



# 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.

**Changes to legislation:** *Housing (Scotland) Act 2001, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 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 [<sup>F1</sup>or civil partner] 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 [<sup>F2</sup>or by virtue of civil partnership] 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.”

### Textual Amendments

- F1** Words in s. 108(1)(a) inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, s. 263(10)(c), **Sch. 28 para. 64(2)**; S.S.I. 2005/604, arts. 2(c), 4
- F2** Words in s. 108(2)(a) inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, s. 263(10)(c), **Sch. 28 para. 64(3)**; S.S.I. 2005/604, arts. 2(c), 4

### 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))

**Changes to legislation:**

Housing (Scotland) Act 2001, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)