



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 11

#### CHANGE OF LANDLORD: SECURE TENANTS

#### 131 Sale conditions

- (1) An offer to sell—
  - (a) must include such conditions as are needed to entitle the applicant to receive a good and marketable title to the house, and
  - (b) may be subject to such other conditions as are reasonable.
- (2) But such other conditions—
  - (a) must not reduce the tenant's enjoyment and use of the house as tenant of the applicant from that which the tenant had as tenant of the local authority landlord,
  - (b) must not require the applicant or the tenant to pay any of the local authority landlord's expenses, and
  - (c) must not impose a new charge, or increase an existing charge, for the provision of a service in relation to the house unless that charge is in reasonable proportion to the cost to the local authority landlord of providing the service.
- (3) An applicant who—
  - (a) considers that a condition contained in the offer to sell is unreasonable, or
  - (b) wishes to have a new condition included in the offer to sell,may request the local authority landlord to amend the offer to sell accordingly.
- (4) Such a request—
  - (a) is to be given by serving notice on the local authority landlord, and
  - (b) must be made within 1 month of the offer to sell being made.
- (5) The local authority landlord must, within 1 month of such a request being made—
  - (a) agree to the request and make an accordingly amended offer to sell to the applicant, or
  - (b) refuse the request by notifying the applicant accordingly.

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*Status: This is the original version (as it was originally enacted).*

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- (6) If a local authority landlord—
  - (a) refuses a request, or
  - (b) fails to comply with subsection (5),the applicant may refer the matter to the Lands Tribunal.
- (7) Such a reference must be made within 1 month of the refusal or, as the case may be, of the expiry of the period referred to in subsection (5).
- (8) The Lands Tribunal may determine such a reference by—
  - (a) upholding a condition,
  - (b) striking out or modifying a condition, or
  - (c) inserting a new condition.
- (9) Where a Lands Tribunal determination results in a modification of the offer to sell, it must order the local authority landlord to make to the applicant an amended offer to sell (amended in accordance with the determination) within 2 months of the determination.