



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 2

#### TENANTS OF SOCIAL LANDLORDS

#### CHAPTER 2

#### RIGHT TO BUY

#### 44 Limitation on right to buy: registered social landlords

After section 61 of the 1987 Act insert—

**“61A Limitation on right to purchase from registered social landlords**

- (1) Subject to subsection (2), this section applies to a Scottish secure tenancy where the landlord is a registered social landlord and—
  - (a) the tenancy was created on or after the date specified in relation to the landlord in an order under section 11(1) of the Housing (Scotland) Act 2001 (asp 10), or
  - (b) the tenancy became a Scottish secure tenancy by virtue of such an order.
- (2) This section does not apply—
  - (a) to a tenancy of a house acquired by the landlord after the date referred to in subsection (1)(a),
  - (b) to a tenancy of a house constructed by the landlord after that date if an offer of grant in connection with the construction was made by the Scottish Ministers or a local authority after that date,
  - (c) in such other circumstances as the Scottish Ministers may specify by order made by statutory instrument.
- (3) Where this section applies, section 61(1) does not apply in relation to a house let under the tenancy until the expiry of—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the period of 10 years beginning with the date referred to in subsection (1)(a), and
  - (b) any further period determined under subsection (4).
- (4) The Scottish Ministers may if they think fit, on an application made by the landlord before the expiry of a period mentioned in subsection (3)(a) or (b), determine a further period, not exceeding 10 years, for the purposes of paragraph (b) of that subsection.
- (5) The Scottish Ministers may issue guidance as to—
  - (a) the form of such an application,
  - (b) the information to be provided by the landlord in support of such an application.
- (6) Before making an application under subsection (4), the landlord shall consult—
  - (a) any heritable creditor of the landlord having an interest in a house of the landlord's in relation to which this section applies, and
  - (b) such other persons as it thinks fit.
- (7) If a registered social landlord so elects by notice in writing to the Scottish Ministers, subsection (3) ceases, on the date specified in the notice, to have effect in relation to houses let (whether before or after that date) by the landlord.
- (8) A notice given under subsection (7) cannot be withdrawn after the date specified in it.
- (9) Where a landlord gives a notice under subsection (7) it shall take such steps as are reasonable to inform—
  - (a) those of its tenants affected by the operation of subsection (3), and
  - (b) any heritable creditor referred to in subsection (6)(a),that the notice has been given and of its effect.
- (10) A statutory instrument containing an order under subsection (2)(c) is subject to annulment in pursuance of a resolution of the Scottish Parliament.”