

EXECUTIVE NOTE

THE LIMITATION ON RIGHT TO PURCHASE (FORM OF NOTICE) (SCOTLAND) REGULATIONS 2010

SSI 2010/468

The above Regulations were made in exercise of the powers conferred by section 330 of the Housing (Scotland) Act 1987. The Regulations are subject to negative resolution procedure.

Policy objectives

The purpose of the Regulations is to prescribe the form of notice which must be served on tenants who are planning to move to a new supply social house. The Housing (Scotland) Act 2010 provides that the notice must be served by the social landlord at least 7 days before the start of the new tenancy or, where the landlord is to acquire the new supply social house from the tenant, at least 7 days before the conclusion of missives. This is intended to give the tenant(s) time to consider the implications.

The notice states that the tenant will not have a Right to Buy over the new supply social house. The Housing (Scotland) 2010 Act introduced a limitation on the purchase of new supply social houses and they are therefore unavailable to purchase under Right to Buy, except in limited circumstances. New supply social houses are houses let under a Scottish secure tenancy created on or after 1st March 2011, if the house was either not let under a Scottish secure tenancy on or before 25 June 2008, or was acquired by the landlord on or after that date.

The notice also contains notes for the guidance of tenants.

Consultation

Consultation on the impact of limiting the purchase of new supply social houses was undertaken as part of the preparation of the Housing (Scotland) Bill and most stakeholders were supportive. Consultation on the form of notice prescribed by this SSI was not considered to be necessary.

Impact Assessments

There are no equality impact issues.

Financial Effects

The instrument has no financial effects on the Scottish Government, local government, or on business.

Scottish Government
Social Housing Division
Housing and Regeneration Directorate