



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 2

#### TENANTS OF SOCIAL LANDLORDS

#### CHAPTER 2

#### RIGHT TO BUY

#### 48 Houses liable to demolition

After section 70 of the 1987 Act insert—

*“Houses liable to demolition*

#### **70A Authorisation of refusal to sell houses liable to demolition**

- (1) Where—
  - (a) an application to purchase a house liable to demolition is served on a landlord, and
  - (b) it appears to the landlord that the tenant would, apart from this section, have a right under section 61 to purchase the house,the landlord may, within one month of service of the application to purchase, instead of serving an offer to sell on the tenant, apply to the Scottish Ministers for authority to serve a notice of refusal.
- (2) For the purposes of this section a house is liable to demolition if the landlord has made a decision to demolish the house.
- (3) An application to the Scottish Ministers under subsection (1) shall be accompanied by such information in support of the application as the Scottish Ministers may prescribe by order made by statutory instrument.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The Scottish Ministers may grant such an application if they consider it reasonable to do so in all the circumstances; and in deciding whether to grant the application they shall have regard in particular to—
  - (a) the period which is expected to elapse before the landlord demolishes the house in question; and
  - (b) the extent to which, before deciding to demolish the house, the landlord consulted the tenant about the proposal to demolish it and the effect of the proposal on the tenant’s right under section 61 to purchase it.
- (5) Where the Scottish Ministers grant such an application the landlord shall serve on the tenant a notice of refusal under this section as soon as practicable, and in any event within one month of the granting of the application.
- (6) Where the Scottish Ministers refuse such an application the landlord shall serve on the tenant an offer to sell under section 63(2) before—
  - (a) the expiry of the period of one month beginning with the refusal; or
  - (b) if later, the expiry of the period mentioned in that section.
- (7) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of the Scottish Parliament.”