

SCHEDULE 10 MODIFICATION OF ENACTMENTS

Housing (Scotland) Act 1987 (c. 26)

- 13 (1) The Housing (Scotland) Act 1987 is amended as follows.
- (2) Sections 1, 12A and 17C are repealed.
- (3) In section 21 (publication of rules relating to the housing list and to transfer of tenants)—
- (a) in subsection (1), paragraphs (a)(i) and (b) are repealed,
 - (b) in subsection (2), for the words from “housing” to the end of paragraph (a) substitute “social landlord—
 - (a) to make rules governing the matters mentioned in subsection (1)(a)(ii) to (iv);”,
 - (c) in subsection (3)—
 - (i) paragraph (i) is repealed,
 - (ii) for paragraph (ia) substitute—
 - “(ia) the Scottish Ministers;”,
 - (iii) in paragraph (ii), for “the association under a” substitute “a registered social landlord under a Scottish”.
- (4) Sections 22 and 22A are repealed.
- (5) Sections 44 to 60 are repealed.
- (6) In section 61 (secure tenant’s right to purchase)—
- (a) in subsection (2)—
 - (i) before “secure” insert “Scottish”,
 - (ii) after sub-paragraph (i) of paragraph (a) insert—
 - “(ia) a registered social landlord; or”,
 - (iii) sub-paragraphs (iii) to (ix) of that paragraph and, in each case, the preceding “or” are repealed,
 - (iv) in paragraph (b), the words from “or” to the end are repealed,
 - (b) for subsection (2A) substitute—
 - “(2A) For the purposes of subsection (2)(c), where the house was provided by a body which, at any time while the house was so provided, was not a registered social landlord, the body shall, if it became a registered social landlord at any later time, be deemed to have been a registered social landlord.”,
 - (c) in subsection (3)—
 - (i) after “a” in the second place where it occurs insert “Scottish”,
 - (ii) after “of” in the second place where it occurs insert “Scottish”,
 - (iii) for paragraph (b) substitute—
 - “(b) the words “beyond 5” in section 62(3)(b) and “after 5” in section 62(5)(b) shall not have effect.”,
 - (d) subsections (4A) and (7) to (9) are repealed,
 - (e) in subsection (11), after paragraph (a) insert—
 - “(aa) a registered social landlord;”.

Status: This is the original version (as it was originally enacted).

- (7) In section 62 (the price)—
- (a) in subsection (2), for “section 58” substitute “section 29 of the Housing (Scotland) Act 2001 (asp 10)”,
 - (b) for paragraph (b) of subsection (4) substitute—
 - “(b) where the house was provided by a body which, at any time while the house was so provided, was not a registered social landlord, the body shall, if it became a registered social landlord at any later time, be deemed to have been a registered social landlord at all times since it first provided the house”.
- (8) In section 63 (application to purchase and offer to sell)—
- (a) in subsection (1), paragraph (d) and the preceding “and” are repealed,
 - (b) subsections (2)(cc) and (3) are repealed.
- (9) In section 66(1) (notice of acceptance)—
- (a) the words “, subject to section 67(1),”, and
 - (b) paragraphs (vi) and (vii),
- are repealed.
- (10) Section 67 is repealed.
- (11) In section 71 (reference to Lands Tribunal)—
- (a) in subsection (1)—
 - (i) in paragraph (a), the words “or amended offer” in both places where they occur are repealed,
 - (ii) in paragraph (d), the words “or amended offer” in the first place where they occur and the words from “and, in the case” to the end are repealed,
 - (b) in subsection (2)—
 - (i) in paragraph (a)(ii), for “67” substitute “66C”,
 - (ii) in paragraph (b), the words “or amended offer” and the words from “and, in the case” to “63(3)” are repealed.
- (12) In section 74 (duties of landlord), the words “and section 216” are repealed.
- (13) In section 75(1) (agreements affecting right to purchase), the words “, 67(1)” are repealed.
- (14) Sections 75A and 76 are repealed.
- (15) In section 79(2)(a) (proceedings for which financial and other assistance may be given), the words “and section 216” are repealed.
- (16) In section 81(1) (information from landlords), the words “and section 216” are repealed.
- (17) Sections 81A and 81B are repealed.
- (18) In section 82 (interpretation of Part III)—
- (a) for “20, 214 and 216” substitute “and 20”,
 - (b) the definitions of “rent to loan purchaser” and “rent to loan scheme” are repealed.

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- (19) In section 84(1) (service of notices), the words “or of section 216” are repealed.
- (20) In section 84A(1) (application of right to buy to cases where landlord is lessee)—
- (a) the words “and 216” are repealed,
 - (b) in paragraph (a), after “a”, in the second place where it occurs, insert “Scottish”.
- (21) In section 212(5) (rent increase notice provisions not to apply to secure tenancies), after “a” insert “Scottish”.
- (22) Section 214(9) (advances for purpose of rent to loan scheme) is repealed.
- (23) In section 238 (powers of local authority)—
- (a) in subsection (1), for “such an application” substitute “an application under section 237”,
 - (b) in subsection (2), after “shall” insert “, subject to this Part,”.
- (24) In section 239A (power to give directions to avoid duplications of grant)—
- (a) in subsection (1)—
 - (i) after paragraph (a), insert “and”,
 - (ii) paragraph (c) and the preceding “and” are repealed,
 - (b) in subsection (2), the words “of Scottish Homes and” are repealed.
- (25) In section 242 (amount of improvement grant)—
- (a) subsection (3) is repealed,
 - (b) in subsection (6), the words “252(4)” are repealed,
 - (c) subsections (7) and (8) are repealed,
 - (d) in subsection (9), the words “or (3)” are repealed.
- (26) In section 243(1)(b) (payment of improvement grant), the words “section 242(1), or, as the case may be,” are repealed.
- (27) In section 244 (provision of standard amenities)—
- (a) subsection (6) is repealed,
 - (b) in subsection (7), the words from “which” to the end are repealed,
 - (c) subsections (8), (10)(b) and (11) are repealed,
 - (d) in subsection (12), for the words from “or (10)(b)” to the end substitute “shall be prescribed by order of the Scottish Ministers; and different provision may be made for different cases or descriptions of case.”,
 - (e) in subsection (13), the words “(8) or” are repealed.
- (28) In section 246(2)(b) (conditions to be observed regarding improvement grants), for “Part V of the Capital Gains Tax Act 1979” substitute “Part VII of the Taxation of Chargeable Gains Act 1992”.
- (29) In section 247(1) (voluntary repayment of improvement grants), for “7” substitute “6”.
- (30) In section 248 (repairs grants), subsections (3), (4), (6)(b) and (7) to (11) are repealed.
- (31) In section 249 (grants for fire escapes)—
- (a) subsections (4) and (5) are repealed,
 - (b) in subsection (8), the words “(a) or (b)” are repealed,

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- (c) subsections (9) and (10) are repealed.
- (32) In section 250 (application to housing action areas)—
 - (a) in subsection (1), for “(2) to” substitute “(6) and”,
 - (b) subsections (2) to (5) and (7)(b) and (c) are repealed.
- (33) In section 251(2) (powers of local authorities for the improvement of amenities) of that Act, for “this” substitute “that”.
- (34) In section 256 (application to agricultural tenants etc.)—
 - (a) in subsection (1), for “Crofters (Scotland) Acts 1955 and 1961” substitute “Crofters (Scotland) Act 1993 (c. 44)”,
 - (b) in subsection (3), for “Crofters (Scotland) Act 1955 and 1961” substitute “Crofters (Scotland) Act 1993 (c. 44)”.
- (35) For section 256A (application of Part XIII to Scottish Homes) substitute—

“256A Application of this Part to the Scottish Ministers

Any power of a local authority to make grants, and any function of a local authority in relation to the making of grants, under this Part is exercisable by the Scottish Ministers as it is by the local authority.”

- (36) In section 276 (repurchase by authority other than local authority, in the Table—
 - (a) in entry 1 (registered housing associations etc.), in column 1, for the words from “housing” in the first place where it occurs to the end substitute “social landlord or a predecessor of that landlord”,
 - (b) entry 2 (Scottish Homes and the Scottish Special Housing Association) is repealed.
- (37) In subsection (1) of section 281 (effect of repurchase on certain tenancies)—
 - (a) for the words from “44” to “tenancy)” substitute “11(1)(b) (Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10)”,
 - (b) after “a” in the fifth place where it occurs insert “Scottish”.
- (38) In section 282 (grant of tenancy to former owner-occupier)—
 - (a) in subsection (2)—
 - (i) for the words from “44(2)” to “tenancies)” substitute “11(1)(b) (Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10)”,
 - (ii) after “a” insert “Scottish”,
 - (b) in subsection (3)(a), after “a” insert “Scottish”.
- (39) In section 283 (grant of tenancy to former statutory tenant)—
 - (a) in subsection (1)—
 - (i) for the words from “44(2)” to “tenancies)” substitute “11(1)(b) (Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10)”,
 - (ii) for “secure tenancy” substitute “Scottish secure tenancy”,
 - (b) in subsection (3), after “a” in the third place where it occurs insert “Scottish”.
- (40) In section 286 (interpretation of sections 281 to 285)—

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- (a) in paragraph (a), for “Part III (secure tenancies)” substitute “the Housing (Scotland) Act 2001 (asp 10)”,
 - (b) in paragraph (c), after “a” in the first and third places where it occurs insert “Scottish”.
- (41) In section 338(1) (interpretation)—
- (a) after the definition of “registered housing association” insert—

““registered social landlord” has the same meaning as in the Housing (Scotland) Act 2001 (asp 10);”,
 - (b) after the definition of “road” insert—

““Scottish secure tenancy” and “short Scottish secure tenancy” have the same meanings as in the Housing (Scotland) Act 2001 (asp 10);”,
 - (c) in the definition of “standard amenities”, for “244(5)” substitute “244(1A)”.
- (42) Schedules 2 to 5, 6A and 18 are repealed.