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**Changes to legislation:** Housing (Scotland) Act 2001, Paragraph 14 is up to date with all changes known to be in force on or before 18 April 2024. 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) View outstanding changes

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## SCHEDULE 10 MODIFICATION OF ENACTMENTS

### *Housing (Scotland) Act 1988 (c.43)*

- 14 (1) The Housing (Scotland) Act 1988 is amended as follows.
- (2) In section 1 (Scottish Homes)—
- (a) subsections (1) and (2) are repealed,
  - (b) in subsection (3)—
    - (i) for “Scottish Homes”, in the first place where those words occur, substitute “ the Scottish Ministers ”,
    - (ii) paragraph (b) is repealed,
    - (iii) in paragraph (e), for “housing associations”, in each place where those words occur, substitute “ social landlords ”,
    - (iv) paragraph (g) is repealed.
- (3) In section 2 (general functions of Scottish Homes)—
- (a) subsection (1) is repealed,
  - (b) in subsection (2)—
    - (i) for the words from the beginning to “Scottish Homes” substitute “ For the purposes of the exercise of their general functions under section 1(3), the Scottish Ministers, so far as they do not otherwise have power to do so, ”,
    - (ii) in paragraph (h), for “it” substitute “ them ”,
    - (iii) in each of paragraphs (m) and (t), for “its” substitute “ their ”,
    - (iv) in each of paragraphs (s), (u) and (v), for “its general functions and powers” substitute “ their general functions under section 1(3) ”,
    - (v) in paragraph (t), for “it thinks” substitute “ they think ”,
    - (vi) in paragraph (u), for “it”, in the first place where it occurs, substitute “ them ”,
    - (vii) in paragraph (v), for “its”, in the first place where it occurs, substitute “ their ”,
  - (c) subsections (3) to (5), (7), (10) and (11) are repealed.
- (4) Sections 2A to 8, 10 and 11 are repealed.
- (5) In section 56 (right to acquire)—
- (a) in subsection (1), the words “or Scottish Homes” are repealed,
  - (b) in subsection (3), paragraph (e) is repealed,
  - (c) in subsection (4), for the words “secure tenant” substitute “ tenant under a Scottish secure tenancy within the meaning of the Housing (Scotland) Act 2001 (asp 10) ”.
- (6) In section 57 (persons by whom right may be exercised)—
- (a) in subsection (1)—
    - (i) for “Scottish Homes” in the first place where those words occur substitute “ the Scottish Ministers ”,
    - (ii) the words “or by Scottish Homes” and “(other than Scottish Homes)” are repealed,
  - (b) in subsection (3), for “Scottish Homes” substitute “ the Scottish Ministers ”.

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- (7) In section 58 (application to exercise right and offer to sell)—
- (a) in subsection (1), the words “or, as the case may be, Scottish Homes” are repealed,
  - (b) in subsection (2), at the end insert “ and a person living with the tenant or joint tenant in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex ”,
  - (c) in subsection (3), for the words from “on Scottish Homes” to the end substitute “ the Scottish Ministers ”,
  - (d) in subsection (7)(c), the words “Scottish Homes or” are repealed,
  - (e) in subsection (8)(a), the words “Scottish Homes or” in both places where they occur are repealed.
- (8) In section 63 (consent for subsequent disposal)—
- (a) in subsection (1)—
    - (i) the words “other than Scottish Homes” are repealed,
    - (ii) for “Scottish Homes” in the second place where those words occur substitute “ the Scottish Ministers ”,
  - (b) in subsection (2A)—
    - (i) for “Scottish Homes” substitute “ the Scottish Ministers ”,
    - (ii) for “itself” substitute “ themselves ”,
  - (c) in subsection (3), for the words from “Scottish Homes” to “dispositions”) substitute “ the Scottish Ministers under section 66 of the Housing (Scotland) Act 2001 (asp 10) (consent for disposal by registered social landlord) ”.
- (9) In section 65 (cost floor limit on discount on price of house purchased by secure tenant), subsection (5) is repealed.
- (10) Schedule 1 is repealed.
- (11) In Schedule 2 (consequential amendments), paragraphs 2, 3(a), 4, 6 and 14 are repealed.
- (12) In Schedule 4 (tenancies which cannot be assured tenancies)—
- (a) in paragraph 11—
    - (i) sub-paragraphs (b) to (d) are repealed,
    - (ii) after sub-paragraph (e) insert—
      - “(ea) a registered social landlord within the meaning of the Housing (Scotland) Act 2001 (asp 10);”,
    - (iii) sub-paragraph (f) is repealed,
  - (b) after paragraph 11 insert—

**“Accommodation for offenders**

- 11A A tenancy granted, for a term of less than 6 months, to a person—
- (a) who is under supervision in pursuance of the functions of a local authority under paragraph (b)(i), (ii) or (vi) of subsection (1) of section 27 (supervision and care of persons on probation, released from prison etc.) of the Social Work (Scotland) Act 1968 (c.49), or

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- (b) who has requested, in accordance with paragraph (c) of that subsection, the provision of advice, guidance or assistance by a local authority in pursuance of the authority’s functions under that paragraph.”,
    - (c) in paragraph 12, for “the Housing Associations Act 1985” substitute “section 83(3) of the Housing (Scotland) Act 2001 (asp 10)”.
- (13) In Part III (suitable alternative accommodation) of Schedule 5 (grounds for possession of houses let on assured tenancies)—
  - (a) in paragraph 1—
    - (i) the words “or, in any case, of Scottish Homes” are repealed,
    - (ii) for “, the Corporation or, as the case may be, Scottish Homes,” substitute “ or the Corporation, ”,
  - (b) in paragraph 3—
    - (i) in sub-paragraph (1)(a), the words “or by Scottish Homes” are repealed,
    - (ii) in sub-paragraph (2), the words “or of Scottish Homes” are repealed,
  - (c) in paragraph 5, the words “or of Scottish Homes” are repealed,
  - (d) in paragraph 6, for “, development corporations and Scottish Homes” substitute “ and development corporations ”.
- (14) In Schedule 7 (amendments of Housing (Scotland) Act 1987 connected with consolidation), paragraphs 1 and 2 are repealed.
- (15) In Schedule 9 (consequential amendments), paragraphs 6, 8 to 10 and 21 are repealed.

#### Commencement Information

- II** Sch. 10 para. 14 partly in force; Sch. 10 para. 14 not in force at Royal Assent see s. 113; para. 14(5)(a)(6)-(8)(12)(c) wholly in force and para. 14(11)(15) in force for specified purposes at 1.11.2001 by S.S.I. 2001/336, art. 2(3), Sch. Pt. II (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(a)(b)); para. 14(2)-(4)(10) in force at 1.11.2001 by S.S.I. 2001/397, art. 2(2), Sch. (subject to transitional provisions in arts. 3-6); para. 14 (5)(c)(9)(12)(14)(15) in force at 30.9.2002 by S.S.I. 2002/321, {art. 2,} Sch. (subject to transitional provisions and savings in arts.3-5) (as amended by S.S.I. 2002/433, art. 3(2))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)