

Status: Point in time view as at 01/02/1991.

Changes to legislation: Housing (Scotland) Act 1987, SCHEDULE 20 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 20

Section 275.

ASSISTANCE BY WAY OF REPURCHASE

PART I

THE AGREEMENT TO REPURCHASE

The interest to be acquired

- 1 In this Schedule, “the interest to be acquired” means the interest of the person entitled to assistance by way of repurchase, so far as subsisting in—
- (a) the defective dwelling, and
 - (b) any garage, outhouse, garden, yard and pertinents belonging to or usually enjoyed with the dwelling or a part of it.

Request for notice of proposed terms of acquisition

- 2 —A person who is entitled to assistance by way of repurchase may, within the period of three months beginning with the service of the notice of determination, or that period as extended, request the purchasing authority in writing to notify him of the proposed terms and conditions for their acquisition of the interest to be acquired.

Authority’s notice of proposed terms

- 3 —The purchasing authority shall, within the period of three months beginning with the making of a request under paragraph 2, serve on the person so entitled [^{F1}an offer to purchase] in writing specifying the proposed terms and conditions including those that are reasonably necessary to enable the authority to receive a good and marketable title and stating their opinion as to the value of the interest to be acquired.

Textual Amendments

- F1** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 7 para. 29](#)

Unreasonable terms

- 4 —Where an offer to purchase is served on the person so entitled and he wishes to sell but he considers that a term or condition contained in the offer to purchase is unreasonable, he may request the authority to strike out or vary the term or condition by serving on the authority, within one month after service of the offer to purchase,

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a notice in writing setting out his request; and if the authority agree they shall accordingly serve an amended offer to purchase within one month of service of the said notice setting out the request.

Appeal

- 5 —A person so entitled who is aggrieved by the refusal of an authority to agree to strike out or vary a term or condition or by their failure timeously to serve an amended offer to purchase may within one month of the refusal or failure apply by way of summary application to the sheriff for determination of the matter; and the sheriff may, as he thinks fit, uphold the term or condition or strike it out or vary it and where his determination results in a variation of the terms or conditions of the offer to purchase he shall order the authority to serve on the person entitled an amended offer to purchase within one month thereafter.

Notice of acceptance

- 6 —The person so entitled may at any time within the period of six months beginning with—
- (a) the service of the offer to purchase by the authority; or
 - (b) the service of an amended offer to purchase under paragraph 4; or
 - (c) the date of the determination of the sheriff;
- serve a notice of acceptance on the authority.

Extensions

- 7 —The authority shall, if there are reasonable grounds for doing so, by notice in writing served on the person so entitled, extend (or further extend) the period within which—
- (a) under paragraph 2, he may request them to notify him of the terms and conditions proposed for their acquisition of the interest to be acquired;
 - (b) under paragraph 4, he may request them to strike out or vary the term or condition;
 - (c) under paragraph 5, he may apply to the sheriff for determination of a matter; or
 - (d) under paragraph 6, he may serve a notice of acceptance on them;
- whether or not the period has expired.

Interest acquired to be treated as if acquired under Part I

- 8 —An interest acquired by a local authority under this Part of this Schedule shall be treated as acquired under section 9.

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PART II

PRICE PAYABLE AND VALUATION

The price

- 9 (1) The price payable for the acquisition of an interest in pursuance of this Part is 95 per cent. of the value of the interest at the relevant time.
- (2) In this Schedule, “the relevant time” means the time at which the notice under paragraph 3 (authority’s notice of proposed terms of acquisition) is served on the person entitled to assistance.

The value

- 10 (1) For the purposes of this Schedule, the value of an interest at the relevant time is the amount which, at that time, would be realised by a disposal of the interest on the open market by a willing seller to a person other than the purchasing authority on the following assumptions—
- (a) that none of the defective dwellings to which the designation in question relates is affected by the qualifying defect;
 - (b) that no liability has arisen under the provisions in section 72;
 - (c) that no obligation to acquire the interest arises under this Part; and
 - (d) that (subject to the preceding paragraphs) the seller is selling with and subject to the rights and burdens with and subject to which the disposal is to be made.
- (2) Where the value of an interest falls to be considered at a time later than the relevant time and there has been since the relevant time a material change in the circumstances affecting the value of the interest, the value at the relevant time shall be determined on the further assumption that the change had occurred before the relevant time.
- (3) In determining the value of an interest no account shall be taken of any right to the grant of a tenancy under section 282 (former owner-occupier) or section 283 (former statutory tenant).

Determination of value

- 11 (1) Any question arising under this Schedule as to the value of an interest in a defective dwelling shall be determined by the district valuer in accordance with this paragraph.
- (2) The person entitled to assistance or the purchasing authority may require that value to be determined or redetermined by notice in writing served on the district valuer—
- (a) within the period beginning with the service on the person entitled to assistance of an offer to purchase under paragraph 3 (authority’s notice of proposed terms of acquisition) and ending with the conclusion of missives; or
 - (b) after the end of that period but before the parties enter into an agreement for the acquisition of the interest of the person so entitled, if there is a material change in the circumstances affecting the value of the interest.
- (3) A person serving notice on the district valuer under this paragraph shall serve notice in writing of that fact on the other party.

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- (4) Before making a determination in pursuance of this paragraph, the district valuer shall consider any representation made to him, within four weeks of the service of the notice under this paragraph, by the person entitled to assistance or the purchasing authority.

Certain grant conditions cease to have effect

- 12 —Where the interest to be acquired is or includes a house in relation to which a grant has been made under Part XIII—
- (a) observance with respect to the house of any of the conditions specified in section 246 (conditions to be observed with respect to a house in respect of which a grant has been made) shall cease to be required with effect from the time of disposal of the interest and paragraph 6 of Schedule 19 (requirements as to records when observance of conditions ceases to be required) shall apply as it applies in the case there mentioned; and
 - (b) the owner for the time being of the house shall not be liable to make in relation to the grant any payment under Schedule 19 (consequences of breach of conditions) unless the liability to do so arises from a demand made before the time of disposal of the interest.

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