

Buying your council home

Right to buy is ending for all tenants of social housing in Scotland on 1 August 2016. This is part of the Housing (Scotland) Act 2014.

Right to buy – the basics

The right to buy rules can be difficult to understand. Some tenants do not have the right to buy at all. Others have a right to buy but cannot exercise it because it is suspended.

You will have a preserved right to buy if you had a tenancy before 30 September 2002 and you have not moved home since.

You will have a modernised right to buy if your tenancy began between 30 September 2002 and 1 March 2011. Even if you have a modernised right to buy this is suspended where you live in a Pressured Area. The whole Highland Council area has been designated as pressured, except for parts of Caithness. You can only buy if you live in Caithness except Thurso, Forss, Geise, Glengolly, Janetstown, Scrabster or Weydale.

In most cases you will not have the right to buy if you became a tenant for the first time on or after 2 March 2011.

Notice period

The time before buy ends for all tenants is called the notice period. The notice period ends on 31 July 2016. If you are already able to exercise a right to buy, you can apply to do so up to 31 July 2016. Any application made after that date will not be accepted as there will no longer be a right to buy. As long as your application is submitted by the end of the notice period, it will be considered in the usual way.

Preserved right to buy

If you have preserved right to buy, in most cases you will be able to use your right to buy during the notice period if you wish to do so. There are two exceptions to this:

1. If you succeeded to a tenancy with preserved right to buy and had not previously been a tenant or joint tenant. You first have to satisfy a qualifying period of two years
2. If you succeeded to a tenancy with preserved right to buy and live in a pressured area. In all other circumstances, pressured areas do not affect people with preserved right to buy

Modernised right to buy

If you have modernised right to buy, you may be able to apply to buy your home during the notice period but there are circumstances where you will not. These include:

1. If you have not completed a qualifying period of five years. For example, if you became a tenant on 31 January 2010 you will not be able to apply to buy your home until 31 January 2015 so you would only have part of the notice period available to you
2. If you succeeded to a tenancy with modernised right to buy after 31 July 2011, and had not been a tenant before, right to buy will end before you have completed the qualifying period
3. If you live in a pressured area. Please note that all of the Highland Council area with the exception of some communities in Caithness have been designated as pressured areas

4. If you moved to a 'new supply' house after 1 March 2011. A new-supply house is, mainly, one that the landlord built or bought after 25 June 2008. There are some exceptions to this rule, the main one being if you had to move to the new-supply house because your previous home was being demolished

Pressured areas

Councils have the power to designate areas or types of house as pressured, where the need for housing or a particular house type is, or is likely to be, much greater than the housing available. Modernised right to buy is suspended in these areas. In Highland pressured area status applies to all areas except parts of Caithness.

If you want to discuss your right to buy in more detail please contact your local housing team.

After applying, we instruct a valuation of your home, calculate your discount and aim to issue an offer within 2 months. Take our letter to your solicitor.

You then have 2 months to accept our offer. If you accept, the sale should be complete within 26 weeks.

We don't charge for this service but you will have to pay your own solicitor's fees.

If you want any advice on buying your home, please get in touch.