

HOUSING (SCOTLAND) ACT 2001

EXPLANATORY NOTES

BACKGROUND AND OVERVIEW

Part 2 – Tenants of Social Landlords

Chapter 2 – Right to Buy

Section 42: The qualifying conditions

68. The amendment made by *subsection (1)(a)* ensures that a tenant's right to buy is preserved if there is a change in their landlord or the status of their landlord after the tenancy is granted.
69. Before being entitled to exercise their right to buy a tenant has to have lived in accommodation rented from a relevant landlord for a certain period of time. That period is currently 2 years; *subsection 1(b)* extends that to 5 years.
70. *Subsection (2)* further amends the existing provisions to require tenants to have been in continuous occupation of the property during the qualifying period. However, *subsection (2)(c)* allows for this requirement to be disregarded for circumstances outwith the control of the tenant, subject to the discretion of the landlord.