

1980 No. 1391**HOUSING, ENGLAND AND WALES****The Housing (Right to Buy) (Prescribed Forms) (No. 1)
Regulations 1980***Made - - - - 15th September 1980**Coming into Operation 3rd 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 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. 1) Regulations 1980 and shall come into operation on 3rd October 1980.

2. The forms set out in the Schedule hereto or forms substantially to the like effect shall be the forms to be used for the purposes of section 5 of the Housing Act 1980.

(a) 1980 c. 51.

SCHEDULE

Form No. 1

HOUSING ACT 1980: SECTION 5(1)
SECURE TENANT'S NOTICE CLAIMING TO
EXERCISE THE RIGHT TO BUY

PART A: TENANTS CLAIMING THE RIGHT TO BUY.

To:..... *(Insert name of landlord)*

TAKE NOTICE that.....

..... *(Insert full names of tenant(s))*

being tenant(s) of the house or flat known as

..... *(Insert address)*

hereby claim to exercise the right to buy it.

Does the tenant named above, or where more than one tenant is named above at least one of them, occupy the house or flat as his or her only or principal home?.....
(Write YES or NO).

PART B: CONSENT OF ANY JOINT TENANT WHO DOES NOT WISH TO CLAIM THE RIGHT TO BUY. *This Part is only to be completed by any joint tenant who does not wish to exercise the right to buy with the joint tenant(s) named in Part A of this Notice, but agrees to them doing so. The tenancy will come to an end when the purchase is completed.*

I/We, the undersigned, do not wish to claim the right to buy the house or flat described in Part A of this Notice and agree to the tenant(s) named in Part A exercising the right to buy and the right to a mortgage.

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

PART C: TENANTS SHARING THE RIGHT TO BUY WITH THEIR SPOUSE AND/OR OTHER MEMBERS OF THEIR FAMILY. *This Part is only to be completed where the tenant(s) named in Part A of this Notice require(s) that a spouse and/or other member(s) of the family of the tenant(s) should share the right to buy. Up to three members of a family in addition to the tenant(s) may be named in Part C.*

SPOUSE

Each person named below who—

is the spouse of a tenant named in Part A of this Notice; and
occupies the house or flat as his or her only or principal home

is to share the right to buy—

(Insert full name(s))

OTHER MEMBERS OF THE FAMILY (not including the spouse)

Each person named below who—

is a member of the family of the tenant(s) named in Part A of this Notice; and
occupies the house or flat as his or her only or principal home; and
has lived with the tenant(s) named in Part A throughout the 12 months ending
with the giving of this Notice or throughout such shorter period to which the
landlord may consent

is to share the right to buy—

(Insert full name(s))

PART D: PERIODS OF SECURE TENANCY (OR OCCUPANCY OF ARMED FORCES ACCOMMODATION) FOR ESTABLISHING THE RIGHT TO BUY AND ENTITLEMENT TO DISCOUNT.

The tenant(s) named in Part A of this Notice spent the following period(s) as tenant(s) (or in accommodation provided for a member of the regular armed forces), as set out in Table 1 below:

TABLE 1

To be completed in relation to each tenant named in Part A of this Notice.

A Name of tenant(s) in Part A claiming the right to buy	B Period of tenancy (or occupancy of armed forces accommoda- tion*)		C Name of Landlord (or branch of armed forces*)	D Address of House or Flat*
	FROM	TO		

**Periods of occupancy of armed forces accommodation can only be included if the tenant was a member of the regular armed forces on or after 21 December 1979. For armed forces accommodation it is not necessary to fill in column D.*

The deceased spouse of a tenant named in Part A of this Notice spent the following period(s) as tenant, as set out in Table 2 below:

TABLE 2

To be completed only where a tenant named in Part A of this Notice became the tenant on the death of his or her spouse. Where exact dates are not known approximate dates should be given.

Name of tenant(s) in Part A claiming the right to buy	Name of deceased spouse	Period of tenancy		Name of Landlord	Address of House or Flat
		FROM	TO		

ADDITIONAL PERIODS RELEVANT FOR DISCOUNT

PLEASE NOTE — There may be additional periods of tenancy (or periods of occupancy of armed forces accommodation) which have not been listed in Tables 1 or 2 above and which may be relevant for establishing the amount of discount. These are described in the Appendix to this Notice.

PART E: TENANTS' IMPROVEMENTS TO BE DISREGARDED FOR THE PURPOSE OF VALUATION

To be completed only if improvements have been made to the house or flat other than by the landlord.

The following improvements to the house or flat have been made by tenants and should be disregarded for the purpose of valuing the house or flat:

Description of improvement	Name of tenant who made improvement*

**If an improvement is to be disregarded for valuation purposes, it must have been one carried out by—*

- (a) the present tenant(s); and/or*
- (b) a previous tenant who held the same tenancy; and/or*
- (c) any member of the present tenant's family who was the previous tenant of the house or flat under another tenancy immediately before the present tenancy was granted.*

PART F: COURT PROCEEDINGS

Is there a court order in existence as a result of which the tenant(s) of the house or flat is/are obliged to give up possession?

.....(Write YES or NO)

If YES, give the date specified in the order.....

.....

PART G: BANKRUPTCY ETC.

Has any person named in Part A or Part C of this Notice—

- (i) a bankruptcy petition pending or receiving order in force against him or her?

.....(Write YES or NO)

If YES, give the full name of each person concerned.....

- (ii) made a composition or arrangement with creditors, the terms of which remain to be fulfilled?

(Write YES or NO)

If YES, give the full name of each person concerned.....

Is any person named in Part A or Part C of this Notice an undischarged bankrupt?

.....(Write YES or NO)

If YES, give the full name of each person concerned.....

PART H: PREVIOUS PURCHASES UNDER THE RIGHT TO BUY

Has any person named in Part A or Part C of this Notice previously purchased a house or flat in England, Wales or Scotland under the **right to buy** provisions of Chapter I of Part I of the Housing Act 1980 or Part I of the Tenants' Rights, Etc. (Scotland) Act 1980?

.....(Write YES or NO)

If YES, give the following particulars:

Name of person(s) who purchased previously	Date of completion of the purchase

The following is to be signed by each person whose name appears in Part A of this Notice.

I/We, being the person(s) named in Part A of this Notice, hereby state that to the best of my/our knowledge and belief the particulars given in this Notice are correct and I/we require any person(s) named in Part C of this Notice to share the right to buy.

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

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

I/We, being the person(s) named in Part C of this Notice, agree to share the right to buy with the person(s) named in Part A and hereby state that to the best of my/our knowledge and belief the particulars given in this Notice are correct.

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

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

If correspondence is to be sent to an address different from any address given in Part J (for example to the address of a solicitor or agent), please give the name and address here:

.....

PART L: SERVICE OF THE NOTICE

Insert the address of the landlord at which the tenant(s) named in Part A of this Notice propose to serve this Notice.

.....
 (Address)

- (i) To claim the right to buy the tenant(s) must serve this completed Notice on the landlord.
- (ii) Service of this Notice may be effected by post. Where the landlord 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 specified by it as one at which it will accept service of this Notice.
- (iii) Where the landlord is a housing association this Notice may be left at or sent to its principal office or the office with which the tenant(s) usually deal(s).
- (iv) Where the landlord is the Commission for the New Towns or a new town development corporation, the Housing Corporation or the Development Board for Rural Wales, this Notice may be sent by post to its principal office.
- (v) If this Notice is served on or before 3rd April 1981 the date for valuation of the house or flat will be 8th August 1980. If this Notice is served after 3rd April 1981 the date for valuation will be the date of service of this Notice.
- (vi) The landlord on whom this Notice is served is required within 4 weeks to serve on the tenant(s) a written Notice either admitting their right to buy or stating why in its opinion they do not have the right to buy. This period of 4 weeks is extended to 8 weeks where the claim of the tenant(s) to exercise the right to buy is dependent on any period with any landlord other than the landlord on which this Notice is served.
- (vii) Where this Notice has been served on the landlord it may be withdrawn at any time by notice in writing served on the landlord.

APPENDIX TO THE NOTICE

Additional periods of tenancy (or periods of occupancy of armed forces accommodation) which may be relevant to the amount of discount are—

- (a) any period(s) during which any person named in Part A or Part C of this Notice or his or her spouse or deceased spouse was either a secure tenant or the spouse of a secure tenant; or
- (b) any period(s) during which any person named in Part A or Part C of this Notice occupied accommodation provided for that person as a member of the regular armed forces or that person's spouse occupied accommodation so provided for that spouse, as long as that person or that person's spouse was a member of the regular armed forces on or after 21st December 1979.

If a tenant wishes any such period(s) to be taken into account and that period has not been included already in either Table 1 or Table 2 of Part D the tenant is advised to provide the landlord with details in writing.

Form No. 2

HOUSING ACT 1980: SECTION 5(1)

NOTICE IN REPLY TO SECURE TENANT'S NOTICE CLAIMING
TO EXERCISE THE RIGHT TO BUY—for use where the
landlord is not a development corporation, the
Commission for the New Towns or the Development Board
for Rural Wales

Address of house or flat in respect of which the right to buy is claimed.....

To: each of the persons named in Tables 1 and 2 below—

TAKE NOTICE that—

The right to buy the above mentioned house or flat claimed by a Notice served on the
landlord on 19..... (*Insert date*) is admitted in relation
to the following person(s) named in Table 1.

TABLE 1

--

The right to buy the above mentioned house or flat claimed by a Notice served on the
landlord on 19..... (*Insert date*) is denied in relation to the
following person(s) named in Table 2.

TABLE 2

--

The reasons why in the opinion of the landlord the person(s) named in Table 2 do(es) not have the right to buy are as follows:—

Dated 19..... Signed.....

Name in capitals Office held

on behalf of (*Insert name of landlord*).

NOTES

Where the right to buy is established (whether by the landlord's admission or otherwise), the landlord must as soon as practicable, serve on you a Notice (an "Offer Notice") under section 10 of the Housing Act 1980 describing the house or flat (including any additional land used for the purposes of the house or flat which the landlord and tenant(s) have agreed to include) and stating the landlord's opinion of the purchase price and the proposed terms of conveyance or lease to you. At the same time you will be given a form to enable you to claim to exercise your right to a mortgage from your landlord or, if you are a housing association tenant, from the Housing Corporation, if you wish.

Where the landlord denies a tenant's right to buy or the right of a member of the family to share the right to buy, but the tenant disagrees with the landlord's opinion, the county court can be asked to decide the question.

Form No. 3

HOUSING ACT 1980: SECTION 5(1)

NOTICE IN REPLY TO SECURE TENANT'S NOTICE CLAIMING
TO EXERCISE THE RIGHT TO BUY. FOR USE WHERE THE LANDLORD
IS A DEVELOPMENT CORPORATION, THE COMMISSION FOR THE
NEW TOWNS OR THE DEVELOPMENT BOARD FOR RURAL WALES.

Address of house or flat in respect of which the right to buy is claimed.....

To: each of the persons named in Tables 1 and 2 below—

TAKE NOTICE that—

The right to buy the above mentioned house or flat claimed by a Notice served on the
landlord on.....19..... (*Insert date*) is admitted in relation to the
following person(s) named in Table 1.

TABLE 1

--

The right to buy the above mentioned house or flat claimed by a Notice served on the
landlord on..... 19..... (*Insert date*) is denied in relation to the
following person(s) named in Table 2.

TABLE 2

--

The reasons why in the opinion of the landlord the person(s) named in Table 2 do(es) not have the right to buy are as follows:—

Dated 19..... Signed.....

Name in capitals Office held

on behalf of (*Insert name of landlord*).

NOTES

Where the right to buy is established (whether by the landlord's admission or otherwise), the landlord must as soon as practicable, serve on you a Notice (an "Offer Notice") under section 10 of the Housing Act 1980 describing the house or flat (including any additional land used for the purposes of the house or flat which the landlord and tenant(s) have agreed to include) and stating the landlord's opinion of the purchase price and the proposed terms of the conveyance or lease to you. At the same time you will be given a form to enable you to claim to exercise your right to a mortgage from your landlord if you wish. Where the landlord denies a tenant's right to buy on the ground that the house or flat is being held by it for purposes not corresponding to that for which dwelling-houses are held by local authorities under Part V of the Housing Act 1957, and the landlord is of the opinion that the right to buy ought not to be capable of being exercised with respect to that house or flat, there is a right of appeal to the Secretary of State. If you wish to exercise your right of appeal you should do so in writing. If the house or flat is in England the appeal should be addressed to:—

The Secretary of State for the Environment
New Towns Division 1
2 Marsham Street
London SW1P 3EB.

If the house or flat is in Wales the appeal should be addressed to:—

The Secretary of State for Wales
Housing Division
Crown Buildings
Cathays Park
Cardiff CF1 3NQ.

In any other case where the landlord denies a tenant's right to buy or the right of a member of the family to share the right to buy, but the tenant disagrees with the landlord's opinion, the county court can be asked to decide the question.

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

12th September 1980.

Nicholas Edwards,
Secretary of State for Wales.

15th September 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe—

- (a) the form of Notice to be used by a secure tenant claiming to exercise the right to buy under Chapter I (The Right to Buy) of Part I of the Housing Act 1980; and
- (b) the forms of Notices to be used by the landlord to admit or, as the case may be, deny the tenant's right to buy. (One form is for cases where the landlord is a development corporation, the Commission for the New Towns or the Development Board for Rural Wales, and a further form is for all other cases.)

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