
STATUTORY INSTRUMENTS

1993 No. 2245

HOUSING, ENGLAND AND WALES

**The Housing (Right to Buy Delay Procedure)
(Prescribed Forms) (Amendment) Regulations 1993**

Made - - - - 9th September 1993

Coming into force - - 11th October 1993

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 section 176(1) and (5) of the Housing Act 1985(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing (Right to Buy Delay Procedure) (Prescribed Forms) (Amendment) Regulations 1993 and shall come into force on 11th October 1993.

Amendments

2.—(1) For regulation 2(a) of the Housing (Right to Buy Delay Procedure) (Prescribed Forms) Regulations 1989(2) substitute—

“(a) the form (form RTB6) for an initial notice of delay under section 153A(1) of the Housing Act 1985;”(3).

(2) In the Schedule to those Regulations—

(a) omit form RTB5 (initial notice of delay for shared ownership leases);

(b) in form RTB6 (initial notice of delay)—

(i) for the first paragraph substitute—

“This form is for use by tenants of local authorities and certain other bodies who have claimed to exercise the right to buy their homes (or the right to acquire their homes on rent to mortgage terms) and are being held up by the landlord.”;

(1) 1985 c. 68.

(2) S.I.1989/240.

(3) Section 153A(1) was inserted by section 124 of the Housing Act 1988 (c. 50) and amended by paragraph 13(2) of Schedule 21 and by Schedule 22 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).

Status: This is the original version (as it was originally made).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

(ii) for “Say what your landlord did last, as far as you know, in dealing with your application” substitute–

“Say what you landlord did last, as far as you know, in dealing with your application:

(iii) for “C. delays on your part are holding up the sale ” substitute–

C. delays on your part are holding up the sale under the right to buy

D. delays on your part are holding up the sale on rent to mortgage terms.

(iv) for the notes relating to box C substitute–

“Tick C

if your purchase is held up by your landlord in some other way (and you are not buying on rent to mortgage terms). For instance, if you have received notice of the purchase price and you have served a notice on your landlord stating that you want to pursue your claim to exercise the right to buy, but your landlord is not making reasonable progress towards completing the sale.

Tick D

if your purchase is held up by your landlord in some other way and you are buying on rent to mortgage terms. For instance, if the delay is because:

- your landlord has not given you a notice admitting or denying your right to acquire on rent to mortgage terms, or
- your landlord has not given you a notice stating the landlord’s share and the amount of the initial discount, after you have served a notice that you want to pursue your claim to acquire on rent to mortgage terms, or
- your landlord has given you both these notices, but is not making reasonable progress towards completing the sale.”;

(c) in form RTB7 (landlord’s counter notice)–

(i) in the first paragraph omit “or grant of the lease”;

(ii) in the second paragraph for “section 124, 125, 146 or 147” substitute – “section 124 or 125.”;

- (iii) for “the right to be granted a shared ownership lease” substitute “the right to acquire on rent to mortgage terms”;
 - (iv) for “to be granted a shared ownership lease” substitute “to acquire on rent to mortgage terms”; and
 - (v) in the note to the landlord for “section 153A(3)(6)” substitute “section 153A(3)(b)”⁽⁴⁾; and
- (d) in form RTB8 (operative notice of delay)—
- (i) in the first sentence for “or the right to a shared ownership lease” substitute “or the right to acquire on rent to mortgage terms”;
 - (ii) omit “RTB5 or” in both places;
 - (iii) above the space for the address omit the words “or lease”;
 - (iv) in the note to the landlord for “section 124, 125, 146 or 147 of that Act” substitute “section 124 or 125 of that Act”; and
 - (v) for the words in the notes after “notice under” to the end of the sentence substitute—
“section 124 or 125 of the Housing Act 1985, rent payments made after the date when the notice should have been served will reduce the purchase price”.

Saving

3.—(1) These Regulations do not apply in a case where a notice under section 122 of the Housing Act 1985 (tenant’s notice claiming to exercise the right to buy) was served before 11th October 1993.

(2) Nothing in these Regulations shall affect the validity of a notice served before 11th January 1994 if the notice was in the form originally prescribed by the Regulations referred to in regulation 2.

Signed by authority of the Secretary of State

8th September 1993

G. S. K. Young
Minister of State,
Department of the Environment

9th September 1993

John Redwood
Secretary of State for Wales

(4) Section 153A(3)(b) was amended by paragraph 13(3) of Schedule 21 to the Leasehold Reform, Housing and Urban Development Act 1993.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing (Right to Buy Delay Procedure) (Prescribed Forms) Regulations 1989 which prescribe the forms (and particulars to be contained in forms) relating to sections 153A and 153B of the Housing Act 1985. Those sections make provision for the consequences of delays by landlords in dealing with claims to exercise the right to buy or the right to acquire on rent to mortgage terms under Part V of that Act.

The Regulations repeal form RTB5 (initial notice of delay for shared ownership leases) and amend the other forms, subject to the savings in regulation 3. They are consequential on the introduction of the right to acquire on rent to mortgage terms and the abolition of the right to a shared ownership lease by the Leasehold Reform, Housing and Urban Development Act 1993.