

## **POLICY NOTE**

### **THE TITLE CONDITIONS (SCOTLAND) ACT 2003 (RURAL HOUSING BODIES) AMENDMENT ORDER 2013**

#### **SSI 2013/100**

The powers to make this Order are conferred by section 43(5) and (8) of the Title Conditions (Scotland) Act 2003 (“the 2003 Act”). It is subject to the negative parliamentary procedure.

#### **Policy Objective**

Section 43(5) of the 2003 Act provides that Scottish Ministers may prescribe such body as they think fit to be a rural housing body. A rural housing body will be able, when selling rural housing or land, to reserve a right to repurchase the property or land in the event of it coming up for sale. As a consequence, rural housing bodies will have the ability to control future sales. Ministers also have the power, under the 2003 Act, to determine that a body shall cease to be a rural housing body.

The right to repurchase may only be used over rural land. Rural land means land other than excluded land. Excluded land has the same meaning as in the Land Reform (Scotland) Act 2003, namely settlements of over 10,000 people.

This Order makes two amendments to the Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Order 2004 by adding one body, the West Harris Trust, as a designated rural housing body and reflecting the change in the name of an existing body, by replacing “Down to Earth Solutions Sustainable Self Build Housing Association Limited” with “Down to Earth Solutions Community Interest Company”.

The power to make this Order may only be exercised where the object or function, or one of the principal objects or functions, of the body concerned is to provide housing or land for housing (section 43(6)). The bodies dealt with by this Order comply with this requirement.

Previous amending Orders designating rural housing bodies were laid in 2004, 2006, 2007 and 2008.

#### **Consultation**

A consultation is not required as applicants either meet the terms of the legislation or they do not. However in undertaking the Business and Regulatory Impact Assessment (BRIA) a consultation with businesses in the area was undertaken, the results of which can be found in the BRIA. The change of name amendment is a straight-forward name change consequential on the name of the body changing.

#### **Regulatory Impact Assessment**

An equality impact assessment has not been undertaken on the basis that this policy does not have any impact on equality issues.

**Financial effects**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that overall this is a positive impact on existing businesses in the area. By providing affordable housing this will work towards retaining local people. It may also attract new people to the area. This will contribute to sustaining existing businesses and possibly have the potential to attract new businesses.

Civil Law and Legal System Division  
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