



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART I

PROVISION OF HOUSING

[^{F1} Standards and performance in housing management]

21 [^{F1}Rules relating to the housing list and to transfer of tenants]

[^{F2}(1) It shall be the duty—

(a) of every local authority to make and to publish in accordance with subsection (4), and again within 6 months of any alteration thereof, rules governing—

- ^{F3}(i)
- (ii) the priority of allocation of houses;
- (iii) the transfer of tenants from houses owned by the landlord to houses owned by other bodies;
- (iv) exchanges of houses;

^{F3}(b)]

(2) It shall be the duty of every registered [^{F4}social landlord—

(a) to make rules governing the matters mentioned in subsection (1)(a)(ii) to (iv);]
(b) within 6 months of the making of rules under paragraph (a), and within 6 months of any alteration of such rules (whether or not made under that paragraph)—

- (i) to send a copy of them to each of the bodies mentioned in subsection (3); and
- (ii) to publish them in accordance with subsections (4) and (5).

(3) The bodies referred to in subsection (2)(b)(i) are—

- ^{F5}(i)
- ^{F6}(ia)

Changes to legislation: Housing (Scotland) Act 1987, Section 21 is up to date with all changes known to be in force on or before 15 January 2024. 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

- (ii) every local authority within whose area there is a house let, or to be let, by [F7 a registered social landlord under a Scottish] secure tenancy.
- [F8(3A) In making or altering its rules governing the priority of allocation of houses, a social landlord must have regard to—
- (a) any local housing strategy (within the meaning of section 89(1)(b) of the Housing (Scotland) Act 2001) for its area, and
 - (b) any guidance published by the Scottish Ministers.
- (3B) Before publishing any guidance mentioned in subsection (3A), the Scottish Ministers must consult such persons as they consider appropriate.
- (3C) The Scottish Ministers may by regulations prescribe persons of a description or type who a social landlord must include in its rules governing the priority of allocation of houses.
- (3D) Regulations under subsection (3C) are subject to the affirmative procedure.]
- (4) The rules to be published by a body in accordance with subsection (1) or (2) shall be—
- (a) available for perusal; and
 - (b) on sale at a reasonable price; and
 - (c) available in summary form on request to members of the public,
- at all reasonable times—
- (i) in a case where the body is a local authority or a development corporation, at its principal offices and its housing department offices; and
 - (ii) in any other case, at its principal and other offices.
- (5) Rules sent to a local authority in accordance with subsection 2(b) shall be available for perusal at all reasonable times at its principal offices.
- (6) An applicant for housing provided by a body mentioned in subsection (1) or (2) shall be entitled on request to inspect any record kept by that body of information furnished by him to it in connection with his application.

Textual Amendments

- F1** S. 21 title substituted (1.5.2019) by virtue of [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 4(3)**, 104(3); [S.S.I. 2018/153](#), **art. 2**, **sch.** (with **art. 9**)
- F2** S. 21(1) substituted (27.9.1993) by [1993 c. 28](#), **s. 155(1)**; [S.I. 1993/2163](#), **art. 2**, **Sch. 1**.
- F3** S. 21(1)(a)(i)(b) repealed (1.4.2002) by [2001 asp 10](#), **s. 112**, **Sch. 10 para. 13(3)(a)**; [S.S.I. 2002/168](#), **art. 2**, **Sch.** (with transitional provisions and savings in **art. 3**)
- F4** S. 21(2)(a) and words substituted (1.4.2002) by [2001 asp 10](#), **s. 112**, **Sch. 10 para. 13(3)(b)**; [S.S.I. 2002/168](#), **art. 2**, **Sch.** (with transitional provisions and savings in **art. 3**)
- F5** S. 21(3)(i) repealed (1.4.2002) by [2001 asp 10](#), **s. 112**, **Sch. 10 para. 13(3)(c)(i)**; [S.S.I. 2002/168](#), **art. 2**, **Sch.** (with transitional provisions and savings in **art. 3**)
- F6** S. 21(3)(ia) repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **s. 104(3)**, **sch. 2 para. 4(4)**; [S.S.I. 2014/264](#), **art. 2**, **sch.**
- F7** Words in s. 21(3)(ii) substituted (1.4.2002) by [2001 asp 10](#), **s. 112**, **Sch. 10 para. 13(3)(c)(iii)**; [S.S.I. 2002/168](#), **art. 2**, **Sch.** (with transitional provisions and savings in **art. 3**)
- F8** S. 21(3A)-(3D) inserted (20.11.2014 for specified purposes, 1.5.2019 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 4(2)**, 104(3); [S.S.I. 2014/264](#), **art. 2**, **sch.**; [S.S.I. 2018/153](#), **art. 2**, **sch.** (with **art. 9**)

Changes to legislation:

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Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 21(1)(a)(i)(b) by [2001 asp 10 Sch. 10 para. 13\(3\)\(a\)](#)
- s. 21(2) by [2001 asp 10 Sch. 10 para. 13\(3\)\(b\)](#)

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\(40\)\(a\)\(b\)](#)