

To: Members of Sub Group on Housing Act Implementation

**WORKING GROUP ON HOUSING ACT IMPLEMENTATION: RIGHT TO BUY SUB-GROUP**

As agreed at the first meeting of the sub-group on 25 September I have attached first drafts of sections 3 and 4 of the draft Right to Buy Guidance. This is in line with the structure set out in Sub-Group Paper.

We would welcome views on:

**The structure itself.** We are not at all sure that the previously suggested structure is as helpful as we originally thought. This is because it is based on the premise that there is a clear distinction between the “existing” right to buy and the “modernised” right to buy and that some tenants will continue to enjoy the old right to buy. In reality

- i. most of the existing RTB will remain (application procedures, role of the Lands Tribunal, cost floor etc);
- ii. most of the modernised RTB builds on to the existing RTB – pressured areas, all the limitations on the RTB etc – rather than replaces existing provisions;
- iii. the parts of the existing RTB which are superseded by the modernised RTB are fairly limited; essentially, they relate to:
  - qualifying periods
  - discounts
  - exceptions
- iv. some of the provisions in the 2001 Act just abolish elements of the old RTB (lender of last resort etc).

We have found that working to the existing structure, it is necessary to have a lot of cross referencing which rather undermines the flow and comprehensibility of the document. We would, therefore, welcome the sub-group’s views on a merger of sections 2 and 3 to produce guidance on the modernised RTB as a whole, ie incorporating the features that are carried forward from the previous arrangements. We have included a very early draft of section 2 (which has not been checked) to help you form a view about this. We are not, however, looking for substantive comments on this draft of section 2.

We would also welcome views on:

- The balance between explanation of the statutory provisions and guidance
- The clarity of the drafting

- Whether we have missed anything that should be in sections 3 and 4 (as originally conceived)
- Whether you think we have got anything wrong.

*Richard Grant*

**RICHARD GRANT**

DD H2

1-G

Victoria Quay

☎45511

📠45596

26 October 2001