

## **EXECUTIVE NOTE**

### **THE HOUSING (SCOTLAND) ACT 2010 (CONSEQUENTIAL AMENDMENT) ORDER 2010**

**SSI 2010/469**

The above instrument is made in exercise of the powers conferred by section 163(1)(b) of the Housing (Scotland) Act 2010.

#### **Policy Objectives**

This Order amends the Housing (Scotland) Act 1987 (“the 1987 Act”) in relation to the right to buy. The amendment is consequential to the amendments made to the 1987 Act by the Housing (Scotland) Act 2010.

Section 140(c) of the Housing (Scotland) Act 2010 adds an additional 2 categories of persons providing accommodation to the list of housing providers at section 61(11) of the 1987 Act, in new subsections (11)(ab) and (ac). These are added in order to protect tenants’ existing Rights to Buy where they might otherwise be lost though circumstances outside their control. The two categories of accommodation provider are-

- any person who provided the tenant with accommodation in pursuance of an order for recovery of possession made under section 16(2) of the Housing (Scotland) Act 2001, where the ground of recovery required other suitable accommodation to be available to the tenant,
- and
- any person who provided the tenant with accommodation in pursuance of a decision by the landlord to demolish a house subject to a Scottish Secure Tenancy as a result of which the tenancy was terminated by written agreement between the landlord and the tenant and the accommodation concerned was made available to the tenant.

Examples of the first category include where the repossessed property was overcrowded, was to be demolished, or was adapted for a person with special needs but no occupant had those needs.

If there is to be no loss of existing rights this should also cover calculation of the discount from market value accrued by the tenant. Section 62(3)(b) of the 1987 Act makes reference to the word “house” in relation to calculation of the discount. The order ensures that references to “house” in that subsection include accommodation provided by the persons mentioned in new subsections (11)(ab) and (ac). Tenants would therefore not lose rights to accrue discount entitlement whilst in such accommodation. .

#### **Consultation**

There was no statutory requirement to consult on this Order and we did not consider that consultation was necessary as the Order is intended solely to make provisions consequential to Housing (Scotland) Act 2010 which was subject to full consultation.

#### **Impact Assessments**

An Equality Impact Assessment was prepared for the Housing (Scotland) Bill and shared with the Local Government and Communities Committee to assist their consideration of the

Bill in its passage through Parliament. A separate Equality Impact Assessment was not considered necessary as the Order is intended solely to make provision consequential to the Housing (Scotland) Act 2010.

### **Financial Effects**

The Order does not have any new financial effects that were not anticipated when the Housing (Scotland) Act 2010 was enacted. A Financial Memorandum was produced for the Bill which sets out the financial implications of the Bill

Housing and Regeneration Directorate  
December 2010