1983 No. 276

HOUSING

Housing (Right to Buy) (Prescribed Forms) Regulations (Northern Ireland) 1983

Made	*15th September 1983*
Coming into operation . . .	*28th September 1983*

The Department of the Environment in exercise of the powers conferred on it by Articles 21 and 106(1) of the Housing (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Housing (Right to Buy) (Prescribed Forms) Regulations (Northern Ireland) 1983 and shall come into operation on 28th September 1983.

Forms

2. The forms set out in the Schedule shall be the forms to be used for the purposes of Article 7 of the Housing (Northern Ireland) Order 1983.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 15th September 1983.

(L.S.)

E. A. Simpson
Assistant Secretary

(a) S.I. 1983/1118 (N.I. 15)

SCHEDULE

Form No. 1

HOUSING (NORTHERN IRELAND) ORDER 1983: ARTICLE 7(1). SECURE TENANT'S NOTICE CLAIMING TO EXERCISE THE RIGHT TO BUY

PART A: TENANTS CLAIMING THE RIGHT TO BUY

To: The Northern Ireland Housing Executive

TAKE NOTICE that .....

.....

.....*(Insert full names of tenant(s))*

being tenant(s) of the house or flat known as .....

.....*(Insert Address)*

hereby claim to exercise the right to buy it.

Does the tenant named above, or where more than one tenant is named above at least one of them, occupy the house or flat as his or her only or principal home? .....

(Write YES or NO)

PART B: CONSENT OF ANY JOINT TENANT WHO DOES NOT WISH TO CLAIM THE RIGHT TO BUY

This Part is only to be completed by any joint tenant who does not wish to exercise the right to buy with the joint tenant(s) named in Part A of this Notice, but agrees to them doing so. **THE TENANCY WILL COME TO AN END WHEN THE PURCHASE IS COMPLETED.**

I/We, the undersigned, do not wish to claim the right to buy the house or flat described in Part A of this Notice and agree to the tenant(s) named in Part A exercising the right to buy.

Signature(s)	Full Name(s)	Address(es)	Date

PART C: TENANTS SHARING THE RIGHT TO BUY WITH THEIR SPOUSE AND/OR OTHER MEMBERS OF THEIR FAMILY. *This Part is only to be completed where the tenant(s) named in Part A of this Notice require(s) that a spouse and/or other member(s) of the family of the tenant(s) should share the right to buy. Up to 3 members of a family in addition to the tenant(s) may be named in Part C.*

SPOUSE

Each person named below who—

is the spouse of a tenant named in Part A of this Notice; and occupies the house or flat as his or her only or principal home

is to share the right to buy—

(Insert full name(s))

OTHER MEMBERS OF THE FAMILY (not including the spouse)

Each person named below who—

is a member of the family of the tenant(s) named in Part A of this Notice; and occupies the house or flat as his or her only or principal home; and has lived with the tenant(s) named in Part A throughout the 6 months ending with the giving of this Notice or throughout such shorter period to which the Executive may consent

is to share the right to buy—

(Insert full name(s))

PART D: PERIODS OF SECURE TENANCY (INCLUDING OCCUPANCY OF ARMED FORCES ACCOMMODATION) FOR ESTABLISHING THE RIGHT TO BUY AND ENTITLEMENT TO DISCOUNT

The tenant(s) named in Part A of this Notice spent the following period(s) as tenant(s) (including periods in accommodation provided for a member of the regular armed forces), as set out in Table 1 below:

TABLE 1

To be completed in relation to each tenant named in Part A of this Notice.

A	*B*		*C*	*D*
Name of tenant(s) in Part A claiming the right to buy	Period of tenancy (or occupancy of armed forces accommodation)		Name of landlord (or Branch of armed forces)	Address of House or flat*
	From	To		

**For armed forces accommodation it is not necessary to fill in column D.*

The deceased spouse of a tenant named in Part A of this Notice spent the following periods(s) as tenant, as set out in Table 2 below:

TABLE 2

To be completed only where a tenant named in Part A of this Notice became the tenant on the death of his or her spouse. Where exact dates are not known approximate dates should be given.

Name of tenant(s) in Part A claiming the right to buy	Name of deceased spouse	Period of tenancy		Name of landlord	Address of house or flat
		From	To		

TABLE 3

To be completed only where a tenant named in Part A of this Notice previously occupied the house or flat as a child of the former tenant.

Name of tenant(s) in Part A claiming the right to buy	Date of grant of tenancy	Name of former tenant	Date of cessation of tenancy	Period(s) during which the tenant(s) named in Part A since the age of 16 occupied the house or flat as a child of the former tenant

ADDITIONAL PERIODS RELEVANT FOR ESTABLISHING THE RIGHT TO BUY AND ENTITLEMENT TO DISCOUNT

PLEASE NOTE — There may be additional periods of tenancy (or periods of occupancy of armed forces accommodation) which have not been listed in Tables 1, 2 or 3 above and which may be relevant for establishing the right to buy and the amount of discount. These are described in the Appendix to this Notice.

PART E: TENANTS' IMPROVEMENTS TO BE DISREGARDED FOR THE PURPOSE OF VALUATION

To be completed only if improvements have been made to the house or flat other than by the Executive.

The following improvements to the house or flat have been made by tenants and should be disregarded for the purpose of valuing the house or flat:

Description of improvement	Name of tenant who made improvement*

**If an improvement is to be disregarded for valuation purposes, it must have been one carried out by–*

(a) the present tenant(s); and/or

(b) a previous tenant who held the same tenancy; and/or

(c) any member of the present tenant's family who was the previous tenant of the house or flat under another tenancy immediately before the present tenancy was granted.

PART F: COURT PROCEEDINGS

Is there a court order in existence as a result of which the tenant(s) of the house or flat is/are obliged to give up possession?

_____ *(Write YES OR NO)*

If YES, give the date specified in the order _____

_____

PART G: BANKRUPTCY ETC.

Has any person named in Part A or Part C of this Notice—

(i) a bankruptcy petition pending or adjudication order in force against him or her?

_____ *(Write YES or NO)*

If YES, give the full name of each person concerned _____

_____

(ii) made a composition or arrangement with creditors, the terms of which remain to be fulfilled?_____ *(Write YES or NO)*

If YES, give the full name of each person concerned _____

_____

Is any person named in Part A or Part C of this Notice an undischarged bankrupt?

_____ *(Write YES or NO)*

If YES, give the full name of each person concerned _____

_____

PART H: PREVIOUS PURCHASES UNDER THE RIGHT TO BUY

Has any person named in Part A, Part C or Table 2 of Part D of this Notice previously purchased a house or flat in Northern Ireland under the **Right to Buy Provisions** of Chapter I of Part II of the Housing (Northern Ireland) Order 1983, or in England, Wales or Scotland under Chapter I of Part I of the Housing Act 1980 or Part I of the Tenants' Rights, Etc. (Scotland) Act 1980?

_____ *(Write YES or NO)*

If YES, give the following particulars:—

Name of person(s) who purchased previously	Date of completion of the purchase

PART J: SIGNATURES, ETC.

The following is to be signed by each person whose name appears in Part A of this Notice.

I/We, being the person(s) named in Part A of this Notice, hereby state that to the best of my/our knowledge and belief the particulars given in this Notice are correct and I/we require any person(s) named in Part C of this Notice to share the right to buy.

Signature(s)	Full name(s)	Address(es)	Date

A person who knowingly makes a false statement may be liable to prosecution.

The following is to be signed by each person whose name appears in Part C of this Notice.

I/We, being the person(s) named in Part C of this Notice, agree to share the right to buy with the person(s) named in Part A and hereby state that to the best of my/our knowledge and belief the particulars given in this Notice are correct.

Signature(s)	Full name(s)	Address(es)	Date

A person who knowingly makes a false statement may be liable to prosecution.

PART K: ADDRESS FOR CORRESPONDENCE

If correspondence is to be sent to an address different from any address given in Part J (for example to the address of a solicitor or agent), please give the name and address here:

.....

.....

PART L: SERVICE OF THE NOTICE

(i) To claim the right to buy the tenant(s) must serve this completed Notice on the Northern Ireland Housing Executive's local District Office.

(ii) Service of this Notice may be effected by post.

(iii) If this Notice is served on or before 28th March 1984 the date for valuation of the house or flat will be 27th July 1983. If this Notice is served after 28th March 1984 the date for valuation will be the date of service of this Notice.

(iv) The Executive is required within 4 weeks to serve on the tenant(s) a written Notice either admitting their right to buy or stating why in its opinion they do not have the right to buy. This period of 4 weeks is extended to 8 weeks where the claim of the tenant(s) to exercise the right to buy is dependent on any period with a landlord elsewhere in the United Kingdom or in accommodation provided for him or his spouse as a member of the regular armed forces.

(v) Where this Notice has been served on the Executive it may be withdrawn at any time by notice in writing served on the Executive.

APPENDIX TO THE NOTICE

Additional periods of occupancy of armed forces accommodation which may be relevant for establishing the right to buy and the amount of discount are—

any period during which any person named in Part A or Part C of this Notice or the spouse of such a person occupied accommodation provided for that person or his spouse as a member of the regular armed forces.

Additional periods of tenancy which may be relevant for establishing the amount of discount are—

any period(s) during which any person named in Part A or Part C of this Notice or his or her spouse or deceased spouse was either a secure tenant or the spouse of a secure tenant.

If a tenant wishes any such period(s) to be taken into account and that period has not been included already in either Table 1 or Table 2 of Part D the tenant is advised to provide the Executive with details in writing.

Form No. 2

HOUSING (NORTHERN IRELAND) ORDER 1983: ARTICLE 7(1). NOTICE IN REPLY TO SECURE TENANT'S NOTICE CLAIMING TO EXERCISE THE RIGHT TO BUY

Address of house or flat in respect of which the right to buy is claimed .....

.....

To: each of the persons named in Tables 1 and 2 below:—

TAKE NOTICE that—

The right to buy the above-mentioned house or flat claimed by a Notice served on the Executive on ..... 19 ..... *(Insert date)* is admitted in relation to the following person(s) named in Table 1.

TABLE 1

The right to buy the above-mentioned house or flat claimed by a Notice served on the Executive on ..... 19 .... *(Insert date)* is denied in relation to the following person(s) named in Table 2.

TABLE 2

The reasons why in the opinion of the Executive the person(s) named in Table 2 do(es) not have the right to buy are as follows:—

Dated 19 Signed

Name in capitals Office held

on behalf of the Northern Ireland Housing Executive

NOTES:

Where the right to buy is established (whether by the Executive's admission or otherwise) the Executive must as soon as practicable serve on you a Notice (an "Offer Notice") under Article 11 of the Housing (Northern Ireland) Order 1983 describing the house or flat (including any additional land used for the purposes of the house or flat which the Executive and tenant(s) have agreed to include) and stating the Executive's opinion of the purchase price and the proposed terms of conveyance or lease to you. The Notice will also inform you of your right to seek a redetermination of the value of the house or flat, the circumstances in which you will be entitled to obtain a mortgage from the Executive and your right, in specified circumstances, to defer completion of the purchase for up to 2 years.

Where the Executive denies a tenant's right to buy or the right of a member of the family to share the right to buy, but the tenant disagrees with the Executive's opinion, the county court can be asked to decide the question.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations prescribe:—

(*a*) the form of Notice to be used by a secure tenant claiming to exercise the right to buy under Chapter I (The Right to Buy) of Part II of the Housing (Northern Ireland) Order 1983; and

(*b*) the form of Notice to be used by the Northern Ireland Housing Executive to admit or, as the case may be, deny the tenant's right to buy.