



Housing Act 1985

1985 CHAPTER 68

PART V

THE RIGHT TO BUY

Claim to exercise right to buy

122 Tenant's notice claiming to exercise right to buy.

- (1) ^{F1}A] secure tenant claims to exercise the right to buy by written notice to that effect served on the landlord.
- (2) In this Part “the relevant time”, in relation to an exercise of the right to buy, means the date on which that notice is served.
- (3) The notice may be withdrawn at any time by notice in writing served on the landlord.

Textual Amendments

- F1** Word in s. 122(1) substituted (26.1.2019) by [The Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(Consequential Amendments and Savings Provisions\) Regulations 2019 \(S.I. 2019/110\)](#), regs. 1, **3(f)** (with reg. 5)

^{F2}122A Applications to suspend the right to buy etc in parts of Wales: effect on claims to exercise the right

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Changes to legislation: Housing Act 1985, Cross Heading: Claim to exercise right to buy is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F2** S. 122A omitted (26.1.2019) by virtue of [The Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(Consequential Amendments and Savings Provisions\) Regulations 2019 \(S.I. 2019/110\)](#), regs. 1, **3(g)** (with reg. 5)

F3 122B Suspension of the right to buy in parts of Wales

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Textual Amendments

- F3** S. 122B omitted (26.1.2019) by virtue of [The Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(Consequential Amendments and Savings Provisions\) Regulations 2019 \(S.I. 2019/110\)](#), regs. 1, **3(h)** (with reg. 5)

123 Claim to share right to buy with members of family.

- (1) A secure tenant may in his notice under section 122 require that not more than three members of his family who are not joint tenants but occupy the dwelling-house as their only or principal home should share the right to buy with him.
- (2) He may validly do so in the case of any such member only if—
 - (a) that member is his spouse [^{F4}, is his civil partner] or has been residing with him throughout the period of twelve months ending with the giving of the notice, or
 - (b) the landlord consents.
- (3) Where by such a notice any members of the tenant's family are validly required to share the right to buy with the tenant, the right to buy belongs to the tenant and those members jointly and he and they shall be treated for the purposes of this Part as joint tenants.

Textual Amendments

- F4** Words in s. 123(2)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 81, 263(2), **Sch. 8 para. 28**; [S.I. 2005/3175](#), **art. 2(1)**, Sch. 1

124 Landlord's notice admitting or denying right to buy.

- (1) Where a notice under section 122 (notice claiming to exercise right to buy) has been served by the tenant, the landlord shall, unless the notice is withdrawn, serve on the tenant within the period specified in subsection (2)^{F5}... a written notice either—
 - (a) admitting his right, or
 - (b) denying it and stating the reasons why, in the opinion of the landlord, the tenant does not have the right to buy.
- (2) The period for serving a notice under this section is four weeks where the requirement of section 119 (qualifying period for the right to buy) is satisfied by a period or

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periods during which the landlord was the landlord on which the tenant's notice under section 122 was served, and eight weeks in any other case.

^{F6}(3)

Textual Amendments

F5 Words in s. 124(1) omitted (26.1.2019) by virtue of [The Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(Consequential Amendments and Savings Provisions\) Regulations 2019 \(S.I. 2019/110\)](#), regs. 1, [3\(i\)\(i\)](#) (with reg. 5)

F6 S. 124(3) omitted (26.1.2019) by virtue of [The Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(Consequential Amendments and Savings Provisions\) Regulations 2019 \(S.I. 2019/110\)](#), regs. 1, [3\(i\)\(ii\)](#) (with reg. 5)

Modifications etc. (not altering text)

C1 S. 124 modified by [S.I. 1990/178](#), [arts. 3, 5](#) (which S.I. was revoked (11.10.1993) by [S.I. 1993/2241](#), [reg. 4](#)).

125 Landlord's notice of purchase price and other matters.

- (1) Where a secure tenant has claimed to exercise the right to buy and that right has been established (whether by the landlord's admission or otherwise), the landlord shall—
- (a) within eight weeks where the right is that mentioned in section 118(1)(a) (right to acquire freehold), and
 - (b) within twelve weeks where the right is that mentioned in section 118(1)(b) (right to acquire leasehold interest).

serve on the tenant a notice complying with this section.

- (2) The notice shall describe the dwelling-house, shall state the price at which, in the opinion of the landlord, the tenant is entitled to have the freehold conveyed or, as the case may be, the lease granted to him and shall, for the purpose of showing how the price has been arrived at, state—
- (a) the value at the relevant time,
 - (b) the improvements disregarded in pursuance of section 127 (improvements to be disregarded in determining value), and
 - (c) the discount to which the tenant is entitled, stating the period to be taken into account under section 129 (discount) and, where applicable, the amount mentioned in section 130(1) (reduction for previous discount) or section 131(1) or (2) (limits on amount of discount).
- (3) The notice shall state the provisions which, in the opinion of the landlord, should be contained in the conveyance or grant.

- [^{F7}(4) Where the notice states provisions which would enable the landlord to recover from the tenant—
- (a) service charges, or
 - (b) improvement contributions,

the notice shall also contain the estimates and other information required by section 125A (service charges) or 125B (improvement contributions).]

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[^{F8}(4A) The notice shall contain a description of any structural defect known to the landlord affecting the dwelling-house or the building in which it is situated or any other building over which the tenant will have rights under the conveyance or lease.]

[^{F9}(5) The notice shall also inform the tenant of—

- (a) the effect of sections 125D and 125E(1) and (4) (tenant’s notice of intention, landlord’s notice in default and effect of failure to comply),
- (b) his right under section 128 to have the value of the dwelling-house at the relevant time determined or re-determined by the district valuer,
- (c) the effect of section 136(2) (change of tenant after service of notice under section 125),
- (d) the effect of sections 140 and 141(1), (2) and (4) (landlord’s notices to complete and effect of failure to comply),
- (e) the effect of the provisions of this Part relating to the right to acquire on rent to mortgage terms, and
- (f) the relevant amount and multipliers for the time being declared by the Secretary of State for the purposes of section 143B.]

Textual Amendments

- F7** S. 125(4) substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 4(1)(6)
- F8** S. 125(4A) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), [Sch. 5 Pt. 1 para. 3](#)
- F9** S. 125(5) substituted (11.10.1993) by [1993 c. 28, s. 104](#); [S.I. 1993/2134, arts. 2, 4\(b\)](#) (with saving in [Sch. 1 para. 4\(1\)](#)).

[^{F10}**125A** Estimates and information about service charges.

- (1) A landlord’s notice under section 125 shall state as regards service charges (excluding, in the case of a flat, charges to which subsection (2) applies)—
 - (a) the landlord’s estimate of the average annual amount (at current prices) which would be payable in respect of each head of charge in the reference period, and
 - (b) the aggregate of those estimated amounts,
 and shall contain a statement of the reference period adopted for the purpose of the estimates.
- (2) A landlord’s notice under section 125 given in respect of a flat shall, as regards service charges in respect of repairs (including works for the making good of structural defects), contain—
 - (a) the estimates required by subsection (3), together with a statement of the reference period adopted for the purpose of the estimates, and
 - (b) a statement of the effect of—
 - paragraph 16B of Schedule 6 (which restricts by reference to the estimates the amounts payable by the tenant), and
 - section 450A and the regulations made under that section (right to a loan in respect of certain service charges).
- (3) The following estimates are required for works in respect of which the landlord considers that costs may be incurred in the reference period—
 - (a) for works itemised in the notice, estimates of the amount (at current prices) of the likely cost of, and of the tenant’s likely contribution in respect of, each

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item, and the aggregate amounts of those estimated costs and contributions, and

- (b) for works not so itemised, an estimate of the average annual amount (at current prices) which the landlord considers is likely to be payable by the tenant.]

Textual Amendments

F10 Ss. 125A–C inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 4(2)(6)

[^{F11}125B Estimates and information about improvement contributions.

- (1) A landlord’s notice under section 125 given in respect of a flat shall, as regards improvement contributions, contain—
- (a) the estimates required by this section, together with a statement of the reference period adopted for the purpose of the estimates, and
- (b) a statement of the effect of paragraph 16C of Schedule 6 (which restricts by reference to the estimates the amounts payable by the tenant).
- (2) Estimates are required for works in respect of which the landlord considers that costs may be incurred in the reference period.
- (3) The works to which the estimates relate shall be itemised and the estimates shall show—
- (a) the amount (at current prices) of the likely cost of, and of the tenant’s likely contribution in respect of, each item, and
- (b) the aggregate amounts of those estimated costs and contributions.]

Textual Amendments

F11 Ss. 125A–C inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 4(2)(6)

[^{F12}125C Reference period for purposes of ss. 125A and 125B.

- (1) The reference period for the purposes of the estimates required by section 125A or 125B is the period—
- (a) beginning on such date not more than six months after the notice is given as the landlord may reasonably specify as being a date by which the conveyance will have been made or the lease granted, and
- (b) ending five years after that date or, where the notice states that the conveyance or lease will provide for a service charge or improvement contribution to be calculated by reference to a specified annual period, with the end of the fifth such period beginning after that date.
- (2) For the purpose of the estimates it shall be assumed that the conveyance will be made or the lease granted at the beginning of the reference period on the terms stated in the notice.]

Textual Amendments

F12 Ss. 125A–C inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 4(2)(6)

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[^{F13}125D Tenant’s notice of intention.

- (1) Where a notice under section 125 has been served on a secure tenant, he shall within the period specified in subsection (2) either—
 - (a) serve a written notice on the landlord stating either that he intends to pursue his claim to exercise the right to buy or that he withdraws that claim, or
 - (b) serve a notice under section 144 claiming to exercise the right to acquire on rent to mortgage terms.
- (2) The period for serving a notice under subsection (1) is the period of twelve weeks beginning with whichever of the following is the later—
 - (a) the service of the notice under section 125, ^{F14} . . .
 - (b) where the tenant exercises his right to have the value of the dwelling-house determined or re-determined by the district valuer [^{F15}(or where the landlord exercises his right to have the value of the dwelling-house re-determined by the district valuer), the relevant event] .

[In subsection (2)(b) “ the relevant event ” means—

- ^{F16}(3) (a) where a review notice was capable of being served under section 128A in relation to the determination or re-determination but no such notice was served during the period permitted by that section, the service of the notice under section 128(5) stating the effect of the determination or re-determination,
- (b) where a review notice was served under section 128A in relation to the determination or re-determination and section 128B(3) applied, the service on the tenant of the notice under section 128B(3), and
- (c) where a review notice was served under section 128A in relation to the determination or re-determination and section 128B(5) applied, the service of the notice under section 128B(7).]

Textual Amendments

- F13** Ss. 125D, 125E inserted (11.10.1993) by 1993 c. 28, s. 105(1); S.I. 1993/2134, arts. 2, 4(b) (with saving in Sch. 1 para. 4(1)).
- F14** Word in s. 125D(2) repealed (22.9.2008 for E. and otherwise prosp.) by Housing and Regeneration Act 2008 (c. 17), ss. 321(1), 325(2), Sch. 16
- F15** Words in s. 125D(2)(b) substituted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 306(3), 325(2) (with s. 306(12))
- F16** S. 125D(3) inserted (22.9.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 306(4), 325(2) (with s. 306(12))

[^{F17}125E Landlord’s notice in default.

- (1) The landlord may, at any time after the end of the period specified in section 125D(2) or, as the case may require, section 136(2), serve on the tenant a written notice—
 - (a) requiring him, if he has failed to serve the notice required by section 125D(1), to serve that notice within 28 days, and
 - (b) informing him of the effect of this subsection and subsection (4).
- (2) At any time before the end of the period mentioned in subsection (1)(a) (or that period as previously extended) the landlord may by written notice served on the tenant extend it (or further extend it).

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- (3) If at any time before the end of that period (or that period as extended under subsection (2)) the circumstances are such that it would not be reasonable to expect the tenant to comply with a notice under this section, that period (or that period as so extended) shall by virtue of this subsection be extended (or further extended) until 28 days after the time when those circumstances no longer obtain.
- (4) If the tenant does not comply with a notice under this section, the notice claiming to exercise the right to buy shall be deemed to be withdrawn at the end of that period (or, as the case may require, that period as extended under subsection (2) or (3)).]

Textual Amendments

F17 Ss. 125D, 125E inserted (11.10.1993) by 1993 c. 28, s. 105(1); S.I. 1993/2134, arts. 2, 4(b) (with saving in Sch.1 para. 4(1)).

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172](#) Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)