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STATUTORY INSTRUMENTS

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**1993 No. 2182 (S.232)**

**HOUSING, SCOTLAND**

**The Right to Purchase (Application  
Form) (Scotland) Order 1993**

*Made* - - - - - *3rd September 1993*

*Coming into force* - - - - - *27th September 1993*

The Secretary of State, in exercise of the powers conferred on him by section 63(1) of the Housing (Scotland) Act 1987<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, commencement and revocation**

1.—(1) This Order may be cited as the Right to Purchase (Application Form) (Scotland) Order 1993 and shall come into force on 27th September 1993.

(2) The Right to Purchase (Application Form) (Scotland) Order 1986<sup>(2)</sup> is hereby revoked.

2. The notice to be served under section 63(1) of the Housing (Scotland) Act 1987 (application to purchase) shall be in the form specified in the Schedule to this Order.

St Andrew's House,  
Edinburgh  
3rd September 1993

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, The  
Scottish Office

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(1) 1987 c. 26; section 63(1) was amended by section 143(1) and (2)(a) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).  
(2) S.I.1986/2138.

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## SCHEDULE

Article 2

### APPLICATION TO PURCHASE YOUR HOME

Before filling in any part of this form please read the notes relating to that part. The notes are not a complete or authoritative statement of law. If you need further guidance, you should consult your solicitor, or ask your landlord or local citizens' advice bureau for advice.

You may find it helpful to read The Scottish Office Environment Department leaflet "Your Right to Buy Your Home". You can get a copy from your landlord, local citizens' advice bureau or by writing to The Scottish Office Environment Department, Housing Division, Room 401, St Andrew's House, Edinburgh EH1 3DE or telephone 031 244 2857 or 2021.

If you would like advice on any aspect of the right to buy or rent to mortgage, you should consider taking legal advice or discuss the matter with your local citizens' advice bureau, to make sure that you are fully aware of the implications and that your interests are protected. This is particularly relevant if you have been approached by an independent third party to buy your home in return for handing over ownership of the property at a later date. If you need assistance to complete this form, it is available free of charge from your landlord.

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. Keep a copy of the completed form for yourself.

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1. Do you wish to purchase under **rent to mortgage** terms?

Please tick box

If yes, do you pay income tax?

2. Address of the **property** you wish to buy

Postcode

Telephone No.

Who do you wish to value the property?

Please tick one box only

District Valuer

Landlord  
nominated valuer

#### Notes

1. Secure tenants of local authorities, Scottish Homes, new town development corporations, registered housing associations, police authorities and fire authorities normally have the right to buy their homes.
2. You cannot buy your home under rent to mortgage if you live in a designated defective property or if you are receiving, or in the process of applying for housing benefit in the 12 months before the application to purchase.
3. If you claimed housing benefit in the last 12 months or a claim was made on your behalf but this claim has not been determined or withdrawn, it will be necessary to find out if the claim is successful before deciding if you can buy your home on rent to mortgage terms. If you claim housing benefit **after** applying to buy on rent to mortgage terms, you should inform your landlord **immediately**.
4. Your home will be valued by either a qualified valuer nominated by your landlord and acceptable to you, or the district valuer. If you do not want to accept your landlord's valuer the property will automatically be valued by the district valuer.
5. If you do not accept an offer to sell within the appropriate time limits and you do not take up the fixed price option—available only to those not purchasing under rent to mortgage—your position as a tenant will not be affected in any way. You are entitled to submit a further application to purchase whenever you wish.

#### Notes

1. Secure tenants of local authorities, Scottish Homes, new town development corporations, registered housing associations, police authorities and fire authorities normally have the right to buy their homes.
2. You cannot buy your home under rent to mortgage if you live in a designated defective property or if you are receiving, or in the process of applying for housing benefit in the 12 months before the application to purchase.
3. If you claimed housing benefit in the last 12 months or a claim was made on your behalf but this claim has not been determined or withdrawn, it will be necessary to find out if the claim is successful before deciding if you can buy your home on rent to mortgage terms. If you claim housing benefit **after** applying to buy on rent to mortgage terms, you should inform your landlord **immediately**.

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4. Your home will be valued by either a qualified valuer nominated by your landlord and acceptable to you, or the district valuer. If you do not want to accept your landlord’s valuer the property will automatically be valued by the district valuer.

5. If you do not accept an offer to sell within the appropriate time limits and you do not take up the fixed price option—available only to those not purchasing under rent to mortgage—your position as a tenant will not be affected in any way. You are entitled to submit a further application to purchase whenever you wish.

3. Give the details below for each **tenant** of the property:

3. Give the details below for each **tenant** of the property:

	Is the property the tenant’s only or principal home?	Does he or she wish to buy?
Please tick appropriate box		
Surname	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
First names		
Surname	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
First names		
Surname	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
First names		
Surname	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
First names		

**Notes**

1. You are the tenant or joint tenant if your name appears on the tenancy agreement, rent book or rent card.
2. You can only apply to buy if the property is your only or principal home.
3. The agreement and signature (see **Part 8**) of any tenant who does not wish to buy must be obtained before you can apply to purchase. Their tenancy will end when you buy the property.

**Notes**

1. You are the tenant or joint tenant if your name appears on the tenancy agreement, rent book or rent card.
2. You can only apply to buy if the property is your only or principal home.
3. The agreement and signature (see **Part 8**) of any tenant who does not wish to buy must be obtained before you can apply to purchase. Their tenancy will end when you buy the property.

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4. If you wish to share the **right to purchase with any member of your family** who is not a tenant, give their details below:

4. If you wish to share the **right to purchase with any member of your family** who is not a tenant, give their details below:

Relationship to tenant	Has the family member lived with you for the last 6 months as their only or principal home?	Is he or she at least 18 years of age?
Please tick appropriate box		
Surname	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
First names		
Surname	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
First names		
Surname	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
First names		

**Notes**

1. Your husband or wife may share the right to purchase with you if the property is their only or principal home.
2. Other family members may share the right to purchase if the property is their only or principal home and they have lived with you throughout the last 6 months (or a shorter period at your landlord's discretion). A person living with you as your husband or wife, but not actually married to you, is regarded as a member of your family.

**Notes**

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2. Other family members may share the right to purchase if the property is their only or principal home and they have lived with you throughout the last 6 months (or a shorter period at your landlord's discretion). A person living with you as your husband or wife, but not actually married to you, is regarded as a member of your family.

**5. Notes***(The notes in this instance are given for convenience before the part to be filled in)*

1. To **qualify** to purchase your home you must be able to count a total of at least 2 years spent as a secure tenant of a public sector landlord. You need not have spent the 2 years in your present home or with your present landlord, and in some circumstances periods which another person (such as your husband or wife) has spent as a public sector tenant can count towards your 2 year qualifying period.

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2. You can count towards your entitlement to purchase and to discount, time spent living in houses provided by any of the landlords listed at the end of this form.

3. Periods spent after reaching the age of 16 living in a property of which a parent was a public sector tenant may count for qualification and discount if the child succeeded to the parent's public sector tenancy.

4. Discount **under the right to buy** depends on periods of time spent as a public sector tenant. In general, if you are the tenant of a house and you have the 2 year period needed to qualify to buy, you will be entitled to a discount of 32%. You may also be entitled to an extra 1% discount for each complete year over the 2 years. So if, for instance, you have been a public sector tenant for 10 years, your discount could be 40%. The maximum discount for houses is 60% after 30 years tenancy.

5. In general, if you are the tenant of a flat and you have the 2 year period needed to qualify for the right to buy, you will be entitled to a discount of 44%. You may also be entitled to an extra 2% discount for each complete year over the 2 years. So if, for instance, you have been a public sector tenant for 5 years, your discount could be 50%. The maximum discount for flats is 70% after 15 years tenancy.

6. In general, **under rent to mortgage**, if you are the tenant of a house and you have the 2 year period needed to qualify to buy, you will be entitled to a discount of 17%. You may also be entitled to an extra 1% discount for each complete year over the 2 years. So if, for instance, you have been a public sector tenant for 10 years, your discount could be 25%. The maximum discount for houses under this scheme is 45% after 30 years tenancy.

7. In general, if you are a tenant of a flat and you have the 2 year period needed to qualify to buy, you will be entitled to a discount of 29%. You may also be entitled to an extra 2% discount for each complete year over the 2 years. So if, for instance, you have been a public sector tenant for 5 years, your discount could be 35%. The maximum discount for flats is 55% after 15 years tenancy.

8. Your discount **may be restricted** if your house has been built or improved in the period of around 5 years before the date of service of the application to purchase. In many cases, you may still be entitled to buy your home at less than its market value, but you may not qualify for full discount.

*Go through the headings below. Where a heading applies to you, give details in the table opposite. If you are applying to buy jointly with others, each purchaser should fill in a separate table.*

### **Present and previous tenancies**

1. Give details of:
  - (a) your present tenancy if you are a tenant of the property
  - (b) any periods in the past when you were a public sector tenant.

### **If you are married and living with your husband or wife**

2. Give details of any periods when your husband or wife:
  - (a) was a public sector tenant
  - (b) was previously married to another person and lived in a property of which that person was a public sector tenant.

### **If you are separated or have been divorced**

3. Give details of any periods when you were living in a property of which your separated or former husband or wife was a public sector tenant.

**If your husband or wife has died and you were living together when he or she died**

4. Give details of any periods when your deceased husband or wife:
  - (a) was a public sector tenant
  - (b) was previously married to another person and lived in a property of which that person was a public sector tenant.

**Tenants who have succeeded to a public sector tenancy from a parent**

5. Give details of any periods when:
  - (a) you were over the age of 16 and living with a parent who was a public sector tenant
  - (b) a person to whom you are or were previously married was over the age of 16 and living with a parent who was a public sector tenant
  - (c) a person to whom your husband or wife was previously married was over the age of 16 and living with a parent who was a public sector tenant.

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**Purchaser's name**

<b>Purchaser's name</b>
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Period		Name of tenant(s)	Address of property	Name of landlord
from month/year	from month/year			
1.				
2.				
3.				
4.				
5.				



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6. Give details below of any **previous purchase at a discount** from a public sector landlord which you (or your husband or wife or deceased husband or wife) 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	Name of previous purchaser	Date of purchase (month/year)
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**Note**

The amount of any discount on a previous purchase from a public sector landlord, less any sum repaid, may be deducted from the discount allowed on your present purchase.

7. Give details of any **tenant's improvements** to the property:

**Description of improvement**

**Notes**

1. When the property is valued to fix the price, any improvements which you have made and which would have qualified for reimbursement by the landlord will be ignored and the price may therefore be lower.

2. If a member of your family, or your former husband or wife, was the tenant of the property immediately before you, any such improvements they made to the property will also be ignored.

3. You should give details of any such improvements if you think they may affect the value of the property eg central heating, double glazing, a fitted kitchen or a new bathroom suite.

8. To be completed by **each tenant** wishing to buy:

I wish to exercise my right to purchase

Signature	Surname	First names	Date
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To be completed by **each family member (who is not a tenant)** sharing the right to purchase:

I agree to share the right to purchase

Signature	Surname	First names	Date
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To be completed by **each tenant not wishing to purchase:**

(Your tenancy will end if the purchase goes ahead)

- I do not wish to exercise my right to purchase
- I agree to the above purchaser(s) exercising the right to purchase

Signature	Surname	First names	Date
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## **What happens next?**

1. Your landlord must reply to your application either by issuing an offer to sell or a notice of refusal. He must also give you information about the rent to mortgage scheme. At this stage you must decide whether to go ahead and purchase under right to buy or on the rent to mortgage terms, or to withdraw the application.

2. If the right to purchase is refused, the reasons must be given. Your landlord has to reply within 2 months of your application being served. If you are not satisfied with the terms of the offer or if you do not agree with your landlord that you have no right to purchase you can refer the matter to the Lands Tribunal for Scotland at 1 Grosvenor Crescent, Edinburgh EH12 5ER (Tel. 031 225 7996).

3. Once you know the price you have to pay, you will have to consider how to raise the money. To obtain a mortgage you might apply to a building society, a bank or other financial institution. If you are not buying under the rent to mortgage scheme and are refused a loan—

- (a) you can apply to your landlord who must by law offer a loan based on your income and that of any joint purchaser;
- (b) registered housing association tenants should apply to Scottish Homes; and
- (c) tenants of New Towns should apply to their development corporation.

4. If you are not buying under the rent to mortgage scheme and have received an offer of a loan from a building society, bank or other financial institution which is less than you need to buy your home, you can take up the fixed price option on the property by paying your landlord £100 within 2 months of receiving an offer of loan. You then have 2 years to decide if you want to go ahead with the sale. The price of your home will not change during this time even if property prices rise. If you buy within the 2 years your £100 will count towards the price otherwise the money will be refunded to you at the end of the 2 years.

5. If your landlord does not issue an offer to sell within 2 months you may be able to count rent paid towards the purchase price. Please refer to The Scottish Office Environment Department booklet “Your Right to Buy Your Home” for details of how this works.

6. In certain circumstances you may be able to count rent paid toward the purchase price if your landlord delays unreasonably in delivering a good and marketable title to the property. For further information please consult “Your Right to Buy Your Home” booklet.

## **Landlords for Time Entitlement and Discount**

- Local authorities
- Commission for the New Towns
- New Town Development Corporations
- Scottish Homes
- A registered housing association
- Housing Corporation
- A housing co-operative in Scotland, England or Wales
- Development Board for Rural Wales
- Northern Ireland Housing Executive
- A police authority
- A fire authority
- A water authority
- The prison service

The armed forces  
Health Boards  
Forestry Commission  
State Hospital in Scotland or a Special Hospital in England  
Commissioners for Northern Lighthouses  
Trinity House  
HM Coastguard  
United Kingdom Atomic Energy Authority  
Ministry of Defence  
Agriculture and Food Research Council  
British Airports Authority  
British Coal Corporation  
British Gas Corporation  
British Railways Board  
British Steel Corporation  
British Waterways Board  
Central Electricity Generating Board  
Civil Aviation Authority  
Countryside Council for Wales  
Medical Research Council  
National Bus Company  
National Health Service Trusts  
National Rivers Authority  
Natural Environment Research Council  
Nature Conservancy Council for England  
North of Scotland Hydro Electric Board  
The Post Office  
Science and Engineering Research Council  
Scottish Natural Heritage  
Scottish Sports Council  
South of Scotland Electricity Board  
Sports Council  
Sports Council for Wales  
Scottish Transport Group  
Waverley Housing Trust Limited  
Any other Government Department or Minister of the Crown

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes the Right to Purchase (Application Form) (Scotland) Order 1986 and prescribes another form of notice which is to be used by any secure tenant within the meaning of Part III of the Housing (Scotland) Act 1987, when exercising the right to purchase his dwellinghouse conferred on him by section 61 of that Act. The notice in this Order has been redesigned and takes account of amendments made to the “right to buy” provisions of the Housing (Scotland) Act 1987 by the Leasehold Reform, Housing and Urban Development Act 1993 principally in respect of the rent to loan scheme and the periods of occupation. The notice contains–

- (a) a statement that the tenant or joint tenants wish to exercise the right to purchase;
- (b) 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;
- (c) the names of any joint purchasers included or proposed for inclusion by the tenant or tenants;
- (d) 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; and
- (e) the details of any improvements made to the dwellinghouse by the tenant.