
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 321 (C. 16)

HOUSING

**The Housing (Scotland) Act 2001 (Commencement
No. 5, Transitional Provisions and Savings) Order 2002**

Made - - - - 26th June 2002

The Scottish Ministers, in exercise of the powers conferred by sections 109(2) and 113(1) and (2) of the Housing (Scotland) Act 2001⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing (Scotland) Act 2001 (Commencement No. 5, Transitional Provisions and Savings) Order 2002.

(2) In this Order “the Act” means the Housing (Scotland) Act 2001.

Commencement of provisions

2.—(1) This article has effect subject to the provisions of articles 3 to 5 below.

(2) The provisions of the Act which are specified in column 1 of the Schedule to this Order shall, insofar as not already in force, come into force on 30th September 2002, but, where a particular purpose in relation to any such provision is specified in column 2 of the Schedule, that provision shall come into force on that day only for that purpose.

Transitional provisions and savings

3. Notwithstanding the commencement of provisions by article 2 above, the Housing (Scotland) Act 1987⁽²⁾ (and any regulations made thereunder) shall apply, as they applied immediately before 30th September 2002 to a tenancy in relation to which the landlord is Scottish Homes and which was created before that date, and to any tenancy created on or after that date in relation to which Scottish Homes is the landlord until such time as the tenancy is brought to an end or the house which is the subject of the tenancy is transferred to another landlord.

4. Notwithstanding the commencement of provisions by article 2 above, section 58A of the Housing (Scotland) Act 1987 and the Secure Tenants (Compensation for Improvements) (Scotland)

(1) 2001 asp 10.
(2) 1987 c. 26.

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Regulations 1994⁽³⁾ shall continue to apply to qualifying improvement work, within the meaning of that section, which is begun earlier than 30th September 2002.

5. Section 35 of the Act shall not apply in a case where an anti-social behaviour order under section 19 of the Crime and Disorder Act 1998⁽⁴⁾ has been made before, and continues after, the date on which section 35 of the Act comes into force.

St Andrew's House,
Edinburgh
26th June 2002

MARGARET CURRAN
A member of the Scottish Executive

⁽³⁾ S.I.1994/632.
⁽⁴⁾ 1998 c. 37.

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 30TH SEPTEMBER 2002

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Purposes</i>
Section 3	
Sections 5 to 7	
Sections 11 to 56	
Section 112	Only for the purpose of bringing into force the modifications in Schedule 10 specified in the Table below.
In Schedule 10, the modifications specified in the Table below.	

TABLE

Modifications

<i>Chapter</i>	<i>Short title</i>	<i>Extent of Modifications</i>
1973 c. 56	Land Compensation (Scotland) Act 1973	The amendments listed in paragraph 3 of Schedule 10 to the Act.
1974 c. 38	Land Tenure Reform (Scotland) Act 1974	The amendments listed in paragraph 4 of Schedule 10 to the Act.
1981 c. 59	Matrimonial Homes (Family Protection)(Scotland) Act 1981	The amendments listed in paragraph 7 of Schedule 10 to the Act.
1984 c. 58	Rent (Scotland) Act 1984	The amendments listed in paragraph 9(3) of Schedule 10 to the Act.
1985 c. 66	Bankruptcy (Scotland) Act 1985	The amendments listed in paragraph 10 of Schedule 10 to the Act.
1987 c. 26	Housing (Scotland) Act 1987	The amendments listed in paragraph 13(5) to (22) and (36) to (41)(b) of Schedule 10 to the Act. The amendments listed in paragraph 13(42) of Schedule 10 to the Act, but only insofar as they commence the repeal of Schedules 2 to 5.
1988 c. 43	Housing (Scotland) Act 1988	The amendments listed in paragraph 14(5)(c), (9), (12),

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of Modifications</i>
		(14) and (15) of Schedule 10 to the Act.
1988 c. 50	Housing Act 1988	The amendments listed in paragraph 14(14) of Schedule 10 to the Act, but only insofar as they commence the repeal of paragraph 2 of Schedule 7.
		The amendments listed in paragraph 15(5) of Schedule 10 to the Act, but only insofar as they commence the repeal of section 55.
1989 c. 42	Local Government and Housing Act 1989	The amendments listed in paragraph 15(7) and (9) of Schedule 10 to the Act.
1992 c. 14	Local Government Finance Act 1992	The amendments listed in paragraph 16 of Schedule 10 to the Act.
1993 c. 28	Leasehold Reform, Housing and Urban Development Act 1993	The amendments listed in paragraph 19(1) of Schedule 10 to the Act.
1994 c. 39	Local Government etc. (Scotland) Act 1994	The amendments listed in paragraph 20 of Schedule 10 to the Act.
1995 c. 7	Requirements of Writing (Scotland) Act 1995	The amendments listed in paragraph 21 of Schedule 10 to the Act.
1995 c. 36	Children (Scotland) Act 1995	The amendments listed in paragraph 22 of Schedule 10 to the Act.
1997 c. 11	Planning (Consequential Provisions) (Scotland) Act 1997	The amendments listed in paragraph 23 of Schedule 10 to the Act.
1998 c. 37	Crime and Disorder Act 1998	The amendments listed in paragraph 25 of Schedule 10 to the Act.
		The amendments listed in paragraph 27 of Schedule 10 to the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Housing (Scotland) Act 2001 (“the Act”).

Article 2 and the Schedule bring into force on 30th September 2002 provisions, listed in that Schedule, which primarily relate to the Scottish secure tenancy and right to buy. They also bring into force homelessness and hostel provisions, as well as provisions relating to tenant participation.

Articles 3 to 5 make transitional provisions and savings in relation to the commencement of the Scottish secure tenancy and right to buy. Article 3 saves the Housing (Scotland) Act 1987 provisions (which includes secure tenancy provisions) for Scottish Homes tenancies. Article 4 makes a saving for provisions relating to compensation for improvements which will apply to qualifying work started before 30th September 2002. Article 5 provides that section 35 of the Act (which deals with the conversion of Scottish secure tenancies to short Scottish secure tenancies) will not apply to anti-social behaviour orders made before 30th September 2002.

The 2001 Act received Royal Assent on 18th July 2001. Sections 109, 110 and 113 came into force on Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order).

The Housing (Scotland) Act 2001 (Commencement No. 1, Transitional Provisions and Savings) Order 2001 ([S.S.I. 2001/336](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Sections 1–2	1st October 2001
Sections 57–83	1st November 2001
Section 88	1st October 2001
Sections 90 to 94	1st November 2001
Section 95	1st October 2001
Sections 106–107	1st November 2001
Section 108	1st October 2001
Section 111	1st October 2001
Section 112 (only for the purpose of bringing into force certain paragraphs of Schedule 10)	1st November 2001
Schedule 7 to 9	1st November 2001
Schedule 10 (partially)	1st November 2001

The Housing (Scotland) Act 2001 (Commencement No. 2, Transitional Provisions, Savings and Variation) Order 2001 ([S.S.I. 2001/397](#)) provides for commencement of provisions of the Act as follows:–

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<i>Provision</i>	<i>Date of commencement</i>
Section 84 (only for the purpose of transferring all of the functions of Scottish Homes to the Scottish Ministers except for the functions conferred by section 1(3)(b) of the Housing (Scotland) Act 1988)	1st November 2001
Section 85	1st November 2001
Section 87	1st November 2001
Section 89	1st November 2001
Section 112 (only for the purposes of bringing into force certain paragraphs of Schedule 10)	1st November 2001
Schedule 10 (partially)	1st November 2001

The Housing (Scotland) Act 2001 (Commencement No. 3, Transitional Provisions and Savings) Order 2001 ([S.S.I. 2001/467](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Section 112 (only for the purposes of bringing into force certain paragraphs of Schedule 10)	19th December 2001
Schedule 10 (partially)	19th December 2001

The Housing (Scotland) Act 2001 (Commencement No. 4) Order 2002 ([S.S.I. 2002/168](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Section 3(1)(a) and (c)	1st April 2002
Section 3(4)(b)	1st April 2002
Section 4	1st April 2002
Sections 8 to 10	1st April 2002
Section 112 (only for the purpose of bringing into force certain paragraphs of Schedule 10)	1st April 2002
Schedule 10 (partially)	1st April 2002