



# Housing (Scotland) Act 2001

## 2001 asp 10

### HOUSING (SCOTLAND) ACT 2001

#### PART 1

##### HOMELESSNESS AND ALLOCATION OF HOUSING

- 1 Homelessness strategies
- 2 Advice on homelessness etc.
- 3 Homeless persons and persons threatened with homelessness
- 4 Review of decisions
- 5 Duty of registered social landlord to provide accommodation
- 6 Duty of registered social landlord: further provision
- 7 Persons living in hostel and other short-term accommodation
- 8 Common housing registers
- 9 Housing lists
- 10 Allocation of housing

#### PART 2

##### TENANTS OF SOCIAL LANDLORDS

#### CHAPTER 1

##### SCOTTISH SECURE TENANCIES

###### *Creation and termination of tenancy*

- 11 Scottish secure tenancy
- 12 Restriction on termination of tenancy
- 13 Termination of joint tenant's interest in tenancy
- 14 Proceedings for possession
- 15 Rights of qualifying occupiers in possession proceedings
- 16 Powers of court in possession proceedings
- 17 Abandoned tenancies
- 18 Repossession
- 19 Tenant's recourse to court

*Status: Point in time view as at 30/09/2002.*

*Changes to legislation: Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)*

---

- 20 Abandonment by joint tenant
- 21 Joint tenancies: abandoning tenant's recourse to court
- Succession*
- 22 Succession to Scottish secure tenancy
- Tenancy agreement and information*
- 23 Tenant's right to written tenancy agreement and information
- Variation*
- 24 Restriction on variation of tenancy
- 25 Increase in rent or charges
- 26 Variation of tenancy by court order
- Repairs and improvements*
- 27 Repairs
- 28 Landlord's consent to work
- 29 Reimbursement of cost of work
- 30 Right to compensation for improvements
- 31 Effect of work on rent
- Assignment, subletting and exchanges*
- 32 Assignment, subletting etc.
- 33 Exchange of house
- Short Scottish secure tenancies*
- 34 Short Scottish secure tenancies
- 35 Conversion to short Scottish secure tenancy
- 36 Recovery of possession
- 37 Conversion to Scottish secure tenancy
- Miscellaneous and general*
- 38 Appeals
- 39 Application of sections 23 to 33 to other tenancies
- 40 Notices
- 41 Interpretation of Chapter 1

## **CHAPTER 2**

### **RIGHT TO BUY**

- 42 The qualifying conditions
- 43 Exemptions from right to buy
- 44 Limitation on right to buy: registered social landlords
- 45 Limitation on right to buy: pressured areas
- 46 Limitation on right to buy: arrears of rent, council tax etc.
- 47 Limitation on right to buy: conduct
- 48 Houses liable to demolition
- 49 Discounts

*Status: Point in time view as at 30/09/2002.*

*Changes to legislation: Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)*

---

- 50 Assistance to tenants to obtain other accommodation
- 51 Right to buy: miscellaneous repeals
- 52 Reports on right to buy

### **CHAPTER 3**

#### TENANT PARTICIPATION

- 53 Tenant participation
- 54 Consultation with tenants and registered tenant organisations
- 55 Tenant management agreements
- 56 Tenant management agreements: further provision

### **PART 3**

#### REGULATION OF SOCIAL LANDLORDS

### **CHAPTER 1**

#### REGISTERED SOCIAL LANDLORDS

##### *Registration*

- 57 The register of social landlords
- 58 Eligibility for registration
- 59 Registration
- 60 Removal from the register
- 61 Criteria for registration or removal from register
- 62 Appeal against decision on registration or removal

##### *Regulation*

- 63 Regulation of registered social landlords
- 64 Insolvency etc. of registered social landlords

##### *Disposal of land and related matters*

- 65 Power of registered social landlord to dispose of land
- 66 Consent required for disposal of land by registered social landlord
- 67 Disposals not requiring consent
- 68 Disposals of land: consultation with tenants

##### *Housing management*

- 69 Inspections
- 70 Inspection reports
- 71 Appointment of manager

### **CHAPTER 2**

#### LOCAL AUTHORITY HOUSING MANAGEMENT

- 72 Inspections
- 73 Inspection reports
- 74 Remedial plans
- 75 Remedial plans: appointment of manager

*Status: Point in time view as at 30/09/2002.*

*Changes to legislation: Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)*

---

## CHAPTER 3

### COMMON PROVISIONS

#### *Disposals of tenanted houses: consultation and consent*

- 76 Disposals of tenanted houses: consultation and consent

#### *Information*

- 77 Power to obtain information  
78 Power to obtain information: further provision

#### *Guidance*

- 79 Issue of guidance by the Scottish Ministers

#### *Code of good practice*

- 80 Code of good practice

#### *Charges for regulatory functions*

- 81 Charges for regulatory functions of the Scottish Ministers

## CHAPTER 4

### INTERPRETATION OF PART 3

- 82 Meaning of “subsidiary” and “associate”  
83 Interpretation of Part 3

## PART 4

### SCOTTISH HOMES

- 84 Transfer of functions to the Scottish Ministers  
85 Property and liabilities  
86 Transfer of staff  
87 Dissolution etc.

## PART 5

### STRATEGIC HOUSING FUNCTIONS

#### *The Scottish Ministers*

- 88 Statement on fuel poverty

#### *Local authorities*

- 89 Local housing strategies  
90 Grants for housing purposes  
91 Grants for housing support services  
92 Assistance for housing purposes  
93 Assistance for housing purposes: further provision  
94 Alteration of housing finance arrangements

*Status: Point in time view as at 30/09/2002.*

*Changes to legislation: Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)*

---

### *Meaning of “fuel poverty”*

- 95 Meaning of “fuel poverty”

## **PART 6**

### GRANTS FOR IMPROVEMENT, REPAIRS ETC.

#### *Improvement grants*

- 96 Extension of power to make improvement grants  
97 Application for grant  
98 Age of buildings eligible for grant  
99 Applicant’s contribution to expense of works  
100 Approval of application  
101 Amount of grant  
102 Improvement grants: the tolerable standard and standard amenities

#### *Repairs grants*

- 103 Amount of repairs grant

#### *Fire escape grants*

- 104 Grants for means of escape from fire

#### *Improvement of energy efficiency and safety*

- 105 Improvement of energy efficiency and safety

## **PART 7**

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

- 106 Equal opportunities  
107 Local authority maintenance of houses etc. of registered social landlord  
108 Meaning of “family” and “spouse”: cohabitation

#### *General*

- 109 Orders and regulations  
110 Ancillary provision  
111 Interpretation  
112 Modification of enactments  
113 Commencement and short title

---

### SCHEDULE 1 — TENANCIES WHICH ARE NOT SCOTTISH SECURE TENANCIES

- 1 *Premises occupied under contract of employment*  
2 *Police and fire service accommodation*  
3 *Lettings to students*  
4 *Temporary accommodation during work*  
5 *Accommodation for homeless persons*  
6 *Accommodation for offenders*

*Status: Point in time view as at 30/09/2002.*

*Changes to legislation: Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)*

---

- 7 *Shared ownership agreements*
- 8 *Agricultural and business premises*
- 9 *Houses part of, or within curtilage of, certain other buildings*
- 10 *Accommodation in property not owned by landlord*

SCHEDULE 2 — SCOTTISH SECURE TENANCY: GROUNDS FOR  
RECOVERY OF POSSESSION OF HOUSE  
PART 1 — GROUNDS ON WHICH COURT MAY ORDER RECOVERY  
OF POSSESSION

- 1 Rent lawfully due from the tenant has not been paid,...
- 2 The tenant (or any one of joint tenants), a person...
- 3 (1) The condition of the house or of any of...
- 4 The condition of any furniture provided for use under the...
- 5 The tenant and— (a) the tenant’s spouse, or
- 6 The tenant is the person, or one of the persons,...
- 7 (1) The tenant (or any one of joint tenants), a...
- 8 (1) The tenant (or any one of joint tenants) or...
- 9 The house is overcrowded, within the meaning of section 135...
- 10 (1) It is intended within a reasonable period of time...
- 11 The house has been designed or adapted for occupation by...
- 12 The house forms part of a group of houses which...
- 13 The interest of the landlord in the house is that...
- 14 The landlord is Orkney Islands Council, Shetland Islands Council or...
- 15 The landlord wishes to transfer the tenancy of the house...

PART 2 — SUITABILITY OF ACCOMMODATION

- 16 For the purposes of sections 16(4), 19(5), 21(5) and 22(7),...
- 17 In determining whether accommodation is reasonably suitable to the needs...
- 18 If the landlord has made an offer in writing to...

SCHEDULE 3 — SUCCESSION TO SCOTTISH SECURE TENANCY:  
QUALIFIED PERSONS

- 1 *Qualified persons*
- 2 (1) A person whose only or principal home at the...
- 3 A member of the tenant’s family aged at least 16...
- 4 A carer providing, or who has provided, care for the...
- 5 *Special rule: specially adapted house*
- 6 *Order of succession*
- 7 If the tenancy does not pass to a qualified person...
- 8 If the tenancy does not pass to a qualified person...
- 9 Where there is more than one qualified person falling within...
- 10 *Notification of right to succeed to tenancy*
- 11 *Declining a tenancy*
- 12 *Qualified persons: co-operative housing associations*

SCHEDULE 4 — SCOTTISH SECURE TENANCY: LANDLORD’S REPAIRING  
OBLIGATIONS

- 1 The landlord in a Scottish secure tenancy must—
- 2 The landlord must, before the commencement of the tenancy—
- 3 The landlord must— (a) ensure that any work necessary to...
- 4 The landlord, or any person authorised by it in writing,...
- 5 (1) In determining for the purposes of paragraph 1 whether...
- 6 In paragraph 5, “sanitary defects” includes lack of air space...

*Status: Point in time view as at 30/09/2002.*

*Changes to legislation: Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)*

---

## SCHEDULE 5 — SCOTTISH SECURE TENANCY: ALTERATIONS, ASSIGNATION, SUBLETTING, EXCHANGE ETC.

### PART 1 — ALTERATIONS ETC. TO HOUSE

- 1 A tenant under a Scottish secure tenancy who wishes to...
- 2 The landlord may— (a) consent, (b) consent subject to such...
- 3 The conditions which may be imposed under paragraph 2(b) include...
- 4 The landlord must intimate its consent or refusal, any conditions...
- 5 If the landlord fails to comply with paragraph 4, it...
- 6 A tenant who is aggrieved by a refusal, or by...
- 7 In such proceedings the court must, unless it considers that...
- 8 In deciding whether a refusal or a condition is reasonable...

### PART 2 — ASSIGNATION, SUBLETTING, EXCHANGE ETC.

- 9 A tenant under a Scottish secure tenancy who, in pursuance...
- 10 A tenant under a Scottish secure tenancy who, in pursuance...
- 11 On an application under paragraph 9 or 10 the landlord...
- 12 The landlord must intimate its consent or refusal and, in...
- 13 If the landlord fails to comply with paragraph 12, it...
- 14 A tenant who is aggrieved by a refusal may raise...
- 15 In such proceedings the court must, unless it considers that...

## SCHEDULE 6 — GROUNDS FOR GRANTING SHORT SCOTTISH SECURE TENANCY

- 1 *Previous anti-social behaviour*
- 2 *Anti-social behaviour order*
- 3 *Temporary letting to person seeking accommodation*
- 4 *Temporary letting pending development*
- 5 *Accommodation for homeless persons*
- 6 *Accommodation for person requiring housing support services*
- 7 *Accommodation in property not owned by landlord*

## SCHEDULE 7 — REGULATION OF REGISTERED SOCIAL LANDLORDS

### PART 1 — CONTROL OF PAYMENTS TO MEMBERS ETC.

- 1 *Payments by way of gift, dividend or bonus*
- 2 *Payments and benefits to officers and employees etc.*
- 3 *Maximum amounts payable by way of fees, expenses, etc.*

### PART 2 — CONSTITUTION, CHANGE OF RULES, AMALGAMATION AND DISSOLUTION

- 4 *General power to remove director, trustee etc.*
- 5 *Industrial and provident society: power to appoint new committee member*
- 6 *Company: power to appoint new director*
- 7 *Change of rules etc. by industrial and provident society*
- 8 *Change of memorandum or articles of association of company*
- 9 *Amalgamation and dissolution etc. of industrial and provident society*
- 10 *Arrangement, reconstruction etc. of company*
- 11 *Power of the Scottish Ministers to petition for winding up*
- 12 *Transfer of net assets on dissolution or winding up*

### PART 3 — ACCOUNTS AND AUDIT

- 13 *General requirements as to accounts and audit*
- 14 *Appointment of auditors by industrial and provident societies*
- 15 *Responsibility for securing compliance with accounting requirements*

### PART 4 — INQUIRY INTO AFFAIRS OF REGISTERED SOCIAL LANDLORDS

*Status: Point in time view as at 30/09/2002.*

*Changes to legislation: Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)*

---

- 16 *Inquiry*
- 17 *Extraordinary audit for purposes of inquiry*
- 18 *General powers exercisable as a result of inquiry or audit*
- 19 *Power to direct transfer of land*

#### SCHEDULE 8 — INSOLVENCY ETC. OF REGISTERED SOCIAL LANDLORDS

- 1 *Interpretation*
- 2 *Initial notice to be given to the Scottish Ministers*
- 3 *Further notice to be given to the Scottish Ministers*
- 4 *Moratorium on disposal of land etc.*
- 5 *Period of moratorium*
- 6 *Proposals as to ownership and management of landlord's land*
- 7 *Effect of agreed proposals*
- 8 *Appointment of manager to implement agreed proposals*
- 9 *Powers of the manager*
- 10 *Powers of the manager: transfer of engagements*
- 11 *Assistance by the Scottish Ministers*
- 12 *Application to court to secure compliance with agreed proposals*

#### SCHEDULE 9 — CONSULTATION BEFORE CERTAIN DISPOSALS BY LOCAL AUTHORITY LANDLORD OR REGISTERED SOCIAL LANDLORD

- 1 *Disposals to which this schedule applies*
- 2 *Application for consent of the Scottish Ministers*
- 3 *Requirements as to consultation*
- 4 *Power to require further consultation*
- 5 *Consent to be withheld unless majority of tenants in favour*
- 6 *Protection of purchasers*

#### SCHEDULE 10 — MODIFICATION OF ENACTMENTS

- 1 *New Towns (Scotland) Act 1968 (c.16)*
- 2 *Friendly and Industrial and Provident Societies Act 1968 (c.55)*
- 3 *Land Compensation (Scotland) Act 1973 (c.56)*
- 4 *Land Tenure Reform (Scotland) Act 1974 (c.38)*
- 5 *House of Commons Disqualification Act 1975 (c.24)*
- 6 *Local Government (Scotland) Act 1975 (c.30)*
- 7 *Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)*
- 8 *Finance Act 1981 (c.35)*
- 9 *Rent (Scotland) Act 1984 (c.58)*
- 10 *Bankruptcy (Scotland) Act 1985 (c.66)*
- 11 *Housing Associations Act 1985 (c.69)*
- 12 *Housing (Scotland) Act 1986 (c.65)*
- 13 *Housing (Scotland) Act 1987 (c.26)*
- 14 *Housing (Scotland) Act 1988 (c.43)*
- 15 *Housing Act 1988 (c.50)*
- 16 *Local Government and Housing Act 1989 (c.42)*
- 17 *Social Security Administration Act 1992 (c.5)*
- 18 *Taxation of Chargeable Gains Act 1992 (c.12)*
- 19 *Local Government Finance Act 1992 (c.14)*
- 20 *Leasehold Reform, Housing and Urban Development Act 1993 (c.28)*
- 21 *Local Government etc. (Scotland) Act 1994 (c.39)*
- 22 *Requirements of Writing (Scotland) Act 1995 (c.7)*



**Status:** Point in time view as at 30/09/2002.

**Changes to legislation:** Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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)

---

- 23 *Children (Scotland) Act 1995 (c.36)*
- 24 *Housing Act 1996 (c.52)*
- 25 *Planning (Consequential Provisions) (Scotland) Act 1997 (c.11)*
- 26 *Data Protection Act 1998 (c.29)*
- 27 *Crime and Disorder Act 1998 (c.37)*
- 28 *Public Finance and Accountability (Scotland) Act 2000 (asp 1)*
- 29 *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

**Status:**

Point in time view as at 30/09/2002.

**Changes to legislation:**

Housing (Scotland) Act 2001 is up to date with all changes known to be in force on or before 18 March 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.