

2005 No. 410

HOUSING, ENGLAND

**The Housing (Right to Buy) (Prescribed Forms)
(Amendment) (England) Regulations 2005**

Made - - - - - *28th February 2005*

Coming into force - - - - - *1st April 2005*

The First Secretary of State, in exercise of the powers conferred by section 176(1) and (5) of the Housing Act 1985(a), hereby 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 2005 and shall come into force on 1st April 2005.

(2) These Regulations apply in relation to houses in England only.

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 2, of the form set out in the Schedule to these Regulations.

Signed by authority of the First Secretary of State

28th February 2005

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

(a) 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.
(b) S.I. 1986/2194. A relevant amending instrument is S.I. 1993/2246.

SCHEDULE

Regulation 2

PRESCRIBED FORM

(FORM R112) (ENGLAND)

NOTICE IN REPLY TO TENANT'S RIGHT TO BUY CLAIM

HOUSING ACT 1985: SECTION 124

Landlord's name

(complete in all cases)

Landlord's Ref.

The landlord should delete any Part of the form which does not apply

Part A: Admission of the right to buy

(to insert names of persons whose right to buy is admitted)

Surname

Other names

Surname	Other names

Your right to buy the following property is admitted

(insert address of property)

Your claim was received on *(insert date)*
property's market value of this date.

The purchase price will be based on the

Note to tenant

The landlord is required to send you a notice stating the proposed terms of sale, including the purchase price, within the next 8 weeks (or 12 weeks if you are buying a lease of the property rather than the freehold).

Signed on behalf of the landlord

Name

Job Title

Date

Part B: Denial of the right to buy on grounds other than paragraph 11 of Schedule 5 to the Housing Act 1985

List first names of persons whose right to buy is denied

Surname	Other names

Your right to buy the following property is denied:

(insert address of property)

--

Reason(s) for denial

In the opinion of the landlord you do not have the right to buy for the following reason(s):

Give full reasons, include references to any relevant statutory provisions

--

Note to tenant

Your right to buy has been denied in the circumstances set out in the Housing Act 1985, as amended. You have been denied the right to buy for the reason(s) set out above and therefore do not have a right of appeal to a residential property tribunal. The booklet "Your Right to Buy Your Home" contains guidance and explains how to get help and advice if you dispute the reason(s) given.

Signed on behalf of the landlord

Name

Job Title

Date

Part C: Elderly persons' dwellings: Denial of the right to buy on the grounds in paragraph 11 of Schedule 5 to the Housing Act 1985

(For subject names of persons whose right to buy is denied)

Summary	Other names

Your right to buy the following property is denied:

(Insert address of property)

--

Reason for denial

In the opinion of the landlord you do not have the right to buy because paragraph 11 of Schedule 5 to the Housing Act 1985 applies. This means that the property

- was first let before 1st January 1980,
- is particularly suitable for occupation by elderly persons, and
- was let for occupation by a person aged 60 or more.

Note to tenant

You have been denied the right to buy on the grounds in paragraph 11 of Schedule 5 to the Housing Act 1985. If you do not agree with this reason for denying the right to buy you may ask a residential property tribunal to decide whether it is correct. You must make your application within eight weeks. An application form can be obtained from the Residential Property Tribunal Service, Corporate Unit, 10 Alfred Place, London, WC1E 2LR, telephone number 020 7466 7300.

Signed on behalf of the landlord

Name

Job title

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to houses in England only.

Regulation 2 of these Regulations substitutes the form of notice to be used by a landlord in admitting or denying a tenant's claim under section 124(1) of the Housing Act 1985 ("the 1985 Act") to buy the freehold or purchase a lease or leasehold interest of his or her property.

The new form RTB2 is set out in the Schedule to these Regulations and replaces the form set out in Schedule 2 to the Housing (Right to Buy) (Prescribed Forms) Regulations 1986 ("the 1986 Regulations"). By virtue of regulation 3 of the 1986 Regulations, a form substantially to the same effect as that set out in the Schedule to these Regulations may be used.

Part A of form RTB2 is to be completed where the right to buy is admitted.

Part B of the form is to be completed where the landlord denies the right to buy on grounds other than those set out in paragraph 11 of Schedule 5 to the 1985 Act. (Paragraph 11 applies to property first let before 1st January 1990 that is particularly suitable for occupation by elderly persons and was let for occupation by a person aged 60 or more.) The notes to the tenant differ from those in Part B of the form originally prescribed. They now inform the tenant that he or she has no right of appeal.

Part C of the form is to be completed where the landlord denies the right to buy on the grounds set out in paragraph 11 of Schedule 5 to the 1985 Act. The notes to the tenant differ from those in Part C of the form originally prescribed. They bring up to date the information about the exercise of the right of appeal in the circumstances relevant to that Part. In particular, they reflect the transfer of jurisdiction from the Secretary of State to a residential property tribunal, effected by section 181 of the Housing Act 2004 (c. 34).

The opportunity has been taken to make minor drafting changes.

The booklet "Your Right to Buy Your Home", which is referred to in form RTB1 (notice claiming the right to buy in the form prescribed by regulation 2 of, and Schedule 1 to, the 1986 Regulations) and in the notes to the tenant in Part B of form RTB2 as substituted by these Regulations, may be accessed at www.odpm.gov.uk or obtained from HSF6 Division, Zone 2/G6, Eland House, Bressenden Place, London SW1E 5DU (020 7944 3427).

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.

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