
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 275

HOUSING

**The Right to Purchase (Prescribed Persons)
(Scotland) Amendment Order 2005**

<i>Made</i>	- - - -	<i>19th May 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>24th May 2005</i>
<i>Coming into force</i>	- -	<i>24th June 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 61(11)(w) of the Housing (Scotland) Act 1987(1) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Right to Purchase (Prescribed Persons) (Scotland) Amendment Order 2005 and shall come into force on 24th June 2005.

Amendment of Order

2. In the list of prescribed persons in article 2 of the Right to Purchase (Prescribed Persons) (Scotland) Order 1993(2) after “a National Health Service Trust,” insert—

“any person, where the house was at the material time—

- (a) occupied by a former employee of a local authority who was employed at a school under the management of a local authority; and
- (b) provided to such an employee under a contract of employment which contract required that employee to occupy the house for the better performance of that employee’s duties; and

that employee transferred from the employment of that local authority to the employment of that person,”.

(1) 1987 c. 26. The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) S.I.1993/1625, amended by S.I. 1994/2097 and 1998/1275.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House, Edinburgh
19th May 2005

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

Under the Housing (Scotland) Act 1987, qualification for the right to purchase and entitlement to discount depend inter alia on occupation as a tenant of a house or of a succession of houses provided by the landlords mentioned in section 61(11) of that Act. Paragraph (w) of subsection (11) of section 61 states that in addition to the persons specifically mentioned in that subsection, other persons may be prescribed by Order. This Order adds another person to the list of prescribed persons in the Right to Purchase (Prescribed Persons) (Scotland) Order 1993, namely a person that has become the employer of a former employee of a local authority managed school, where such an employee lives in a house provided by the local authority to enable that employee to better perform their duties and has transferred to the employment of that person and that person has become their landlord. An example of the effect of this order is that an employee, such as a janitor, can count the time spent in occupation of a house that they used to occupy as an employee of a local authority and now occupy under as an employee of a new person.