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**Changes to legislation:** Housing (Scotland) Act 2001, Paragraph 3 is up to date with all changes known to be in force on or before 19 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 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))

*Requirements as to consultation*

- 3 (1) The requirements as to consultation referred to in paragraph 2 are as follows.
- (2) The landlord must serve on the tenant notice in writing informing the tenant of—
- (a) such details of the proposal as the landlord considers appropriate, but including the identity of the person to whom the disposal is to be made,
  - (b) the likely consequences of the disposal for the tenant, and
  - (c) the right of the tenant, within such reasonable period as is specified (which must be at least 28 days after the service of the notice), to make representations to the landlord.
- (3) The landlord must consider any representations made to it within that period and must serve on the tenant a further written notice informing the tenant of—
- (a) any significant changes in the proposal,
  - (b) the right of the tenant, within such reasonable period as is specified (which must be at least 28 days after the service of the notice), to communicate to the Scottish Ministers any objection to the proposal, and
  - (c) the effect of paragraph 5 (consent to be withheld unless majority of tenants expressing a view on a ballot wish disposal to proceed).
- (4) The landlord must—
- (a) conduct a ballot of the tenants of the houses to which the application relates on the question whether the tenants wish the disposal to proceed, and
  - (b) inform the Scottish Ministers of the results of the ballot.
- (5) The Scottish Ministers may issue guidance as to—
- (a) the conduct of a ballot under sub-paragraph (4),
  - (b) the form and manner in which the landlord is to inform the Scottish Ministers of the results of the ballot,
- and the landlord must have regard to such guidance.

**Changes to legislation:**

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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)