)	Date on which each payment is due

Total of payments shown above (relevant payments)	

PART K

SIGNATURE

I certify that to the best of my knowledge the foregoing information is accurate and complete and fulfils the statutory requirements.

	Signed on behalf of the landlord by the landlord's chief finance officer or person acting on his behalf
	Name
	Office held
	Date

PART L

AUDITOR'S CERTIFICATE

I/We certify that I/we have examined the entries in Parts H to J of this notice and the related accounts and records of the authority and have carried out the tests specified in Instruction No. Hou 11 prepared by the Audit Commission for Local Authorities in England and Wales for its auditors and such other tests as I/we consider necessary.

I am/we are of the opinion that the entries are fairly stated.

	Auditor appointed by the Audit Commission
	Date

Ref No.

PROPERTY EXCLUDED BY VIRTUE OF SECTION 98 (1) (a) to (c)

Annex A to Form 4

Address or description of property excluded

Ref No.

PROPERTY INCLUDED BY VIRTUE OF SECTION 98 (1) (d)

Annex B to Form 4

Addresses or description of property included

Ref No. HOUSES WHICH THE PROPERTY TO WHICH THE ACQUISITION RELATES CONSISTS OF OR INCLUDES

Annex C to Form 4

Addresses of houses	Number of habitable rooms

SCHEDULE 2 Regulation 2(7)

SCHEDULE 8 Regulation 3(h)

FORM 8

CHANGE OF LANDLORD

HOUSING ACT 1988: SECTION 99(7) AND (8)

NOTICE OF LANDLORD'S INTENTION TO PAY DISPOSAL COST BY INSTALMENTS

INFORMATION REQUIRED FOR PAYMENT OF DISPOSAL COST BY INSTALMENTS
TO BE COMPLETED BY THE LANDLORD

TO THE APPLICANT

Name, address and reference number of applicant; and date of application

THIS NOTICE STATES THE LANDLORD'S INTENTION TO PAY A DISPOSAL COST BY INSTALMENTS. IT MAY ALSO GIVE INFORMATION RELEVANT TO THE PAYMENT BY INSTALMENTS IN ACCORDANCE WITH REGULATIONS UNDER SECTION 104(2A), WHICH MUST BE GIVEN WHERE THE LANDLORD NOTIFIES THE APPLICANT AS MENTIONED IN SECTION 99(7) (UNLESS PREVIOUSLY GIVEN IN A NOTICE UNDER SECTION 99(1)).

PART A

PAYMENT BY INSTALMENTS

If there is a disposal cost which, in accordance with Regulations made under section 104(2A), may be paid by instalments, we intend to pay the cost by instalments.

Signature

Office held

Date

Note to landlord

This notice may be given if you have not previously given this indication in your section 99(1) notice. This notice is to be given not later than seven days after the date of a determination under section 99(6).

Unless you have already served on the applicant a section 99(1) notice with Parts H to L completed, the rest of this notice must be completed.

PART B

RELEVANT FINANCIAL YEAR

The most recent financial year for which the audit of our account has been concluded is the year ended 19 .

PART C

CAPITAL EXPENDITURE ON HOUSING

Our capital expenditure on housing for the relevant financial year was

PART D

RELEVANT PAYMENTS

We have an obligation to make, during financial years which follow the current financial year, the following payments of instalments of disposal costs:

Financial years following the financial year in which the notice referred to in section 99(7) was served or given		
Date of completion of each acquisition	Amount of each payment (excluding interest)	Date on which each payment is due

Total of payments shown above (relevant payments)	

PART E

SIGNATURE

I certify that to the best of my knowledge the foregoing information is accurate and complete and fulfils the statutory requirements.

	Signed on behalf of the landlord by the landlord's chief finance officer or person acting on his behalf
	Name
	Office held
	Date

PART F

AUDITOR'S CERTIFICATE

I/We certify that I/we have examined the entries in Parts B to D of this notice and the related accounts and records of the authority and have carried out the tests specified in Instruction No. Hou 11 prepared by the Audit Commission for Local Authorities in England and Wales for its auditors and such other tests as I/we consider necessary.

I am/we are of the opinion that the entries are fairly stated.

	Auditor appointed by the Audit Commission
	Date

SCHEDULE 3 Regulation 2(7)

SCHEDULE 9 Regulation 3(i)

FORM 9

CHANGE OF LANDLORD

HOUSING ACT 1988: SCHEDULE 12 PARAGRAPH 3(1)

STATEMENT REQUIRED ON TERMINATION OF LEASE GRANTED UNDER SECTION 104(1)(b)

TO BE COMPLETED BY THE LANDLORD

To the Chief Land Registrar

Title number (leasehold)

Property

I/We

of

am/are the public sector landlord and registered proprietor(s) of the above title and I/we state that the lease registered under that title has wholly determined in accordance with its provisions and Schedule 4 to the Housing (Change of Landlord) Regulations 1989 (S.I. 1989/367).

Signed:.....

Date:.....

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing (Change of Landlord) (Prescribed Forms) Regulations 1989 ("the principal Regulations"), which prescribe forms for use in connection with the right to acquire conferred by Part IV of the Housing Act 1988 ("the Act"). With exceptions, the amendments relate to the payment of a disposal cost by instalments provided for in the amendments made to sections 99, 103 and 104 of the Act by section 174 of the Local Government and Housing Act 1989.

Regulation 2(3) and (4) amends regulation 3(forms) of the principal Regulations and adds a reference to a new form, which is added as Schedule 8 to the principal Regulations by regulation 2(7). This is the form of notice, under section 99(7), of the landlord's intention to pay a disposal cost by instalments and of information required by section 99(8) to be furnished to the applicant after certification on behalf of the landlord and by an appointed auditor. The information and the manner of certification are prescribed in the Housing (Change of Landlord) (Payment of Disposal Cost by Instalments) Regulations 1990 (S.I.1990/1019).

Regulation 2(5) substitutes for the form in Schedule 4 to the principal Regulations (notice under section 99(1) of the Act) a new form, set out in Schedule 1 to these Regulations. This form, which includes the substance of the previous form of notice under section 99(1), is the form of notice under that subsection, and of notice and information under subsections (7) and (8) to which the form in the new Schedule 8 to the principal Regulations is the alternative.

Regulation 2(6) inserts material relating to payment of a disposal cost by instalments in the form set out in Schedule 5 to the principal Regulations (which is the form of notice to be used by an applicant under section 103(1)).

The exceptions relate to the procedures on termination of leases granted under section 104(1)(b) of the Act. Paragraph 3(1) of Schedule 12 requires the landlord to furnish a prescribed statement to the Chief Land Registrar. Regulation 2(4) adds the form of statement to the forms referred to in regulation 3 of the principal Regulations: regulation 2(7) inserts Schedule 9 (set out in Schedule 3 to these Regulations), the form of statement. The circumstances of termination in which the statement is required to be furnished, and the time of furnishing, are prescribed in the Housing (Change of Landlord) (Amendment) Regulations 1990 (S.I.1990/1033).

£3.10 net

ISBN 0 11 004059 7

Printed in the United Kingdom for HMSO

850 WO1012 C35 5/90 452 7102 O/N 88174