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**1980 No. 1388 (S.109)**

**HOUSING, SCOTLAND**

**The Right to Purchase (Application Form) (Scotland) Order 1980**

*Made - - - - 12th September 1980*

*Coming into Operation 3rd October 1980*

In exercise of the powers conferred upon me by section 2(1) of the Tenants' Rights, Etc. (Scotland) Act 1980(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order shall be cited as the Right to Purchase (Application Form) (Scotland) Order 1980, and shall come into operation on 3rd October 1980.

2. Any tenant under a secure tenancy, within the meaning of Part II of the Tenants' Rights, Etc. (Scotland) Act 1980, 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.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House,  
Edinburgh.

12th September 1980.

## SCHEDULE

## TENANTS' RIGHTS, ETC. (SCOTLAND) ACT 1980

## APPLICATION TO PURCHASE

*Introduction*

This form is intended for applications by tenants to purchase the public sector house in which they live. No other form of application will be accepted for purchases under the right to buy arrangements for which the Act provides. Tenants must use this form unless they have agreed with their landlord (i.e. the local authority or other public sector body) to conduct the sale on a voluntary basis.

The landlord's ability to deal quickly with applications is likely to depend to a large extent on the information provided in this form.

It is for that reason to the advantage of tenants to ensure that the questions that relate to them are carefully and accurately answered.

Please read the notes accompanying the form with care: they should help you to understand why the questions are asked.

If, when you have studied the form and read the notes, you still feel that you do not fully understand how you should complete it, you may be able to get help from an official of your landlord's housing department, or from a solicitor.

The notes accompanying this form are for your guidance; they are not part of the form and need not be sent with the form to your landlord.

**IMPORTANT: ANYONE WHO DELIBERATELY GIVES FALSE INFORMATION ON THIS FORM IS COMMITTING A SERIOUS OFFENCE WHICH MAY LEAD TO PROSECUTION.**

*Application to Purchase*

This form is divided into several sections. Section 1 applies to sole tenants and section 2 to joint tenants (see Note 1); the other sections apply to 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 ink. Where a YES or NO answer is required, tick the appropriate box.

## SECTION 1

## FOR USE BY SOLE TENANTS

Address of House:

Surname:

First names:

If you are married and your husband/wife lives with you (see Note 2) please ask him/her 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:

If you are married and your husband/wife lives with you but does *not* wish to sign the above declaration you will not be entitled to exercise your right to buy and *should not* send this form to your landlord.

NOW TURN TO SECTION 3

## SECTION 2

## FOR USE BY JOINT TENANTS

Address of House:

Name *all* joint tenants, and show whether they wish to be joint purchasers (see Note 1), [by ticking the appropriate box.]

1. Surname:

First names:

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

2. Surname:

First names:

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

3. Surname:

First names:

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

4. Surname:

First names:

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

If any joint tenant has answered NO to the question above, he/she should 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:

Date:

Signed:

Date:

Signed:

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 (see Note 2) but is not also a joint tenant, their husband/wife must 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:

Date:

Signed:

Date:

Signed:

Date:

Signed:

Date:

If any joint tenant or husband/wife of a joint tenant whose signature is required above does *not* wish to sign the form the right to buy cannot be exercised and you *should not* send this form to your landlord.

NOW TURN TO SECTION 3

### SECTION 3

#### FOR USE BY SOLE AND JOINT TENANTS

In order to have the right to buy, you (or one of you if you are joint tenants) must have been in continuous occupation (see Note 3) of a house or houses let by either a Scottish local authority (district, regional or islands council), a Scottish new town development corporation or the SSHA or by one or more of the other authorities listed below (see Note 4) for at least three years.

The other authorities are:—

- A local authority in England, Wales or Northern Ireland;
- The Commission for the New Towns;
- A New Town Development Corporation in England, Wales or Northern Ireland;
- A housing co-operative in Scotland, England or Wales (see Note 5);
- The Development Board for Rural Wales;
- The Northern Ireland Housing Executive;
- A police authority in Scotland, England, Wales or Northern Ireland;
- A fire authority in Scotland, England, Wales or Northern Ireland;
- A water authority in Scotland, England, Wales or Northern Ireland;
- The prison service in Scotland, England, Wales or Northern Ireland (see Note 6);
- The armed forces (see Note 7);
- A health board in Scotland, England, Wales or Northern Ireland (see Note 8);
- The Forestry Commission in Scotland, England or Wales (see Note 9).

If you have the 3 years' occupation necessary to give you the right to buy, this will also entitle you to a basic discount of 33 per cent. on the market value of your home. If you have further periods of continuous occupation, you are entitled to an additional 1 per cent. discount for every additional year over 3 and up to 20 years (see Note 10).

There are 2 kinds of occupation which your landlord must count for discount. The most straightforward is time when you were actually the tenant (see Note 11). The second kind of occupation is time when you were the husband or wife of the tenant.

In addition, there is a third kind of occupation which may be counted *at the discretion of your landlord*. It only applies to you if, at some time, you took over the tenancy of a house let by one of the bodies listed above from one or both of your parents (see Note 12). If this does apply to you, you may count time before you took over the tenancy when you were living with your parents and were over the age of 16.

Please turn to the next page and give complete details of your present tenancy and any previous periods of occupation as described above. In the case of joint tenants, only those tenants wishing to purchase need give details and, 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 20 years of occupation, 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 20 years of occupation 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<br>residence<br>began<br>(see footnote) | Date<br>residence<br>finished | Name of<br>authority | Address<br>of House | Status (tenant,<br>spouse of<br>tenant, child<br>of tenant) |
|--|-------------------------------|----------------------|---------------------|---|
|  |                               |                      |                     |   |

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

## SECTION 4

### FOR USE BY SOLE AND JOINT TENANTS

If the list of periods of occupation which will qualify for discount which you have filled out in section 3 does not add up to 20 years and you have stopped because you have reached a break of more than 12 months, you may still be able to have earlier periods of occupation taken into account if the break was less than 24 months and if your landlord agrees.

So, 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 12 months. If you reach another break of between 12 and 24 months before you have listed 20 years' occupation, simply draw another line across the page and follow these instructions again.

As explained above, any periods of occupation which took place *before* the first break of between 12 and 24 months will be included only if your landlord agrees. It will therefore be helpful if you explain the reasons for any breaks of this nature in the space below.

NOW TURN TO SECTION 5.

## SECTION 5

## FOR USE 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? (see Note 13). 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 here is the husband or wife of the tenant (or of one of the joint tenants), his/her periods of past tenancy or occupation can be counted for discount if they would lead to a greater discount than the tenant (or of any of the joint tenants) would be entitled to. If so he/she 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) over 18 years of age?

|  |   |                              |                             |
|--|---|------------------------------|-----------------------------|
|  | 1 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
|  | 2 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
|  | 3 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
|  | 4 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

(e) Has each of the named joint purchasers lived in the house you are applying to buy for the last 6 months?

|  |   |                              |                             |
|--|---|------------------------------|-----------------------------|
|  | 1 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
|  | 2 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
|  | 3 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
|  | 4 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

(f) You have a right to include as joint purchasers only members of your family who are over the age of 18 and have lived with you without a break for the last 6 months. If your answer to either of these questions for *any* of the proposed joint purchasers is *NO*, you do not have an absolute right to include those members of the family as joint purchasers. Your landlord may, however, still be prepared to accept them as joint purchasers. It may help if you provide additional information to help your landlord decide; for example, if one of the proposed joint purchasers has not lived with you for the past 6 months, it may be helpful to the landlord to know how long they have been living with you, whether they have lived with you for a longer period of time in the past and the reasons why they are likely to continue living with you. 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

FOR USE 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:

**IMPORTANT: ANYONE WHO DELIBERATELY GIVES FALSE INFORMATION ON THIS FORM IS COMMITTING A SERIOUS OFFENCE WHICH MAY LEAD TO PROSECUTION.**

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which applies to Scotland, prescribes the 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 applying to his landlord to exercise the right to purchase his dwellinghouse conferred on him by section 1 of that Act. The notice 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.

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