



Housing (Scotland) Act 2001

2001 asp 10

PART 7

MISCELLANEOUS AND GENERAL

Miscellaneous

106 Equal opportunities

- (1) The Scottish Ministers and local authorities must exercise the functions conferred on them by this Act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (2) In providing housing accommodation and related services, registered social landlords must act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (3) In this section, “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 (equal opportunities) of Part II of Schedule 5 to the Scotland Act 1998 (c.46).

Commencement Information

- II** [S. 106](#) wholly in force at 1.11.2001, see [s. 113](#) and [S.S.I. 2001/336](#), [art. 2\(3\)](#), [Sch. Pt. II](#) (subject to transitional provisions in [art. 3](#)) (as amended by [S.S.I. 2001/397](#), [art. 7\(b\)](#))

107 Local authority maintenance of houses etc. of registered social landlord

- (1) Section 1 (supply of goods and services by local authorities) of the Local Authorities (Goods and Services) Act 1970 (c.39) applies in relation to a registered social landlord as if it were a public body within the meaning of subsection (4) of that section.
- (2) In such application, the definition of “works of maintenance” in that subsection has effect as if the word “minor” wherever it occurs were omitted.

Status: Point in time view as at 01/10/2003.

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Commencement Information

- I2** S. 107 wholly in force at 1.11.2001, see s. 113 and S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))

108 Meaning of “family” and “spouse”: cohabitation

- (1) For the purposes of this Act, a person (“A”) is a member of another’s (“B’s”) family if—
- (a) A is the spouse of B, or A and B live together as husband and wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex, or
 - (b) A is B’s parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purpose of subsection (1)(b)—
- (a) a relationship by marriage is to be treated as a relationship by blood,
 - (b) a relationship of the half-blood is to be treated as a relationship of the whole blood,
 - (c) the stepchild of a person is to be treated as that person’s child, and
 - (d) a person brought up or treated by another person as if the person were the child of the other person is to be treated as that person’s child.
- (3) In section 83 (members of a person’s family) of the 1987 Act—
- (a) in subsection (1)(a), after “wife” insert “ or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex ”,
 - (b) in subsection (2), after paragraph (c) insert—
 - “(ca) a person brought up or treated by another person as if the person were the child of the other person shall be treated as that person’s child;”,
 - (c) after subsection (2) insert—
 - “(3) Except in subsection (1)(a), references in this Act to a person’s spouse include references to another person living together with that person as husband and wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex.”

Commencement Information

- I3** S. 108 wholly in force at 1.10.2001, see s. 113 and S.S.I. 2001/336, art. 2(2), **Sch. Pt. I** (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))

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General

109 Orders and regulations

- (1) Any power of the Scottish Ministers to make orders or regulations under this Act is exercisable by statutory instrument.
- (2) Any such power includes power—
 - (a) to make such incidental, supplemental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient,
 - (b) to make different provision for different purposes and different areas.
- (3) An order under section 87 or 110 may modify any enactment, instrument or document.
- (4) A statutory instrument containing an order or regulations under this Act (except sections 7(3), 93(5) and 113 and, where subsection (5) of this section applies, sections 87 and 110) is subject to annulment in pursuance of a resolution of the Parliament.
- (5) No order under section 87 or 110 containing provisions which add to, replace or omit any part of the text of an Act is to be made unless a draft has been laid before, and approved by resolution of, the Parliament.
- (6) No regulations are to be made under section 7(3), and no order is to be made under section 93(5), unless a draft has been laid before, and approved by resolution of, the Parliament.

110 Ancillary provision

The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes or in consequence of this Act.

111 Interpretation

In this Act, unless the context otherwise requires—

“the 1987 Act” means the Housing (Scotland) Act 1987 (c.26),

“the 1988 Act” means the Housing (Scotland) Act 1988 (c.43),

“assured tenancy” and “short assured tenancy” have the same meanings as in Part II of the 1988 Act,

“family” and membership of a person’s family are to be construed in accordance with section 108,

“flat” means a separate and self-contained set of premises, whether or not on the same floor, forming part of a building from some other part of which it is divided horizontally,

“homeless”, “homelessness” and “threatened with homelessness” are to be construed in accordance with Part II of the 1987 Act,

“hostel” means—

- (a) in relation to a building provided or converted before 3rd January 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained houses) and board, and

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- (b) in relation to a building provided or converted on or after that date, a building in which is provided for persons generally or for any class or classes of persons, residential accommodation (otherwise than in houses) and either board or common facilities for the preparation of adequate food to the needs of those persons, or both,

“house” includes—

- (a) any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling, and in particular includes a flat, and
(b) any yard, garden, outhouses and pertinents belonging to the house or usually enjoyed with it,

“housing accommodation” includes flats, lodging-houses and hostels,

“housing support services” has the meaning given in section 91(8),

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39), and “local government area” means the area for which such a council is constituted,

“local authority landlord” has the meaning given in section 11(3),

“registered social landlord” means a body registered in the register maintained under section 57,

“registered tenant organisation” has the meaning given in section 53(6),

“Scottish secure tenancy” is to be construed in accordance with section 11 (and does not include a short Scottish secure tenancy),

“short Scottish secure tenancy” is to be construed in accordance with section 34.

Commencement Information

- I4** S. 111 wholly in force at 1.10.2001, see s. 113 and S.S.I. 2001/336, art. 2(2), Sch. Pt. I (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))

112 Modification of enactments

Schedule 10, which modifies enactments in consequence of the provisions of this Act, has effect.

Commencement Information

- I5** S. 112 partly in force; s. 112 not in force at Royal Assent see s. 113; s. 112 in force for specified purposes at 1.11.2001 by S.S.I. 2001/336, art. 2(3), Sch. Pt. II (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b)) and by S.S.I. 2001/397, art. 2(2), Sch. (subject to transitional provisions in arts. 3-6); s. 112 in force for further specified purposes: at 19.12.2001 by S.S.I. 2001/467, art. 2(2), Sch. (subject to transitional provisions in art. 3); at 1.4.2002 by S.S.I. 2002/168, art. {2(2)}, Sch. (subject to transitional provisions and savings in art. 3); at 30.9.2002 by S.S.I. 2002/321, art. 2 (subject to transitional provisions and savings in arts. 3-5) and S.S.I. 2002/433, art. 2, Sch.
- I6** S. 112 in force at 1.10.2003 for specified purposes by S.S.I. 2003/434, art. 2, sch. (with arts. 3, 4)

113 Commencement and short title

- (1) Except for sections 109 and 110 and this section, the provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

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- (2) Different days may be appointed under this section for different purposes or different areas.
- (3) This Act may be cited as the Housing (Scotland) Act 2001.

Subordinate Legislation Made

- P1** S. 113(1)(2) power exercised as follows:
- different dates appointed for specified provisions by S.S.I. 2001/336, **art. 2(2)(3)** (subject to transitional provisions and savings in **art. 3**) (as amended by S.S.I. 2001/397, **art. 7(b)**);
 - 1.11.2001 appointed for specified provisions by S.S.I. 2001/397, **art. 2(2)**, **Sch.** (subject to transitional provisions and savings in **arts. 3-6**);
 - 19.12.2001 appointed for specified provisions by S.S.I. 2001/467, **art. 2(2)**, **Sch.** (subject to transitional provisions in **art. 3**);
 - 1.4.2002 appointed for specified provisions by S.S.I. 2002/168, **art. 2(2)**, **Sch.** (subject to transitional provisions and savings in **art. 3**);
 - 30.9.2002 appointed for specified provisions by S.S.I. 2002/321, **art. 2(2)**, **Sch.** (subject to transitional provisions and savings in **arts. 3-5**);
 - 30.9.2002 appointed for specified provisions by S.S.I. 2002/433, **art. 2(2)**, **Sch.**

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