

2010 No. 114

HOUSING

The Housing (Scotland) Act 2006 (Commencement No. 7, Savings and Transitional Provisions) Amendment Order 2010

Made - - - -

17th March 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 191(2) and 195(3) of the Housing (Scotland) Act 2006(a).

Citation

1. This Order may be cited as the Housing (Scotland) Act 2006 (Commencement No. 7, Savings and Transitional Provisions) Amendment Order 2010.

Amendment of the principal Order

2. After article 4 of the Housing (Scotland) Act 2006 (Commencement No. 7, Savings and Transitional Provisions) Order 2009(b) insert—

“4A. Notwithstanding the repeal of sections 108 and 109 (repair notices) of the 1987 Act, those sections shall continue to have effect until 1st April 2012 in respect of repair notices served before 1st April 2010.

4B. Notwithstanding the repeal of section 110 (recovery by lessee of expenses etc.) of the 1987 Act, that section shall continue to have effect in respect of expenditure incurred in complying with a repair notice served before 1st April 2010, and payment of the expenses of a local authority who has carried out the works specified in such a repair notice.

4C. Notwithstanding the repeal of section 111 (appeals) of the 1987 Act, that section shall continue to have effect in respect of—

- (a) a repair notice served before 1st April 2010;
- (b) a demand for the recovery of expenses incurred by a local authority in executing works, specified in a repair notice served before 1st April 2010;
- (c) an order made by a local authority with respect to any such expenses; and
- (d) a charging order made under Schedule 9 to the 1987 Act with respect to any such expenses.

4D. Notwithstanding the repeal of section 112 (date of operation of notices etc.) of the 1987 Act, that section shall continue to have effect in respect of any notice, demand or order against which an appeal might be brought under section 111 of the 1987 Act (as it has effect by virtue of article 4C of this Order).

(a) 2006 asp 1.
(b) S.S.I. 2009/122.

4E. Notwithstanding the repeal of sections 108, 109, 111 and 112 (repair notices) of the 1987 Act, those sections shall continue to have effect for the purposes of paragraph 11 of Schedule 11 (recovery of expenses by local authority executing works under s.164) to the 1987 Act.

4F. Notwithstanding the repeal of section 219(1)(a) (interest rates on home loans) of the 1987 Act, that subsection shall continue to have effect in respect of any advance of money made before 1st April 2010.”.

ALEX NEIL

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
17th March 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Housing (Scotland) Act 2006 (Commencement No. 7, Savings and Transitional Provisions) Order 2009 (“the 2009 Order”). Article 2 of the Order adds to the provisions of the Housing (Scotland) Act 1987 (“the 1987 Act”) which are saved in certain circumstances.

The 2009 Order commences the repeal of sections 108 to 112 of the 1987 Act, which make provision about repair notices, the carrying out of repair work and the recovery of expenses. Article 2 of this Order inserts articles 4A to 4D in the 2009 Order. The effect is to save the provisions of sections 108 to 112 in relation to repair notices served before the repeal.

Article 4E as inserted by this Order also saves the provisions of sections 108, 109, 111 and 112 in relation to the recovery of expenses by a local authority carrying out work under section 164 of the 1987 Act as regards houses in multiple occupation.

The 2009 Order commences the repeal of sections 214 and 219(1)(a) of the 1987 Act, which make provision about house loans and rates of interest. Article 4F as inserted by this Order saves section 219(1)(a) in relation to house loans made under section 214 or under any other power to make loans for like purposes, before the repeal date. The effect is that such loans continue to be variable interest home loans for the purposes of section 219.

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