



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 2

RIGHT TO BUY

45 Limitation on right to buy: pressured areas

After section 61A of the 1987 Act insert—

“61B Limitation on right to purchase: pressured areas

- (1) The Scottish Ministers may, from time to time, on a proposal from a local authority, designate any part of the local authority’s area as a pressured area if they consider that—
 - (a) the needs of that part for housing accommodation in houses provided by the authority or by registered social landlords exceed substantially, or are likely to exceed substantially, the amount of such housing accommodation which is, or is likely to be, available in that part, and
 - (b) the exercise by tenants of houses in that part of the right under section 61(1) to purchase such houses is likely to increase the extent by which such needs exceed the amount of such housing accommodation.
- (2) A designation under subsection (1)—
 - (a) may be in terms of the proposal or in such other terms as the Scottish Ministers think fit,
 - (b) has effect for such period, not exceeding 5 years, as the Scottish Ministers may specify.
- (3) For so long as an area is designated as a pressured area, section 61(1) does not apply in relation to a house in the area—

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- (a) let under a tenancy 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) let under a tenancy created before that date where—
 - (i) the tenant did not, immediately before that date, have a right under section 61(1) to purchase the house, or
 - (ii) the tenant succeeded to the tenancy on or after that date.
- (4) In determining for the purposes of subsection (3)(b)(i) whether a tenant had a right to purchase a house, section 61(2)(c) is to be left out of account.
- (5) A designation under subsection (1) shall—
- (a) identify the pressured area,
 - (b) specify the date on which the designation takes effect, and
 - (c) specify the period for which it has effect.
- (6) The local authority shall take such steps as are reasonable to publicise—
- (a) a designation under subsection (1) and its effect,
 - (b) any amendment or revocation of such a designation under subsection (8) and its effect.
- (7) Where a local authority landlord or a registered social landlord offers a person a tenancy of a house in an area in relation to which, on the proposed commencement date of the tenancy, a designation under subsection (1) will be in force, the landlord shall inform the person of the designation and its effect.
- (8) A designation under subsection (1) may be amended or revoked by the Scottish Ministers at any time if the local authority propose that they should do so and provide reasons for that proposal sufficient to justify the amendment or revocation.
- (9) A local authority may make a further proposal under subsection (1) in relation to a part of their area despite a designation under that subsection being, or having been, in force in relation to that part.
- (10) Nothing in this section affects a notice to purchase served prior to the designation of an area as a pressured area.

61C Pressured area proposals: procedure

- (1) A proposal by a local authority under section 61B(1) shall specify—
- (a) the part of their area proposed for designation as a pressured area, and
 - (b) the period, not exceeding 5 years, for which it is proposed the designation should have effect.
- (2) The Scottish Ministers may issue guidance as to—
- (a) the form of such a proposal,
 - (b) the information to be provided by a local authority in support of such a proposal.
- (3) Before making a proposal under section 61B(1) in relation to any part of their area a local authority shall consult—

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- (a) every registered social landlord holding houses for housing purposes in the part in question, and
- (b) such bodies representing the interests of tenants and other residents in that part, and such other persons, as the authority think fit.”