



Housing (Scotland) Act 2001

2001 asp 10

PART 3

REGULATION OF SOCIAL LANDLORDS

CHAPTER 1

REGISTERED SOCIAL LANDLORDS

Disposal of land and related matters

65 Power of registered social landlord to dispose of land

- (1) A registered social landlord has power by virtue of this section, but not otherwise, to dispose, in such manner as it thinks fit, of land held by it.
- (2) Subsection (1)—
 - (a) is without prejudice to Part III (the right to buy) of the 1987 Act,
 - (b) has effect subject to sections 66 to 68 and 76 of, and schedules 7 and 9 to, this Act.

66 Consent required for disposal of land by registered social landlord

- (1) The written consent of the Scottish Ministers is required for any disposal of land by a registered social landlord under section 65.
- (2) The consent of the Scottish Ministers may be given—
 - (a) generally to all registered social landlords or to a particular landlord or description of landlords,
 - (b) in relation to particular land or a particular description of land,
 - (c) in relation to a particular disposal or a particular description of disposal,and may be given subject to conditions.
- (3) In considering whether to give consent under this section the Scottish Ministers must have regard to the views expressed by those consulted under section 68.

Status: This is the original version (as it was originally enacted).

- (4) A disposal by a landlord which requires consent under this section is valid in favour of a person claiming under the landlord despite that consent not having been given; and a person dealing with the landlord, or with a person claiming under the landlord, is not concerned to see or inquire whether any such consent has been given.
- (5) Where at the time of its removal from the register of social landlords a body owns land, this section continues to apply to that land after the removal as if the body concerned continued to be a registered social landlord.
- (6) In this section, “disposal” means sale, lease, heritable security, charge or any other disposal.

67 Disposals not requiring consent

- (1) Section 66 does not apply to a disposal by a registered social landlord by way of—
 - (a) a lease under a Scottish secure tenancy, or what would be a Scottish secure tenancy but for schedule 1,
 - (b) a lease under a short Scottish secure tenancy,
 - (c) a lease under an assured tenancy or an assured agricultural occupancy,
 - (d) a lease under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of Schedule 4 to the 1988 Act, or
 - (e) a disposal under Part III (the right to buy) of the 1987 Act.
- (2) The Scottish Ministers may by order specify additional disposals to which section 66 does not apply.
- (3) In this section, “assured agricultural occupancy” has the same meaning as in Part I of the Housing Act 1988 (c. 50).

68 Disposals of land: consultation with tenants

- (1) This section applies where a registered social landlord proposes to make a disposal of land under section 65 other than—
 - (a) a disposal which does not require the consent of the Scottish Ministers under section 66,
 - (b) a disposal to which schedule 9 applies, or
 - (c) a disposal of an interest by way of security for a loan.
- (2) Where this section applies, the landlord must consult—
 - (a) the tenants of those of its houses included in the disposal, and
 - (b) such other persons as the Scottish Ministers may require,
 and must inform the Scottish Ministers of the views expressed by those consulted.