

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Housing (Scotland) Act 1988 (c.43). (See end of Document for details)

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS

The Housing (Scotland) Act 1988 (c.43)

- 157 (1) The Housing (Scotland) Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 43(3)(a) (certain tenancies secure where interest of landlord belongs to local authority etc.), for sub-paragraphs (i) and (ii) substitute—
- “(i) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
- (ia) a water authority or sewerage authority;”.
- (3) In section 45(4) (transfer of existing tenancies: public bodies), for paragraphs (a) and (b) substitute—
- “(a) it belongs to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
- (aa) it belongs to a water authority or sewerage authority;”.
- (4) In section 55(1) (interpretation of Part II of the Act)—
- (a) after the definition of “prescribed” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (b) the word “and”, where it occurs immediately after the definition of “tenancy”, shall cease to have effect; and
- (c) after the definition of “tenant” insert—
- “; and
- “water authority” shall be construed in accordance with the said section 62.”.
- (5) In section 56 (right conferred by Part III)—
- (a) in subsection (3), for paragraph (a) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council”;
- (b) in subsection (5)(c), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
- (c) in subsection (6)(a), for “an islands council” substitute “ the council for Orkney Islands, Shetland Islands or Western Isles ”; and

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- (d) in subsection (9)(a), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 57(1) (persons by whom right may be exercised)—
 - (a) the word “neither” shall cease to have effect;
 - (b) the words from “nor” to “council”, where it thirdly occurs, shall cease to have effect; and
 - (c) after “may” insert “ not ”.
- (7) In Schedule 4 (tenancies which cannot be assured tenancies), in paragraph 11—
 - (a) for sub-paragraph (a) substitute—
 - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council;
 - (aa) a water authority or sewerage authority;” and
 - (b) for the word “and”, where it occurs immediately after sub-paragraph (e), substitute “ or ”.

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