STATUTORY INSTRUMENTS

1980 No. 1465

HOUSING, ENGLAND AND WALES

The Housing (Right to Buy) (Prescribed Forms) (No. 2) Regulations 1980

Made - - - - 2*nd October* 1980

Coming into Operation 10*th October* 1980

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 22(1) and 151(1) of the Housing Act 1980(**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) (No. 2) Regulations 1980 and shall come into operation on 10th October 1980.

2. The form set out in the Schedule hereto or a form substantially to the like effect shall be the form to be used for the purposes of section 12(1) of the Housing Act 1980.

SCHEDULE

FORM NO. 4

HOUSING ACT 1980: SECTION 12(1)

NOTICE CLAIMING THE RIGHT TO A MORTGAGE

This form is divided into two Sections. All those sharing the Right to Buy should complete and sign Section 1.

However, a ***separate*** *copy of Section 2 (Particulars of Income) should be completed by* ***each*** *person signing Section 1 if they have income of their own which they want taken into account in calculating their mortgage entitlement.*

If there is not enough space in any part of the Notice, continue on a separate sheet and attach it to the Notice.

IMPORTANT: There is a time limit for service of this Notice. In most cases this means that you could lose your right to a mortgage if you do not serve this Notice within 3 months of receiving it.

(**a**) 1980 c. 51.

SECTION 1

All those sharing the Right to Buy should complete and sign Section 1.

Address of house or flat being purchased .....

.....

.....

Is the house or flat owned by a housing association? ..... (*Write YES or NO*)

If you have written 'YES', insert here the name and address of the housing association; otherwise leave blank.

(*Name*) .....

(*Address*) .....

If you are a housing association tenant, insert here "The Housing Corporation"

To .....(*lender*)

If you are a tenant of any other body insert here the name of your landlord

TAKE NOTICE that the persons whose signatures appear at the end of this section hereby claim to exercise the right to a mortgage.

Do you intend to apply for an option mortgage?.....(*Write YES or NO*)

Do you intend to apply for assistance under the Home Purchase Assistance Scheme? ..... (*Write YES or NO*)

PRINCIPAL INCOME: *To be completed only where there is more than one person sharing the right to buy, and more than one of those persons has income of their own:—*

The name of the person whose income the lender is required to treat as the principal income for the purposes of calculating the mortgage entitlement is:—

..... (*Insert Full name*)

SIGNATURES: *To be completed and signed by each person sharing the right to buy.*

TABLE A

Signature(s)	Full name(s)	Address(es)	Date

SECTION 2: PARTICULARS OF INCOME

A separate copy of Section 2 should be completed by each person signing Section 1 if they have income of their own which they want taken into account in calculating their mortgage entitlement.

In completing details of your income and commitments you should give actual figures if available. Estimates can, however, be accepted by the lender.

Address of house or flat being purchased .....

.....

.....

Name ..... (*insert your full name*)

PART A: INCOME FROM EMPLOYMENT

Complete this Part if you have income from employment (including part-time employment) which is not either casual or temporary employment.

Name, and Address of employer .....

.....

.....

Position held .....

(i) Give details of your current pay (before tax or other deductions) expressed as an annual amount:—

Basic Earnings	£	per year
Overtime	£	per year
Bonus	£	per year
Commission	£	per year
Tips, gratuities or allowances (other than expense allowances)	£	per year
Total Amount	£	per year

(ii) If you consider that the total amount shown above does not fairly represent your current annual pay please say why and state such amount as does:—

.....

.....

PART B: INCOME FROM A BUSINESS

Complete this Part if you have income from a business (including any trade, profession or vocation carried on by a self employed person).

Name and Address of Business .....

.....

.....

Type of Business .....

Name and Address of accountant, if any .....

.....

.....

Your annual income from the business will be assessed on the basis of the latest available information as to the current annual net profit of the business (or your share of the net profit) before deduction of tax. If later information becomes available after you have served this Notice, you may make it available to your lender.

Insert here the amount of your current annual net profit, or share of the current annual net profit, before deduction of tax	£

PART C: OTHER INCOME

Complete this Part if you have any other income.

Give the following details in respect of each source of income:—

Source of income (e.g. retirement pension, investments)	Current income (before tax or other deductions) expressed as an annual amount £ per year

PART D: COMMITMENTS

Complete this Part if you are liable to make any of the following payments and those payments are likely to continue for more than 18 months.

	Annual amount currently payable
(a) Maintenance payments to a dependent child under the age of 16	£ per year
(b) Maintenance payments to your husband or wife or your former husband or wife	£ per year
(c) Payments under a loan agreement	£ per year
(d) Payments under a hire purchase agreement	£ per year
(e) Payments under any other credit agreements	£ per year
(f) Payments under a court order	£ per year

PART E: DECLARATION

Date of birth.....(Insert date)

You are required to give your date of birth because your age at the date of serving your Notice Claiming to Exercise the Right to Buy determines the multiplier for calculating your mortgage entitlement.

I hereby state that to the best of my knowledge and belief the particulars given in this Notice are correct.

Signature .....

Full name.....

Date .....

A person who knowingly makes a false statement may be liable to prosecution.

SERVICE OF THE NOTICE

Insert here the address of your lender on whom you will be serving this Notice

.....

(i) This Notice may be served by post.

(ii) Where the lender is a local authority this Notice should be left at or sent by post to the principal office of the authority or any other office of the authority which it has specified as one at which it will accept service of this Notice.

(iii) Where the lender is the Housing Corporation this Notice should be left at or sent by post to:—

The Housing Corporation
149 Tottenham Court Road
LONDON
W1P 0BN

(iv) Where the lender is the Commission for the New Towns or a New Town Development Corporation or the Development Board for Rural Wales, this Notice may be sent by post to its principal office.

The lender is required by section 12(4) of the Housing Act 1980 to serve as soon as practicable after the service of this Notice a notice stating the amount of the mortgage to which you are entitled, how that amount has been arrived at and the provisions which, in its opinion, should be contained in the mortgage deed.

2nd October 1980.

Michael R. D. Heseltine,
Secretary of State for the Environment.

Signed by authority of the Secretary of State for Wales
2nd October 1980.

Michael H. A. Roberts,
Parliamentary Under Secretary of State, Welsh Office.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the form of Notice to be used by a secure tenant who is exercising the right to buy under Chapter I of Part I of the Housing Act 1980, for the purpose of claiming the right to a mortgage.

SI 1980/1465
ISBN 0-11-007465-3

