STATUTORY INSTRUMENTS

1989 No. 240

HOUSING, ENGLAND AND WALES

The Housing (Right to Buy Delay Procedure) (Prescribed Forms) Regulations 1989

Made - - - -	*22nd February 1989*
Coming into force -	*10th March 1989*

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 Delay Procedure) (Prescribed Forms) Regulations 1989 and come into force on 10th March 1989.

2. There are set out in the Schedule to these Regulations–

(a) the forms for an initial notice of delay under section 153A(1) of the Housing Act 1985, form RTB5 being the form for use where the tenant has claimed to exercise the right to a shared ownership lease, and form RTB6 being the form for every other case;

(b) the form (form RTB7) for a counter notice under section 153A(3)(b) of the Housing Act 1985.

(c) the form (form RTB8) for an operative notice of delay under section 153A(5) of the Housing Act 1985;

and each form, or a form substantially to the like effect, is prescribed for the purpose specified.

3. The prescribed particulars to be contained in any notice the form of which is prescribed by regulation 2 above are the particulars required by that form.

Nicholas Ridley
15th February 1989 — Secretary of State for the Environment

Peter Walker
22nd February 1989 — Secretary of State for Wales

(a) 1985 c.68; relevant amendments were made by section 124 of the Housing Act 1988 (c.50) which inserted sections 153A and 153B.

SCHEDULE

Regulation 2

FORM RTB 5

HOUSING ACT 1985: SECTION 153A(1)

Initial Notice of Delay

Shared ownership leases

This form is for use by tenants of local authorities and certain other bodies who have claimed to exercise the right to be granted a shared ownership lease of their homes and are being held up by the landlord.

Give the following details:

Address of the property you wish to lease

Name of your landlord

Give the date of your application to buy and your landlord's reference number if you know it.

Date of application

Landlord's reference number

Say what your landlord did last, as far as you know, in dealing with your application.

To the Landlord:

I am serving this notice of delay because–
(tick one of the following reasons)

A. you have not yet served a notice under section 146 (admitting or denying the right to a shared ownership lease) ☐

or

B. you have not yet served a notice under section 147 (giving your opinion of the purchase price) ☐

or

C. delays on your part are holding up the grant of the lease. ☐

Notes

Tick A if you have not yet had a notice from your landlord confirming or denying your right to a shared ownership lease and the time for sending that notice has run out. It should be sent to you within four weeks from the date when you claimed to exercise the right to a shared ownership lease.

Tick B if it has been established that you have the right to a shared ownership lease, eight weeks have passed, and you have not yet received a notice from your landlord telling you the price at which the landlord considers you are entitled to a shared ownership lease.

Tick C if your purchase is held up in some other way (for instance if you received a notice of the purchase price and have said you want to buy a shared ownership lease of your home, but the landlord is not making reasonable progress towards granting the lease). In the words of the Housing Act 1985, your landlord must be preventing you from exercising your right expeditiously.

I serve notice on you under section 153A of the Housing Act 1985. The response period (see note) is one month from the date of service of this notice.

Signature	Surname	Other Names	Date

Notes

The response period is the time you are giving the landlord to reply. You must allow at least one calendar month. If you want to give longer, cross out "one month" and write in the period you are allowing instead.

When you have filled in this form, 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 form and make a note of the date when you delivered or posted it.

FORM RTB 6

HOUSING ACT 1985: SECTION 153A(1)

Initial Notice of Delay

General

This form is for use by tenants of local authorities and certain other bodies who have claimed to exercise the right to buy their homes and are being held up by the landlord. It is *not* for use by tenants who have claimed to exercise the right to a shared ownership lease: they should use form RTB 5.

Give the following details:

Address of the property you wish to buy

Name of your landlord

Give the date of your application to buy and your landlord's reference number if you know it.

Date of application

Landlord's reference number

Say what your landlord did last, as far as you know, in dealing with your application.

To the Landlord:

I am serving this notice of delay because–
(tick one of the following reasons)

A. you have not yet served a notice under section 124 (admitting or denying the right to buy) ☐

B. you have not yet served a notice under section 125 (giving your opinion of the purchase price) ☐

C. delays on your part are holding up the sale. ☐

Notes

Tick A if you have not yet had a notice from your landlord (RTB2) confirming or denying your right to buy and the time for sending that notice has run out. It should be sent to you within four weeks from the date when you claimed to exercise the right to buy, but the time limit is eight weeks if you have not been a tenant of the present landlord for two years.

Tick B if it has been established that you have the right to buy, eight weeks have passed (or twelve weeks if you are buying a flat or a leasehold house), and you have not yet received a notice from your landlord telling you the price at which the landlord considers you are entitled to buy.

Tick C if your purchase is held up in some other way (for instance if you received a notice of the purchase price and have said you want to buy your home, but the landlord is not making reasonable progress towards completing the sale). In the words of the Housing Act 1985, your landlord must be preventing you from exercising your right expeditiously.

I serve notice on you under section 153A of the Housing Act 1985. The response period (see note) is one month from the date of service of this notice.

Signature	Surname	Other Names	Date

Notes

The response period is the time you are giving the landlord to reply. You must allow at least one calendar month. If you want to give longer, cross out "one month" and write in the period you are allowing instead.

When you have filled in this form, 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 form and make a note of the date when you delivered or posted it.

FORM RTB 7

HOUSING ACT 1985: SECTION 153A(3)(b)

LANDLORD'S COUNTER NOTICE

This form is for use by landlords on whom an initial notice of delay has been served in which the tenant has stated that delays on the part of the landlord are holding up the sale or grant of the lease.

It is not for use where the tenant's notice states that the landlord has not yet served a notice under section 124, 125, 146 or 147.

LANDLORD'S NAME .....

To: Name(s) of person(s) exercising the right to buy or the right to be granted a shared ownership lease.

Surname	Other Names	Address of the property

This counter notice responds to an initial delay notice served on [*date*].

There is no action for us to take in order to allow you expeditiously to exercise your right to buy or to be granted a shared ownership lease which had not been taken when you served your notice and which remains to be taken at the date of this notice because–

Give full reasons including the last step taken by the landlord and say where action now lies.

NOTE TO LANDLORD

Section 153A(4) requires a counter notice to specify the circumstances in which it is served; the circumstances must be as set out in section 153A(3)(6).

NOTE TO TENANT

This notice denies that the landlord is holding up your purchase of your home. If you do not agree with what the landlord says on this form you may wish to take legal advice.

Signed on behalf of the landlord ..... Name .....

Office held ..... Date .....

FORM RTB 8

HOUSING ACT 1985: SECTION 153A(5)

OPERATIVE NOTICE OF DELAY

This form is for use by a tenant who has claimed to exercise the right to buy or the right to a shared ownership lease and has served an initial notice of delay (form RTB 5 or RTB 6) under section 153A of the Housing Act 1985. If the time for replying to the initial notice has run out and the landlord has not served a counter notice, the tenant may serve this form. The effect of this is that the landlord must deduct from the purchase price an amount based on the rent actually paid during the period of the delay.

Give the following details:

Address of the property you wish to buy or lease	Name of your landlord

Give the date on which the initial notice of delay was served on the landlord and the landlord's reference number for your application if you know it.

Date of initial delay notice	Landlord's reference number

To the Landlord:

An initial notice of delay has been served on you under section 153A of the Housing Act 1985 and no counter notice has been served within the response period. Section 153B will apply to payments of rent made from the default date, where your failure was to serve a notice under section 124, 125, 146 or 147 of that Act, and in any other case from the date this notice was served.

Signature	Surname	Other Names	Date

Notes

Where the tenant served an initial notice of delay (RTB5 or RTB6) because the landlord has not served a notice under section 124, 125, 146 or 147 of the Housing Act 1985 (or after 10th March, if later) rent payments after the date when the notice should have been served, will reduce the purchase price. Where it was served because of other delays, rent payments after this notice is served will reduce the purchase price.

When you have filled in this form, 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 form and make a note of the date when you delivered or posted it.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 124 of the Housing Act 1988 adds sections 153A and 153B to Part V of the Housing Act 1985 (the right to buy). These sections make provision for the consequences of delay by a landlord in dealing with a tenant's application to exercise the right to buy.

These Regulations prescribe the form of notices and particulars for inclusion in notices to be served on or by a landlord under these sections.

Section 153A provides for the tenant to serve an initial notice of delay. The form prescribed for this is form RTB5 where the tenant claims the right to a shared ownership lease (see sections 143 to 153 of the Housing Act 1985) or form RTB6 in any other case. The landlord may respond to an initial notice of delay by serving a counter notice. Form RTB7 is the form prescribed for a counter notice served under section 153A(3)(b); no form is prescribed for a notice served under section 153A(3)(a). If no counter notice is served the tenant may serve an operative notice of delay (form RTB8).

Where an operative notice of delay is served, rent paid by the tenant during a period specified in the Act is treated as payment on account by the tenant which reduces the price paid by the tenant when the right to buy purchase or lease is completed. Where the delay exceeds 12 months, a greater sum is to be deducted from the price.

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