
STATUTORY INSTRUMENTS

2007 No. 784

HOUSING, ENGLAND

**The Housing (Right to Buy) (Prescribed Forms)
(Amendment) (England) Regulations 2007**

Made - - - - *9th March 2007*
Coming into force - - *3rd April 2007*

The Secretary of State, in exercise of the powers conferred by section 176(1) and (5) of the Housing Act 1985(1) 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) Regulations 2007 and shall come into force on 3rd April 2007.

(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(2) 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 Secretary of State for Communities and Local Government

Yvette Cooper
Minister of State
Department for Communities and Local
Government

9th March 2007

(1) 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.
(2) S.I. 1986/2194. Relevant amending instruments are S.I. 1993/2246 and S.I. 2005/2876.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

regulation 2

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 Communities and Local Government, CLG Literature, PO Box No 236, Wetherby, West Yorkshire LS23 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 yourself.

Part A: The property

Give the following details:

Address of property you wish to buy (including postcode)

Name of your landlord

Three empty rectangular boxes for the address.

One empty rectangular box for the landlord's name.

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:

Is the property the tenant's only or principal home?

Does he or she wish to buy?

Surname

Other names

Title

Please tick appropriate box

Empty box for surname

Empty box for other names

Empty box for title

Yes

No

Yes

No

Empty box for surname

Empty box for other names

Empty box for title

Yes

No

Yes

No

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.

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Part C: Family member(s) sharing the right to buy

If you wish to share the right to buy with any family member who is not a tenant, give their details below.

| Surname | Other names | Title | Is the property the family member's only or principal home? | Has he or she lived with the tenant throughout the last 12 months? |
|----------------------|----------------------|----------------------|---|--|
| <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 | Is the property the family member's only or principal home? | Has he or she lived with the tenant throughout the last 12 months? |
|----------------------|----------------------|----------------------|---|--|
| <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 family members 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, wife or civil partner; or
- have lived with you throughout the last 12 months.

A person who lives with you—

- as your husband or wife but who is not married to you; or
- as if you are civil partners but who is not your registered civil partner, is regarded as a family member.

If you are unsure whether someone qualifies as a family member for this purpose you should check with your landlord.

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 a qualifying period of at least two complete years to be eligible to buy your home. You are then also eligible for a discount. **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". However subject to that limit, your discount is 32% if you are a tenant of a house, and 44% if you are a tenant of a flat, plus any extra discount for additional complete years as a public sector tenant. If you are buying a house, you are eligible for 1% more discount for each additional complete year, up to a maximum limit of 60%. If you are buying a flat, you are eligible for 2% more discount for each additional complete year, up to a maximum limit of 70%.

2. If you became a public sector tenant for the first time on or after 18th January 2005, you must have been a tenant for a qualifying period of at least five years to be eligible to buy your home. You are then also eligible for a discount. **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". However subject to that limit, your discount is 35% if you are a tenant of a house, and 50% if you are a tenant of a flat, plus any extra discount for additional complete years as a public sector tenant. If you are buying a house, you are eligible for 1% more discount for each additional complete year, up to a maximum limit of 60%. If you are buying a flat, you are eligible for 2% more discount for each additional complete year, up to a maximum limit of 70%.

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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, wife or civil partner) 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 at the end of this form 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.

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 as requested in the boxes below—

- of your present tenancy if you are a tenant of the property
- in relation to any periods in the past when you were a public sector tenant or an armed forces occupier.

2. If you are married or a civil partner and you are living with your husband, wife or civil partner

Give details as requested in the boxes below in relation to any periods when your husband, wife or civil partner—

- was a public sector tenant or an armed forces occupier
- was previously married to another person or previously had a different civil partner and lived in a property of which that person was a public sector tenant or an armed forces occupier.

3. If you are separated, divorced, or your civil partnership has been dissolved

Give details as requested in the boxes below in relation to any periods when you were living in a property of which your separated or former husband, wife or civil partner was a public sector tenant or an armed forces occupier.

4. If your husband, wife or civil partner has died and you were living together when he or she died

Give details as requested in the boxes below in relation to any periods when your deceased husband, wife or civil partner—

- was a public sector tenant or an armed forces occupier
- was previously married to another person or previously had a different civil partner 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 as requested in the boxes below in relation to 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 married, or who is or was your civil partner, was over the age of 16 and living with a parent who was a public sector tenant
- a person who—
 - was previously married to your husband, wife or civil partner, or
 - previously had a civil partnership with your husband, wife or civil partnerwas over the age of 16 and living with a parent who was a public sector tenant.

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Purchaser's name:

(give separate details for each tenancy or armed forces occupation)

| 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 | | | |
| | | | | |

Part E: Previous Discount

Give details below of any previous purchase at a discount from a public sector landlord (see list of public sector landlords at end of form) which you or your husband, wife or civil partner, or deceased husband, wife or civil partner 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.

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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 |
|----------------------------|---|
| | |
| | |

Notes

- 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.
- 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.
 If you are unsure whether someone qualifies as a family member for this purpose you should check with your landlord.

Part G: Signatures

Warning: 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 of birth |
| | | | |

| | |
|------|-------------------------|
| Date | Daytime Tel No (if any) |
| | |

| | | | |
|-----------|---------|-------------|---------------|
| Signature | Surname | Other names | Date of birth |
| | | | |

| | |
|------|-------------------------|
| Date | Daytime Tel No (if any) |
| | |

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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 by either 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)

- Community councils
- Local authorities
- New town corporations
- Parish councils
- Urban development corporations

- Housing action trusts
- Registered social landlords (but not co-operative housing associations)

- Government departments
- Ministers of the Crown
- Secretary of State (in some circumstances)

- Area electricity boards
- Fire and rescue authorities
- Internal drainage boards
- National Health Service trusts and foundation trusts
- Passenger transport executives
- Police authorities
- Water authorities

- AFRC Institute for Grassland and Animal Production
- Agricultural and Food Research Council
- British Airports Authority
- British Broadcasting Corporation

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British Coal Corporation
British Gas Corporation
British Railways Board
British Steel Corporation
British Waterways Board
Central Electricity Generating Board
Church Commissioners
Civil Aviation Authority
Coal Authority
Electricity Council
English Sports Council
Environment Agency
Historic Buildings and Monuments Commission for England
Housing Corporation
Lake District Special Planning Board
Lee Valley Regional Park Authority
Medical Research Council
National Bus Company
Natural England (in some circumstances)
Natural Environment Research Council
Peak Park Joint Planning Board
Post Office
Science and Engineering Research Council
Sports Council
Transport for London
Trinity House (in some circumstances)
United Kingdom Atomic Energy Authority
United Kingdom Sports Council

In Wales

Countryside Council for Wales
National Assembly for Wales (in some circumstances)
National Library of Wales
National Museum of Wales
Sports Council for Wales

In Scotland

Councils
Development corporations
Housing associations (in some circumstances)
Water authorities
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

In Northern Ireland

District councils
Education and Library Boards
Registered housing associations
Fire Authority for Northern Ireland
Northern Ireland Electricity Service

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Northern Ireland Housing Executive
Northern Ireland Policing Board
Northern Ireland Transport Holding Company
Sports Council for Northern Ireland

In respect of housing co-operative agreements

In England and Wales, a local housing authority, new town corporation, or the Development Board for Rural Wales

In Scotland, a local housing authority

AND ANY PREDECESSOR OF THESE LANDLORDS

EXPLANATORY NOTE

(This note is not part of the Order)

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.

References to civil partners have been included in the new form to reflect the coming into force of the Civil Partnership Act 2004 (c. 33).

Other minor drafting changes have been made to the form, including changes to the list of public sector landlords.

A full regulatory impact assessment has not been produced for this instrument, as no impact on the private or voluntary sectors is foreseen.