SCOTTISH STATUTORY INSTRUMENTS

2002 No. 322

HOUSING

The Right to Purchase (Application Form) (Scotland) Order 2002

Made - - - -	*26th June 2002*
Coming into force - -	*30th September 2002*

The Scottish Ministers, in exercise of the powers conferred by section 63(1) of the Housing (Scotland) Act 1987(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and revocation

1.—(1) This Order may be cited as the Right to Purchase (Application Form) (Scotland) Order 2002 and shall come into force on 30th September 2002.

(2) The Right to Purchase (Application Form) (Scotland) Order 2000(**2**) is hereby revoked.

Prescribed Notice

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

St Andrew's House,Edinburgh
26th June 2002

MARGARET CURRAN
A member of the Scottish Executive

(**1**) 1987 c. 26; section 63(1) was amended by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 143(1) and (2)(a) and the Housing (Scotland) Act 2001 (asp 10), Schedule 10, paragraph 13(8). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I.2000/120.

SCHEDULE

Article 2

APPLICATION TO BUY 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 the law.

WHEN YOU HAVE FILLED IN THIS FORM, TAKE IT OR SEND IT BY RECORDED DELIVERY TO YOUR LANDLORD. IF YOU TAKE IT BY HAND, ASK FOR A RECEIPT. YOU ARE ADVISED TO KEEP A COPY OF THE COMPLETED FORM AND ALL RELEVANT DOCUMENTS.

Please note that if your landlord is not the local authority, then you need to submit with your application a certificate providing information on any arrears of council tax or water or sewerage charges you may have. See paragraph 2 of the '*What happens next*' section at the end of this form.

If you would like advice on any aspect of buying your home, you should consider taking legal advice or discuss the matter with your local citizens' advice centre, to make sure that your interests are fully protected. **This is important if you have been approached by someone proposing to help you buy your home (perhaps in exchange for handing over ownership of the house to that person at a later date) or offering advice in return for a fee.**

We also recommend that you read the Scottish Executive booklet "Your Right to Buy Your Home", which provides further information on the right to buy. You can get a copy from your landlord, local citizens' advice centre or The Scottish Executive Development Department, Housing Division, (phone 0131-244-2105). **Your landlord will help you to fill in this form free of charge.**

If you do not accept an offer to sell within the appropriate time limits, your position as tenant will not be affected in any way. However, such a delay may lead to your application being cancelled. But you can make another application to buy at any time.

PLEASE FILL IN –

Surname

First names

Name of Landlord

Landlord Ref:

Address of the house you wish to buy:

Postcode:

Telephone no:

References to **spouse or partner** in this form relate to husband, wife or partner in a relationship which has the characteristics of a relationship between husband and wife (including relationships where both partners are of the same sex).

References to **family** in this form relate to parents, grandparents, children, grandchildren, brother, sister, uncle, aunt, nephew, niece including relationships by marriage or the half-blood (e.g. a half-brother or half-sister). In addition, the stepchild of a person shall be treated as his or her child and a person brought up and treated by another person as if the person were the child of the other person shall be treated as that person's child.

Note

Normally, your house will be valued by a qualified valuer appointed by Scottish Ministers for the purposes of carrying out such valuations, unless your landlord has suggested, **and you have agreed**, that the valuation is carried out by a qualified valuer nominated by your landlord. You are **free** to decide whether or not to accept a valuer nominated by your landlord. If you do not agree with the valuer proposed, you should discuss this with your landlord.

1. For each **tenant** of the house please fill in the following:–

Surname	First names	Does the tenant wish to buy? Please tick appropriate box	
		Yes	No
		Yes	No
		Yes	No
		Yes	No

Notes

(i) You are the tenant or joint tenant if your name appears on the tenancy agreement, rent book or rent card.

(ii) The agreement and signature of any tenant who does not wish to buy must be obtained before you can apply to buy. Their tenancy will end when you buy the house. If there is such a tenant, that tenant should sign at paragraph B at the end of the form.

(iii) A tenant's or joint tenant's spouse* or partner* living in the house as their principal or only home, but who are themselves not tenants, **must** agree to the tenant or tenants buying and **must** sign at paragraph C at the end of the form.

Joint Purchasers

2. You may wish to share the right to buy with one or more members of your family* who are not tenants, provided that they live with you. In this case please fill in the following:–

Surname	First names	Relationship to tenant	Have they lived with you for the last 6 months as their only or principal home? Please tick appropriate box		Are they at least 18 years of age? Please tick appropriate box	
			Yes	No	Yes	No
			Yes	No	Yes	No
			Yes	No	Yes	No
			Yes	No	Yes	No

Notes

(i) Your spouse or partner or other family member who is not a tenant may share the right to buy with you if they are at least 18 and have lived with you throughout the last 6 months in the house as their only or principal home. (For periods shorter than 6 months, please see paragraph 3 below).

(ii) Any family member applying to be a joint purchaser should sign paragraph D at the end of this form.

3. Any member of your family who is not a tenant and who is between 16 and 18 or has not lived with you continuously for the last 6 months may, at your landlord's discretion, be included in your application as joint purchasers. If you have ticked any of the 'No' boxes in paragraph 2 it would be helpful if you provide information below to help your landlord decide whether to accept the person as a joint purchaser.

Note

An example of information which is helpful would be to give details of how long a member of your family who has not lived with you throughout the last 6 months has been living with you; whether they have lived with you for a longer period of time in the past and the reasons why they are likely to continue living with you.

Notes for paragraph 4

(For convenience, these notes are given before the part to be filled in)

(i) The Housing (Scotland) Act 2001 introduced a new right to buy scheme which applies to most tenancies created on or after 30th September 2002 and to tenancies in existence at that date where there was no previous right to buy. However, tenants who already had a right to buy before 30th September 2002 may retain the right under the previous right to buy provisions. The initial qualifying period and the discount entitlement is different between the previous right to buy scheme and the new right to buy. Details are contained in the Scottish Executive booklet, "Your Right to Buy Your Home".

* For the definition of spouse, partner or family member, see the notes on the front page of this form.

(ii) Discount under the right to buy depends on the length of time spent as a tenant of a relevant landlord (listed at the end of this form) and whether or not your tenancy is subject to the new right to buy provisions introduced on 30th September 2002. In general, the level of discount expressed as a percentage of the market value is as follows–

Years spent as tenant	Tenancy with existing right to buy at 30 September 2002		Tenancy commenced from or with no right to buy prior to 30 September 2002
	Houses	Flats	All properties
2-4	32%-34%	44%-48%	Cannot buy
5-9	35%-39%	50%-58%	20%-24%
10-14	40%-44%	60%-68%	25%-29%
15-19	45%-49%	70%	30%-34%
20-24	50%-54%	70%	35%
25-29	55%-59%	70%	35%
30 and over	60%	70%	35%

(iii) There is a cap on the maximum discount available under the modernised right to buy (which relates to tenancies created on or after 30 September 2002 and to tenancies in existence at that date where there was no previous right to buy). This cap has been set at £15,000. This means that the maximum discount available under the modernised right to buy will be 35% of the market value or £15,000, whichever is the lower amount.

(iv) If your property has been built or refurbished over the last 10 years and your landlord has incurred capital and repair costs that exceed £5,000, this may affect (increase) the purchase price of your home. *(Note that only that portion of repair costs, which is greater than £5,500 will count.)* Where the amount incurred on the building or improving of the property is greater than its market value, the landlord must sell you the property at that market value.

4. So that your discount can be calculated please go through the headings in bold below and where a heading applies to you, fill in the boxes in the row opposite the heading. ***If you are applying jointly with other people, each applicant should fill in a separate table.*** If more than two people are applying, please use the table(s) from another form to provide the details of everyone applying.

Present and previous tenancies

Give details in the row opposite of:

(a) your present tenancy, including the exact date when it commenced if this is available; and

(b) any time spent in the past when you were a tenant of a relevant landlord.

If you are living with your spouse or partner

Give details in the row opposite of any periods when your spouse or partner:

(a) was a tenant of a relevant landlord; or

(b) was previously living with (as a spouse or partner) another person who at that time was a tenant of a relevant landlord.

If you are separated or have been divorced or are no longer living with a former partner

Give details in the row opposite of any periods when you were living in a property of which your separated or former spouse or partner was a tenant of a relevant landlord.