

STATUTORY INSTRUMENTS

1986 No. 2139 (S.160)**HOUSING, SCOTLAND****The Housing (Scotland) Act 1986 (Consequential, Transitional and Supplementary Provisions) Order 1986***Made - - - - 4th December 1986**Laid before Parliament 16th December 1986**Coming into Operation 7th January 1987*

The Secretary of State, in exercise of the powers conferred on him by section 23(1) of the Housing (Scotland) Act 1986(a) and of all other powers enabling him in that behalf, hereby makes the following order:-

Citation and Commencement

1. This order shall be cited as the Housing (Scotland) Act 1986 (Consequential, Transitional and Supplementary Provisions) Order 1986 and shall come into operation on 7th January 1987.

Interpretation

2. In this order "the 1986 Act" means the Housing (Scotland) Act 1986 and "the 1980 Act" means the Tenants' Rights, Etc. (Scotland) Act 1980(b).

Transitional Provisions

3. The provisions of the 1986 Act set out in column 1 of the Schedule to this order, which amend the provisions of the 1980 Act set out in column 2(c), shall have no effect as regards any application to purchase where the offer to sell was served in accordance with section 2(2) of the 1980 Act(d) (whether by the landlord or, under section 7(3)(a) of that Act(e), by the Lands Tribunal for Scotland) before 7th January 1987.

Consequential and supplementary provisions

4. For the purposes of the extension of security of tenure to the tenants of regional councils, police authorities and fire authorities, including joint boards

(a) 1986 c.65.

(b) 1980 c.52.

(c) Section 1(10) was extended by the Tenants' Rights, Etc. (Scotland) Amendment Act 1984 (c.18), section 2(1) and was amended by the Mental Health (Scotland) Act 1984 (c.36), Schedule 3, paragraph 47; section 1(12) was amended by the Tenants' Rights, Etc. (Scotland) Amendment Act 1984, section 1(1)(c); paragraph 1 of Schedule 1 was repealed by the Housing (Scotland) Act 1986, Schedule 3.

(d) Section 2(2) was amended by the Tenants' Rights, Etc. (Scotland) Amendment Act 1984, section 4(2).

(e) Section 7(3) was substituted by the Local Government and Planning (Scotland) Act 1982 (c.43), section 55(1)(b).

and joint committees of any of these, by section 1(2) of the 1986, Act, section 16 of the 1980 Act which sets out the tenant's rights to a written lease shall have effect as if -

- (1) in subsection (2) for the words "the commencement of this section" there were substituted "7th January 1987"; and
- (2) in subsection (3)(b) for the words "2 years after the commencement of this section" there were substituted "1 year after 7th January 1987".

Michael Ancram,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
4th December 1986.

Article 3

SCHEDULE

<i>Column 1</i> <i>Provisions of the 1986 Act</i>	<i>Column 2</i> <i>Provisions of the 1980 Act</i>
Schedule 1, paragraph 1(e) (adds to the list of persons providing dwellinghouses whose tenants qualify for the right to purchase and discount)	section 1(10)
Schedule 1, paragraph 1(h) (amends the definition of "occupation" for the purposes of the right to purchase and entitlement to discount)	section 1(12)
Schedule 1, paragraph 18 (adds to the categories of tenancies which are not secure tenancies)	Schedule 1

EXPLANATORY NOTE

(This Note is not part of the Order.)

Schedule 1 to the Housing (Scotland) Act 1986 among other things amends the provisions of the Tenants' Rights, Etc. (Scotland) Act 1980 regarding the rules governing a tenant's right to purchase and qualification for discount. Article 3 of this order provides for the transitional situation where a tenant has made application to purchase and an offer to sell has been served by the landlord but not accepted by the tenant before the commencement of the 1986 Act on 7th January 1987. The amendments will have no effect and the tenant can either accept the offer or submit a new application after 7th January.

The 1986 Act extends security of tenure to tenants of regional councils and police and fire authorities. One of the rights of a secure tenant is to obtain a written lease from his landlord in terms of section 16 of the 1980 Act. This order makes the necessary adaptations to section 16 as originally enacted so that it can provide similar rights for those tenants on the commencement of the 1986 Act.

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