



# RIGHT TO BUY & RIGHT TO ACQUIRE POLICY

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## Executive Summary:

This policy sets out our statutory and regulatory duties in respect of Right to Buy and Right to Acquire applications and what we will do to ensure compliance.

The policy explains the difference between the Preserved Right to Buy and the Right to Acquire. It also sets out how we will monitor delivery of the policy.

<b>Policy Grouping/Directorate</b>	Customer	
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<b>Reviewed by Policy Team</b>	Date: 6 <sup>th</sup> Jan 2025	Name: Sarah Wilson
<b>EIA Completed</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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<b>Notes:</b>		

## **1 Introduction and aims**

- 1.1 As a charitable community benefit society, RBH is exempt from offering the Right to Buy (RTB) to its customers under the 1985 Housing Act; this being the route open to tenants of Council owned housing. However, customers who transferred from the Council to RBH under the transfer of homes in March 2012 retain the RTB, known as the Preserved RTB (PRTB).
- 1.2 Non transferring tenants have the Right to Acquire (RTA). With effect from 1<sup>st</sup> April 1997, tenants of all housing, built or acquired with socially funded money have the RTA. The RTA allows non-transferring tenants to purchase their home after three years tenancy with a maximum discount of £9,000.
- 1.3 The aims of the policy are to ensure that all applications are consistently administered within the legal framework and are completed using the statutory process which Registered Providers must comply with.

## **2 Context**

- 2.1 By providing a robust PRTB and RTA policy, RBH not only meets statutory and regulatory requirements, but also ensures that RBH customers exercising PRTB or RTA, receive a consistent and fair service.

This policy incorporates any amendments relating to PRTA arising from the Housing and Regeneration Act 2008, plus the Deed of Postponement procedure into the PRTB and RTA procedures.

### **2.2 Economic Standards**

#### Governance & Financing Viability Standard

This policy will help to ensure RBH's business planning is effective by considering how many properties will be sold under the PRTB and RTA each year, and the loss of rental income incurred.

#### **Consumer Standards**

#### Transparency, Influence & Accountability Standard

This policy can be used to assist RBH to consider ways to improve and tailor their approach to delivering services including customer engagement around PRTB and RTA opportunities.

The policy will ensure RBH provides information about PRTB and RTA.

## **3 Values**

- 3.1 The policy fits with the mutual values of RBH:

**Putting People First:** We listen with empathy, respond with compassion, and make it easy for our customers to access our services.

**Delivering Quality:** We invest wisely in our people and make it easy for them to deliver services and create places that our customers are proud to call home. RBH have a responsibility to support customers eligible for the Preserved RTB

& RTA applications. This Policy will support the Homeownership Team in delivering an effective service; ensuring compliance with statutory guidance set out in the associated procedures.

**Open & Transparent:** We are curious, embrace diverse ways of thinking and seek feedback to help us improve. As the Preserved RTB and RTA processes are statutory and applicable to all RP's there is limited opportunity to change the process. Customers are however given the opportunity to feedback about their experience.

## **4 Policy Statement**

- 4.1 The Preserved RTB process is administered in accordance with Section 171 of the Housing Act 1985 and any subsequent amendments, together with associated statutory instruments. The process will be administered within the guidelines set out in RBH's Preserved RTB Procedure.
- 4.2 The RTA process is administered in accordance with the statutory requirements of the Housing Act 1986 and any subsequent amendments, together with guidelines issued by the Regulator of Social Housing (RSH) who are responsible for the scheme. The process will be administered within the guidelines set out in RBH's RTA procedures.
- 4.3 All applications or queries in relation to Preserved RTB or RTA will be directed to RBH's Homeownership Team. If there are any conflicts of interest, for example where the applicant is known to a member of the team, this will be declared, and they will take no further part in the process. An annual Declaration of Interest is completed and signed by all employees.
- 4.4 RBH has zero tolerance towards fraud and will take all appropriate steps to ensure all applications are processed in accordance with this. In addition to the risk of fraudulent applications where someone who is not entitled to a property may attempt to purchase it, there is also the potential for a RTB or RTA application to be used to further money laundering activities.
- 4.5 Further information in relation to these types of fraud is contained within the Tenancy Policy and the Fraud Policy. Anti-Fraud Policy and Anti-Money Laundering Policy. All applicants for the Preserved RTB and RTA will be required to complete an additional Information/Declaration form which will then be subject to scrutiny by the Homeownership Team. All evidence is checked and validated; where any concerns are identified, additional checks will be undertaken and if necessary, the matter will be raised with our Governance Team.
- 4.6 A customer will not be eligible for the Preserved RTB or RTA if they are:
  - An undischarged bankrupt, or have a bankruptcy petition pending against them
  - The subject of a possession order served by the court, at the request of their landlord
  - Subject to formal creditors agreement made under the Insolvency Acts

- Living in a property where a demolition notice has been served

4.7 RBH will not complete any sale until all arrears/rechargeable debts owed to RBH have been cleared.

## **5 Monitoring**

5.1 This policy will be monitored by ELT through the submission of monthly data reports. The Homeownership Team will keep records of each individual sale.

## **6 Review**

6.1 All RBH strategies, policies, service standards and procedures are reviewed on a regular basis to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.

6.2 This policy will go through the full policy approval process every 3 years and will undergo a desktop review annually. This is to ensure that it is fit for purpose and complies with all relevant and statutory regulations.

## **7 Links with Other RBH Documents**

7.1 This policy links to the following policies and strategies:

- RTB / RTA Procedures
- Tenancy Policy
- Fraud Policy

## **8.0 Inclusivity statement**

8.1 We are dedicated to fostering an inclusive and equitable environment for all. We ensure that everyone is valued and respected. Our policies aim to be inclusive, and will comply with UK laws, including the Equality Act 2010, to create a diverse and supportive environment for people to thrive.

8.2 We understand not everyone absorbs information the same way. If you have any difficulty understanding or interpreting this document please email [people@rbh.org.uk](mailto:people@rbh.org.uk) or call Freephone 0800 027 7769. We will work with you to ensure your individual needs are met.

## Appendix one – Definitions and Legal Framework

**The Preserved RTB** – Section 171 of the Housing Act and subsequent amendments made an allowance that became law for tenants to preserve their RTB when they cease to be a secure tenant as they change landlord. The preserved RTB follows closely the same guidance and rules of the RTB scheme

**The RTA** – The RTA (RTA) was introduced in April 1997 as a result of the 1996 Housing Act. It only applies to Registered Social Landlords (RSLs) who build or acquire housing with socially funded money after 1<sup>st</sup> April 1997. The scheme was introduced by the government to allow tenants without the RTB, to purchase their home. The guidance and provisions closely follow the RTB; however the discount is fixed at £9,000 for the Greater Manchester area and is not affected by the length of the qualifying period.

**The Cost Floor** – The cost floor is the cost of the building or acquiring the home, plus the cost of any work carried out to it in the previous 15 years. A home cannot be sold for less than the cost floor.

### Legal References

Act /Law	Date	Sections
Housing Act	1985	<ul style="list-style-type: none"><li>Part V Schedule 5, Section 120</li><li>Schedule 6 &amp; Schedule 16</li><li>Section 92 &amp; Section 621a</li></ul>
Housing Act	1988	In particular <ul style="list-style-type: none"><li>Section 5 and Section 17</li></ul>
The Housing (Preservation of The RTB) (Amendment) Regulations	1999	S.11999 No. 1213
The Housing (RTB) (Cost Floor) (England) Determination	1998	
Housing Act	1996	16 & 17
The Housing (Preservation of The RTB) Regulations	1993	Schedule 3
Housing Act	2004	Part 6 – Section 180 - 194
Housing & Regeneration Act	2008	Chapter 17
Reinvigorating the RTB and one for one replacement	2012	