

HOUSING (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part One – Right to Buy

6. This Part repeals existing provisions on right to buy in the Housing (Scotland) Act 1987 (the “1987 Act”), so that right to buy is abolished for all tenants who have a Scottish secure tenancy with a relevant social landlord. Consequently, no tenant of social housing in Scotland will have the right to buy from the date of the coming into force of section 1. It also repeals provisions in the 1987 Act, the Housing (Scotland) Act 2001 (“the 2001 Act”) and the Housing (Scotland) Act 2010 (“the 2010 Act”), which are no longer required following the abolition of right to buy. In addition, it makes two amendments to the 1987 Act to ensure that changes to that Act made by the 2010 Act operate as intended until right to buy ends.
7. [Section 1\(1\)](#) repeals sections 61 to 81, 84 and 84A of the 1987 Act (the right to buy and associated provisions). These sections of the 1987 Act concern secure tenants’ right to buy; the procedure to follow when an application to purchase is made; circumstances in which houses provided for special purposes or liable for demolition are exempt from the right to buy; reference to the Lands Tribunal in cases of dispute; recoverability of discount; the rent to loan scheme; the powers of the Scottish Ministers in relation to right to buy; and the preservation of a tenant’s right to buy where a relevant landlord disposes of the home to a private sector landlord.
8. [Section 1\(2\)](#) repeals section 52 of the 2001 Act. Section 52 obliges the Scottish Ministers to report within four years of the provision coming into force on the extent to which tenants had exercised their right to buy and the effect of this on housing stock, the needs of people for, the demand for and availability of housing accommodation.
9. [Section 1\(3\)](#) repeals sections 145 to 147 of the 2010 Act. These sections require the Scottish Ministers to collect and publish information about right to buy sales in relation to each local authority and registered social landlord and about the number of tenants with the right to buy their house in relation to each local authority.
10. [Section 2\(a\)](#) amends section 61ZA(1) of the 1987 Act. Section 61ZA, inserted by section 141 of the 2010 Act, extends the range of circumstances under which the right to buy cannot be exercised to include new tenants to the social housing sector. This was intended to ensure that tenants taking up a Scottish secure tenancy for the first time (following commencement of section 141) and those returning to the social rented sector after a break would not have the right to buy the property they rent from a social landlord. This amendment to section 61ZA(1) is intended to ensure that occupation other than as a tenant before that date does not exempt a person from the new tenant provisions.
11. [Section 2\(b\)](#) amends section 61F of the 1987 Act. Section 61F, inserted by section 143 of the 2010 Act, extends the range of circumstances set out in sections 61A to 61E of the 1987 Act under which the right to buy cannot be exercised, to include new supply social housing (therefore exempting it from the right to buy, with some exceptions

*These notes relate to the Housing (Scotland) Act 2014
(asp 14) which received Royal Assent on 1 August 2014*

where a tenant with a Scottish secure tenancy moves to new supply social housing in circumstances outwith their control). This amendment is intended to ensure that tenants in this position have their right to buy protected, irrespective of when their tenancy was created.

12. [Section 104\(4\)](#) provides that the Scottish Ministers cannot appoint a date on which the right to buy will end which is less than two years from the date the Act receives Royal Assent (in other words 1 August 2016).