STATUTORY INSTRUMENTS

1984 No. 1175

HOUSING, ENGLAND AND WALES

The Housing (Right to Buy) (Prescribed Forms) Regulations 1984

Made - - - -	*1st August* 1984
Coming into Operation	*26th August* 1984

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(3) 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) Regulations 1984 and shall come into operation on 26th August 1984.

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 5(1) of the Housing Act 1980.

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 5(1) of the Housing Act 1980.

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) (No. 1) Regulations 1980(**b**) are hereby revoked.

(2) Nothing in these regulations shall affect the validity of any notice served by a secure tenant under section 5(1) of the Housing Act 1980 before 1st November 1984 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**) 1980 c. 51.
(**b**) S.I. 1980/1391.

SCHEDULE 1 Regulation 2.

Form RTB 1

HOUSING ACT 1980: SECTION 5(1)
HOUSING AND BUILDING CONTROL ACT 1984

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?	Does he or she wish to buy?
		('Yes' or 'No')	*('Yes' or 'No')*

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.

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?	Has he or she lived with the tenant throughout the last 12 months?
			(*'Yes' or 'No'*)	(*'Yes' or 'No'*)

Notes

1. Your husband or wife may share the right to buy with you 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.

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 your discount.

3. In general, if you have the 2 year period needed to qualify for the right to buy, you will be entitled to a discount of 32 per cent. You may also be entitled to an extra 1 per cent. 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 per cent. The maximum discount is 60 per cent.

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 from (month/ year)	Period to (month/ year)	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)

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
			(*Month/Year*)

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 the property e.g. central heating, double glazing, a fitted kitchen or a new bathroom suite.

Part G: Signatures

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

Signature	*Surname*	*Other names*	*Date*	*Daytime Tel. No. (if any)*

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

Signature	*Surname*	*Other names*	*Date*

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

Signature	*Surname*	*Other names*	*Date*

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
Registered housing associations but not if co-ownership or fully mutual co-operative societies
Housing Corporation
Urban development corporations
Commission for the New Towns

Area electricity boards
Fire authorities
Government departments
Internal drainage boards
Parish councils
Passenger transport executives
Police authorities
Water authorities

Agricultural and Food Research Council
British Airports Authority
British Broadcasting Corporation
British Gas Corporation
British Railways Board
British Steel Corporation
British Waterways Board
Central Electricity Generating Board
Civil Aviation Authority
Electricity Council
Lake District Special Planning Board

London Regional Transport
Medical Research Council
National Bus Company
National Coal Board
Natural Environment Research Council
Nature Conservancy Council
Peak Park Joint Planning Board
Post Office
Science and Engineering Research Council
Sports Council
Trinity House
United Kingdom Atomic Energy Authority

Community councils in Wales
Development Board for Rural Wales
National Library of Wales

National Museum of Wales
Sports Council for Wales
Welsh Development Agency

Commissioners of Northern Lighthouses
Countryside Commission for Scotland
Highlands and Islands Development Board

North of Scotland Hydro-Electric Board
Scottish Special Housing Association
Scottish Sports Council
South of Scotland Electricity Board

Education and library boards in Northern Ireland
Fire Authority for Northern Ireland
Northern Ireland Electricity Service

Northern Ireland Housing Executive
Northern Ireland Transport Holding Company
Police Authority for Northern Ireland

AND ANY PREDECESSOR OF THESE LANDLORDS

Regulation 3.

SCHEDULE 2

Form RTB 2

HOUSING ACT 1980: SECTION 5(1) AND (1A)(a)
HOUSING AND BUILDING CONTROL ACT 1984

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

Surname	*Other names*

Your right to buy the following property is admitted (but if Part C is completed read it carefully):

Address of property

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).

(a) Section 5(1A) of the Housing Act 1980 was inserted by paragraph 8(1) of Schedule 11 to the Housing and Building Control Act 1984 (c. 29).

Part B: Denial of the right to buy

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

Surname	*Other names*

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

.....

.....

.....

.....

.....

NOTE TO TENANT

Your right to buy can only be denied if the conditions in the Housing Act 1980, as amended by the Housing and Building Control Act 1984, are not met. The booklet 'Your Right to Buy Your Home' contains guidance and explains how to get help and advice if you dispute the reasons given.

Part C: Elderly persons dwellings—notice of landlord's application to Secretary of State

The landlord made an application* to the Secretary of State on.....[*date*] to have your property excluded from the right to buy on the grounds that it—

(a) is particularly suitable, having regard to its location, size, design, heating system and other features, for occupation by persons of pensionable age; and

(b) was let to you (or someone to whom you are a successor tenant) for occupation by a person of pensionable age or a physically disabled person.

You will receive a letter from the Secretary of State asking you to comment on the landlord's application. If, after considering any comments from you or the landlord, the Secretary of State refuses the landlord's application, you may go ahead with your purchase (unless the landlord has denied your right to buy for some other reason stated in Part B above). If the Secretary of State agrees to the landlord's application, you will not have the right to buy.

* The application was made under paragraph 5 of Part I of Schedule 1 to the Housing Act 1980, as amended by section 2(3) of the Housing and Building Control Act 1984.

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

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

Patrick Jenkin,
Secretary of State
for the Environment.

1st August 1984.

Wyn Roberts,
Parliamentary Under Secretary of State,
Welsh Office.

Signed by authority of The Secretary of State for Wales
1st August 1984.

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 section 5(1) of the Housing Act 1980 (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) (No. 1) Regulations 1980 which are revoked (regulation 5(1)). A notice claiming the right to buy served by a secure tenant before 1st November 1984 is not invalidated by these regulations if it is in the form required by the 1980 Regulations or in a substantially similar form (regulation 5(2)).

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