

2015 No. 1542

HOUSING, ENGLAND

**The Housing (Right to Buy) (Prescribed Forms) (Amendment)
(England) Regulations 2015**

<i>Made</i>	- - - -	<i>16th July 2015</i>
<i>Laid before Parliament</i>		<i>20th July 2015</i>
<i>Coming into force</i>	- -	<i>17th August 2015</i>

The 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. These Regulations may be cited as the Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) Regulations 2015 and shall come into force on 17th August 2015.

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.

Revocations and Savings

3.—(1) The following Regulations are revoked—

- (a) The Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) (No. 3) Regulations 2005(c),
- (b) The Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) Regulations 2007(d), and
- (c) The Housing (Right to Buy) (Prescribed Forms) (Amendment) (England) Regulations 2014(e).

(2) Nothing in these regulations shall affect the validity of any notice served by a secure tenant under section 122(1) of the Housing Act 1985(f) before the coming into force of these Regulations if, at the date of service of the notice, the notice was in the form then prescribed by the Housing (Right to Buy) (Prescribed Forms) Regulations 1986 or in a form substantially to the like effect.

(a) 1985 c. 68.
(b) S.I.1986/2194.
(c) S.I. 2005/2876
(d) S.I. 2007/784
(e) S.I. 2014/1797
(f) Section 122(1) was amended by the Housing (Wales) Measure 2011 (c. 5), section 32(2)

Signed by the authority of the Secretary of State for Communities and Local Government

Brandon Lewis
Minister of State

16th July 2015

Department for Communities and Local Government

SCHEDULE

Prescribed Form

Regulation 2



Department for
Communities and
Local Government

Notice claiming the Right to Buy (RTB1 form)

Please use this form if you are a council or housing association tenant and wish to purchase your home under the Right to Buy or Preserved Right to Buy schemes.

You could be eligible for a Right to Buy discount if:

- ✓ You are a council tenant OR you were a council tenant and were living in your home when it was transferred to your current housing association landlord
- ✓ The property is your only or main home
- ✓ You have been a public sector tenant (usually a tenant of a council or a housing association) for at least 3 years
- ✓ You don't live in sheltered housing or other housing particularly suitable for elderly or disabled people
- ✓ Your home is not due to be demolished
- ✓ You don't have any legal problems with debt
- ✓ You don't have any outstanding possession orders

If you can answer 'yes' to these statements, you are probably eligible but your landlord will need to confirm this.

Remember, buying your home is a big decision. If you haven't done so already, you should get impartial financial and legal advice before buying.

You can get free information and advice from:

- Your landlord
- The Government's Right to Buy website: www.communities.gov.uk/righttobuy and helpline: 0300 123 0913
- The Government's booklets – *Want to make your home your own?* and *Your Right to Buy your Home*
- For legal matters contact your local Citizens Advice Bureau: www.citizensadvice.org.uk
- For budgeting and financial advice, contact the Money Advice Service: 0300 500 5000; www.moneyadviceservice.org.uk

When you have completed this form, take it or send it by recorded delivery to your landlord. If you take it by hand, ask for a receipt. You should keep a copy of the completed form.

Part A: The property

Note:

You can only claim the Right to Buy discount if you are a tenant of this property.

Give the following details:

Address of the property you wish to buy
(including postcode)

Name of your landlord

--

Please turn the page

Part B: The tenant(s) and family member(s) wishing to share the Right to Buy

Notes:

Tenant

1. You have the right to 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 main home'. If you are applying to buy jointly with other tenants, only one of you needs to live in the property as your 'only or main home'.
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 F of this notice. Their tenancy will end when you buy the property.

Family member

1. You may share the Right to Buy with up to three family members over the age of 18. They must be a spouse, civil partner or wider family member, but do not have to be tenants themselves. Wider family members must have also lived in the property as their main home for at least the last 12 months.
2. If you are unsure whether someone qualifies as a family member for this purpose, you should check with your landlord. You can ask your landlord to allow family members who haven't lived with you for 12 months to buy with you, but they do not have to agree to this.

Fill in the table below for each tenant of the property, and then for any family member(s) who are not tenants but wish to share the Right to Buy with you.

	Title	Full name	Do they wish to buy? (Y/N)	Only/main home? (Y/N)
Tenant 1				
Tenant 2				
Tenant 3				

	Title	Full name	Have they lived in this property for the last 12 months? (Y/N)	Do they wish to buy? (Y/N)	Relationship to tenant (son, etc.)	Only/main home? (Y/N)
Family member 1						
Family member 2						
Family member 3						

Part C: Qualification and discount

Note:

You must have been a public sector tenant for at least three years to qualify to buy your home at a discount.

You do not need to have spent the full three years in your present home or with your present landlord. 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.

The longer you have been a tenant, the bigger the discount you could be eligible for. Maximum discount levels apply. For details of the current discount levels, please go to www.communities.gov.uk/righttobuy.

Please give details of:

- Your current tenancy
- Previous tenancies
- Previous tenancies of your **spouse/civil partner**
- Previous tenancies of your spouse/civil partner's **ex-partner** (if they were married at the time or if they were living together at the time of death)
- If you are claiming a tenancy that was not in your name please tell us your relationship to the tenant of that address
- You should also sign the '**Authority to Disclose**' form if you are claiming a previous tenancy with a different landlord so that we can confirm the details.

Current tenancy

Property address (including postcode)		
Name of tenant 1		
Name of tenant 2		
Name of tenant 3		
Date tenancy started (MM/YY)		
Have you ever been known by any other name?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If 'yes' – give details

Previous tenancy details

Name of tenant	
Landlord of the property (e.g. name of council/housing association)	
Property address (including postcode)	
Enter date tenancy started (MM/YYYY)	
Enter date tenancy ended (MM/YYYY)	

Previous tenancy details

Name of tenant	
Landlord of the property (e.g. name of council/housing association)	
Property address (including postcode)	
Enter date tenancy started (MM/YYYY)	
Enter date tenancy ended (MM/YYYY)	

Previous tenancy details

Name of tenant	
Landlord of the property (e.g. name of council/housing association)	
Property address (including postcode)	
Enter date tenancy started (MM/YYYY)	
Enter date tenancy ended (MM/YYYY)	

Previous tenancy details

Name of tenant	
Landlord of the property (e.g. name of council/housing association)	
Property address (including postcode)	
Enter date tenancy started (MM/YYYY)	
Enter date tenancy ended (MM/YYYY)	

Previous tenancy details

Name of tenant	
Landlord of the property (e.g. name of council/housing association)	
Property address (including postcode)	
Enter date tenancy started (MM/YYYY)	
Enter date tenancy ended (MM/YYYY)	

Previous tenancy details

Name of tenant	
Landlord of the property (e.g. name of council/housing association)	
Property address (including postcode)	
Enter date tenancy started (MM/YYYY)	
Enter date tenancy ended (MM/YYYY)	

Authority to disclose

Please complete this form if you have claimed any tenancy with another landlord. It will help us to process your application more quickly.

Name(s):

Address:

Postcode:

Date (DD/MM/YYYY):

I have provided details of all previous tenancies in my application form for the Right to Buy (RTB1) and I give consent for my landlord to request and receive any information relating to any previous tenancy I have claimed towards my qualification criteria and discount entitlement for the Right to Buy.

All tenants must sign this form, even if they aren't joining in the Right to Buy

Tenants' signatures:

Signed (Tenant 1):

Signed (Tenant 2):

Signed (Tenant 3):

Family members' signatures:

Signed (Family member 1):

Signed (Family member 2):

Signed (Family member 3):

Part D: Previous discount

Note:

You may get a lower discount if you purchased through Right to Buy on another home (or a different government scheme). The amount of your previous discount, less any amount repaid, will be taken into account when determining the discount value for your current purchase.

Give details below of any previous purchase, at a discount, from a public sector landlord (see the list of public sector landlords at the end of this form) which you or your husband, wife or civil partner, or deceased husband, wife or civil partner, have made. If you are making a joint application, provide details in relation to each purchaser.

Address of the property
(including postcode)

Name of your landlord

--

Date of purchase (MM/YYYY)

--

Name of purchaser(s)

--

Have you ever repaid any of the discount given? Yes No

If 'Yes', how much?

--

When?

--

Address of the property
(including postcode)

Name of your landlord

--

Date of purchase (MM/YYYY)

--

Name of purchaser(s)

--

Have you ever repaid any of the discount given? Yes No

If 'Yes', how much?

--

When?

--

Part E: Tenants' improvements

Note:

When the property is valued, any improvements which you have made will not be included in the valuation. You should use this application form to give details of any improvements you have made which you think may affect the valuation. This could include 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.

Give the following details of any tenants' improvements to the property (tick those that apply):

General decoration	<input type="checkbox"/>	Give details:
Flooring	<input type="checkbox"/>	Give details:
Kitchen fittings	<input type="checkbox"/>	Give details:
Bathroom fittings	<input type="checkbox"/>	Give details:
Garden landscaping	<input type="checkbox"/>	Give details:
Other?	<input type="checkbox"/>	Give details:

Part F: Signatures

To the best of my/our knowledge and belief the information that has been provided on this form is true, complete and correct. I/we understand it is used in determining my/our eligibility for the Right to Buy.

I/we understand that if I/we give false or misleading information or I/we omit information for the purpose of gaining the Right to Buy, it may be regarded as a criminal offence and action could be taken against me/us including court action and the recovery of property.

Tenant 1:

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Phone number

Email address (optional):

Tenant 2:

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Phone number

Email address (optional):

Tenant 3:

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Phone number

Email address (optional):

Tenant(s) not wishing to buy:

Note:

Your tenancy will end if the purchase goes ahead.

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Family member 1 (who is not a tenant but is sharing the Right to Buy):

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Family member 2 (who is not a tenant but is sharing the Right to Buy):

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Family member 3 (who is not a tenant but is sharing the Right to Buy):

Signature

Full name

Date of birth

Date (DD/MM/YYYY)

Before you send your form to your landlord

Before you send this application form to your landlord, make a copy and check that you have completed the following:

- The full address of the property you want to buy (make sure you have included the area where you live and the full postcode).
- The name of your landlord e.g. Nottingham City Council.
- The full names of everyone listed on your tenancy agreement/rent book (e.g. RICK SMITH would probably be RICHARD JAMES SMITH). Make sure you tick the boxes to say whether the property is each tenant's only or principal property, and if they wish to buy. On joint tenancies, not all tenants may wish to buy.
- The full names of any family members who wish to share the Right to Buy with you. They must be a family member, spouse or civil partner. They must have lived in the property as their main home for at least the last 12 months. They must be over 18.
- Details of your current and previous public sector tenancies. Make sure you have completed dates, names of tenants, addresses and name of landlord for your tenancies, those of your spouse/civil partner, those of your former spouse/civil partner who you have divorced or who has died, parents who previously held the tenancy.
- Details of any discount previously received under the Right to Buy or other government home ownership schemes, for example Right to Acquire. You do not need to give details of applications, only purchases.
- Details of any improvements you have made to the property. The improvements may have increased the value of the property. If you disclose them in your application, the value of the improvements will not be included in the valuation of the property so you don't pay twice.
- Signatures of everyone listed on your tenancy agreement/rent book and any family members who wish to share the Right to Buy with you. Make sure all tenants sign in the correct place.
- Have YOU signed the form (Part F)?**

STOP – HAVE YOU CHECKED YOU HAVE INCLUDED ALL THE INFORMATION on page 12?

What happens next?

Tear this section off and use to keep a note of important dates and information as you go through the process

Please fill this in as you go along:

1. **Now you have completed your application, make a copy and take or send it by recorded delivery to your landlord. If you take it in person, don't forget to get a receipt.**

Did you get a receipt? Receipt date and number:

2. Landlord confirms if you are eligible (RTB 2 form) – your landlord has up to 4 weeks from receipt of your application to reply confirming whether you have the Right to Buy, or 8 weeks if you have been with your current landlord for less than 3 years. **My landlord should confirm or deny my eligibility by:**

3. Receive an offer – your landlord has to send your offer notice within a specific time from the date you receive your RTB2 confirming your eligibility. This is within 8 weeks where your home is freehold (usually houses or bungalows); or within 12 weeks where it is leasehold (usually flats or maisonettes). **I should receive my offer notice by:**

This offer notice, which is known as a s125 notice, sets out:

- The landlord's valuation of your property*, your discount, the price you'll pay.
- Any structural problems the landlord knows about.
- Any terms and conditions of the purchase.
- *For leasehold properties only*, the s125 offer notice will also include an estimate of the service charges that you will need to pay over the next 5 years.

* If you are not happy with your landlord's valuation you have the right to ask for an independent valuation by a District Valuer.

4. Decide if you want to go ahead with your Right to Buy – you have up to 12 weeks to accept your landlord's offer. It's during this time that you'll need to arrange a mortgage or loan if you need one, get a survey and hire a solicitor. Get independent financial and legal advice (if you haven't already done so) and check you understand all the costs before you sign anything. **I need to respond to my landlord's offer by:**

5. Complete the purchase – Once you're happy with your landlord's terms and have arranged how you will pay for your home, carry on and complete your purchase.

It's usually during this time that you pay your stamp duty (if applicable) and finalise and sign the paperwork. Your solicitor will advise you and help with arrangements for these final stages of the process.

I could be a homeowner on:

Public sector landlords (see Parts C and D)

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
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
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 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 (c. 68) (“the 1985 Act”). The Regulations apply in relation to houses and flats in England only.

The new form, known as “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 (S.I. 1986/2194) (“the 1986 Regulations”). By virtue of regulation 2 of the 1986 Regulations, a form substantially to the like effect as that set out in the Schedule to these Regulations may be used.

Regulation 3(1) revokes S.I. 2005/2879, S.I. 2007/784 and S.I. 2014/1794 which previously substituted the form of notice set out in Schedule 1 of the 1986 Regulations and have been superseded (by S.I. 2007/784, S.I. 2014/1794 and these Regulations respectively).

These Regulations update the RTB1 form to reflect the reduction of the qualifying period for the Right to Buy from five years to three, pursuant to the amendment to section 118 of the 1985 Act made by section 28 of the Deregulation Act 2015 (c. 20).

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

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