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**Changes to legislation:** *Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 25 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## SCHEDULES

### SCHEDULE 22

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### PART I

##### TRANSITIONAL PROVISIONS

###### *General*

- 1 —The re-enactment of provisions in, and the consequent repeal of those provisions  
by this Act, does not affect the continuity of those provisions.
- 2 —In so far as—
- (a) any requirement, prohibition, determination, order or regulation made by  
virtue of an enactment repealed by this Act, or
  - (b) any direction or notice given by virtue of such an enactment, or
  - (c) any proceedings begun by virtue of such an enactment, or
  - (d) anything done or having effect as if done,
- could, if a corresponding enactment in this Act were in force at the relevant time,  
have been made, given, begun or done by virtue of the corresponding enactment,  
it shall, if effective immediately before the corresponding enactment comes into  
force, continue to have effect thereafter as if made, given, begun or done by virtue  
of that corresponding enactment.
- 3 —Where any enactment passed before this Act, or any instrument or document  
refers either expressly or by implication to an enactment repealed by this Act the  
reference shall (subject to its context) be construed as or as including a reference  
to the corresponding provision of this Act.
- 4 —Where any period of time specified in any enactment repealed by this Act is  
current at the commencement of this Act, this Act has effect as if its corresponding  
provision had been in force when that period began to run.
- 5 (1) The general rule is that the provisions of this Act apply, in accordance with the  
foregoing paragraphs, to matters arising before the commencement of this Act as to  
matters arising after that commencement.
- (2) The general rule has effect subject to any express provision to the contrary, either in  
this Schedule or in connection with the substantive provision in question.
- (3) The general rule does not mean that the provisions of this Act apply to cases to  
which the corresponding repealed provisions did not apply by virtue of transitional  
provision made in connection with the commencement of the repealed provisions  
(such transitional provisions, if not specifically reproduced, are saved by paragraph  
8).

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- (4) The general rule does not apply so far as a provision of this Act gives effect to an amendment made in pursuance of a recommendation of the Scottish Law Commission.

*Persons holding office*

- 6 —Any person who at the commencement of this Act is holding office or acting or serving under or by virtue of any enactment repealed by this Act or by the Act of 1966 shall continue to hold his office or to act or serve as if he had been appointed under this Act.

*Security of tenure of tenants of regional councils, etc.*

- 7 —Notwithstanding the repeal by this Act of section 16(2) and (3)(b) of the <sup>M1</sup>Tenants' Rights, Etc (Scotland) Act 1980, those provisions shall continue to have effect for the purposes of paragraph 4 of the <sup>M2</sup>Housing (Scotland) Act 1986 (Consequential, Transitional and Supplementary Provisions) Order 1986 (application of transitional provisions relating to secure tenant's right to written lease to tenants of regional councils, police authorities and fire authorities).

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**Marginal Citations**

**M1** 1980 c.52.

**M2** S.I. 1986/2139

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)