

Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.

Changes to legislation: Housing (Scotland) Act 2001, Paragraph 13 is up to date with all changes known to be in force on or before 02 June 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 10 MODIFICATION OF ENACTMENTS

Housing (Scotland) Act 1987 (c.26)

- 13 (1) The Housing (Scotland) Act 1987 is amended as follows.
- (2) Sections 1, 12A and 17C are repealed.
- (3) In section 21 (publication of rules relating to the housing list and to transfer of tenants)—
- (a) in subsection (1), paragraphs (a)(i) and (b) are repealed,
 - (b) in subsection (2), for the words from “housing” to the end of paragraph (a) substitute “social landlord—
 - (a) to make rules governing the matters mentioned in subsection (1)(a)(ii) to (iv);”,
 - (c) in subsection (3)—
 - (i) paragraph (i) is repealed,
 - (ii) for paragraph (ia) substitute—
 - “(ia) the Scottish Ministers;”,
 - (iii) in paragraph (ii), for “the association under a” substitute “ a registered social landlord under a Scottish ”.
- (4) Sections 22 and 22A are repealed.
- (5) Sections 44 to 60 are repealed.
- (6) In section 61 (secure tenant’s right to purchase)—
- (a) in subsection (2)—
 - (i) before “secure” insert “ Scottish ”,
 - (ii) after sub-paragraph (i) of paragraph (a) insert—
 - “(ia) a registered social landlord; or”,
 - (iii) sub-paragraphs (iii) to (ix) of that paragraph and, in each case, the preceding “or” are repealed,
 - (iv) in paragraph (b), the words from “or” to the end are repealed,
 - (b) for subsection (2A) substitute—
 - “(2A) For the purposes of subsection (2)(c), where the house was provided by a body which, at any time while the house was so provided, was not a registered social landlord, the body shall, if it became a registered social landlord at any later time, be deemed to have been a registered social landlord.”,
 - (c) in subsection (3)—
 - (i) after “a” in the second place where it occurs insert “ Scottish ”,
 - (ii) after “of” in the second place where it occurs insert “ Scottish ”,
 - (iii) for paragraph (b) substitute—
 - “(b) the words “beyond 5” in section 62(3)(b) and “after 5” in section 62(5)(b) shall not have effect.”,
 - (d) subsections (4A) and (7) to (9) are repealed,
 - (e) in subsection (11), after paragraph (a) insert—
 - “(aa) a registered social landlord;”.

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- (7) In section 62 (the price)—
- (a) in subsection (2), for “section 58” substitute “ section 29 of the Housing (Scotland) Act 2001 (asp 10) ”,
 - (b) for paragraph (b) of subsection (4) substitute—
 - “(b) where the house was provided by a body which, at any time while the house was so provided, was not a registered social landlord, the body shall, if it became a registered social landlord at any later time, be deemed to have been a registered social landlord at all times since it first provided the house”.
- (8) In section 63 (application to purchase and offer to sell)—
- (a) in subsection (1), paragraph (d) and the preceding “and” are repealed,
 - (b) subsections (2)(cc) and (3) are repealed.
- (9) In section 66(1) (notice of acceptance)—
- (a) the words “, subject to section 67(1),”, and
 - (b) paragraphs (vi) and (vii),
- are repealed.
- (10) Section 67 is repealed.
- (11) In section 71 (reference to Lands Tribunal)—
- (a) in subsection (1)—
 - (i) in paragraph (a), the words “or amended offer” in both places where they occur are repealed,
 - (ii) in paragraph (d), the words “or amended offer” in the first place where they occur and the words from “and, in the case” to the end are repealed,
 - (b) in subsection (2)—
 - (i) in paragraph (a)(ii), for “67” substitute “ 66C ”,
 - (ii) in paragraph (b), the words “or amended offer” and the words from “and, in the case” to “63(3)” are repealed.
- (12) In section 74 (duties of landlord), the words “and section 216” are repealed.
- (13) In section 75(1) (agreements affecting right to purchase), the words “, 67(1)” are repealed.
- (14) Sections 75A and 76 are repealed.
- (15) In section 79(2)(a) (proceedings for which financial and other assistance may be given), the words “and section 216” are repealed.
- (16) In section 81(1) (information from landlords), the words “and section 216” are repealed.
- (17) Sections 81A and 81B are repealed.
- (18) In section 82 (interpretation of Part III)—
- (a) for “20, 214 and 216” substitute “ and 20 ”,
 - (b) the definitions of “rent to loan purchaser” and “rent to loan scheme” are repealed.

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- (19) In section 84(1) (service of notices), the words “or of section 216” are repealed.
- (20) In section 84A(1) (application of right to buy to cases where landlord is lessee)—
 - (a) the words “and 216” are repealed,
 - (b) in paragraph (a), after “a”, in the second place where it occurs, insert “Scottish”.
- (21) In section 212(5) (rent increase notice provisions not to apply to secure tenancies), after “a” insert “Scottish”.
- (22) Section 214(9) (advances for purpose of rent to loan scheme) is repealed.
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- (36) In section 276 (repurchase by authority other than local authority, in the Table—
 - (a) in entry 1 (registered housing associations etc.), in column 1, for the words from “housing” in the first place where it occurs to the end substitute “social landlord or a predecessor of that landlord”,
 - (b) entry 2 (Scottish Homes and the Scottish Special Housing Association) is repealed.
- (37) In subsection (1) of section 281 (effect of repurchase on certain tenancies)—
 - (a) for the words from “44” to “tenancy” substitute “11(1)(b) (Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10)”,
 - (b) after “a” in the fifth place where it occurs insert “Scottish”.
- (38) In section 282 (grant of tenancy to former owner-occupier)—
 - (a) in subsection (2)—
 - (i) for the words from “44(2)” to “tenancies” substitute “11(1)(b) (Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10)”,

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- (ii) after “a” insert “ Scottish ”,
 - (b) in subsection (3)(a), after “a” insert “ Scottish ”.
- (39) In section 283 (grant of tenancy to former statutory tenant)—
- (a) in subsection (1)—
 - (i) for the words from “44(2)” to “tenancies” substitute “ 11(1)(b) (Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10) ”,
 - (ii) for “secure tenancy” substitute “ Scottish secure tenancy ”,
 - (b) in subsection (3), after “a” in the third place where it occurs insert “ Scottish ”.
- (40) In section 286 (interpretation of sections 281 to 285)—
- (a) in paragraph (a), for “Part III (secure tenancies)” substitute “ the Housing (Scotland) Act 2001 (asp 10) ”,
 - (b) in paragraph (c), after “a” in the first and third places where it occurs insert “ Scottish ”.
- (41) In section 338(1) (interpretation)—
- (a) after the definition of “registered housing association” insert—
 - ““registered social landlord” has the same meaning as in the Housing (Scotland) Act 2001 (asp 10);”,
 - (b) after the definition of “road” insert—
 - ““Scottish secure tenancy” and “short Scottish secure tenancy” have the same meanings as in the Housing (Scotland) Act 2001 (asp 10);”,
 - F2(c)
- (42) Schedules 2 to 5, 6A and 18 are repealed.

Textual Amendments

- F1** Sch. 10 para. 13(23)-(35) repealed (1.4.2010) by Housing (Scotland) Act 2006 (asp 1), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3
- F2** Sch. 10 para. 13(41)(c) repealed (1.4.2010) by Housing (Scotland) Act 2006 (asp 1), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3

Commencement Information

- I1** Sch. 10 para. 13 partly in force; Sch, 10 para. 13 not in force at Royal Assent, see s. 113(1)(2); para. 13(24)(35) in force at 1.11.2001 by S.S.I. 2001/336, art. 2(3), **Sch. Pt. I** (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b)); para. 13(2)(17)(42) in force for specified purposes at 19.12.2001 by S.S.I. 2001/467, art. 2(2), **Sch.** (subject to transitional provisions in art. 3); para. 13(3) in force at 1.4.2002 by S.S.I. 2002/168, art. 2, **Sch** (subject to transitional provisions and savings in art. 3); para. 13(5)-(22) and para. 13(36)-(41)(b) wholly in force and para. 13(42) in force for specified purposes at 30.9.2002 by S.S.I. 2002/321, art. 2, **Sch.** (subject to transitional provisions and savings in arts. 3-5); para. 13(4) in force at 30.9.2002 by S.S.I. 2002/433, art. 2, **Sch.**
- I2** Sch. 10 para. 13(23) (25)-(34) (41)(c) in force at 1.10.2003 by S.S.I. 2003/434, art. 2, **sch.** (with arts. 3, 4)
- I3** Sch. 10 para. 13(42) in force at 1.10.2003 in so far as not already in force by S.S.I. 2003/434, art. 2, **sch.** (with arts. 3, 4)

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