



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 2

RIGHT TO BUY

46 Limitation on right to buy: arrears of rent, council tax etc.

(1) After section 61C of the 1987 Act insert—

“61D Limitation on right to purchase: arrears of rent, council tax etc.

- (1) Subsections (2) and (3) apply where a tenant serves on a landlord an application to purchase at a time when the tenant, or any joint purchaser (within the meaning of section 61(6))—
 - (a) has not paid the landlord rent or any other charge lawfully due to the landlord under that or any other tenancy, or
 - (b) has not paid any sum lawfully due in respect of—
 - (i) council tax in respect of the house or any other house in the local government area in which the house is situated, or
 - (ii) water and sewerage charges in relation to the house or any other such house.
- (2) If the landlord is a local authority landlord, it is entitled (but not required) to serve on the tenant a notice of refusal under section 68.
- (3) If the landlord is a registered social landlord—
 - (a) where the sum is a sum referred to in subsection (1)(a), the landlord is entitled (but not required) to serve such a notice on the tenant,
 - (b) where the sum is a sum referred to in subsection (1)(b), the landlord shall—

Status: This is the original version (as it was originally enacted).

- (i) consult the local authority for the area in which the house is situated, and
 - (ii) serve such a notice on the tenant unless the authority agree that such a notice should not be served.”
- (2) In section 63 (application to purchase and offer to sell) of that Act, after subsection (1) insert—
 - “(1A) Where the landlord is a registered social landlord the tenant shall, when serving on the landlord the application to purchase, give the landlord a certificate issued by the local authority for the area in which the house is situated stating—
 - (a) whether the tenant and any joint purchaser have, as at the date of the certificate (which must be no more than one month before the date of the application to purchase), paid the sums referred to in section 61D(1)(b), and
 - (b) if they have not, the amount of any such sum lawfully due by the tenant or, as the case may be, the joint purchaser as at the date of the certificate.
 - (1B) A local authority shall, on the application of a tenant or joint purchaser referred to in subsection (1A), issue to that person free of charge a certificate as to the matters specified in paragraphs (a) and (b) of that subsection so far as relating to that person.
 - (1C) A certificate under subsection (1B) shall be issued not later than 21 days after the receipt of the application by the authority.”