

2010 No. 468

HOUSING

**The Limitation on Right to Purchase (Form of Notice)
(Scotland) Regulations 2010**

Made - - - - - *22nd December 2010*

Laid before the Scottish Parliament *24th December 2010*

Coming into force - - - *1st March 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 330 of the Housing (Scotland) Act 1987(a).

Citation and commencement

1. These Regulations may be cited as the Limitation on Right to Purchase (Form of Notice) (Scotland) Regulations 2010 and come into force on 1st March 2011.

Form of Notice

2. The form of notice in the Schedule is prescribed for the purposes of section 61F(2)(d) of the Housing (Scotland) Act 1987(b).

ALEX NEIL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
22nd December 2010

(a) 1987 c.26. 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).

(b) Section 61F was inserted by section 143 of the Housing (Scotland) Act 2010 (asp 17).

SCHEDULE

Regulation 2

NOTICE OF LIMITATION ON RIGHT TO PURCHASE NEW
SUPPLY SOCIAL HOUSING

This notice is to inform you, (name of tenant(s)) that you will not have the right
to buy the house at (address) after it is let to you
under a Scottish secure tenancy/after it is acquired by (name of landlord)
from you.*

Signed

Dated

* Delete as appropriate.

NOTES FOR THE GUIDANCE OF PROSPECTIVE TENANTS

1. The house described above is a new supply social house within the meaning of section 61F of the Housing (Scotland) Act 1987, as inserted by the Housing (Scotland) Act 2010. A new supply social house is a house which is let under a Scottish secure tenancy created after 1st March 2011, but which was not let under a Scottish secure tenancy on or before 25th June 2008 or was acquired by the landlord on or after 25th June 2008. This includes a house that a landlord has bought since 25th June 2008, or is to buy from you, under the Mortgage to Rent scheme.

2. You have been given the above notice because, in general, there is no right to purchase a new supply social house. There are some exceptions to this rule, including certain circumstances where a tenant is required to move to a new supply social house by their landlord, or agrees to move in circumstances where the landlord wishes to demolish the existing house, or in some cases where a tenant has a short Scottish secure tenancy which is converted into a Scottish secure tenancy.

3. If you believe that any of the above circumstances applies to you, you may have the right to buy the new supply social house. It is recommended that you read the Scottish Government booklet "Your Right to Buy Your Home", which provides further information on the rules regarding new supply social housing. You can get a copy from your landlord, local Citizens Advice Bureau or the Scottish Government Social Housing Division, Victoria Quay, Edinburgh, EH6 6QQ. You may also wish to consider taking legal advice or discussing the matter with your local Citizens Advice Bureau.

4. These Notes are for guidance only.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of notice to be used by a landlord letting a new supply social house under a Scottish secure tenancy, or acquiring a new supply social house from a tenant. “New supply social house” is defined in section 61F(3) of the Housing (Scotland) Act 1987.

A notice in the prescribed form must be served by a landlord on a prospective tenant in terms of section 61F(2)(d) of that Act.

The notice informs prospective tenants that they will not have the right to buy the house. It also contains guidance for prospective tenants.

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