

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Housing (Scotland) Act 1987, SCHEDULE 22 is up to date with all changes known to be in force on or before 03 September 2023. 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 22

Section 339.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### PART I

##### TRANSITIONAL PROVISIONS

###### *General*

- 1 —The re-enactment of provisions in, and the consequent repeal of those provisions  
by this Act, does not affect the continuity of those provisions.
- 2 —In so far as—
- (a) any requirement, prohibition, determination, order or regulation made by  
virtue of an enactment repealed by this Act, or
  - (b) any direction or notice given by virtue of such an enactment, or
  - (c) any proceedings begun by virtue of such an enactment, or
  - (d) anything done or having effect as if done,
- could, if a corresponding enactment in this Act were in force at the relevant time,  
have been made, given, begun or done by virtue of the corresponding enactment,  
it shall, if effective immediately before the corresponding enactment comes into  
force, continue to have effect thereafter as if made, given, begun or done by virtue  
of that corresponding enactment.
- 3 —Where any enactment passed before this Act, or any instrument or document  
refers either expressly or by implication to an enactment repealed by this Act the  
reference shall (subject to its context) be construed as or as including a reference  
to the corresponding provision of this Act.
- 4 —Where any period of time specified in any enactment repealed by this Act is  
current at the commencement of this Act, this Act has effect as if its corresponding  
provision had been in force when that period began to run.
- 5 (1) The general rule is that the provisions of this Act apply, in accordance with the  
foregoing paragraphs, to matters arising before the commencement of this Act as to  
matters arising after that commencement.
- (2) The general rule has effect subject to any express provision to the contrary, either in  
this Schedule or in connection with the substantive provision in question.
- (3) The general rule does not mean that the provisions of this Act apply to cases to  
which the corresponding repealed provisions did not apply by virtue of transitional  
provision made in connection with the commencement of the repealed provisions  
(such transitional provisions, if not specifically reproduced, are saved by paragraph  
8).

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- (4) The general rule does not apply so far as a provision of this Act gives effect to an amendment made in pursuance of a recommendation of the Scottish Law Commission.

*Persons holding office*

- 6 —Any person who at the commencement of this Act is holding office or acting or serving under or by virtue of any enactment repealed by this Act or by the Act of 1966 shall continue to hold his office or to act or serve as if he had been appointed under this Act.

*Security of tenure of tenants of regional councils, etc.*

- 7 —Notwithstanding the repeal by this Act of section 16(2) and (3)(b) of the <sup>M1</sup>Tenants' Rights, Etc (Scotland) Act 1980, those provisions shall continue to have effect for the purposes of paragraph 4 of the <sup>M2</sup>Housing (Scotland) Act 1986 (Consequential, Transitional and Supplementary Provisions) Order 1986 (application of transitional provisions relating to secure tenant's right to written lease to tenants of regional councils, police authorities and fire authorities).

**Marginal Citations**

**M1** 1980 c.52.

**M2** S.I. 1986/2139

**PART II**

**SAVINGS**

*General saving for old transitional provisions*

- 8 —The repeal by this Act of a provision relating to the coming into force of a provision it reproduces does not affect the operation of that provision, in so far as it is not specifically reproduced but remains capable of having effect, in relation to the corresponding provision of this Act.

*General saving for old savings*

- 9 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.
- (2) The repeal by this Act of a saving made on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced but remains capable of having effect.

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*Transfers under section 14 of the Housing (Homeless Persons) Act 1977*

- 10 (1) The repeal by this Act of section 14 of the Housing (Homeless Persons) Act 1977 (transfers of property and staff) does not affect the operation of any order previously made under that section.
- (2) The transfer of an employee in pursuance of such an order shall be treated—
- (a) for the purposes of section 94 of the <sup>M3</sup>Employment Protection (Consolidation) Act 1978 (redundancy payments) as occurring on a change in the ownership of a business;
  - (b) for the purposes of Schedule 13 to that Act (continuity of employment) as occurring on the transfer of an undertaking.

**Marginal Citations**

**M3** 1978 c. 44.

*Use of existing forms, etc.*

- 11 —Any document made, served or issued on or after this Act comes into force which contains a reference to an enactment repealed by this Act shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of this Act.

*Secure tenant: reimbursement of cost of work done before 3rd October 1980*

- 12 —The repeal of section 24(1) of the Tenants' Rights, Etc (Scotland) Act 1980 does not affect the operation of that section in relation to works carried out before 3rd October 1980.

*Contributions under sections 106 and 121 of the Housing (Scotland) Act 1950 (c.34) and section 14 of the Housing (Scotland) Act 1962 (c.28)*

- 13 —Contributions remain payable by the Secretary of State under sections 106 and 121 of the Housing (Scotland) Act 1950 and section 14 of the Housing (Scotland) Act 1962 (contributions payable annually for periods of between 20 and 60 years).

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