STATUTORY INSTRUMENTS

1986 No. 2138 (S.159)

HOUSING, SCOTLAND

The Right to Purchase (Application Form) (Scotland) Order 1986

Made - - - - *4th December* 1986

Coming into Operation *7th January* 1987

The Secretary of State, in exercise of the powers conferred on him by section 2(1) of the Tenants' Rights, Etc. (Scotland) Act 1980(**a**) and of all other powers enabling him in that behalf, hereby makes the following order:-

1. This order shall be cited as the Right to Purchase (Application Form) (Scotland) Order 1986 and shall come into operation on 7th January 1987.

2. Any tenant under a secure tenancy, within the meaning of Section 10 of the Tenants' Rights, Etc. (Scotland) Act 1980(**b**), wishing to exercise his right to purchase under section 1 of that Act shall, as required by section 2 of that Act, do so by serving on the landlord a notice in the form specified in the Schedule to this order.

3. The Right to Purchase (Application Form) (Scotland) Order 1984(**c**) is hereby revoked.

Michael Ancram,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
4th December 1986.

(**a**) 1980 c.52.
(**b**) Section 10 was amended by the Tenants' Rights, Etc. (Scotland) Amendment Act 1984 (c.18), section 5, the Housing (Consequential Provisions) Act 1985 (c.71), Schedule 2, paragraph 45(3) and the Housing (Scotland) Act 1986 (c.65), section 1(2).
(**c**) S.I. 1984/1005.

SCHEDULE Article 2

TENANTS' RIGHTS, ETC. (SCOTLAND) ACT 1980

APPLICATION TO PRUCHASE

This form is divided into several sections. Section 1 must be completed by sole tenants and Section 2 by joint tenants; the other sections are for use by both sole tenants and joint tenants, although not all of them will need to be completed in every case.

Please write clearly and complete the form in ball point pen or ink. Where a YES or NO answer is required, tick the appropriate box.

SECTION 1

TO BE COMPLETED BY SOLE TENANTS ONLY

Address of house:

Telephone no:

Surname:

First names:

Do you have a husband/wife who lives with you?

YES ☐ NO ☐

If you have answered YES to the above question, please ask your husband/wife to sign this declaration:

I understand that my husband/wife, who is the sole tenant of the house named on this form, is applying to buy the house at the above address, and that my consent to the purchase is necessary. I hereby declare that I consent to the proposed purchase.

Signed:

Date:

Now turn to section 3

SECTION 2

TO BE COMPLETED BY JOINT TENANTS ONLY

Address of house:

Telephone no:

All joint tenants should insert their names below and indicate, by ticking the appropriate boxes, whether they wish to be joint purchasers, and whether they have a husband/wife who lives with them. (Details of persons who wish to be joint purchasers but who are *not* joint tenants should be given in section 5.)

1. Surname:

   First names:

   Are you applying to be a joint purchaser? YES ☐ NO ☐

   Do you have a husband/wife who lives with you? YES ☐ NO ☐

2. Surname:

   First names:

	Are you applying to be a joint purchaser?	YES ☐	NO ☐
	Do you have a husband/wife who lives with you?	YES ☐	NO ☐
3.	Surname:		
	First names:		
	Are you applying to be a joint purchaser?	YES ☐	NO ☐
	Do you have a husband/wife who lives with you?	YES ☐	NO ☐
4.	Surnames:		
	First names:		
	Are you applying to be a joint purchaser?	YES ☐	NO ☐
	Do you have a husband/wife who lives with you?	YES ☐	NO ☐

If any joint tenant is not applying to be a joint purchaser, he/she should be asked to sign this declaration:

I understand that my joint tenant(s) is/are applying to buy the house at the above address. I do not wish to become a joint purchaser but I understand that my consent to the purchase is necessary, I hereby declare that I consent to the proposed purchase.

Signed:	Signed:
Date:	Date:
Signed:	Signed:
Date:	Date:

If any of the joint tenants listed above, whether or not they wish to be joint purchasers, are married and their husband/wife lives in the house with them but is not also a joint tenant, their husband/wife should be asked to sign this declaration:

I understand that those joint tenants who have indicated above their wish to be joint purchasers are applying to buy the house at the above address and that my consent to the purchase is necessary. I hereby declare that I consent to the proposed purchase.

Signed:	Signed:
Date:	Date:
Signed:	Signed:
Date:	Date:

Now turn to section 3

SECTION 3

To be Completed by Sole and Joint Tenants

Please give complete details of your present tenancy and any previous periods of occupation of publicly provided housing. In the case of joint tenants, if the details are the same for all or some of those tenants, they need only be given once. Please also give details of any breaks of *less than 12 months* between periods of tenancy. Once you have given details of 30 years of occupation (or 15 years if you live in a flat) not counting breaks, there is no need to give further details. You should also stop if you reach a break of more than 12 months.

Please now fill in the following sheet(s) using a separate page for each person.

If you have stopped before you have given details of 30 years of occupation (or 15 years if you live in a flat) because you have reached a break of more than 12 months, turn now to *section 4*. Otherwise turn now to *section 5*.

Surname:

First names:

Date residence began (see footnote)	Date residence finished	Name of landlord	Address of house	Status (tenant, husband/wife of tenant, child of tenant)

Note: Please give details of your present tenancy first, and then details of previous tenancies, working backwards.

SECTION 4

To be Completed by Sole and Joint Tenants

If you have had a break in occupation of *between 12 and 24 months* turn back to the page which you have filled out in section 3, draw a line across the page, give details of the break and then add details of any earlier periods of occupation and breaks of up to 12 months. If you reach another break of between 12 and 24 months before you have listed 30 years occupation (or 15 years if you live in a flat) simply draw another line across the page and follow these instructions again.

Now turn to section 5

SECTION 5

To be Completed by Sole and Joint Tenants

(a) Do you wish at this stage to include any joint purchaser *other than a joint tenant* in your application?

YES ☐ NO ☐

If your answer is no, turn now to section 6

(b) If so, please name joint purchaser(s)

	Surname	First names
1		
2		
3		
4		

(c) What relation is/are the named joint purchaser(s) to you?

1	
2	
3	
4	

If any of the joint purchasers named above is the husband or wife of the tenant (or of one of the joint tenants), and that joint purchaser's past tenancy or occupation of publicly provided accommodation is longer that that of the tenant (or of any of the joint tenants) that joint purchaser should turn back to section 3 and fill in a new page, not forgetting to look also at section 4.

(d) Is/are the joint purchaser(s) at least 18 years of age?

1	YES ☐	NO ☐
2	YES ☐	NO ☐
3	YES ☐	NO ☐
4	YES ☐	NO ☐

(e) Has each of the named joint purchasers lived with you for the last 6 months as their only or principal home?

1	YES ☐	NO ☐
2	YES ☐	NO ☐
3	YES ☐	NO ☐
4	YES ☐	NO ☐

(f) If your answer to either of the above questions for *any* of the proposed joint purchasers is NO, it may help if you provide additional information. If you wish to provide additional information, please do so below:

(g) Please ask any joint purchasers to sign the declaration below:

I certify that the information given in this form concerning me is to the best of my knowledge correct. I hereby give notice that I wish to be considered as a joint purchaser.

Signed:

Date:

Signed:

Date:

Signed:

Date:

Signed:

Date:

Now turn to section 6

SECTION 6

To be Completed by Sole and Joint Tenants

In deciding the purchase price of your house the Valuer will need to be aware of any improvements which you have made to the house yourself. Please enter details below.

Now turn to section 7

SECTION 7

To be Completed by all Tenants who wish to apply to Purchase (Joint Purchasers who are not Tenants should not Complete this Declaration)

Sole tenants and joint tenants (provided that they have indicated in section 2 that they are applying to be joint purchasers) should complete this declaration:

The information given by me on this form is, to the best of my knowledge, correct. I hereby give notice that I seek to exercise my right under section 1 of the Tenants' Rights, Etc (Scotland) Act 1980 to buy the house of which I am tenant.

Signed:

Date:

Signed:

Date:

Signed:

Date:

Signed:

Date:

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which applies to Scotland, revokes the Right to Purchase (Application Form) (Scotland) Order 1984 and prescribes a revised form of notice which is to be used by any secure tenant within the meaning of Part II of the Tenants' Rights, Etc. (Scotland) Act 1980, when exercising the right to purchase his dwellinghouse conferred on him by section 1 of that Act. The revised notice takes account of amendments made to the "right to buy" provisions of the 1980 Act by the Housing (Scotland) Act 1986 and contains: a statement that the tenant or joint tenants wish to exercise the right to purchase; a statement of consent to the exercise of that right by his spouse or their spouses or of any joint tenant who does not wish to share in the exercise of that right; the names of any joint purchasers included or proposed for inclusion by the tenant or tenants; and a statement of the periods of occupation of publicly owned housing on which the tenant or tenants base their claim to the right to purchase and to discount and the details of any improvements made to the dwellinghouse by the tenant.

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