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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 396**

**HOUSING**

**The Housing (Scotland) Act 2001 (Transfer  
of Scottish Homes Property etc.) Order 2001**

<i>Made</i>	- - - -	<i>29th October 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th October 2001</i>
<i>Coming into force</i>	- -	<i>20th November 2001</i>

The Scottish Ministers, in exercise of the powers conferred by sections 85(1) and 109(2) of the Housing (Scotland) Act 2001<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Housing (Scotland) Act 2001 (Transfer of Scottish Homes Property etc.) Order 2001 and shall come into force on 20th November 2001.

**Interpretation**

**2.** In this Order, “Scottish Homes” means the body corporate established by section 1 of the Housing (Scotland) Act 1988<sup>(2)</sup>.

**Transfer of property and liabilities**

**3.** All rights and interests of Scottish Homes in, and all liabilities of Scottish Homes in relation to, the property specified in the Schedule to this Order and the contents thereof, shall hereby transfer to and vest in the Scottish Ministers.

**Consequential and supplementary provision**

**4.—(1)** Nothing in this Order shall have the effect of completing the title of the Scottish Ministers to any land transferred by this Order, or to any other right or interest transferred by this Order title to which requires to be completed by registration for the purpose of making it a real right.

**(2)** Any property, in respect of which but for this Order—

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<sup>(1)</sup> 2001 asp 10.  
<sup>(2)</sup> 1988 c. 43.

- (a) delivery or possession; or
- (b) intimation of its assignation,

would be required in order to complete title to it, shall transfer to and vest in the Scottish Ministers by virtue of this Order as if at the date on which the transfer of the property by this Order takes effect the Scottish Ministers had taken delivery or possession of the property or had made intimation of its assignation to them, as the case may be.

#### **Transitional provision and savings**

**5.** Without prejudice to article 3 above—

- (a) the transfer by this Order of any property, right, interest or liability of Scottish Homes shall not affect the validity of anything done (or having effect as if done) by or in relation to Scottish Homes before the date on which the transfer takes effect;
- (b) anything (including legal proceedings) which, at the time when the transfer takes effect, is in the process of being done by or in relation to Scottish Homes may, so far as it relates to any property, right, interest or liability transferred by this Order, be continued by or in relation to the Scottish Ministers;
- (c) anything done (or having effect as if done) by or in relation to Scottish Homes in connection with any property, right, interest or liability transferred to the Scottish Ministers by this Order shall, if in force at the time when the transfer takes effect, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that time.

St Andrew's House,  
Edinburgh  
29th October 2001

*J M BAILLIE*  
A member of the Scottish Executive

## SCHEDULE

Article 3

### PROPERTY TRANSFERRING TO THE SCOTTISH MINISTERS

#### *Raw Holdings, East Calder*

1. ALL and WHOLE (First) that area of ground described in and delineated and outlined in red on the plan annexed to Disposition by the Secretary of State for Scotland in favour of Scottish Special Housing Association Limited dated 29th August and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on 27th September both months in the year 1968; (Second) that area of ground described in and delineated and coloured pink and marked “Plot Number 1” on the plan annexed to Disposition by the County Council of the County of Midlothian in favour of Scottish Special Housing Association dated 11th and recorded in the said Division of the General Register of Sasines on 25th both days of February 1970; (Third) that area of ground described in and delineated and coloured pink and marked “Plot Number 2” on the said plan annexed to Disposition by the County Council of the County of Midlothian in favour of Scottish Special Housing Association dated and recorded as aforesaid and (Fourth) that area of ground described in and delineated and outlined in red and coloured pink on the plan annexed to Disposition by the Secretary of State for Scotland in favour of Scottish Special Housing Association dated 15th February and recorded in the said Division of the General Register of Sasines on 17th March both months in the year 1972; UNDER EXCEPTION of (One) the dominium utile of all parts of the said subjects of which feus have been granted; (Two) that area of ground described in and coloured red on the plan annexed to Disposition by Scottish Special Housing Association in favour of Scottish Gas Board dated 11th May and recorded in the said Division of the General Register of Sasines on 24th June both months in the year 1971; (Three) that area of ground described in Disposition by Scottish Homes in favour of West Lothian Council dated 4th and recorded in the said Division of the General Register of Sasines on 29th both days of February 2000; (Four) those 2 areas of ground described in Disposition by Scottish Homes in favour of Weslo Housing Management Limited dated 21st February and recorded in the said Division of the General Register of Sasines on 9th March both months in the year 1994 and (Five) the area of ground described in and delineated on the plan annexed to Feu Disposition by Scottish Special Housing Association in favour Craig Developments Limited dated 15th April and recorded in the said Division of the General Register of Sasines on 13th May both months in the year 1986.

#### *Hospital Site, Castlepark, Irvine*

2. ALL and WHOLE that excepted area of ground delineated in red on the plan annexed to Feu Disposition by Scottish Homes in favour of Ayrshire North Community Housing Association Limited registered in the Land Register of Scotland under Title Number AYR 30867.

#### *Tarryholme 1, 2, 3, Irvine*

3. ALL and WHOLE that plot or area of ground known as “Tarryholme 1, 2, 3” and shown edged in red on the plan annexed to Feu Disposition by Irvine Development Corporation in favour of Scottish Homes dated 3rd and recorded in the Division of the General Register of Sasines applicable to the County of Ayr on 9th both days of October 1996; but excepting therefrom ALL and WHOLE the sewage pumping station the solum of which is shown coloured green on the said plan.

#### *Ground at Stonylee Road, Cumbernauld*

4. ALL and WHOLE those areas of ground comprising the site of the former blocks of dwellinghouses known as 177A-177T Stonylee Road, 186A-186T Stonylee Road and 202A-202T Stonylee Road, Cumbernauld and forming part of the subjects registered under Title Number

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DMB 59147 and ALL and WHOLE those areas of ground comprising the site of the former blocks of dwellinghouses known as 203A-203T Craigieburn Road, 219A-219T Craigieburn Road, 189A-189V Craigieburn Road and 191C-191Z Craigieburn Road, Cumbernauld forming part of the subjects registered under Title Number DMB 59103.

*High Murray, East Kilbride*

5. ALL and WHOLE that area of ground registered in the Land Register of Scotland under Title Number LAN 114659.

*St Collette's, Abbeycraig Road, Easterhouse*

6. ALL and WHOLE that area of ground registered in the Land Register of Scotland under Title Number GLA 119397.

*Finraig Street/Cheviot Crescent, Fintry, Dundee*

7. ALL and WHOLE that area of ground described in, excepted (Fourteen) by and delineated in red on the plan marked "Plan 1" annexed to Disposition by Scottish Homes in favour of Abertay Housing Association Limited dated 29th October and recorded in the Division of the General Register of Sasines applicable to the County of Angus on 4th November, both months in the year 1997.

*Thistle House, 91 Haymarket Terrace, Edinburgh*

8. ALL and WHOLE (In the First Place) that area of ground described in and delineated and coloured pink on the plan number 1 annexed to Minute of Lease between The Lothian Regional Council and Lawfield Estates Limited dated 1st and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian and also in the Books of Council & Session for preservation and execution on 17th both days of February 1989 and (In the Second Place) that area of ground described in and delineated and shown partly coloured pink and partly coloured pink and hatched on the plan annexed and executed as relative to Minute of Lease between The Lothian Regional Council and 3i Commercial Properties Limited dated 28th March and 2nd July and recorded in the said Division of the General Register of Sasines and also in the Books of Council & Session for preservation and execution on 15th August all months in the year 1990.

*27/29 Palmerston Place, Edinburgh*

9. ALL and WHOLE (First) the dwellinghouse with the solum thereof and ground attached known as 27 Palmerston Place, Edinburgh described in Disposition by Thomas Goodall Nasmyth in favour of the Reverend Canon Reginald John Simpson Mitchell-Innes dated 17th August and recorded in the Division of the General Register of Sasines applicable to the County of Edinburgh on 11th October both months in the year 1921 and (Second) the dwellinghouse comprising the ground and upper floors of the subjects known as 29 Palmerston Place, Edinburgh with the solum thereof and ground attached insofar as belonging thereto described in (One) Disposition by the Trustees of Sir William Campbell Johnston in favour of the Right Reverend Kenneth Charles Harman Warner and Others dated 1st and 5th and recorded in the said Division of the General Register of Sasines on 13th all days of June 1949 and (Two) Disposition by the Trustees of Sir William Campbell Johnston in favour of Ian Alexander George Lawson Dick dated 18th and 19th and recorded in the said Division of the General Register of Sasines on 30th all days of June 1952.

*24 Rubislaw Terrace, Aberdeen*

10. Lease over subjects at 24 Rubislaw Terrace, Aberdeen, between Esson Properties Limited and Scottish Homes dated 30th October and 8th November and registered in the Books of Council and Session on 15th December, all months in the year 1989.

*Rosebery House, Haymarket Terrace, Edinburgh*

11. Lease over subjects at Rosebery House, Haymarket Terrace, Edinburgh between Pagiga Investments Limited and the Housing Corporation dated 22nd and 29th, both days of June and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on 21st September, both months in the year 1983.

*Highlander House, Waterloo Street, Glasgow*

12. Lease over subjects at Highlander House, Waterloo Street, Glasgow, between Pearl Assurance public limited company and Scottish Homes dated 31st October and 22nd November, both months in the year 1989 and registered in the Books of Council and Session on 4th January 1990.

*St James House, 25 St James Street, Paisley*

13. Lease over St James House, 25 St James Street, Paisley, between Caledonian, Northern Developments Limited and Scottish Homes dated 8th and 24th, both days of May and registered in the Books of Council and Session on 30th August, both months in the year 1989.

*52/66 Newmarket Street, Ayr*

14. Lease over subjects at 52/66 Newmarket Street, Ayr, between Dunedin Property Development Company (Retail) Limited and Scottish Homes dated 10th July and 10th August and registered in the Books of Council and Session on 11th September, all months in the year 1989.

*Haymarket Store, 42 Haymarket Terrace, Edinburgh*

15. Lease over subjects at 42 Haymarket Terrace, Edinburgh, between ABC Productions Limited and Scottish Homes dated 16th August and 14th September and registered in the Books of Council and Session on 26th September, both months in the year 2000.

*Rex House, Bothwell Road, Hamilton*

16. Lease over subjects at Rex House, Bothwell Road, Hamilton, between Rex Property Developments Limited and Scottish Homes dated 11th December 1991 and 14th January 1992 and registered in the Books of Council and Session on 6th February 1992.

*Urquhart House, Beechwood Business Park, Inverness*

17. Lease over subjects at Urquhart House, Beechwood Business Park, Inverness, between Morrison Construction Limited and Scottish Homes dated 26th January and 6th February and registered in the Books of Council and Session on 26th February, both months in the year 1996.

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*Nethergate Centre, Dundee*

**18.** Lease over subjects at Nethergate Centre, Dundee, between Sidlaw Industries Limited and Scottish Homes dated 20th August and registered in the Books of Council and Session on 2nd December, both months in the year 1980.

*168/170 Main Street, Bellshill*

**19.** Sub-lease over subjects at 168/170 Main Street, Bellshill, between the Secretary of State for Education and Employment and Scottish Homes dated 28th March and 7th April and registered in the Books of Council and Session on 28th June, all months in the year 2000.

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision for the transfer of certain property and liabilities of Scottish Homes to the Scottish Ministers.

Article 3 and the Schedule transfer the property to and vests it in the Scottish Ministers.

Article 4 makes consequential and supplementary provision.

Article 5 makes transitional provisions and savings