



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART I

#### SCOTTISH HOMES

##### *Establishment and functions*

#### **1 Scottish Homes**

- (1) There shall be a body to be known as Scottish Homes.
- (2) Schedule 1 to this Act shall have effect with respect to the constitution and proceedings of and other matters relating to Scottish Homes.
- (3) Scottish Homes shall have the general functions of—
  - (a) providing, and assisting in the provision of, finance to persons or bodies intending to provide, improve, repair, maintain or manage housing;
  - (b) providing, improving, repairing, maintaining and managing housing (whether solely or in conjunction with any other person or body);
  - (c) promoting owner-occupation (especially by those seeking to purchase for the first time), the wider ownership of housing by its occupants and a greater choice of tenancy arrangements;
  - (d) promoting the provision and improvement of housing and the improvement of management of housing (whether by its occupants or otherwise);
  - (e) promoting and assisting the development of housing associations, maintaining a register of housing associations and exercising supervision and control over registered housing associations;
  - (f) undertaking, and assisting the undertaking of, the development, redevelopment and improvement of the physical, social, economic and recreational environment related to housing;
  - (g) such other general functions as are conferred upon Scottish Homes by or under this Act or any other enactment.

## 2 General functions of Scottish Homes

- (1) Scottish Homes may do anything, whether in Scotland or elsewhere, which is calculated to facilitate or is incidental or conducive to the discharge of its general functions.
- (2) Without prejudice to the generality of subsection (1) above and subject to subsection (3) below Scottish Homes may—
  - (a) make grants;
  - (b) make loans;
  - (c) acquire, hold and dispose of securities;
  - (d) guarantee obligations (arising out of loans or otherwise) incurred by other persons, or grant indemnities;
  - (e) provide or assist in the provision of advisory or other services or facilities for any person;
  - (f) acquire land by agreement or gift;
  - (g) acquire land (including servitudes or other rights in or over land by the creation of new rights) compulsorily;
  - (h) hold and manage land and dispose of, or otherwise deal with, land held by it;
  - (j) acquire and dispose of plant, machinery, equipment and other property;
  - (k) develop land or carry out works on land, and maintain or assist in the maintenance of any such works;
  - (l) make land, plant, machinery, equipment and other property available for use by other persons;
  - (m) appoint other persons to act as its agents;
  - (n) act as agents for other persons;
  - (o) form companies within the meaning of the Companies Act 1985;
  - (p) form partnerships with other persons;
  - (q) promote, provide or assist in the provision of, training in matters relating to housing;
  - (r) carry out, commission or assist in the provision of, research and development;
  - (s) promote, or assist in the promotion of, publicity relating to its general functions and powers and to matters relating to housing;
  - (t) make such charge as it thinks fit for any of its services;
  - (u) accept any gift or grant made to it for the purposes of any of its general functions and powers and, subject to the terms of the gift or grant and to the provisions of this Act, apply it for those purposes;
  - (v) turn its resources to account so far as they are not required for the exercise of any of its general functions and powers.
- (3) The powers of Scottish Homes mentioned—
  - (a) in subsection (2)(a) to (d), (m) and (o) above may be exercised only with the approval of the Secretary of State given with the consent of the Treasury or in accordance with a general authority given by him with such consent;
  - (b) in subsection (2)(e) to (l) above may be exercised only in accordance with arrangements made with the Secretary of State.
- (4) For the purpose of the acquisition of land by Scottish Homes by agreement—
  - (a) the Lands Clauses Acts (except so much of them as relates to the acquisition of land otherwise than by agreement, the provisions relating to access to

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*Status: This is the original version (as it was originally enacted).*

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the special Act and sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845); and

- (b) sections 6 and 70 to 78 of the Railway Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923),

shall be incorporated with this section and in construing those Acts for the purposes of this section this section shall be deemed to be the special Act and Scottish Homes to be the promoters of the undertaking or company, as the case may require.

- (5) For the purpose of the acquisition of land by Scottish Homes compulsorily the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if Scottish Homes were a local authority and as if this section were contained in an Act in force immediately before the commencement of that Act.
- (6) Scottish Homes shall not, except with the consent of the Secretary of State, dispose of any land intended for use for commercial, recreational or other non-domestic purposes for less than the best consideration which can reasonably be obtained.
- (7) For the purposes of section 278 of the Town and Country Planning (Scotland) Act 1972 (general vesting declarations) Scottish Homes shall be deemed to be a public authority to which that section applies.
- (8) After section 239 of the Housing (Scotland) Act 1987 there shall be added the following section—

**“239A Power of Secretary of State to give directions to prevent duplications of grant**

- (1) The Secretary of State may, so as to prevent the duplication of the making of grants under this Part in respect of the same works, give directions to—
- (a) a local authority;
- (b) local authorities generally; and
- (c) Scottish Homes as to the circumstances in which they, or any of them, may or may not exercise their powers under this Part.
- (2) It shall be the duty of Scottish Homes and of any local authority to whom directions have been given to comply with such directions.”.

- (9) After section 256 of the Housing (Scotland) Act 1987 there shall be added the following section—

**“256A Application of this Part to Scottish Homes**

This Part (except sections 253 to 255) shall apply to Scottish Homes as it applies to a local authority.”.

- (10) The Secretary of State may give Scottish Homes directions of a general or specific character as to the exercise of its general functions and powers and it shall be the duty of Scottish Homes to comply with any such directions.
- (11) Section 71 of the Race Relations Act 1976 (local authorities: general statutory duty) shall apply to Scottish Homes as it applies to a local authority.

### **3 Dissolution of SSHA and transfer of its property, rights, liabilities and obligations to Scottish Homes**

- (1) The Scottish Special Housing Association shall be dissolved on such date as the Secretary of State may by order specify (the “specified date”) and all heritable or moveable property wherever situated held by the Scottish Special Housing Association immediately before the specified date shall, on that date, be transferred to and vest in Scottish Homes and all rights, liabilities and obligations of the Scottish Special Housing Association to which it was entitled or subject immediately before the specified date shall, on that date, be transferred to Scottish Homes.
- (2) For sub-paragraph (iv) of section 61(2)(a) of the Housing (Scotland) Act 1987 (secure tenant’s right to purchase from SSHA) there shall be substituted the following —  
“(iv) Scottish Homes”.
- (3) Schedule 2 to this Act has effect for the purpose of making other amendments to the enactments specified in that Schedule consequential upon the abolition of the Scottish Special Housing Association and the establishment of Scottish Homes and for connected purposes.
- (4) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### **4 Regulation of housing associations in Scotland and transfer to Scottish Homes of certain property, rights, liabilities and obligations of Housing Corporation**

- (1) Every housing association to which this subsection applies, that is to say, every housing association which immediately before the specified date—
  - (a) was registered in the register maintained under section 3(1) of the Housing Associations Act 1985 by the Housing Corporation; and
  - (b) was a society registered under the Industrial and Provident Societies Act 1965, and had its registered office for the purposes of that Act in Scotland,shall, on the specified date, cease to be registered in the register so maintained by the Housing Corporation and shall, as from that date, be registered by virtue of this subsection in the register maintained under section 3(1) of the Housing Associations Act 1985 by Scottish Homes.
- (2) The Secretary of State shall, not later than one month before the specified date, notify every housing association which appears to him to be one to which, on that date, subsection (1) above will apply of that fact and of the effect of that subsection.
- (3) As soon as may be after the specified date, Scottish Homes shall notify the assistant registrar of friendly societies for Scotland of every registration which has taken place by virtue of subsection (1) above.
- (4) The provisions of Part I of the Housing Associations Act 1985 (regulation of housing associations) shall have effect subject to the amendments of that Part of that Act set out in Schedule 3 to this Act.
- (5) All heritable or moveable property held in Scotland by the Housing Corporation immediately before the specified date shall, on that date, be transferred to and vest in Scottish Homes and all rights, liabilities and obligations relating to or arising in connection with—
  - (a) the housing associations to which subsection (1) above applies, and

- (b) land in Scotland held by unregistered housing associations, being rights, liabilities and obligations to which the Housing Corporation was entitled or subject immediately before the specified date shall, on that date, be transferred to Scottish Homes.
- (6) Any question as to whether any property, right, liability or obligation has been transferred to Scottish Homes under subsection (5) above shall be determined by the Secretary of State.
- (7) In this section, “specified date” has the same meaning as in section 3 above.