



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 3

#### PROVISION OF INFORMATION ON SALE OF HOUSE

##### *Supplementary*

#### **114 Grants for development of proposals**

- (1) The Scottish Ministers may make grants towards expenditure incurred by any person in connection with the development of proposals for any provision to be made by regulations under section 104(1).
- (2) A grant under this section may be made on conditions, which may include (among other things)—
  - (a) conditions as to the purposes for which the grant or any part of it may be used,
  - (b) conditions requiring the repayment of the grant or any part of it in such circumstances as may be specified in the conditions.

#### **115 Disapplication for houses not available with vacant possession**

- (1) The duties under sections 98, 99, 101 and 103 apply in relation to a house only when it is available for sale with vacant possession.
- (2) For the purposes of this Part, a house being marketed is presumed to be available with vacant possession unless the contrary appears from the manner in which the house is being marketed.

#### **116 Application of Part to sub-divided buildings**

- (1) This section applies where—
  - (a) two or more houses in a sub-divided building are marketed for sale as a single property, and
  - (b) any one or more of those houses—
    - (i) is not available for sale separately from the others, but
    - (ii) is available with vacant possession.

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- (2) The provisions of this Part (but not section 115) apply to the house mentioned in subsection (1)(a) as if it were a single house.
- (3) Subsection (2) does not affect the application of this Part to any of those houses which are available for sale as a separate house.
- (4) In this section “sub-divided building” means a building originally constructed or adapted for use as a single dwelling which has been divided (on one or more occasions) into separate houses.

### **117 Notification of breach of duty**

- (1) An enforcement authority may notify—
  - (a) the Office of Fair Trading,
  - (b) any other person or body having an interest,
 of any breach of duty under this Part appearing to the authority to have been committed by a person acting as agent for the seller of a house.
- (2) An enforcement authority must notify the Office of Fair Trading of—
  - (a) any penalty charge notice given by an officer of the authority under section 111,
  - (b) any notice given by the authority confirming or withdrawing a penalty charge notice, and
  - (c) the result of any appeal from the confirmation of a penalty charge notice.

### **118 Possession of documents**

- (1) For the purposes of this Part, “possession” includes civil possession; and “possess” and “possesses” are to be construed accordingly.
- (2) A document held in electronic form is to be treated for the purposes of this Part as being in a person’s possession if the person is readily able (using equipment available to that person)—
  - (a) to view the document in a form that is legible, and
  - (b) to produce copies of it in a legible documentary form.

### **119 Meaning of “on the market”, “sale” and related expressions**

- (1) In this Part references to “the market” are to the market for houses in Scotland.
- (2) A house is on the market when the fact that it is or may become available for sale is, with a view to marketing the house, made public in Scotland by or on behalf of the seller.
- (3) A house is to be regarded as remaining on the market until it is sold or taken off the market.
- (4) A fact is made public when it is advertised or otherwise communicated (in whatever form and by whatever means) to the public or a section of the public.
- (5) In this Part—
  - “long lease” means a probative lease—
    - (a) granted for a period exceeding 20 years, or

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- (b) which contains an obligation on the landlord to renew the lease from time to time at fixed periods, upon the termination of a life or lives, or otherwise so that the total duration could (in terms of the lease, as renewed, and without any subsequent agreement, express or implied, between the persons holding the interests of the landlord and the tenant) endure for a period exceeding 20 years,

“potential buyer” means a person who claims to be interested, or that the person may become interested, in buying a house,

“sale”, in relation to a house, means a disposal, or agreement to dispose, by way of sale of—

- (a) the ownership of the house,
- (b) the interest of the tenant under a long lease of a house,

and “seller” means a person contemplating such a disposal (and related expressions are to be construed accordingly).