

2005 No. 2876

HOUSING, ENGLAND

**The Housing (Right to Buy) (Prescribed Forms)
(Amendment) (England) (No. 3) Regulations 2005**

Made - - - - - 12th October 2005

Coming into force - - - 9th November 2005

The First Secretary of State, in exercise of the powers conferred by section 176(1) and (5) of the Housing Act 1985(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) (No. 3) Regulations 2005 and shall come into force on 9th November 2005.

(2) These Regulations apply in relation to dwelling-houses in England only.

Amendment of Regulations

2. The Housing (Right to Buy) (Prescribed Forms) Regulations 1986(b) are amended by the substitution, for the form set out in Schedule 1, of the form set out in the Schedule to these Regulations.

Signed by authority of the First Secretary of State

12th October 2005

Yvette Cooper
Minister of State
Office of the Deputy Prime Minister

(a) 1985 c. 68. The functions of the Secretary of State under section 176 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to which there are amendments not relevant to these Regulations.
(b) S.I. 1986/2194. A relevant amending instrument is S.I. 1993/2246.

PRESCRIBED FORM

NOTICE CLAIMING THE RIGHT TO BUY

This notice is for use by certain secure tenants of local authorities, and of certain housing associations and other bodies, 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 and the information pack which should have been provided by your landlord.

You may also 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 Office of the Deputy Prime Minister, ODPM Literature, PO Box No 236, Wetherby, West Yorkshire LS3 7NB.

If you need further advice you can get help from a Citizens Advice Bureau or you can 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 property you wish to buy

Name of your landlord

Three stacked rectangular boxes for the address of the property.

A single wide rectangular box for the name of the 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	Title	Is the property the tenant's only or principal home?		Does he or she wish to buy?	
			<i>Please tick appropriate box</i>			
<input type="text"/>	<input type="text"/>	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Notes

1. You may be a tenant if your name appears on the tenancy agreement, rent book or rent card. If you are unsure whether you are a tenant, you should check with your landlord.
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:

			Is the property the family member's only or principal home?	Has he or she lived with the tenant throughout the last 12 months?
Surname	Other names	Title	<i>Please tick appropriate box</i>	
<input type="text"/>	<input type="text"/>	<input type="text"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Relationship to tenant

Surname	Other names	Title	<i>Please tick appropriate box</i>	
<input type="text"/>	<input type="text"/>	<input type="text"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Relationship to tenant

Notes

You may share the right to buy with up to 3 members of your family who are not themselves tenants, if the property is their only or principal home. Unless your landlord agrees otherwise, the family members must also—

- be your husband or wife; or
- have lived with you throughout the last 12 months.

A person living with you as your husband or wife, but not actually married to you, is regarded as a member of your family.

Part D: Qualification and discount

Please read these notes before filling in the table(s).

1. If you were a public sector tenant before 18th January 2005, you must have been a tenant for at least two years to be eligible to buy your home. The discount available to you then is 32% if you are a tenant of a house and 44% if you are a tenant of a flat. If you are buying a house, you are eligible for 1% more discount for each extra full year, up to a maximum limit of 60%. If you are buying a flat, you are eligible for 2% more discount for each extra full year, up to a maximum limit of 70%. But, whatever percentage you are eligible for, your discount cannot be greater than the maximum discount for the area in which you live, see page 10 of the booklet "Your Right to Buy Your Home".
2. If you become a public sector tenant for the first time on or after 18th January 2005, you must have been a tenant for at least five years to be eligible to buy your home. The discount available to you after five years is then 35% if you are a tenant of a house and 50% if you are a tenant of a flat. If you are buying a house, you are eligible for 1% more discount for each extra full year, up to a maximum limit of 60%. If you are buying a flat, you are eligible for 2% more discount for each extra full year, up to a maximum limit of 70%. But, whatever percentage you are eligible for, your discount cannot be greater than the maximum discount for the area in which you live, see page 10 of the booklet "Your Right to Buy Your Home".
3. You need not have spent the full qualifying period 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 armed forces occupier can count towards your qualifying period.

A public sector tenant is a tenant of one of the public sector landlords listed below 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.

Part D: Qualification and discount (continued)

Go through the headings below. Where a heading applies to you, give details in the table below. If you are applying to buy jointly with others, each purchaser should fill in the purchaser's name and complete 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

A tenant who has taken over a parent's public sector tenancy may be able to count for qualification and discount, periods after the age of 16 living in a property of which a parent was a public sector tenant.

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		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)
from month/year	to month/year			

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Part E: Previous discount

Give details below of any previous purchase at a discount from a public sector landlord (see below) 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	Date of purchase (month/year)
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	Name of previous purchaser	
<input type="text"/>	<input type="text"/>	

Address of property	Name of public sector landlord	Date of purchase (month/year)
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	Name of previous purchaser	
<input type="text"/>	<input type="text"/>	

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 tenant who made the improvement
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Notes

1. When the property is valued to fix the price any improvements which you have made will not be included in the valuation. You should give details of any improvements which you think may affect the valuation e.g. central heating, double glazing, a fitted kitchen or a new bathroom suite.
2. The value of improvements will also be ignored where they were carried out by either—
 - your predecessor in the same tenancy (including an introductory tenancy at the start of the tenancy); or
 - a family member who was a secure or introductory tenant of the property immediately before you under a different tenancy.

Part G: Signatures

Remember, if you give false information or withhold relevant 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
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Daytime Tel No (if any)

Signature	Surname	Other names	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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.

Signature	Surname	Other names	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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 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.

After admitting your right to buy your landlord must notify you of the proposed terms of sale, including the purchase price. At that stage you must decide whether to go ahead with the right to buy or to withdraw your application.

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, parish councils, community councils. Any of the following bodies set up in consequence of the abolition of the Greater London Council and the metropolitan county councils.

- a metropolitan county police authority
- the Northumbria Police Authority
- a metropolitan county fire and civil defence authority
- the London Fire and Emergency Planning Authority
- a metropolitan county passenger transport authority
- the London Waste Regulation Authority
- the West London, North London, East London and Western Riverside Waste Authorities
- the Merseyside and Greater Manchester Waste Disposal Authorities
- a metropolitan county residuary body

Fire and rescue authorities

Internal drainage boards

London Regional Transport

Passenger transport executives

Police authorities

Commission for the New Towns

Housing action trusts

Housing Corporation

Housing for Wales

New town development corporations

Registered social landlords such as housing associations (which are not co-operative associations)

Residuary Body for Wales

Urban development corporations

AFRC Institute for Grassland and Animal Production

Agricultural and Food Research Council

Area Electricity Boards

British Airports Authority

British Broadcasting Corporation

British Coal Corporation

British Gas Corporation

British Railways Board

British Steel Corporation

British Waterways Board

Central Electricity Generating Board

Church Commissioners

Civil Aviation Authority

Electricity Council

English Sports Council

Historic Buildings and Monuments Commission for England

Lake District Special Planning Board
Lee Valley Regional Park Authority
London Residuary Body
Metropolitan county residuary body
Ministers of the Crown and Government Departments
Medical Research Council
National Bus Company
National Health Service trusts
National Rivers Authority
Natural Environment Research Council
Nature Conservancy Council for England
New towns
Peak Park Joint Planning Board
Post Office
Science and Engineering Research Council
Sports Council
Trinity House (but only in its capacity as a lighthouse authority)
United Kingdom Atomic Energy Authority
United Kingdom Sports Council
Water authorities

Countryside Council for 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
Highlands and Islands Enterprise
North of Scotland Hydro-Electric Board
Scottish Homes
Scottish Natural Heritage
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
Sports Council for Northern Ireland

AND ANY PREDECESSOR OF THESE LANDLORDS

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations substitutes the form of notice to be used by a tenant claiming to exercise the right to buy his or her dwelling-house in accordance with section 122 of the Housing Act 1985. The Regulations apply in relation to houses and flats in England only.

The new form RTB1 is set out in the Schedule to these Regulations and replaces the form set out in Schedule 1 to the Housing (Right to Buy) (Prescribed Forms) Regulations 1986 (“the 1986 Regulations”). By virtue of regulation 2 of the 1986 Regulations, a form substantially to the same effect as that set out in the Schedule to these Regulations may be used.

The introductory notes to the form have been amended to remove reference to the right to acquire on rent to mortgage terms, which was abolished by section 190 of the Housing Act 2004 for right to buy claims made on or after 18th July 2005.

The notes to section B of the form (details of tenants) have been amended to assist any occupants of a property who may be unsure whether they are tenants.

The notes to section C (family members sharing the right to buy) have been clarified.

The notes at the beginning of section D have been amended to reflect the changes with respect to qualification and discount introduced by the Housing Act 2004, applying to tenants taking up tenancies on or after 18th January 2005. The text of section D has also been slightly amended for greater clarity.

In part G (signatures) the wording of the warning about giving false information has been amended to include withholding relevant information.

Other minor drafting changes have been made to the form.

2005 No. 2876

HOUSING, ENGLAND

**The Housing (Right to Buy) (Prescribed Forms)
(Amendment) (England) (No. 3) Regulations 2005**

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