
Changes to legislation: Housing (Scotland) Act 2001, Paragraph 2 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

SCHEDULE 9 CONSULTATION BEFORE CERTAIN DISPOSALS BY LOCAL AUTHORITY LANDLORD OR REGISTERED SOCIAL LANDLORD

Commencement Information

- II** Sch. 9 wholly in force at 1.11.2001, see s. 113 and 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(b))

Application for consent of the Scottish Ministers

- 2 (1) The Scottish Ministers must not entertain an application for consent under section 12(7) of the 1987 Act ^{F1}... to a disposal to which this schedule applies unless the local authority landlord or, as the case may be, the registered social landlord certifies that—
- (a) the requirements of paragraph 3 as to consultation have been complied with, or
 - (b) the requirements of that paragraph as to consultation have been complied with except in relation to tenants expected to have vacated the house in question before the disposal.
- (2) The certificate must be accompanied by a copy of the notices given, and the results of the ballot held, by the landlord in accordance with that paragraph.
- (3) Where the certificate is in the form mentioned in sub-paragraph (1)(b), the Scottish Ministers must not determine the application until the landlord certifies as regards the tenants not originally consulted—
- (a) that they have vacated the house in question, or
 - (b) that the requirements of paragraph 3 as to consultation have been complied with.
- (4) A certificate under sub-paragraph (3)(b) must be accompanied by a copy of the notices given, and the results of the ballot held, by the landlord in accordance with paragraph 3.

Textual Amendments

- F1** Words in sch. 9 para. 2(1) repealed (1.4.2012) by Housing (Scotland) Act 2010 (asp 17), s. 166(2), sch. 2 para. 7(7)(b); S.S.I. 2012/39, art. 2, sch. 1 (with sch. 2) (as amended (1.4.2012) by S.S.I. 2012/91, art. 4)

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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)