
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 434 (C. 21)

HOUSING

**The Housing (Scotland) Act 2001 (Commencement
No. 7, Transitional Provisions and Savings) Order 2003**

Made - - - - 8th September 2003

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. 7, Transitional Provisions and Savings) Order 2003.

(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 and 4 below.

(2) The provisions of the Act which are specified in column 1 of the Schedule shall, in so far as they are not already in force, come into force on 1st October 2003 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 1987 Act (and any order or regulations made thereunder) shall continue to have effect on or after 1st October 2003 as they had effect immediately before that date in the classes of case set out in article 4 below.

4.—(1) The case of any application for improvement grant, repairs grant or grant for a means of escape from fire in a house in multiple occupation under Part XIII of the 1987 Act where an application has been approved by a local authority before 1st October 2003.

(2) The case where—

(a) before 1st October 2003, a local authority has—

(1) 2001 asp 10.

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- (i) made an improvement order in respect of a house under section 88 of the 1987 Act;
 - (ii) passed a draft resolution declaring that the area in which a house is situated is a housing action area under section 90 or 91 of the 1987 Act;
 - (iii) served a notice in respect of a house under section 108 of the 1987 Act; or
 - (iv) served a notice in respect of a house under section 162 of the 1987 Act; and
- (b) within two years of the date of the order, draft resolution or, as the case may be, service of the notice as mentioned in sub-paragraph (a) above, the local authority—
- (i) make an improvement grant under section 88(7) or section 250(6) of the 1987 Act as a consequence of the order or draft resolution; or
 - (ii) approve an application for grant under section 248(1)(a) or 249(1)(a) of the 1987 Act, and the grant applicant elects to accept that grant and has not, prior to that acceptance, made any application under the provisions which are brought into force by this Order.

St Andrew's House, Edinburgh
8th September 2003

MARGARET CURRAN
A member of the Scottish Executive

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST OCTOBER 2003

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Purpose</i>
Sections 96 to 105	
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>
1987 c. 26	Housing (Scotland) Act 1987	The amendments listed in paragraph 13(23), (25) to (34), (41)(c) and (42) 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 schedule 18 to the 1987 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 1st October 2003 provisions listed in that Schedule, which primarily relate to improvement and repair grants provided by local authorities.

Articles 3 and 4 make transitional provisions and savings in relation to cases where, prior to the commencement of the provisions listed in the Schedule, the local authority has made an improvement or repair order in respect of a house, or a draft resolution declaring the area where the house is situated a housing action area, or has served a notice requiring repairs to that house or the provision of a fire escape and, has subsequently in consequence thereof made an improvement grant to or approved an application in relation to that house.

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The Act received Royal Assent on 18th July 2001. Sections 109 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
Schedules 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:–

<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:–

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<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

The Housing (Scotland) Act 2001 (Commencement No. 5) Order 2002 ([S.S.I. 2002/321](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Section 3	30th September 2002
Sections 5 to 7	30th September 2002
Sections 11 to 56	30th September 2002
Section 112 (only for the purpose of bringing into force certain paragraphs of schedule 10)	30th September 2002
Schedule 10 (partially)	30th September 2002

The Housing (Scotland) Act 2001 (Commencement No. 6 and Amendment) Order 2002 ([S.S.I. 2002/433](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Section 112 (only for the purpose of bringing into force certain paragraphs of schedule 10)	30th September 2002
Schedule 10 (partially)	30th September 2002