



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 2

#### TENANTS OF SOCIAL LANDLORDS

#### CHAPTER 2

#### RIGHT TO BUY

#### 47 Limitation on right to buy: conduct

After section 61D of the 1987 Act insert—

#### “61E Limitation on right to purchase: conduct

- (1) Subsection (3) applies where—
  - (a) the landlord has served on the tenant a notice under section 14(2) of the Housing (Scotland) Act 2001 (asp 10) specifying a ground set out in any of paragraphs 1 to 7 of schedule 2 to that Act as the ground on which proceedings for recovery of possession of the house are to be raised, and
  - (b) neither of the following has occurred—
    - (i) the notice has ceased to be in force in accordance with section 14(5) of that Act or has been withdrawn by the landlord without proceedings for recovery of possession having been raised, or
    - (ii) such proceedings have been raised and have been finally determined.
- (2) For the purposes of subsection (1)(b)(ii) proceedings are finally determined when—
  - (a) the period for appealing against the interlocutor disposing of the proceedings has expired without an appeal being lodged, or
  - (b) where an appeal has been lodged, the appeal is withdrawn or finally determined.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) Where this subsection applies, section 61(1) does not apply in relation to the house referred to in subsection (1) of this section.
- (4) Nothing in this section affects an application to purchase served prior to service of the notice referred to in subsection (1).”