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SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

The Tenants' Rights, Etc. (Scotland) Act 1980 (c. 52)

- 40 In section 2—
- (a) in subsection (6) (time within which offer to sell dwelling-house may be accepted by tenant)—
 - (i) after the word " shall" there shall be inserted the words " , subject to subsection (8) below, "; and
 - (ii) in sub-paragraph (iv), for the words from "section" to "offer" there shall be substituted the words " subsection (2)(a)(i) of section 5 of this Act has been served on the landlord, the service of a relative offer, or refusal ";
 - (b) in subsection (8) (notice of wish to have fixed price option), at the end there shall be added the following proviso—
 - “: Provided that where, as regards the dwelling-house, the tenant has served a loan application in accordance with subsection (2)(a)(ii) of section 5 of this Act, he shall be entitled (even if the said period of 2 years has expired) to serve a notice of acceptance on the landlord within 2 months of whichever is the later of—
 - (a) the service of a relative offer, or refusal, of loan ; or
 - (b) where section 5(7) of this Act is invoked, the decision of the court.”; and
 - (c) for subsection (10) (restriction on tenant's re-application to purchase dwelling-house) there shall be substituted the following subsection—
 - “(10) Where an offer to sell has been served on the tenant, he shall not be entitled to make an application to purchase under this Part of this Act again until 12 months after the last date on which he has, under either of subsections (6) and (8) above, any entitlement to serve a relative notice of acceptance.”.
- 41 In section 5 (loan to assist tenant in purchase of dwelling-house)—
- (a) in paragraph (a) of subsection (2), the existing words from "within" to the end shall be sub-paragraph (i) of the paragraph and after that sub-paragraph there shall be inserted the word " or " and the following sub-paragraph—
 - “(ii) within one year and ten months after service of the application to purchase if the tenant has, in terms of section 2(8) of this Act, a fixed price option as regards the dwelling-house ;”; and
 - (b) in subsection (5), after the words " 2(6)" there shall be inserted the words " or (8) ".

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42 For subsection (4) of section 6 (recovery of discount on early re-sale) there shall be substituted the following subsection—

“(4) Where as regards a dwelling-house or part of a dwelling-house there is, within the period mentioned in subsection (1) above, more than one disposal to which that subsection would (apart from the provisions of this subsection) apply, that subsection shall apply only in relation to the first such disposal of the dwelling-house, or as the case may be part.”.

43 In section 14(2)(b) (restriction as regards proceedings for recovery of possession), after the word " raised " there shall be inserted the words " on or ".

44 In section 15(1) (power of sheriff to adjourn proceedings for recovery of possession), for the word " 6 " there shall be substituted the word " 7 ".

45 In section 27 (duty to publish rules governing housing lists etc.)—

(a) after subsection (1) there shall be inserted the following subsection—

“(1A) It shall be the duty of every registered housing association (within the meaning of the Housing Act 1974)—

(a) to send—

(i) to the Housing Corporation ; and

(ii) to every islands, or district, council within whose area there are dwelling-houses let or to be let by the association under secure tenancies; and

(b) to publish, in accordance with subsections (2) and (2A) below,

within 6 months of the coming into force of paragraph 45 of Schedule 3 to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 and within 6 months of any alteration of the rules, any rules which it may have governing such matters as are mentioned in paragraphs (a) to (d) of subsection (1) above.”;

(b) in each of subsections (2) and (3), after the words " subsection (1)" there shall be inserted the words " or (1A) ";

(c) in subsection (2)—

(i) after the word " times " there shall be inserted the words “—

(i) in a case where the body is an islands or district council or a Development Corporation,”; and

(ii) at the end there shall be added the words “; and

(ii) in any other case, at its principal and other offices.”; and

(d) after subsection (2) there shall be added the following subsection—

“(2A) Rules sent to a council in accordance with subsection (1A)(a)(ii) above shall be available for perusal at all reasonable times at its principal offices.”.

46 The following Schedule shall be inserted before Schedule 1—

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“SCHEDULE
A1

Section 1A(3)

VESTING ORDER UNDER SECTION
1A: MODIFICATION OF ENACTMENTS

The Town and Country Planning (Scotland) Act 1972 (c. 52)

1 Paragraphs 1(2), 6 to 13 and 16 to 39 of Schedule 24 only shall apply and
in them any reference to a general vesting declaration shall be treated as
a reference to an order under section 1A of this Act.

2 The references, in paragraphs 6, 7 and 37 of that Schedule, to the end of
the period specified in a general vesting declaration shall be treated as
references to the date on which such an order comes into force and the
reference in paragraph 9 thereof to the acquiring authority having made
a general vesting declaration shall be treated as a reference to such order
having come into force.

3 In paragraph 6 of that Schedule—

- (a) the reference to every person on whom, under section 17 of the
Lands Clauses Consolidation (Scotland) Act 1845, the acquiring
authority could have served a notice to treat, shall be treated as
a reference to every person whose interest in the land to which
such order relates is vested by the order in the landlord ; and
- (b) sub-paragraph (a) shall be omitted.

4 The reference in paragraph 20(2) of that Schedule to the date on which
the notice required by paragraph 4 thereof is served on any person shall
be treated as a reference to the date on which such an order comes into
force.

5 In paragraph 29 of that Schedule—

- (a) sub-paragraph (1)(a) shall be omitted ; and
- (b) the reference in sub-paragraph (1)(b) to the date on which a
person first had knowledge of the execution of the general
vesting declaration shall be treated as a reference to the date on
which such order came into force.

The Land Compensation (Scotland) Act 1963 (c. 51)

6 Any reference to the date of service of a notice to treat shall be treated
as a reference to the date on which an order under section 1A of this Act
comes into force.

7 Section 25(2) shall be treated as if for the words 'the authority proposing
to acquire it have served a notice to treat in respect thereof, or an
agreement has been made for the sale thereof to that authority' there were
substituted the words ' an order under section 1A of the Tenants' Rights,
Etc. (Scotland) Act 1980 vesting the land in which the interest subsists
in the landlord has come into force, or an agreement has been made for
the sale of the interest to the Landlord'.

8 In section 30—

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- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “; or
- (d) where an order has been made under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 vesting the land in which the interest subsists in the landlord.”; and
- (b) subsection (3) shall be treated as if in paragraph (a) the words ' or (d)' were inserted after the words ' subsection (2)(b)'.
9 Any reference to a notice to treat in section 45(2) shall be treated as a reference to an order under the said section 1A.
- 10 In Schedule 2, paragraph 1(2)(a) shall be treated as if the words ' or the coming into force of an order under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 for the vesting of the land in the landlord' were inserted after the word ' land'.”.