



Housing (Scotland) Act 2010

2010 asp 17

PART 14

RIGHT TO BUY: REFORMS

143 Limitation on right to buy: new supply social housing

After section 61E of the Housing (Scotland) Act 1987 (c.26) insert—

“61F Limitation on right to purchase: new supply social housing

- (1) Section 61 does not apply to a new supply social house.
- (2) Subsection (1) does not affect the right of a tenant to purchase a new supply social house under this Part if—
 - (a) the tenant moved to the new supply social house in pursuance of—
 - (i) an order for recovery of possession made under section 16(2) of the Housing (Scotland) Act 2001 (asp 10), on any of the grounds set out in paragraphs 9 to 15 of schedule 2 to that Act, in respect of a house subject to a Scottish secure tenancy created before the relevant day; or
 - (ii) the operation of section 19(3)(b), 21(3)(b) or 22(6) of that Act following termination of a Scottish secure tenancy created before the relevant day;
 - (b) the tenant moved to the new supply social house from a house subject to a Scottish secure tenancy created before the relevant day in pursuance of a decision by the landlord to demolish that other house as a result of which—
 - (i) the tenancy of that other house was terminated by written agreement between the landlord and the tenant; and
 - (ii) the new supply social house was made available to the tenant;
 - (c) the tenant occupied the new supply social house immediately before the relevant day under a short Scottish secure tenancy which has, since that day, been converted into a Scottish secure tenancy under section 37 of the Housing (Scotland) Act 2001 (asp 10); or

Status: This is the original version (as it was originally enacted).

- (d) the landlord failed to give the tenant notice (in the prescribed form) of the effect of subsection (1)—
 - (i) where the landlord acquired the new supply social house from the tenant, at least 7 days before the missives for that acquisition were concluded; or
 - (ii) in any other case, at least 7 days before the creation of the Scottish secure tenancy to which the new supply social house is subject.

(3) In this section—

“new supply social house” means a house let under a Scottish secure tenancy created on or after the relevant day which—

(a) was not let under a Scottish secure tenancy on or before 25 June 2008; or

(b) was acquired by the landlord on or after 25 June 2008; and

“relevant day” means the day on which section 143 of the Housing (Scotland) Act 2010 ([asp 17](#)) comes into force.”.