
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 264 (C. 24)

HOUSING

**The Housing (Scotland) Act 2014 (Commencement
No. 1, Transitional and Saving Provisions) Order 2014**

<i>Made</i>	- - - -	<i>7th October 2014</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th October 2014</i>
<i>Coming into force</i>	- -	<i>13th November 2014</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 104(3) to (5) of the Housing (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Housing (Scotland) Act 2014 (Commencement No. 1, Transitional and Saving Provisions) Order 2014 and comes into force on 13th November 2014.

(2) In this Order “the Act” means the Housing (Scotland) Act 2014.

Appointed days

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the Schedule (the subject-matter of which is described in column 2 of the Schedule) is specified in column 3 of the Schedule.

(2) Where a purpose is specified in column 4 of the Schedule, a provision specified in column 1 comes into force in accordance with paragraph (1) only for that purpose.

Transitional provision

3. The requirements of section 104A (registered social landlord becoming a subsidiary of another body) of the 2010 Act⁽²⁾ do not apply to any arrangement where a request has been made for the consent of the Scottish Housing Regulator under section 93 (change of constitution) of that Act prior to 20th November 2014.

(1) 2014 asp 14.

(2) Section 104A of the 2010 Act is inserted by section 98 of the Act.

Saving provisions

4. Despite the commencement of section 1 (abolition of the right to buy) of the Act, the provisions repealed or modified by subsection (1) of that section and by paragraphs 1, 2, 4(7) and (8), 9, 10(3), (4) and (5)(b), 14 to 16, 18(3), (6) and (7)(a) and 19 of schedule 2 to the Act continue to have effect as they had effect on 31st July 2016 in relation to—

- (a) any application to purchase submitted under section 63(1) of the 1987 Act⁽³⁾ before 1st August 2016;
- (b) any contract to purchase, and any purchase, following on from such an application.

5. Despite the commencement of section 2 (amendment of right to buy provisions) of the Act, section 61F of the 1987 Act applies to any application to purchase submitted under section 63(1) of that Act prior to 20th November 2014, as it applied immediately before that date.

6. Despite the commencement of paragraph 3 of schedule 2 (minor and consequential repeals: Rent (Scotland) Act 1984) to the Act, Case 7 of Part 1 of Schedule 2 to the Rent (Scotland) Act 1984⁽⁴⁾ will apply in relation to any certificate granted by the Scottish Ministers under that case prior to 20th November 2014, as it applied immediately before that date.

St Andrew's House,
Edinburgh
7th October 2014

M J BURGESS
Authorised to sign by the Scottish Ministers

⁽³⁾ 1987 c.26. There have been amendments to subsection (1) of section 63 that are not relevant to this Order.

⁽⁴⁾ 1984 c.58. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

SCHEDULE

Article 2

<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject-matter</i>	<i>Column 3 Appointed day</i>	<i>Column 4 Purpose</i>
Section 86(1)	Notice of potential liability for costs: notice of discharge	13th November 2014	So far as is necessary to enable the Scottish Ministers to make an order under section 10A(3B)(a) of the Title Conditions (Scotland) Act 2003
Section 86(2)	Notice of potential liability for costs: notice of discharge	13th November 2014	So far as is necessary to enable the Scottish Ministers to make an order under section 13(3B)(a) of the Tenements (Scotland) Act 2004
Section 1(2)	Repeal of right to buy reporting provision	20th November 2014	
Section 1(3)	Repeal of right to buy information collection provisions	20th November 2014	For the purpose of repealing section 147 of the 2010 Act
Section 2	Amendment of right to buy provisions	20th November 2014	
Section 4(2)	Rules on priority of allocation of housing: regulations	20th November 2014	For the purpose of enabling consultation by the Scottish Ministers under section 21(3B) of the 1987 Act
Section 6(2)	Determination of minimum period for application to remain in force: guidance	20th November 2014	For the purpose of enabling consultation by the Scottish Ministers under section 20B(4) of the 1987 Act
Section 7(1)(b)	Creation of short Scottish secure tenancy: antisocial behaviour: guidance	20th November 2014	
Section 14(1)	Grounds for eviction: antisocial behaviour: guidance	20th November 2014	
Section 20	Houses in multiple occupation	20th November 2014	

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<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject-matter</i>	<i>Column 3 Appointed day</i>	<i>Column 4 Purpose</i>
Section 23(1)	Electrical safety: guidance	20th November 2014	
Section 24	Power to modify repairing standard etc.	20th November 2014	
Section 26(7)	Procedure for third party applications	20th November 2014	
Section 28	Private rented housing: Enhanced Enforcement Areas	20th November 2014	
Section 46	Letting Agent Code of Practice	20th November 2014	
Section 61	Meaning of letting agency work	20th November 2014	
Section 62	Interpretation of Part 4 of the Act	20th November 2014	The meaning of “house”, “landlord”, and “tenant”
Section 64	Relevant permanent site application	20th November 2014	So far as is necessary to enable the Scottish Ministers to make regulations under section 32C(4) of the 1960 Act
Section 65	Issue, renewal, transfer and transmission of a Part 1A site licence	20th November 2014	So far as is necessary to enable the Scottish Ministers to make regulations under section 32F(3) of the 1960 Act
Section 70	Power to make provision in relation to procedure and appeals	20th November 2014	
Section 77	Appointment of interim manager	20th November 2014	So far as is necessary to enable the Scottish Ministers to make regulations under section 32Y(5) of the 1960 Act
Section 82	Interpretation	20th November 2014	
Section 85(3) and (4)	Tenement management scheme	20th November 2014	
Section 94	First-tier Tribunal: disqualification of	20th November 2014	

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<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject-matter</i>	<i>Column 3 Appointed day</i>	<i>Column 4 Purpose</i>
	members from exercise of certain functions		
Section 95	Private rented housing panel: disqualification from membership	20th November 2014	
Section 96	Delegation of certain functions	20th November 2014	
Section 97	Scottish Housing Regulator: transfer of assets following inquiries: guidance	20th November 2014	For the purpose of enabling consultation by the Regulator under section 67(4B)(b) of the 2010 Act
Section 98	Registered social landlord becoming a subsidiary of another body	20th November 2014	
Section 103	Minor and consequential amendments	20th November 2014	For the purpose of giving effect to schedule 2, paragraphs 3, 4(1) to (4) and (9)(b), 5(1) and (3), 10(1) and (5)(a), 12, 13, 17 and 18(1), (2), (4) (5) and (7)(b)
Schedule 2, paragraphs 3, 4(1) to (4) and (9)(b), 5(1) and (3), 10(1) and (5)(a), 12, 13, 17 and 18(1), (2), (4) (5) and (7)(b)	Minor and consequential amendments	20th November 2014	
Section 86	Notice of potential liability for costs: notice of discharge	16th December 2014	For all remaining purposes
Section 1(1)	Repeal of right to buy provisions	1st August 2016	
Section 103	Minor and consequential amendments	1st August 2016	For the purpose of giving effect to schedule 2, paragraphs 1, 2, 4(7) and (8), 9, 10(3), (4) and (5)(b), 14 to 16, 18(3), (6) and (7)(a) and 19
Schedule 2, paragraphs 1, 2, 4(7) and (8), 9, 10(3), (4) and (5)(b),	Minor and consequential amendments	1st August 2016	

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<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject-matter</i>	<i>Column 3 Appointed day</i>	<i>Column 4 Purpose</i>
14 to 16, 18(3), (6) and (7)(a) and 19			
Section 1(3)	Repeal of right to buy information collection provisions	1st July 2017	For all remaining purposes

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Housing (Scotland) Act 2014 (“the 2014 Act”).

The Schedule to the Order (“the Schedule”) appoints 1st August 2016 for the coming into force of section 1 of the 2014 Act. The effect is that the right to buy will cease to apply to social housing from that date. The related consequential amendments in paragraphs 1, 2, 4(7) and (8), 9, 10(3), (4) and (5)(b), 14 to 16, 18(3), (6) and (7)(a) of schedule 2 to the 2014 Act are also commenced on this date.

Article 4 makes saving provision to provide that where an application to purchase has been submitted before that date, it can continue to be progressed under the legislation that is otherwise revoked. This saving provision also ensures that a person who has purchased at a discount requires to repay some or all of that discount in any subsequent sale or disposal of the property within three years.

The Schedule appoints 13th November 2014 for the coming into force of sections 86(1) and 86(2) of the 2014 Act (for the purposes of enabling the Scottish Ministers to make orders under section 10A(3B)(a) of the Title Conditions (Scotland) Act 2003 and under section 13(3B)(a) of the Tenements (Scotland) Act 2004). It also appoints 16th December 2014 for section 86 to come into force for all remaining purposes.

20th November 2014 is appointed for the coming into force of sections 1(2) and (3), 2, 4(2), 6(2), 7(1)(b), 14(1), 20, 23(1), 24, 26(7), 28, 46, 61, 62, 64, 65, 70, 77, 82, 85(3) and (4), 94, 95, 96, 97, 98 and 103 (for the purpose of commencing the following paragraphs), paragraphs 3, 4(1) to (4) and (9)(b), 5(1) and (3), 10(1) and (5)(a), 12, 13, 17, 18(1), (2), (4), (5) and (7)(b) of schedule 2. Of these provisions, the following are commenced only partially: sections 1(3), 4(2), 6(2), 62, 64, 65, 77, 82, 97 and 103.

Article 3 provides that section 104A of the Housing (Scotland) Act 2010 (introduced by section 98 of the 2014 Act) will not apply where an application for consent has already been made to Scottish Housing Regulator under section 93 of the 2010 Act.

Article 5 provides that the commencement of section 2, with respect to the amendment made to section 61F of the Housing (Scotland) Act 1987, does not affect applications to purchase served prior to 20th November 2014.

Article 6 preserves Case 7 of Part 1 of Schedule 2 to the Rent (Scotland) Act 1984, without the amendments introduced by paragraph 3 of schedule 2 to the 2014 Act, in relation to any certificate granted by the Scottish Ministers prior to 20th November 2014.

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Sections 100, 101, 102, 104 and 105 of the 2014 Act came into force on 1st August 2014. Section 93 of the 2014 Act comes into force on 1st October 2014. The remaining provisions of the 2014 Act will come into force on such date or dates as the Scottish Ministers appoint.