



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART I

PROVISION OF HOUSING

Modifications etc. (not altering text)

C1 Pt. I (ss. 1-23) restricted (19.8.1996) by 1996 c. 49, s. 9; S.I. 1996/2127, art. 2, Sch. Pt. I

Duties and powers of local authorities

1 Duty of local authority to consider needs of their area for further housing accommodation.

- (1) Every local authority shall consider the housing conditions in their area and the needs of the area for further housing accommodation.
- (2) For that purpose they shall review any information which has been brought to their notice, including in particular information brought to their notice as a result of a survey or inspections made under section (3).
- (3) If the Secretary of State gives them notice to do so, they shall, within 3 months after such notice, prepare and submit to him proposals for the provision of housing accommodation.
- (4) In considering the needs of their area for further housing accommodation under subsection (1), every local authority shall have regard to the special needs of chronically sick or disabled persons; and any proposals prepared and submitted to the Secretary of State under subsection (3) shall distinguish any houses which they propose to provide which make special provision for the needs of such persons.

Status: Point in time view as at 27/09/1993. This version of this part contains provisions that are not valid for this point in time.

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2 Powers of local authority to provide housing accommodation.

- (1) A local authority may provide housing accommodation—
 - (a) by the erection of houses on any land acquired or appropriated by them;
 - (b) by the conversion of any buildings into houses;
 - (c) by acquiring houses;
 - (d) by altering, enlarging, repairing or improving any houses or other buildings which have, or a right or interest in which has, been acquired by the local authority.
- (2) For the purpose of supplying the needs for housing accommodation in its area, a local authority may exercise any of its powers under subsection (1) outside that area.
- (3) A local authority may alter, enlarge, repair or improve any house provided by them under subsection (1).
- (4) For the purposes of this Part the provision of housing accommodation includes the provision of—
 - (a) a cottage with a garden of not more than one acre;
 - (b) a hostel.
- (5) In this section “hostel” means—
 - (a) in relation to a building provided or converted before 3 July 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained dwellings) and board;
 - (b) in relation to a building provided or converted on or after 3 July 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in houses) and either board or common facilities for the preparation of food adequate to the needs of those persons or both.

[^{F1}(6) Nothing in this Act shall be taken to require (or to have at any time required) a local authority itself to acquire or hold any houses or other land for the purposes of this Part.]

Textual Amendments

F1 S. 2(6) added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 161\(2\)](#)

3 Power of local authority to provide shops, etc., in connection with housing accommodation.

- (1) Subject to the provisions of this section, a local authority may provide and maintain—
 - (a) any building adapted for use as a shop;
 - (b) any recreation grounds;
 - (c) such other buildings or land as are referred to in subsection (2),
 in connection with housing accommodation provided by them under this Part.
- (2) The buildings or land referred to in subsection (1)(c) are buildings or land which in the opinion of the Secretary of State will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

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- (3) The provision and maintenance of any building or land under this section—
 - (a) requires the consent of the Secretary of State;
 - (b) may be undertaken jointly with any other person.
- (4) The Secretary of State may, in giving his consent to the provision of any building or land under this section, by order apply, with any necessary modifications, to that building or land any statutory provisions which would have been applicable to it if the building or land had been provided under any enactment giving any local authority powers for that purpose.

4 Power of local authority to provide furniture, etc.

- (1) A local authority—
 - (a) may fit out, furnish and supply any house erected, converted or acquired by them under section 2 with all requisite furniture, fittings and conveniences;
 - (b) shall have power to sell, or to supply under a hire-purchase agreement, furniture to the occupants of houses provided by the local authority and, for that purpose, to buy furniture.
- (2) In this section “hire-purchase agreement” means a hire-purchase or conditional sale agreement within the meaning of the ^{M1}Consumer Credit Act 1974.

Marginal Citations

M1 1974 c. 39.

5 Power of local authority to provide board and laundry facilities.

- (1) The power of a local authority under this Part to provide housing accommodation shall include power to provide, in connection with the provision of such accommodation for any persons, such facilities for obtaining meals and such laundry facilities and services as accord with the needs of those persons.
- (2) A local authority may make such reasonable charges for meals provided by them by virtue of this section, and such reasonable charges to persons availing themselves of laundry facilities or services so provided, as the authority may determine.
- (3) This section shall not authorise the grant of a licence under the ^{M2}Licensing (Scotland) Act 1976 for the sale of alcoholic liquor in connection with the provision under this section of facilities for obtaining meals.

Marginal Citations

M2 1976 c. 66.

[^{F2}5A Power of local authority to provide welfare services.

- (1) A local authority may provide in connection with housing accommodation provided by them (whether or not under this Part) such welfare services, that is to say services for promoting the welfare of the persons for whom the accommodation is so provided, as accord with the needs of those persons.

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- (2) The local authority may make reasonable charges for welfare services provided by virtue of this section.
- (3) Notwithstanding the provisions of section 203, a local authority may attribute the income from and the expenditure on the welfare services provided under subsection (1) to a revenue account other than their housing revenue account.
- (4) In this section “welfare services” does not include the repair, maintenance, supervision or management of houses or other property.
- (5) The powers conferred by this section shall not be regarded as restricting those conferred by section 83 of the Local Government (Scotland) Act 1973 (power to incur expenditure for purposes not otherwise authorised) and accordingly the reference in subsection (1) of that section to any other enactment shall not include a reference to this section.]

Textual Amendments

F2 S. 5A inserted (retrospectively) by 1993 c. 28, ss. 149, 188(2)(b).

[^{F3}5B Power to repeal provisions relating to welfare services.

- (1) The Secretary of State may at any time by order made by statutory instrument provide that, on such day or in relation to such periods as may be appointed by the order, section 5A, this section and paragraph 4A of Schedule 15 shall—
 - (a) cease to have effect; or
 - (b) cease to apply for such purposes as may be specified in the order.
- (2) An order under this section may—
 - (a) appoint different days or periods for different provisions or purposes or for different authorities or descriptions of authority; and
 - (b) contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient.]

Textual Amendments

F3 S. 5B inserted (20.7.1993) by 1993 c. 28, ss. 151, 188(2)(b).

6 Duty of local authority to have regard to amenities of locality, etc.

- (1) A local authority, in preparing any proposals for the provision of houses or in taking any action under this Act, shall have regard to artistic quality in the lay-out, planning and treatment of the houses to be provided, the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest.
- (2) For their better advice in carrying out the requirements of subsection (1), a local authority may appoint a local advisory committee including representatives of architectural and other artistic interests.

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7 Execution of works by local authority in connection with housing operations outside their area.

Where any housing operations under this Part are being carried out by a local authority outside their own area, that authority shall have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into an agreement with the local authority of the area in which the operations are being carried out as to the terms and conditions on which any such works are to be executed.

8 Adjustment of differences between local authorities as to carrying out of proposals for provision of housing accommodation.

Where a local authority are providing houses in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Secretary of State, and the Secretary of State's decision shall be final and binding on the authorities.

Acquisition and disposal of land

9 Power of local authority to acquire land for, or in connection with, provision of housing accommodation.

- (1) A local authority may acquire—
- (a) any land as a site for the erection of houses;
 - (b) land proposed to be used for any purpose authorised by section 3 or section 5;
 - (c) subject to subsection (2),
 - (i) houses, and
 - (ii) buildings other than houses, being buildings which may be made suitable as houses,together with any lands occupied with the houses or buildings, or any right or interest in the houses or buildings;
 - (d) land for the purposes of—
 - (i) selling or leasing the land under the powers conferred by this Act, with a view to the erection on the land of houses by persons other than the local authority;
 - (ii) selling or leasing, under the powers conferred by this Act, any part of the land acquired, with a view to the use of that land for purposes which in the opinion of the local authority are necessary or desirable for, or incidental to, the development of the land as a building estate;
 - (iii) carrying out on the land works for the purpose of, or connected with, the alteration, enlargement, repair or improvement of an adjoining house;
 - (iv) selling or leasing the land under the powers conferred by this Act, with a view to the carrying out on the land by a person other than the local authority of such works as are mentioned in sub-paragraph (iii).
- (2) Nothing in subsection (1)(c) shall authorise a local authority to acquire otherwise than by agreement any house or other building which is situated on land used for agriculture, and which is required in connection with that use of that land.

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10 Procedure for acquiring land.

- (1) Land for the purposes of this Part may be acquired by a local authority by agreement under section 70 of the ^{M3}Local Government (Scotland) Act 1973.
- (2) A local authority may be authorised by the Secretary of State to purchase land compulsorily for the purposes of this Part, and the ^{M4}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act.
- (3) A local authority may acquire land by agreement, or may be authorised by the Secretary of State to purchase land compulsorily, for the purposes of this Part, notwithstanding that the land is not immediately required for those purposes.
- (4) Where land is purchased compulsorily by a local authority for the purposes of this Part, the compensation payable in respect thereof shall be assessed by the Lands Tribunal in accordance with the ^{M5}Land Compensation (Scotland) Act 1963, subject to the rules set out in Schedule I.

Marginal Citations

- M3** 1973 c. 65.
M4 1947 c. 42.
M5 1963 c. 51.

11 Local authority may take possession of land to be acquired by agreement or appropriated for purposes of this Part.

- (1) Where a local authority have agreed to purchase, or have determined to appropriate, land for the purposes of this Part, subject to the interest of the person in possession of the land, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after such agreement has been made, or such appropriation takes effect, the authority may, after giving to the person in possession not less than 14 days' notice and subject to subsection (2), enter on and take possession of the land or such part of it as is specified in the notice without previous consent.
- (2) The powers conferred by subsection (1) are exercisable subject to payment to the person in possession of the like compensation and interest on the compensation awarded, as if the authority had been authorised to purchase the land compulsorily and that person had in pursuance of such power been required to give up possession before the expiration of his term or interest in the land, but without the necessity of compliance with sections 83 to 88 of the ^{M6}Lands Clauses Consolidation (Scotland) Act 1845.

Marginal Citations

- M6** 1845 c. 19.

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12 Powers of dealing with land acquired or appropriated for purposes of this Part.

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part, then, without prejudice to any of their other powers under this Act, the authority may—
 - (a) lay out and construct roads and open spaces on the land;
 - (b) subject to subsection (5), sell or lease the land or part of the land to any person under the condition that that person will erect on it in accordance with plans approved by the local authority, and maintain, such number of houses of such types as may be specified by the authority, and when necessary will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority;
 - (c) subject to [^{F4}subsections (5) and (7)], sell or lease the land or excamb it for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange;
 - (d) subject to subsections (5) and (7), sell or lease any houses or any part share thereof on the land or erected by them on the land, subject to such conditions, restrictions and stipulations as they may think fit to impose in regard to the use of the houses or any part share thereof, and on any such sale they may agree to the price being secured by standard security over the subjects sold.
- (2) Where a local authority sell or lease land under subsection (1), they may contribute or agree to contribute towards the expenses of the development of the land and the laying out and construction of roads on the land, subject to the condition that the roads are dedicated to the public use.
- (3) Where a local authority have acquired a building which may be made suitable as a house, or a right or interest in such a building, they shall forthwith proceed to secure that it is so made suitable either by themselves executing any necessary work or by selling or leasing it to some person subject to conditions for securing that he will so make it suitable.
- (4) Where a local authority acquire any land for the purposes of section 9(1)(d)(iv), they may, subject to subsection (5), sell or lease the land to any person for the purpose and under the condition that that person will carry out on the land, in accordance with plans approved by the authority, the works with a view to the carrying out of which the land was acquired.
- (5) A local authority shall not, in the exercise of their powers under subsection (1)(b), (c) or (d), or subsection (4), dispose of land which consists or forms part of a common or open space or is held for use as allotments, except with the consent of the Secretary of State.
- (6) For the purposes of subsection (5), the consent of the Secretary of State may be given either generally to all local authorities, or to any class of local authorities, or may be given specifically in any particular case, and (whether given generally or otherwise) may be given either unconditionally or subject to such conditions as the Secretary of State may consider appropriate.
- (7) Notwithstanding anything in section 27(1) of the ^{M7}Town and Country Planning (Scotland) Act 1959 (power of local and other public authority to dispose of land without consent of a Minister), a local authority shall not, in the exercise of their

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powers under subsection [F5(1)(c) or (d)], sell or lease any [F6]land, house or part share thereof] to which the housing revenue account kept under section 203 relates except with the consent of the Secretary of State unless [F7, in the case of a house, it is one] to which section 14 applies; and, in giving his consent to such transactions as are referred to in this subsection, the Secretary of State may make general directions or a direction related to a specific transaction.

- (8) Subsection (7) shall not apply [F8, in the case of a house,] where—
- (a) the house is being sold to a tenant or to a member of his family who normally resides with him (or to a tenant together with members of his family, as joint purchasers); or
 - (b) the requirements of section 14(2)(b) are satisfied.
- (9) Subject to the provisions of the Town and Country Planning (Scotland) Act 1959, section 74 of the M8 Local Government (Scotland) Act 1973 (which makes provision as to price and other matters relating to the disposal of land by local authorities) shall, subject to subsection (10), apply to any disposal of land by a local authority in the exercise of their powers under subsection (4), as it applies to the like disposal of land by a local authority within the meaning of the said Act of 1973 in the exercise of any power under Part VI of that Act.
- (10) The said section 74 shall not apply to the disposal of a house by a local authority, being a disposal in relation to which subsection (7) has effect.
- (11) For the purposes of this section land shall be taken to have been acquired by a local authority in the exercise (directly or indirectly) of compulsory powers if it was acquired by them compulsorily or was acquired by them by agreement at a time when they were authorised by or under any enactment to acquire the land compulsorily; but the land shall not be taken to have been so acquired, if the local authority acquired it (whether compulsorily or by agreement) in consequence of the service in pursuance of any enactment (including any enactment contained in this Act) of a notice requiring the authority to purchase the land.

Textual Amendments

- F4** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(a\)](#)
- F5** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(b\)\(i\)](#)
- F6** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(b\)\(ii\)](#)
- F7** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(b\)\(iii\)](#)
- F8** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(c\)](#)

Modifications etc. (not altering text)

- C2** [S. 12](#) excluded by [Local Government Act 1988 \(c. 9, SIF 81:1\)](#), s. 26(5)(c)
- C3** [S. 12\(7\)](#) restricted (1.11.2001) by [2001 asp 10, s. 76\(2\)](#); S.S.I. 2001/336, art. 2(3), [Sch. Pt. II](#) (subject to art. 3)
- [S. 12\(7\)](#) restricted (1.11.2001) by [2001 asp 10, s. 76\(1\)](#), [Sch. 9 para. 2\(1\)](#); S.S.I. 2001/336, art. 2(3), [Sch. Pt. II](#) (subject to art. 3)

Marginal Citations

- M7** 1959 c. 70.
- M8** 1973 c. 65.

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[^{F9}12A Consent of Secretary of State required for certain subsequent disposals.

- (1) Where a person acquires any land or house from a local authority under section 12(1) (c) or (d) above and the consent of the Secretary of State is required under section 12(7) above to the local authority's disposal of the land or house to that person, that person shall not dispose of the land or house without the consent in writing of the Secretary of State.
- (2) Any consent for the purposes of subsection (1) above may be given either in respect of a particular disposal or in respect of disposals of any class or description (including disposals in particular areas) and either unconditionally or subject to conditions.
- (3) Before giving any consent for the purposes of subsection (1) above, the Secretary of State—
 - (a) shall satisfy himself that the person who is seeking the consent has taken appropriate steps to consult every tenant of any land or house proposed to be disposed of; and
 - (b) shall have regard to the responses of any such tenants to that consultation.
- (4) The consent of Scottish Homes under section 9 of the Housing Associations Act 1985 (control of dispositions) is not required for any disposal, or disposals of any class or description, in respect of which consent is given under subsection (1) above.
- (5) In this section references to disposing of property include references to—
 - (a) granting or disposing of any interest in property;
 - (b) entering into a contract to dispose of property or to grant or dispose of any such interest; and
 - (c) granting an option to acquire property or any such interest.]

Textual Amendments

F9 S. 12A inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 134

13 Power of Secretary of State in certain cases to impose conditions on sale of local authority's houses, etc.

- [^{F10}(1)] If any house, building, [^{F11}or land] in respect of which a local authority are required by section 203 to keep a housing revenue account is sold by the authority with the consent of the Secretary of State, the Secretary of State may in giving consent impose such conditions as he thinks just.
- [^{F12}(2)] The matters to which the Secretary of State may have regard in determining whether to give consent and, if so, to what conditions consent should be subject shall include—
- (a) the extent (if any) to which the person to whom the proposed disposal is to be made (in this subsection referred to as “the intending purchaser”) is, or is likely to be, dependent upon, controlled by or subject to influence from the local authority making the disposal or any members or officers of that authority;
 - (b) the extent (if any) to which the proposed disposal would result in the intending purchaser becoming the predominant or a substantial owner in any area of housing accommodation let on tenancies or subject to licences;
 - (c) the terms of the proposed disposal; and

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- (d) any other matters whatsoever which he considers relevant.
- (3) Where the Secretary of State gives consent to a disposal by a local authority, he may give directions as to the purpose for which any capital money received by the authority in respect of the disposal is to be applied and, where any such directions are given, nothing in any enactment shall require his consent to be given for the application of the capital money concerned in accordance with the directions.]

Textual Amendments

- F10** S. 13 renumbered as s. 13(1) as provided by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **132(3)**
- F11** Words substituted as provided by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 78**
- F12** S. 13(2)(3) inserted as provide by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. **132(3)**

14 Powers of local authorities to sell certain houses without consent of Secretary of State.

- (1) Subject to section 74(2) of the ^{M9}Local Government (Scotland) Act 1973 (restriction on disposal of land) but notwithstanding anything contained in section 12(6) or in any other enactment, a local authority may sell any house to which this section applies without the consent of the Secretary of State.
- (2) This section applies to a house provided for the purposes of this Part, where—
- (a) the house is being sold to a tenant or to members of his family who normally reside with him (or to a tenant together with such members of his family, as joint purchasers) [^{F13}or, in pursuance of Part III of the Housing (Scotland) Act 1988 (change of landlord)]; or
 - (b) the house is unoccupied and—
 - (i) it is not held on the housing revenue account maintained in terms of section 203; or
 - (ii) it is held on the housing revenue account and it is, in the opinion of the local authority, either surplus to its requirements or difficult to let, because it has been continuously vacant for a period of not less than 3 months immediately prior to the date of the sale and during that period it has been on unrestricted offer to any applicant on the local authority's housing list (within the meaning of section 19 (admission to housing list)).

Textual Amendments

- F13** Words added by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. **56(11)**

Marginal Citations

- M9** 1973 c. 65.

15 Power of local authority to enforce obligations against owner for time being of land.

- (1) Where—

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- (a) a local authority have sold or exchanged land acquired by them under this Act, and the purchaser of the land or the person taking the land in exchange has entered into an agreement with the authority concerning the land; or
- (b) an owner of any land has entered into an agreement with the local authority concerning the land for the purposes of any of the provisions of this Act;

then, if the agreement has been recorded in the General Register of Sasines, or, as the case may be, registered in the Land Register for Scotland, it shall, subject to subsection (2), be enforceable at the instance of the local authority against persons deriving title from the person who entered into the agreement.

- (2) No such agreement shall at any time be enforceable against any party who has in good faith onerously acquired right (whether completed by infertment or not) to the land prior to the recording of the agreement or against any person deriving title from such party.

16 Disposal of land for erection of churches, etc.

Where a local authority, in the exercise of any power conferred on them by this Act, dispose of land to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.

Management and allocation of local authority's houses

17 General management and inspection of local authority's houses.

- (1) The general management, regulation and control of houses held for housing purposes by a local authority shall be vested in ^{F14} . . . the authority.
- (2) A house held for housing purposes by a local authority shall be at all times open to inspection by the local authority for the area in which it is situated or by any officer duly authorised by them.

Textual Amendments

F14 Words in s. 17(1) repealed (27.9.1993) by 1993 c. 28, ss. 157(1), 187(2), **Sch. 22**; S.I. 1993/2163, art. 2, **Sch. 1**.

[^{F15} Standards and performance in housing management]

Textual Amendments

F15 Crossheading for ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, **Sch. 2**.

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VALID FROM 01/04/1994

^{F16}17A Publication of information.

- (1) A local authority shall, in relation to their management of the houses which they hold for housing purposes, publish each year such information as—
- (a) may be prescribed by the Secretary of State about—
 - (i) the standard of service of management which the authority undertake to provide;
 - (ii) the authority's performance in the past in the achievement of that standard;
 - (iii) the authority's intentions for the future in relation to the achievement of that standard;
 - (iv) any other matter which he thinks should be included in the information to be published;
 - (b) the authority consider it appropriate to publish in relation to the matters mentioned in paragraph (a) above, either as a result of having consulted tenants or otherwise;
 - (c) the authority consider it appropriate to publish in relation to any other matter, either as a result of consulting tenants or otherwise.
- (2) Before publishing such information, a local authority shall consult their tenants as to the information to be published under subsection (1) and shall take account of the characteristics of the different parts of their districts or areas and of the difference in information which may be appropriate in relation to these parts.
- (3) The Secretary of State may direct a local authority to consult tenants or groups of tenants representing less than the whole of their district or area.

Textual Amendments

F16 Ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

VALID FROM 01/04/1994

^{F17}17B Power of Secretary of State to direct local authority.

At the same time as the information is published, the local authority shall send a copy of the document in which it is published to the Secretary of State who may, if he considers that the publication is unsatisfactory, direct the local authority to publish the information in such manner as he specifies in the direction.

Textual Amendments

F17 Ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

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VALID FROM 01/04/1994

[^{F18}17C Management plan.

A local authority shall, if the Secretary of State gives them notice to do so, prepare and submit to him within 3 months after such notice, a plan for the management of the houses which they hold for housing purposes.]

Textual Amendments

F18 Ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

18 Byelaws for regulation of local authority's houses.

A local authority may make byelaws for the management, use and regulation of houses held by them for housing purposes.

19 Admission to housing list.

- (1) In considering whether an applicant for local authority housing is entitled to be admitted to a housing list, a local authority shall take no account of—
- (a) the age of the applicant provided that he has attained the age of 16 years; or
 - (b) the income of the applicant and his family; or
 - (c) whether, or to what value, the applicant or any of his family owns or has owned (or any of them own or have owned) heritable or moveable property; or
 - (d) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant; or
 - (e) whether the applicant is living with, or in the same house as—
 - (i) his spouse; or
 - (ii) a person with whom he has been living as husband and wife.
- (2) Where an applicant—
- (a) is employed in the area of the local authority; or
 - (b) has been offered employment in the area of the local authority; or
 - (c) wishes to move into the area of the local authority and the local authority is satisfied that his purpose in doing so is to seek employment; or
 - (d) has attained the age of 60 years and wishes to move into the area of the local authority to be near a younger relative; or
 - (e) has special social or medical reasons for requiring to be housed within the area of the local authority,
- admission to a housing list shall not depend on the applicant being resident in the area.
- (3) [^{F19}Where the rules made by a local authority under section 21(1)] give priority to applicants on its housing list it shall apply those rules to an applicant to whom subsection (2) above applies no less favourably than it applies them to a tenant of the local authority whose housing needs are similar to those of the applicant and who is seeking a transfer to another house belonging to the local authority.

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- (4) In this section and in section 21 of this Act, “housing list” means a list of applicants for local authority housing which is kept by a local authority in connection with the allocation of housing.

Textual Amendments

F19 Words in s. 19(3) substituted (27.9.1993) by 1993 c. 28, s. 155(2); S.I. 1993/2163, art. 2, Sch. 1.

20 Persons to have priority on housing list and allocation of housing.

- (1) A local authority shall, in relation to all houses held by them for housing purposes, secure that in the selection of their tenants a reasonable preference is given—
- (a) to persons who—
 - (i) are occupying houses which do not meet the tolerable standard; or
 - (ii) are occupying overcrowded houses; or
 - (iii) have large families; or
 - (iv) are living under unsatisfactory housing conditions; and
 - (b) to persons to whom they have a duty under sections 31 to 34 (homeless persons).
- (2) In the allocation of local authority housing a local authority—
- (a) shall take no account of—
 - (i) the length of time for which an applicant has resided in its area; or
 - (ii) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant; or
 - (iii) any of the matters mentioned in paragraphs (a) to (c) of section 19(1); and
 - (b) shall not impose a requirement—
 - (i) that an application must have remained in force for a minimum period; or
 - (ii) that a divorce or judicial separation be obtained; or
 - (iii) that the applicant no longer be living with, or in the same house as, some other person,
 before the applicant is eligible for the allocation of housing.
- [^{F20}(3) A member of a local authority shall be excluded from a decision on the allocation of local authority housing, or of housing in respect of which the local authority may nominate the tenant, where—
- (a) the house in question is situated; or
 - (b) the applicant for the house in question resides,
- in the electoral division or ward for which that member is elected.]

Textual Amendments

F20 S. 20(3) added (27.9.1993) by 1993 c. 28, s. 154; S.I. 1993/2163, art. 2 Sch. 1.

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21 Publication of rules relating to the housing list and to transfer of tenants.

[^{F21}(1) It shall be the duty—

- (a) of every local authority to make and to publish in accordance with subsection (4), and again within 6 months of any alteration thereof, rules governing—
 - (i) the admission of applicants to any housing list;
 - (ii) the priority of allocation of houses;
 - (iii) the transfer of tenants from houses owned by the landlord to houses owned by other bodies;
 - (iv) exchanges of houses;
- (b) of Scottish Homes and development corporations (including urban development corporations) to publish in accordance with subsection (4), and again within 6 months of any alteration thereof, any rules they may have governing the matters set out in sub-paragraphs (i) to (iv) of paragraph (a) above.]

(2) It shall be the duty of every registered housing association—

- (a) within the period of 6 months commencing on 7th January 1987 to make rules governing the matters mentioned in paragraphs (a) to (d) of subsection (1) (unless it has, in accordance with subsections (4) and (5), published such rules before that date and those rules remain current);
- (b) within 6 months of the making of rules under paragraph (a), and within 6 months of any alteration of such rules (whether or not made under that paragraph)—
 - (i) to send a copy of them to each of the bodies mentioned in subsection (3); and
 - (ii) to publish them in accordance with subsections (4) and (5).

(3) The bodies referred to in subsection (2)(b)(i) are—

- (i) the Housing Corporation [^{F22}(in a case where the housing association is registered in the register maintained by it);
- (ia) Scottish Homes (in a case where the housing association is registered in the register maintained by it);] and
- (ii) every local authority within whose area there is a house let, or to be let, by the association under a secure tenancy.

(4) The rules to be published by a body in accordance with subsection (1) or (2) shall be—

- (a) available for perusal; and
- (b) on sale at a reasonable price; and
- (c) available in summary form on request to members of the public,

at all reasonable times—

- (i) in a case where the body is a local authority or a development corporation, at its principal offices and its housing department offices; and
- (ii) in any other case, at its principal and other offices.

(5) Rules sent to a local authority in accordance with subsection 2(b) shall be available for perusal at all reasonable times at its principal offices.

(6) An applicant for housing provided by a body mentioned in subsection (1) or (2) shall be entitled on request to inspect any record kept by that body of information furnished by him to it in connection with his application.

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Textual Amendments

- F21** S. 21(1) substituted (27.9.1993) by 1993 c. 28, s. 155(1); S.I. 1993/2163, art. 2, Sch. 1.
F22 Words inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), ss. 1, 3, [Sch. 2 para. 7](#)

Housing co-operatives

22 Agreements for exercise by housing co-operatives of local authority housing functions.

- (1) A local authority may make an agreement with a society, company or body of trustees for the time being approved by the Secretary of State for the purposes of this section (in this section called a “housing co-operative”)—
 - (a) for the exercise by the co-operative, on such terms as may be provided in the agreement, of any of the local authority’s powers relating to land or any interest in land held by them for the purposes of this Part, and the performance by the co-operative of any of the local authority’s duties relating to such land or interest; or
 - (b) for the exercise by the co-operative, in connection with any such land or interest, of any of the local authority’s powers under section 4 or 5 (powers to provide furniture, board and laundry facilities).
- (2) An agreement to which this section applies may only be made with the approval of the Secretary of State.
- (3) The Secretary of State’s approval to the making of such an agreement may be given either generally or to any local authority or description of local authority or in any particular case, and may be given unconditionally or subject to any conditions.
- [^{F23}(4) Without prejudice to any power to let land conferred on a local authority by any enactment, the terms of an agreement to which this section applies may include terms providing for the letting of land to the housing co-operative by the local authority for a period not exceeding 20 years.]
- (5) Houses on land included in an agreement to which this section applies shall continue to be included in the local authority’s housing revenue account; and neither the fact that the authority have made the agreement nor any letting of land in pursuance of it shall be treated as a ground for the reduction, suspension or discontinuance of any Exchequer contribution or subsidy under section 202.

Textual Amendments

- F23** S. 22(4) substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 1](#)

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VALID FROM 01/04/1994

[^{F24}22A Management agreements with housing co-operatives.

- (1) In this section “housing co-operative” has the meaning given in subsection (1) of section 22 except that the reference in that subsection to the Secretary of State’s approval shall be construed as a reference to his approval in relation to the purposes of this section.
- (2) On an application by a housing co-operative a local authority shall make an agreement with them for the performance by that housing co-operative, on such terms as may be provided in the agreement, of the local authority’s functions under section 17(1) relating to the management of houses which are subject to the agreement.
- (3) Before making such an agreement the local authority shall satisfy themselves that the housing co-operative—
 - (a) have the approval of the Secretary of State;
 - (b) are able to perform the functions competently and efficiently;
 - (c) are representative of the tenants of the houses.
- (4) Where the local authority refuse to enter into an agreement on the grounds that the housing co-operative do not satisfy paragraph (b) or (c) of subsection (3), the housing co-operative may appeal to the Secretary of State who may confirm or reverse the decision of the local authority.
- (5) Where the Secretary of State reverses the decision of the local authority, the authority and the housing co-operative shall make the agreement.
- (6) Where the local authority and the housing co-operative are unable to agree on the terms of the agreement, the housing co-operative may appeal to the Secretary of State who may determine the terms of the agreement.
- (7) An agreement to which this section applies shall be made only with the approval of the Secretary of State, which may be given either generally or to any local authority or description of local authority or in any particular case, and may be given unconditionally or subject to any conditions.]

Textual Amendments

F24 S. 22A inserted (1.4.1994) by 1993 c. 28, s. 152; S.I. 1993/2163, art. 2, Sch. 2.

Powers of Scottish Special Housing Association

[^{F25}23 Improvement of amenities of residential area by development corporations.

A development corporation may for the purpose of securing the improvement of the amenities of a predominantly residential area within its designated area—

- (a) carry out any works on land owned by it;

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- (b) with the agreement of the owner of any land, carry out or arrange for the carrying out of works on that land at his or its expense or in part at the expense of both;
- (c) assist (whether by grants or loans or otherwise) in the carrying out of works on land not owned by it;
- (d) acquire any land by agreement.]

Textual Amendments

F25 S. 23 substituted by Housing (Scotland) Act 1988 (c. 43, SIF 61), ss. 1, 3, **Sch. 2 para. 8**

Status:

Point in time view as at 27/09/1993. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

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