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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 96**

**The Housing (Scotland) Act 2010 (Commencement No. 2, Transitional, Transitory and Saving Provisions) Order 2011**

**Citation and interpretation**

1.—(1) This Order may be cited as the Housing (Scotland) Act 2010 (Commencement No. 2, Transitional, Transitory and Saving Provisions) Order 2011.

(2) In this Order—

“the 1987 Act” means the Housing (Scotland) Act 1987<sup>(1)</sup>;

“the 2010 Act” means the Housing (Scotland) Act 2010; and

“the Schedule” means the Schedule to this Order.

**Appointed days**

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the 2010 Act specified in column 1 of the Schedule is specified in column 2 of the Schedule.

(2) Where a purpose is specified in column 3 of the Schedule, a provision specified in column 1 comes into force in accordance with paragraph (1) only for that purpose.

**Transitional provision**

3.—(1) This article applies where—

(a) missives for the acquisition of a new supply social house are concluded during the period beginning on 1st March 2011 and ending on 14th March 2011; or

(b) a Scottish secure tenancy to which a new supply social house is subject is created during the period beginning on 1st March 2011 and ending on 14th March 2011.

(2) Where this article applies, section 61F of the 1987 Act (limitation on right to purchase: new supply social housing)<sup>(2)</sup> has effect as if for section 61F(2)(d) there was substituted—

“(d) the landlord failed to give the tenant notice that the tenant would not have the right to buy the new supply social house after it was let to the tenant under a Scottish secure tenancy or was acquired from the tenant by the landlord—

(i) where the landlord acquired the new supply social house from the tenant, at least 7 days before the missives for that acquisition were concluded; or

(ii) in any other case, at least 7 days before the creation of the Scottish secure tenancy to which the new supply social house is subject.”

(3) In this article, “new supply social house” has the meaning given by section 61F(3) of the 1987 Act.

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(1) 1987 c.26.

(2) Section 61F was inserted by section 143 of the 2010 Act.

### **Transitory provision**

4.—(1) This article has effect until the day on which section 20 of the 2010 Act (registered social landlords) comes into force.

(2) In section 165 of the 2010 Act (interpretation), “registered social landlord” includes a body registered in the register maintained under section 57 of the Housing (Scotland) Act 2001<sup>(3)</sup>.

### **Saving provisions**

5. Notwithstanding the commencement of section 140 of the 2010 Act (re-accommodated persons: protection of right to buy), section 61 of the 1987 Act applies to applications to purchase under section 63 of that Act served prior to 1st March 2011, as it applied immediately before that date.

6. Notwithstanding the commencement of section 144 of the 2010 Act (limitation on right to buy: police housing), section 69A of the 1987 Act has no effect as regards any application to purchase served prior to 1st March 2011.

St Andrew’s House,  
Edinburgh  
10th February 2011

*ALEX NEIL*  
Authorised to sign by the Scottish Ministers

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(3) 2001 asp 10.