

2008 No. 28

HOUSING

The Housing (Scotland) Act 2001 (Alteration of Housing Finance Arrangements) Order 2008

<i>Made</i> - - - -	<i>31st January 2008</i>
<i>Laid before the Scottish Parliament</i>	<i>5th February 2008</i>
<i>Coming into force</i> - -	<i>1st April 2008</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 94(1), (2) and (3) and 109(2) of the Housing (Scotland) Act 2001(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Housing (Scotland) Act 2001 (Alteration of Housing Finance Arrangements) Order 2008 and comes into force on 1st April 2008.

Date of cessation of housing support grants and duty to keep housing revenue account

2. 1st April 2008 is the date on which sections 191 to 193 (housing support grants) and section 203(1) (duty to keep housing revenue account) of the Housing (Scotland) Act 1987(b) cease to apply in relation to Inverclyde Council.

Accounting arrangements for income and expenditure accounted for in the housing revenue account and land held on that account

3.—(1) The income and expenditure of Inverclyde Council which would, prior to 1st April 2008, have been income and expenditure accounted for in the housing revenue account will, subject to article 4, on and after that date be paid into, or as the case may be out of, the general fund of Inverclyde Council.

(2) In this article, “general fund” means the fund which a local authority requires to have by virtue of section 93 of the Local Government (Scotland) Act 1973(c).

(a) 2001 asp 10.
(b) 1987 c.26.
(c) 1973 c.65.

4. Inverclyde Council will, in addition, keep a separate accounting record of all buildings and land which would immediately before 1st April 2008, have been held in the housing revenue account of that local authority and any such record will record income received by Inverclyde Council for a disposal of any such building or land.

S MAXWELL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
31st January 2008

EXPLANATORY NOTE

(This note is not part of the Order)

Part V of the Housing (Scotland) Act 2001 (“the 2001 Act”) provides for a new funding regime for the strategic housing functions of local authorities. Section 94 of the 2001 Act allows Scottish Ministers by order from a specified date to remove the application of sections 191 to 193 and 203(1) of the Housing (Scotland) Act 1987 (“the 1987 Act”) in relation to specified local authorities. Sections 191 to 193 of the 1987 Act impose a duty on Scottish Ministers to provide housing revenue grant to local authorities and section 203(1) of that Act places a corresponding duty on local authorities to maintain a housing revenue account.

Article 2 provides that from 1st April 2008, sections 191 to 193 and 203(1) of the 1987 Act cease to apply to Inverclyde Council.

Article 3(1) provides that income and expenditure which would have been accounted for in the housing revenue account of Inverclyde Council, will, after 1st April 2008, be paid into the general fund.

Article 4 provides that Inverclyde Council shall keep a separate accounting record of all buildings and land held on the housing revenue account prior to 1st April 2008 and income received on disposal of any such buildings or land.

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