



Housing (Scotland) Act 1986

1986 CHAPTER 65

An Act to amend the Tenants' Rights, Etc. (Scotland) Act 1980, the Housing Associations Act 1985 in its application to Scotland and the Building (Scotland) Act 1959; to make further provision as regards housing in Scotland; and for connected purposes. [7th November 1986.]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of Tenants' Rights, Etc. (Scotland) Act 1980

1 Extension of right to purchase and of " secure tenancy ",

- (1) In section 1(3) of the 1980 Act (dwelling-houses to which right to purchase applies), for the words " of paragraphs (a), (b), (c) or (f) " there shall be substituted the words " paragraph, other than (g), ".
- (2) In section 10(2) of the 1980 Act (landlords in secure tenancies)—
 - (a) after paragraph (a) there shall be inserted the following paragraph—
 - “(aa) a regional council, or a joint board or joint committee of two or more regional councils, or any trust under the control of a regional council ;” ; and
 - (b) after paragraph (g) there shall be inserted the following paragraphs—
 - “(h) a police authority within the meaning of section 2(1), as read with subsection (9)(b) of section 19, of the Police (Scotland) Act 1967 or a joint police committee constituted by virtue of subsection (2)(b) of the said section 19 ; and
 - (i) a fire authority in Scotland for the purposes of the Fire Services Acts 1947 to 1959 (or a joint committee constituted by virtue of section 3 6 (4) (b) of the Fire Services Act 1947).”.

2 Increased discount where dwelling-house purchased is a flat

- (1) Subject to subsection (3) below, in section 1(5)(b) of the 1980 Act (discount for purposes of calculation of purchase price of dwelling-house)—
- (a) in sub-paragraph (i), after the words " 32 per cent," there shall be inserted the words " , or where the dwelling-house is a flat 44 per cent., ";
 - (b) in sub-paragraph (ii), after the words " one per cent." there shall be inserted the words " , or where the dwelling-house is a flat two per cent., ";
 - (c) after the words "60 per cent." there shall be inserted the words " , or where the dwelling-house is a flat 70 per cent., ";
 - (d) at the end there shall be added the words " For the purposes of the foregoing provisions of this paragraph a " flat " is a separate and self-contained set of premises, whether or not on the same floor, forming part of a building from some other part of which it is divided horizontally."
- (2) Subject to subsection (3) below, in section 9A of the 1980 Act (application of Part I of that Act when dwelling-house is repurchased as defective), after the words "' 30 per cent.;" there shall be inserted the words " (AA) for the words ' 44 per cent.' there shall be substituted the words ' 40 per cent.;"
- (3) Subsections (1) and (2) above shall have no effect as regards the exercise of a right to purchase by application under section 2(1) of the 1980 Act if the offer to sell has been duly served (whether by the landlord or, under section 7(3)(a) of that Act, by the Lands Tribunal for Scotland) before the date of coming into force of this section.

3 Amendment of date after which certain restrictions may apply as regards price fixed for purchase of dwelling-house; and extension of those restrictions

- (1) Subject to subsection (6) below, in subsection (7) of section 1 of the 1980 Act (fixing of price at which tenant entitled to purchase dwelling-house)—
- (a) for the words " 15 May 1975 " there shall be substituted the words " 31 December 1978 ";
 - (b) in paragraph (a), for the words " in providing the dwelling-house " there shall be substituted the words—
 - “after that date (either or both)—
 - (i) in providing;
 - (ii) in making improvements (other than by way of repair or maintenance) to,
 the dwelling-house”.
- (2) Subject to subsection (6) below, after the said subsection (7) there shall be inserted the following subsection—
- “(7A) Where the dwelling-house was first let under a tenancy which, if Part II of this Act had then been in force, would have been a secure tenancy, on or before the date mentioned in subsection (7) above but an outstanding debt has been incurred after that date in making improvements (other than by way of repair or maintenance) to the dwelling-house, the price fixed under subsection (5) above shall not be less than—
- (a) that outstanding debt; or
 - (b) the market value of the dwelling-house determined under subsection (5)(a) above,

whichever is the lesser except in such cases as the Secretary of State may, by order made as is mentioned in subsection (7) above, prescribe.”.

(3) Subject to subsection (6) below, in subsection (8) of the said section 1 (interpretation of " outstanding debt ")—

- (a) after the word "means" there shall be inserted the words " , in relation to paragraph (a)(i) of that subsection, "; and
- (b) at the end there shall be added the words “; and
 - (e) where the landlord is a body mentioned in paragraph (d) or (e) of section 10(2) of this Act, any proportion of capital grants which it must repay on the dwelling-house being sold ;

but in relation to paragraph (a)(ii) of that subsection and in subsection (7A) above its meaning is confined to any undischarged debt arising from the cost of the works of improvement together with—

- (i) administrative costs attributable to those works : and
- (ii) where the landlord is such body as is mentioned in paragraph (e) above, any such proportion as is there mentioned.”.

(4) With the consent of the Treasury the Secretary of State may by order made by statutory instrument—

- (a) amend subsection (7) of the said section 1 so as to substitute a later date for—
 - (i) the words substituted by subsection (1) above; or
 - (ii) words substituted by virtue of this subsection ; or
- (b) provide that subsections (7)(a)(ii), (7A) and (8) of the said section 1 shall apply with such modifications as he may specify in the order;

and such order may make different provision in relation to different areas, cases or classes of case and may exclude certain areas, cases or classes of case.

(5) A statutory instrument under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) The foregoing provisions of this section shall have no effect as regards the exercise of a right to purchase by application under section 2(1) of the 1980 Act if the offer to sell has been duly served (whether by the landlord or, under section 7(3)(a) of that Act, by the Lands Tribunal for Scotland) before the date of coming into force of this section.

4 Secretary of State's power to give directions as to conditions in offers to sell

After section 4 of the 1980 Act there shall be inserted the following section—

“4A Further limitations on conditions of sale.

(1) Where it appears to the Secretary of State that the inclusion of conditions of a particular kind in offers to sell would be unreasonable he may by direction require landlords generally, landlords of a particular description, or particular landlords not to include conditions of that kind (or not to include conditions of that kind unless modified in such manner as may be specified in the direction) in offers to sell served on or after a date so specified.

(2) Where a condition's inclusion in an offer to sell—

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- (a) is in contravention of a direction under subsection (1) above; or
- (b) in a case where the tenant has not by the date specified in such a direction served a relative notice of acceptance on the landlord, would have been in such contravention had the offer to sell been served on or after that date,

the condition shall have no effect as regards the offer to sell.

- (3) A direction under subsection (1) above may—
 - (a) make different provision in relation to different areas, cases or classes of case and may exclude certain areas, cases or classes of case; and
 - (b) be varied or withdrawn by a subsequent direction so given.
- (4) Section 211 of the Local Government (Scotland) Act 1973 (provision for default of local authority) shall apply as regards a failure to comply with a requirement in a direction under subsection (1) above as that section applies as regards such failure as is mentioned in subsection (1) thereof.”

5 Financial and other assistance for tenants involved in proceedings under Part I of 1980 Act etc.

After section 9A of the 1980 Act there shall be inserted the following section—

“9B Financial and other assistance for tenants involved in proceedings under Part I etc.

- (1) Where, in relation to any proceedings, or prospective proceedings, to which this section applies, a tenant or purchaser is an actual or prospective party, the Secretary of State may on written application to him by the tenant or purchaser give financial or other assistance to the applicant, if the Secretary of State thinks fit to do so:

Provided that assistance under this section shall be given only where the Secretary of State considers—

- (a) that the case raises a question of principle and that it is in the public interest to give the applicant such assistance; or
- (b) that there is some other special consideration.

- (2) This section applies to—
 - (a) any proceedings under this Part of this Act; and
 - (b) any proceedings to determine any question arising under or in connection with this Part of this Act other than a question as to market value for the purposes of section 1(5) of this Act.
- (3) Assistance by the Secretary of State under this section may include—
 - (a) giving advice;
 - (b) procuring or attempting to procure the settlement of the matter in dispute ;
 - (c) arranging for the giving of advice or assistance by a solicitor or counsel;
 - (d) arranging for representation by a solicitor or counsel;
 - (e) any other form of assistance which the Secretary of State may consider appropriate.

- (4) In so far as, expenses are incurred by the Secretary of State in providing the applicant with assistance under this section, any sums recovered by virtue of an award of expenses, or of an agreement as to expenses, in the applicant's favour with respect to the matter in connection with which the assistance is given shall, subject to any charge or obligation for payment in priority to other debts under the Legal Aid and Advice (Scotland) Acts 1967 and 1972 and to any provision of those Acts for payment of any sum into the legal aid fund, be paid to the Secretary of State in priority to any other debts.
- (5) Any expenses incurred by the Secretary of State in providing assistance under this section shall be paid out of money provided by Parliament; and any sums received by the Secretary of State under subsection (4) above shall be paid into the Consolidated Fund.”.

6 Information from landlords in relation to Secretary of State's powers under Part I of 1980 Act

After the section inserted into the 1980 Act by section 5 of this Act there shall be inserted the following section—

“9C Information from landlords in relation to Secretary of State's powers under this Part.

- (1) Without prejudice to section 199 of the Local Government (Scotland) Act 1973 (reports and returns by local authorities etc.), where it appears to the Secretary of State necessary or expedient, in relation to the exercise of his powers under this Part of this Act, he may by notice in writing to a landlord require it—
 - (a) at such time and at such place as may be specified in the notice, to produce any document; or
 - (b) within such period as may be so specified or such longer period as the Secretary of State may allow, to furnish a copy of any document or supply any information.
- (2) Any officer of the landlord designated in the notice for that purpose or having custody or control of the document or in a position to give that information shall, without instructions from the landlord, take all reasonable steps to ensure that the notice is complied with.”.

7 Contributions towards the cost of transfers and exchanges

After section 25 of the 1980 Act there shall be inserted the following cross-heading and section—

“Transfers and Exchanges

25A Contributions towards the cost of transfers and exchanges.

- (1) The Secretary of State may with the consent of the Treasury make out of money provided by Parliament grants or loans towards the cost of arrangements for facilitating moves to and from homes by which—

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- (a) a secure tenant of one landlord (the " first landlord ") becomes, at his own request, the secure tenant of a different landlord (whether or not by means of an exchange whereby a secure tenant of the different landlord becomes the secure tenant of the first landlord); or
 - (b) each of two or more tenants of dwelling-houses, one at least of which is let under a secure tenancy, becomes the tenant of the other dwelling house (or, as the case may be, of one of the other dwelling houses).
- (2) The grants or loans may be made subject to such conditions as the Secretary of State may determine, and may be made so as to be repayable (or, as the case may be, repayable earlier) if there is a breach of such a condition.
- (3) In subsection (1) above, the reference to a " secure tenant" is to a tenant under a secure tenancy within the meaning of this Act or of the Housing Act 1985 or of Chapter II of Part II of the Housing (Northern Ireland) Order 1983.”.

8 Duty of housing association to make rules governing housing list etc.

For subsection (1A) of section 27 of the 1980 Act (publication of rules as to housing lists etc.) there shall be substituted the following subsections—

“(1A) It shall be the duty of every registered housing association (within the meaning of the Housing Associations Act 1985)—

- (a) within the period of six months commencing with the date of coming into force of section 8 of the Housing (Scotland) Act 1986 to make rules governing the matters mentioned in paragraphs (a) to (d) of subsection (1) above (unless it has, in accordance with subsections (2) and (2A) below, published such rules before that date and those rules remain current);
- (b) within six months of the making of rules under paragraph (a) above, and within six months of any alteration of such rules (whether or not made under that paragraph)—
 - (i) to send a copy of them to each of the bodies mentioned in subsection (1B) below; and
 - (ii) to publish them in accordance with subsections (2) and (2A) below.

(1B) The bodies referred to in subsection (1A)(b)(i) above are—

- (i) the Housing Corporation ; and
- (ii) every islands or district council within whose area there is a dwelling house let, or to be let, by the association under a secure tenancy.”.

9 Extension of power of islands and district councils to indemnify certain heritable creditors

In section 31 of the 1980 Act (local authority indemnities for building societies)—

- (a) in subsection (1)—
 - (i) after the words "(Northern Ireland) 1967)" and, at the second and third places where they occur, " building society " there shall in each case be inserted the words " or recognised body ";
 - (ii) for the words " the standard security " there shall be substituted the words " a heritable security ";

- (b) in subsection (2) for the words "under the standard security" there shall be substituted the words " . or recognised body, under the heritable security ";
- (c) in subsection (5) after the words " building societies " there shall be inserted the words " or recognised bodies "; and
- (d) after subsection (5) there shall be inserted the following subsections—

“(5A) In this section " recognised body " means a body designated, or of a class or description designated, in an order made under this subsection by statutory instrument by the Secretary of State with the consent of the Treasury.

(5B) Before making an order under subsection (5A) above varying or revoking an order previously so made, the Secretary of State shall give an opportunity for representations to be made on behalf of a recognised body which, if the order were made, would cease to be such a body.”

10 Removal of restriction on security of tenure

In Schedule 1 to the 1980 Act, paragraph 1 (tenancy not to be secure tenancy if for period exceeding 20 years) shall cease to have effect.

11 Restoration of ground for recovery of possession of dwelling-house

In Schedule 2 to the 1980 Act (grounds for recovery of possession of dwelling-houses let under secure tenancies), after paragraph 5 there shall be inserted the following paragraph—

“6 The landlord wishes to transfer the secure tenancy of the dwelling-house to—

- (a) the tenant's spouse (or former spouse); or
- (b) a person with whom the tenant has been living as husband and wife, who has applied to the landlord for such transfer; and either the tenant or the (as the case may be) spouse, former spouse or person, no longer wishes to live together with the other in the dwelling-house.”

12 Further amendment of 1980 Act

The 1980 Act shall have effect subject to the amendments specified in Schedule 1 to this Act.

Amendment of Housing Associations Act 1985

13 Shared ownership agreements

- (1) In section 4 of the 1985 Act (eligibility of housing associations for registration), at the end of subsection (3) there shall be added the following paragraph—

“(h) in Scotland, acquiring, or repairing and improving, or building, or creating by the conversion of dwellings or other property, dwellings to be disposed of under shared ownership agreements.”

- (2) In section 106(2) of the 1985 Act (interpretation for purposes of application to Scotland), for the definition of " shared ownership lease " there shall be substituted the following definition—

“" shared ownership agreement" means an agreement whereby a registered housing association—

- (a) sells a *pro indiviso* right in a dwelling to a person and leases the remaining *pro indiviso* rights therein to him subject to his being entitled, from time to time, to purchase those remaining rights until he has purchased the entire dwelling; or
- (b) conveys *pro indiviso* rights in dwellings to trustees to hold on behalf of persons each of whom, by purchasing a share in those dwellings, becomes entitled to exclusive occupancy of one of the dwellings but with any such person who wishes to sell or otherwise dispose of his share being required to do so through the agency of the trustees,

or such other agreement as may be approved whereby a person acquires from a registered housing association a *pro indiviso* right in a dwelling or dwellings and thereby becomes entitled to exclusive occupancy of the dwelling or, as the case may be, of one of the dwellings;”

14 **Payments etc. in community-based housing associations**

After section 15 of the 1985 Act there shall be inserted the following section—

“15A Payments etc. in community-based housing associations in Scotland.

- (1) In relation to a community-based housing association in Scotland the following are also permitted, notwithstanding section 15(1) of this Act—

- (a) payments made by the association in respect of the purchase of a dwelling, or part of a dwelling, owned and occupied by a person described in subsection (2) below who is not an employee of the association; but only if—
 - (i) such payments constitute expenditure in connection with housing projects undertaken for the purpose of improving or repairing dwellings, being expenditure in respect of which housing association grants may be made under section 41(1) of this Act; and
 - (ii) the purchase price does not exceed such value as may be placed on the dwelling, or as the case may be part, by the district valuer;
- (b) the granting of the tenancy of a dwelling, or part of a dwelling, to such a person; but only if the person—
 - (i) lives in the dwelling or in another dwelling owned by the association ; or
 - (ii) has at any time within the period of twelve months immediately preceding the granting of the tenancy lived in the dwelling (or such other dwelling) whether or not it belonged to the housing association when he lived there.

- (2) The persons mentioned in subsection (1) above are—

- (a) a committee member or voluntary officer of the association; or

- (b) a person who at any time in the twelve months preceding the payment (or as the case may be the granting of the tenancy) has been such a member or officer ; or
 - (c) a close relative of a person described in paragraph (a), or (b), above.
- (3) For the purposes of subsection (1) above, a housing association is " community-based " if it is designated as such by the Housing Corporation.
- (4) The Housing Corporation—
- (a) shall make a designation under subsection (3) above only if it considers that the activities of the housing association relate wholly or mainly to the improvement of dwellings, or the management of improved dwellings, within a particular community (whether or not identified by reference to a geographical area entirely within any one administrative area); and
 - (b) may revoke such a designation if it considers, after giving the association an opportunity to make representations to it as regards such revocation, that the association's activities have ceased so to relate.”.

15 Extension of sections 44 and 45 of 1985 Act to Scotland

Sections 44 (projects qualifying for housing association grant: repair or improvement after exercise of right to buy etc.) and 45 (projects qualifying for such grant: disposal to tenant of charitable housing association etc.) of the 1985 Act shall apply to Scotland ; and accordingly—

- (a) in the said section 44—
 - (i) in subsection (1), after the word "exercise" there shall be inserted the word " — (a) "; and after the words " 1985 " there shall be inserted the following paragraph—

“; or

 - (b) in Scotland, his right to purchase under section 1 of the Tenants' Rights, Etc. (Scotland) Act 1980,”;
 - (ii) in subsection (2), after the word " exercised " there shall be inserted the word " — (a) "; and after the word " lease " there shall be inserted the following paragraph—

“; or

 - (b) in Scotland, the right to purchase,”; and
 - (iii) for subsection (3) there shall be substituted the following subsection—

“(3) " Dwelling-house ", in the application of this section to—

 - (a) England and Wales, has the same meaning as in Part V of the Housing Act 1985; and
 - (b) Scotland, means a house.”; and
- (b) in the said section 45—
 - (i) in subsection (2), after the word "for" there shall be inserted the word " — (a) " and at the end there shall be added the following words—

“; or

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- (b) subsection (11)(e) or (f) of section 1 of the Tenants' Rights, Etc. (Scotland) Act 1980 (analogous Scottish provision) would have a right to purchase under that section.”;
- (ii) in subsection (3), at the end there shall be added the words " ; and a dwelling is also publicly funded for this purpose if it is in Scotland and housing association grant has been paid in respect of a project which included its improvement or repair or, where it and another dwelling are both provided for letting under the project, the improvement or repair of that other dwelling. ";
- (iii) in subsection (4), at the beginning there shall be inserted the words " In England and Wales, " ; and
- (iv) after subsection (4) there shall be added the following subsection—
 - “(5) In Scotland, where a registered housing association concludes missives for the acquisition of a house and, without taking title, disposes of its interest to a tenant to whom this section applies, subsection (1) and the following provisions have effect as if the association first acquired the house and then disposed of it to the tenant—
 - section 8 (disposal of land by registered housing associations),
 - section 9 (consent of Housing Corporation to disposals),
 - section 79(2) (power of Housing Corporation to lend to person acquiring interest from registered housing association), and
 - section 6 of the Tenants' Rights, Etc. (Scotland) Act 1980 (recovery of discount on early re-sale).”.

16 Repayment of housing association grant

- (1) In section 52 of the 1985 Act (reduction, suspension or reclamation of housing association grant), at the end of subsection (1) there shall be added the following words—
 - “or
 - (f) there is paid to the association, in respect of land to which the grant relates, an amount payable in pursuance of section 6 of the Tenants' Rights Etc. (Scotland) Act 1980 (recovery of discount on early re-sale), or
 - (g) in Scotland, there is paid to the association, in respect of land to which the grant relates, an amount payable as regards the purchase, under a shared ownership agreement, of a *pro indiviso* share in a dwelling by a person who already has such a share in the dwelling under that agreement.”.
- (2) In subsection (3)(b) of the said section 52, for the words " or (e) " there shall be substituted the words " (e), (f) or (g) ".

Housing Expenditure and Grants

17 Precondition as regards use of renewal and repairs fund for certain housing expenditure

In paragraph 22(2) of Schedule 3 to the Local Government (Scotland) Act 1975 (restrictions on use of capital and renewal and repair funds), after the word "restaurant" there shall be inserted the words " ; and if the renewal and repair fund is used so to meet expenditure incurred by the authority in relation to any house, or other property, to which their housing revenue account relates, the amount in question shall, subject to paragraph 1(7) of Schedule 4 to the Housing (Financial Provisions (Scotland) Act 1972, first to be carried to the credit of that account ".

18 Grants to Scottish Special Housing Association and development corporations

(1) In section 4 of the Housing (Financial Provisions) (Scotland) Act 1978 (grants to Scottish Special Housing Association and development corporations)—

(a) for subsection (1) there shall be substituted the following subsection—

“(1) The Secretary of State may each year make grants, of such amount and subject to such conditions as he may determine, to the Scottish Special Housing Association (in this Act referred to as " the Association ") and to development corporations in accordance with the provisions of this section.”; and

(b) in subsection (2), for the words from " calculated " to " State " there shall be substituted the words " approved by the Secretary of State and calculated in accordance with rules made by him ".

(2) After the said section 4 there shall be inserted the following section—

“4A Grants for affording tax relief to Scottish Special Housing Association.

(1) The Secretary of State may, on the application of the Association, make grants to the Association for affording relief from—

(a) income tax (other than income tax which the Association is entitled to deduct on making any payment); and

(b) corporation tax.

(2) A grant under this section shall be of such amount, shall be made at such times and shall be subject to such conditions as the Secretary of State thinks fit.

(3) The conditions mentioned in subsection (2) above may include conditions for securing the repayment in whole or in part of a grant made to the Association in the event of tax in respect of which the grant was made subsequently being found not to be chargeable or in such other events as the Secretary of State may determine.

(4) An application under this section shall be made in such manner and shall be supported by such evidence as the Secretary of State may direct.

(5) The Commissioners of Inland Revenue and their officers may disclose to the Secretary of State such particulars as he may reasonably require for

determining whether a grant should be made under this section or whether a grant so made should be repaid or the amount of such grant or repayment.”.

Amendment of Building (Scotland) Act 1959

19 Amendment of Building (Scotland) Act 1959

- (1) The Building (Scotland) Act 1959 shall be amended in accordance with the following provisions of this section.
- (2) In section 3 (4) (b) (circumstances in which building standards regulations are not to apply), after the words " exempted classes " there shall be inserted the words " , to such extent as may be specified in the regulations ".
- (3) For section 4B (power of Secretary of State to approve types of building, etc.), there shall be substituted the following section—

“4B Class warrants.

- (1) The following provisions of this section shall have effect with a view to enabling the Secretary of State, on an application being made to him under this section, to issue a certificate (to be known as a " class warrant") that a particular design (including specification of materials) of building conforms, either generally or in any class of case, to particular provisions of the building standards regulations.
- (2) A person intending to apply for a class warrant under this section shall send a copy of the prospective application in the prescribed manner to a body designated by the Secretary of State which, if it is satisfied that the design in respect of which the warrant is sought conforms to the building standards regulations, shall recommend that the class warrant be issued.
- (3) An application to the Secretary of State for a class warrant under this section shall be made in the prescribed manner and shall be accompanied by a relevant recommendation made under subsection (2) above.
- (4) The Secretary of State may, where a recommendation under subsection (2) above is made in respect of a design of building, issue a class warrant in respect of that design ; and a class warrant so issued shall be accepted by a local authority as conclusive of the matters stated therein.
- (5) A body designated under subsection (2) above may charge such fee for considering a design in respect of which a copy application has been sent to it under that subsection as may be agreed between the applicant and the body.
- (6) A class warrant shall, if it so provides, cease to have effect at the end of such period as may be specified in it.
- (7) The Secretary of State may at any time vary or revoke a class warrant; but before doing so he shall give the person on whose application it was issued reasonable notice that he proposes so to do.
- (8) Where the Secretary of State varies or revokes a class warrant he shall publish notice of that fact in such manner as he thinks fit.

- (9) There may be prescribed—
- (a) the type, part or parts of building to which the provisions of this section shall apply ;
 - (b) the terms and conditions on which a class warrant may be issued ;
 - (c) procedures incidental to any provisions of this section;
 - (d) the fee, if any, to be charged for issuing a class warrant;
 - (e) any variations in the design of building which will be permitted.
- (10) Where a fee is chargeable by virtue of subsection (9)(d) above, the regulations under which it is chargeable may make different provision (which, without prejudice to the generality of this subsection, may include provision for remission of the fee in whole or in part) for—
- (a) different cases or classes of case ; or
 - (b) different circumstances or classes of circumstances,
- (difference being determined by reference to any factor or factors whatsoever).”
- (4) After section 6 there shall be inserted the following section—

“6AA Self-certification of design.

- (1) On making an application for a warrant under section 6 of this Act, an applicant may submit a certificate issued under this section certifying that the design (including the specification of material to be used) of the building complies with building standards regulations prescribed under paragraph (a) of subsection (2) below ; and in determining whether to issue the warrant, the local authority shall accept the certificate as conclusive of the facts to which it relates.
- (2) There may be prescribed—
- (a) the part or parts of the building standards regulations in relation to which a certificate under this section may be submitted and different provision may be made in respect of different parts of the regulations and in respect of different types of building ;
 - (b) whether or not by reference to specific criteria, such person or persons as shall be entitled to issue such certificate ;
 - (c) the form of such certificate ;
 - (d) the drawings, plans, specifications or other material which shall be submitted with the certificate.”.
- (5) In section 9 (certificate of completion), after subsection (2) there shall be inserted the following subsection—
- “(2A) Where the Secretary of State has issued a relevant class warrant, a local authority shall grant a certificate of completion in respect of any building unless—
- (i) the approved design (or an approved variation) has not been complied with whether by reason of faulty workmanship or otherwise; or
 - (ii) the building standards regulations in relation to any part of the building to which section 4B of this Act does not apply have not been complied with.”.

- (6) For section 20 (fees chargeable by local authorities) there shall be substituted the following section—

“20 Fees chargeable by local authorities.

- (1) A local authority may in respect of the performance of their functions under this Act charge such fees as may be prescribed; but there may also be prescribed cases or classes of case for which, or circumstances or classes of circumstances where, no fee shall be chargeable.
- (2) Where a fee is chargeable by virtue of subsection (1) above, the regulations under which it is so chargeable may make different provision (which, without prejudice to the generality of this subsection, may include provision for remission of the fee in whole or in part) for—
- (a) different cases or classes of case ;
 - (b) different circumstances or classes of circumstances ;
 - (c) different items or classes of business,
- (difference being determined by reference to any factor or factors whatsoever).”.

Amendment of Land Compensation (Scotland) Act 1973

20 Compensation for person displaced from dwelling-house let under secure tenancy

- (1) The Land Compensation (Scotland) Act 1973 shall be amended in accordance with the following provisions of this section.
- (2) In section 27(1) (right to home loss payment where person displaced from dwelling)—
- (a) after paragraph (e) there shall be inserted the following paragraph—

“(f) an order for recovery of possession of the dwelling under section 15(2) of the Tenants' Rights, Etc. (Scotland) Act 1980, on the ground set out in paragraph 10 of Part I of Schedule 2 to that Act,”; and
 - (b) after sub-paragraph (v) there shall be inserted the following sub-paragraph—

“(vi) where paragraph (f) above applies, the landlord.”.
- (3) In section 29 (supplementary provisions about home loss payments), after subsection (7) there shall be inserted the following subsection—
- “(7AA) If a landlord recovers possession of a dwelling by agreement—
- (a) after serving notice under section 14 of the Tenants' Rights, Etc. (Scotland) Act 1980 on the tenant specifying the ground set out in paragraph 10 of Part I of Schedule 2 to that Act; or
 - (b) where, but for that agreement, it would have served such notice on him specifying that ground,
- it may, in connection with the recovery, make to him a payment corresponding to any home loss payment which it would be required to make to him if the recovery were by order under section 15(2) of that Act.”.

Amendment of Housing (Homeless Persons) Act 1977

21 Functions of local authorities with respect to persons who are homeless or threatened with homelessness

- (1) The Housing (Homeless Persons) Act 1977 shall be amended in accordance with the following provisions of this section.
- (2) In section 1(2) (homeless persons and persons threatened with homelessness) after paragraph (c) there shall be inserted the following paragraph—
 - “(d) it is overcrowded as denned in section 89 of the Housing (Scotland) Act 1966 and may endanger the health of the occupants.”
- (3) In section 4 (duties of housing authorities to homeless persons and persons threatened with homelessness) after subsection (6) there shall be inserted the following subsection—
 - “(7) Where a local authority has a duty under subsections (4) and (5) above "accommodation" shall be denned as accommodation that shall not be overcrowded as denned in section 89 of the Housing (Scotland) Act 1966 and which does not pose a threat to the health of the occupants.”.

Supplemental

22 Interpretation

In this Act—

- " the 1980 Act " means the Tenants' Rights, Etc. (Scotland) Act 1980; and
- "the 1985 Act" means the Housing Associations Act 1985.

23 Consequential, transitional and supplementary provision

- (1) The Secretary of State may by order made by statutory instrument make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or proper for giving full effect to, or in consequence of any of the provisions of, this Act.
- (2) A statutory instrument made under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Paragraph 7(a)(ii) and (6)(ii) of Schedule 1 to this Act shall have no effect as regards any case in which repayment has become exigible under subsection (1) of section 6 of the 1980 Act before the coming into force of that paragraph ; but in any other case the terms of any standard security, offer to sell or concluded missives shall, in so far as they are inconsistent with the period of years specified in that subsection, or with the proportions specified in subsection (3) of that section, have effect as if so modified as to obviate that inconsistency.

24 Expenses

There shall be paid out of the money provided by Parliament any—

- (a) sums required by the Secretary of State for making grants, loans or other payments by virtue of this Act;

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- (b) administrative expenses incurred by him by virtue of this Act;
- (c) increase attributable to the provisions of this Act in the sums which under any other enactment are paid out of money so provided.

25 Minor amendments and repeals

- (1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified, (being minor amendments or amendments consequential on the provisions of this Act).
- (2) The enactments specified in Schedule 3 to this Act are repealed to the extent specified in the third column of that Schedule.

26 Citation, commencement and extent

- (1) This Act may be cited as the Housing (Scotland) Act 1986.
- (2) This Act, except this section, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be so appointed for different provisions and for different purposes.
- (3) This Act applies to Scotland only.

SCHEDULES

SCHEDULE 1

Section 12.

AMENDMENT OF 1980 ACT

- 1 In section 1 (secure tenant's right to purchase)—
- (a) in subsection (1A)—
 - (i) after the word " Act" there shall be inserted the word " —(a) ";
 - (ii) in the proviso, for the word " subsection" there shall be substituted the word " paragraph "; and
 - (iii) after the proviso there shall be added the following paragraph—
 - “(b) a landlord mentioned in paragraph (a) or (ad) of section 10(2) of this Act is required neither to enter into, nor to induce (or seek to induce) any person to enter into, such agreement as is mentioned in paragraph (a) above or into any agreement which purports to restrict that person's rights under this Act.”;
 - (b) in subsection (4)(d), for the words " over the age of 18 years and at the relevant date the dwelling-house has been their only or principal home for a continuous period of 6 months, and" there shall be substituted the words " at least 18 years of age, that they have, during the period of 6 months ending with the relevant date, had their only or principal home with the tenant and that ";
 - (c) in subsection (5)—
 - (i) for the words " subsection (7)" there shall be substituted the words " subsections (7) and (7A) "; and
 - (ii) in paragraph (b)(ii), for the words "tenant or by any one of the joint tenants or by his spouse " there shall be substituted the words " appropriate person ";
 - (d) after subsection (5) there shall be inserted the following subsection—
 - “(5A) for the purposes of subsection (5)(b)(ii) above, the " appropriate person " is the tenant or, if it would result in a higher discount and if she is cohabiting with him as at the relevant date, his spouse ; and where joint tenants are joint purchasers the " appropriate person" shall be whichever tenant (or as the case may be spouse) has the longer or longest such occupation.”;
 - (e) in subsection (10)—
 - (i) after paragraph (d) there shall be inserted the following paragraphs—
 - “(dd) a registered housing association within the meaning of the Housing Associations Act 1985 ;
 - (ddd) the Housing Corporation ;”;

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- (ii) in paragraph (h), for the words " or section 19(9)(b) of the Police (Scotland) Act 1967 " there shall be substituted the words " , as read with subsection (9)(b) of section 19, of the Police (Scotland) Act 1967 or a joint police committee constituted by virtue of subsection (2)(b) of the said section 19 ";
 - (iii) in paragraph (i). after the words " 1959" there shall be inserted die words " (or a joint committee constituted by virtue of section 36(4) (b) of the Fire Services Act 1947) " ; and
 - (iv) in paragraph (l). for the words " by the tenant or occupier " there shall be substituted the words " , whether by the tenant or his spouse, " ;
- (f) in subsection (11)—
- (i) in paragraph (a), for the words " of paragraphs (a), (b) or (c)" there shall be substituted the words " paragraph, other than (g), " ; and
 - (ii) at the end of paragraph (c) there shall be added the following paragraphs—
 - “;
 - (d) where a landlord mentioned in paragraph (e) of section 10(2) of this Act has at no time received a grant under—
 - (i) any enactment mentioned in paragraph 2 of Schedule 1 to the Housing Associations Act 1985 (grants under enactments superseded by the Housing Act 1974);
 - (ii) section 31 of the Housing Act 1974 (management grants);
 - (iii) section 41 of the Housing Associations Act 1985 (housing association grants);
 - (iv) section 54 of that Act (revenue deficit grants);
 - (v) section 55 of that Act (hostel deficit grants); or
 - (vi) section 59(2) of that Act (grants by local authorities); or
 - (e) where a landlord so mentioned has at no time let (or had available for letting) more than 100 dwellings; or
 - (f) where a landlord so mentioned is a charity—
 - (i) entered in the register of charities maintained under the Charities Act 1960 by the Charity Commissioners for England and Wales; or
 - (ii) which but for section 4(4) of, and paragraph (g) of the Second Schedule to, that Act (exempt charities) would require to be so entered; or
 - (g) where by virtue of section 49(2) of the said Act of 1960 (extent) a landlord so mentioned is not one to

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which Part II of that Act (registration of charities etc.) applies, but—

- (i) the landlord has, in respect of all periods from 14th November 1985, or from the date of first being registered by the Housing Corporation (whichever is the later), claimed and been granted (whether or not retrospectively) under section 360(1) of the Income and Corporation Taxes Act 1970 (special exemptions for charities) exemption from tax ; and
 - (ii) where such exemption has not been claimed and granted in respect of all periods from the said date of registration, the rules of the landlord, registered under the Industrial and Provident Societies Act 1965 and in force at that date were such as would have admitted of such exemption had it been claimed as at that date ; or
- (h) where, within a neighbourhood, the dwelling-house is one of a number (not exceeding 14) of dwelling-houses with a common landlord, being a landlord so mentioned, and it is the practice of that landlord to let at least one half of those dwelling-houses for occupation by any or all of the following—
- (i) persons who have suffered from, or are suffering from, mental disorder (as defined in the Mental Health (Scotland) Act 1984), physical handicap or addiction to alcohol or other drugs ;
 - (ii) persons who have been released from prison or other institutions ;
 - (iii) young persons who have left the care of a local authority, and a social service is, or special facilities are, provided wholly or partly for the purpose of assisting those persons.”;
- (g) after subsection (11) there shall be inserted the following subsections—
- “(11A) The Secretary of State may by order amend, or add to, the list of classes set out in sub-paragraphs (i) to (iii) of paragraph (h) of subsection (11) above.
 - (11B) The Commissioners of Inland Revenue shall, as regards any registered housing association, at the request of the Secretary of State, provide him and the Housing Corporation with such information as will enable them to determine whether that association is a landlord in respect of which this section will not, by virtue of subsection (11) (g) above, apply; and where a registered housing association is refused exemption on a claim

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under section 360(1) of the Income and Corporation Taxes Act 1970 the Commissioners shall forthwith inform the Secretary of State and the Housing Corporation of that fact.

(11C) Where information has been received by the Housing Corporation under subsection (11B) above and having regard to that information the Corporation is satisfied that the housing association to which it relates is not a landlord in respect of which this section applies, they shall make an entry to that effect in the register of housing associations maintained by them under section 3(1) of the Housing Associations Act 1985 ; and they shall cancel that entry where subsequent information so received in relation to that housing association is inconsistent with their being so satisfied.”; and

- (h) in subsection (12), in the definition of " occupation "—
- (i) for paragraph (iii) there shall be substituted the following paragraphs—
 - “(iii) as a child, or as the spouse of a child, of a person mentioned in paragraph (i) above who has succeeded, directly or indirectly, to the rights of that person in a dwelling-house occupation of which would be reckonable for the purposes of this section; but only in relation to any period when the child, or as the case may be spouse of the child, is at least 16 years of age ; or
 - (iv) in the discretion of the landlord, as a member of the family of a person mentioned in paragraph (i) above who, not being that person's spouse or child (or child's spouse), has succeeded, directly or indirectly, to such rights as are mentioned in paragraph (iii) above ; but only in relation to any period when the member of the family is at least 16 years of age ; and”;
 - (ii) for the word " disregarded" there shall be substituted the words " regarded as not affecting continuity ";
 - (iii) for the word " subsection" there shall be substituted the words " subsections (3) and " ; and
 - (iv) for the words "in connection with service by the tenant or occupier as a member of the regular armed forces of the Crown " there shall be substituted the words " as is mentioned in subsection (10)(f) above ".

2 In section 1A(2) (restriction on order vesting in landlord heritable proprietor's interest), for the words " of paragraphs (a), (b), (c) and (f) " there shall be substituted the words " paragraph, other than (8). " .

3 After section 1A there shall be inserted the following section—

“1B Provision of information to secure tenants.

- (1) Whenever a new secure tenancy is to be created, if—
- (a) by virtue of subsection (II) of section 1 of this Act, the dwelling-house is not one to which that section applies; or
 - (b) subsection (7) or (7A) of that section may (assuming no change in the date for the time being specified in the former subsection and disregarding any order made, or which might be made, by the Secretary of State under section 3(4)(b) of the Housing (Scotland)

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- Act 1986) affect any price fixed, as regards the dwelling-house, under subsection (5) of that section,
the landlord shall so inform the prospective tenant by written notice.
- (2) Where in the course of a secure tenancy the dwelling-house, by virtue of subsection (11) of the said section 1, ceases to be one to which that section applies, the landlord shall forthwith so inform the tenant by written notice.”.
- 4 In section 2(6) (time for serving notice of acceptance), after sub-paragraph (iiia) there shall be inserted the following sub-paragraph—
“(iiib) a finding or determination by the Lands Tribunal for Scotland in a matter referred to it under subsection (2)(d) of the said section 7 where no order is made under the said subsection (3)(b) ;”.
- 5 In section 4—
(a) in subsection (7)(a) (order affecting right of pre-emption where unreasonable proportion of dwelling-houses in rural area sold other than as principal homes), for the words "the number of dwelling-houses of which the council concerned is the landlord at the date of commencement of this Part of this Act" there shall be substituted the words " all relevant dwelling houses " ; and
(b) after subsection (7) there shall be inserted the following subsection—
“(7A) For the purposes of subsection (7)(a) above, a " relevant dwelling house " is one of which, at the date of—
(a) commencement of this Part of this Act, the council concerned; or
(b) coming into force of paragraph 5 of Schedule 1 to the Housing (Scotland) Act 1986, a registered housing association,
is landlord.”.
- 6 In section 5(1) (loan to purchase dwelling-house), after the word " body; " there shall be inserted the following paragraph—
“(aa) in the case where the landlord is the Housing Corporation or a registered housing association, to the Housing Corporation;”.
- 7 In section 6 (recovery of discount on early re-sale)—
(a) in subsection (1), for the words—
(i) from " (otherwise than" to " compulsory purchase) " there shall be substituted the words—
“(except as provided for in section 6A of this Act)”;
(ii) " 5 years " there shall be substituted the words " 3 years " ; and
(iii) "a proportion of the discount under section 1(5)(b) of this Act in accordance with subsection (3) below " there shall be substituted the words " , in accordance with subsection (3) below, a proportion of the difference between the market value determined, in respect of the dwelling-house, under section 1(5)(a) of this Act and the price at which the dwelling-house was so purchased " ;
(b) in subsection (3)—

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- (i) for the word " discount" there shall be substituted the word " difference ";
- (ii) for the words from " 80 " to the end there shall be substituted the words " 66 per cent where it occurs in the second such year and 33 per cent where it occurs in the third such year. ";
- (c) in subsection (5), at the end there shall be added the words " For the avoidance of doubt, paragraph (a) above applies to a standard security granted in security both for the purpose mentioned in sub-paragraph (i) and for that mentioned in sub-paragraph (ii) thereof as it applies to a standard security so granted for but one of those purposes. " ; and
- (d) in each of subsections (5) and (6), for the words " repay a proportion of discount under this section" there shall be substituted the words " make a repayment under subsection (1) above ".

8 After section 6 there shall be inserted the following section—

“6A Cases where discount etc. is not recoverable.

- (1) There shall be no liability to make a repayment under section 6(1) of this Act where the disposal is made—
 - (a) by the executor of the deceased owner acting in that capacity; or
 - (b) as a result of a compulsory purchase order ; or
 - (c) in the circumstances specified in subsection (2) below.
- (2) The circumstances mentioned in subsection (1)(c) above are that the disposal—
 - (a) is to a member of the owner's family who has lived with him for a period of 12 months before the disposal; and
 - (b) is for no consideration:

Provided that, if the donee disposes of the house before the expiry of the 3 year period mentioned in subsection (1) of section 6 of this Act, the provisions of that section will apply to him as if this was the first disposal and he was the original purchaser.”.

9 In section 8(1) (powers of local authorities to sell houses), for the words "Notwithstanding anything contained in any" there shall be substituted the words " Subject to section 74(2) of the Local Government (Scotland) Act 1973 (restriction on disposal of land) but notwithstanding anything contained in any other ".

10 In section 10(4)(6) (application of certain provisions to tenancies which are not secure tenancies), after the word "2" there shall be inserted the words " or 9 ".

11 In section 13(2) (succession to secure tenancy)—

- (a) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) a person whose only or principal home at the time of the tenant's death was the dwelling house and who was at that time either—
 - (i) the tenant's spouse ; or
 - (ii) living with the tenant as husband and wife ;”;
- (b) in paragraph (c), for the word " over " there shall be substituted the words " who has attained " .

- 12 In section 15 (power of court to adjourn proceedings for possession of dwelling-house)—
- (a) in subsection (1), for the words from "1 to" to "Part I" there shall be substituted the words " 1 to 7 and 16 of Part I ";
 - (b) for subsection (2) there shall be substituted the following subsection—
 - “(2) Subject to subsection (1) above, in proceedings under the said section 14 the court shall make an order for recovery of possession if it appears to the court that the landlord has a ground for recovery of possession, being—
 - (a) a ground set out in any of paragraphs 1 to 5, 7 and 16 of the said Part I and specified in the notice required by the said section 14 and that it is reasonable to make the order ; or
 - (b) a ground set out in any of paragraphs 8 to 15 of the said Part I and so specified and that other suitable accommodation will be available for the tenant when the order takes effect; or
 - (c) the ground set out in paragraph 6 of the said Part I and so specified and both that it is reasonable to make the order and that other suitable accommodation will be available as aforesaid,”; and
 - (c) in subsection (3), after the words " (2)(b)" there shall be inserted the words " or (c) ".

- 13 For section 26 (restriction on residential requirements) there shall be substituted the following sections—

“26 Admission to housing list.

- (1) In considering whether an applicant for local authority housing is entitled to be admitted to a housing list, an islands or district council shall take no account of—
 - (a) the age of the applicant provided that he has attained the age of 16 years ; or
 - (b) the income of the applicant and his family ; or
 - (c) whether, or to what value, the applicant or any of his family owns or has owned (or any of them own or have owned) heritable or moveable property ; or
 - (d) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any dwelling-house of which the applicant is not, and was not when the liability accrued, a tenant; or
 - (e) whether the applicant is living with, or in the same dwelling-house as—
 - (i) his spouse ; or
 - (ii) a person with whom he has been living as husband and wife.
- (2) Where an applicant—
 - (a) is employed in the area of the islands or district council; or
 - (b) has been offered employment in the area of the council; or
 - (c) wishes to move into the area of the council and the council is satisfied that his purpose in doing so is to seek employment; or

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- (d) has attained the age of 60 years and wishes to move into the area of the council to be near a younger relative; or
 - (e) has special social or medical reasons for requiring to be housed within the area of the council,
- admission to a housing list shall not depend on the applicant being resident in the area.
- (3) Where an islands or district council has rules which give priority to applicants on its housing list it shall apply those rules to an applicant to whom subsection (2) above applies no less favourably than it applies them to a tenant of the council whose housing needs are similar to those of the applicant and who is seeking a transfer to another dwelling-house belonging to the council.
- (4) In this section and in section 27 of this Act " housing list" means a list of applicants for local authority housing which is kept by an islands or district council in connection with allocation of housing.

26A Allocation of local authority housing.

In the allocation of local authority housing an islands or district council—

- (a) shall take no account of—
 - (i) the length of time for which an applicant has resided in its area; or
 - (ii) any of the matters mentioned in paragraphs (a) to (d) of section 26(1) of this Act; and
- (b) shall not impose a requirement—
 - (i) that an application must have remained in force for a minimum period ; or
 - (ii) that a divorce or judicial separation be obtained; or
 - (iii) that the applicant no longer be living with, or in the same dwelling-house as, some other person,

before the applicant is eligible for the allocation of housing.”.

14 In section 27(2A) (certain registered housing association rules to be available for perusal), for the words " (1A)(a)(ii)" there shall be substituted the words " (1A)(b)(i) ".

15 In section 30—

- (a) in subsection (4) (home loan interest rate chargeable) at the beginning there shall be inserted the words " Subject to subsection (8) below, "; and
- (b) for subsection (8) (variation of home loan interest rate), there shall be substituted the following subsections—

“(8) Where the declaration of a new standard rate or, as the case may be, the determination of a new locally determined rate, affects the rate of interest chargeable under subsection (4) above by an islands or district council the council shall, as soon as practicable after such declaration or determination, serve in respect of each of its variable interest home loans a notice on the borrower which shall, as from the appropriate day—

- (a) vary the rate of interest payable by him; and

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- (b) where, as the result of the variation, the amount outstanding under the advance or security would increase if the periodic repayments were not increased, increase the amount of the periodic repayments to such an amount as will ensure that the said outstanding amount will not increase.
- (8A) In subsection (8) above, " the appropriate day " means such day as shall be specified in the notice, being—
- (a) in the case of a new standard rate, a day not less than 2 weeks, nor more than 6 weeks, after service of the notice; and
- (b) in the case of a new locally determined rate, the first day of the relevant period of 6 months.”.
- 16 In section 82 (interpretation), for the definition of "family" there shall be substituted the following definition—
- “" family ", and any reference to membership thereof, shall be construed in accordance with section 82A of this Act;”.
- 17 After section 82 there shall be inserted the following section—

“82A Members of a person's family.

- (1) A person is a member of another's family for the purposes of this Act if—
- (a) he is the spouse of that person or he and that person live together as husband and wife ; or
- (b) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purposes of subsection (1)(b) above—
- (a) a relationship by marriage shall be treated as a relationship by blood;
- (b) a relationship of the half-blood shall be treated as a relationship of the whole blood ;
- (c) the stepchild of a person shall be treated as his child; and
- (d) an illegitimate child shall be treated as the legitimate child of his mother and reputed father.”.
- 18 At the end of Schedule 1 (tenancies which are not secure tenancies) there shall be added the following cross-headings and paragraphs—

“Police and fire authorities

- 8 A tenancy shall not be a secure tenancy if the landlord is an authority or committee mentioned in— (a) section 10(2)(h) of this Act and the tenant—
- (i) is a constable of a police force, within the meaning of the Police (Scotland) Act 1967, who in pursuance of regulations under section 26 of that Act occupies the dwelling-house without obligation to pay rent or rates ; or
- (ii) in a case where head (i) above does not apply, is let the dwelling-house expressly on a temporary basis pending its being required for the purposes of such a police force; or

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- (b) section 10(2)(i) of this Act and the tenant—
 - (i) is a member of a fire brigade, maintained in pursuance of the Fire Services Act 1947, who occupies the dwelling-house in consequence of a condition in his contract of employment that he live in close proximity to a particular fire station ; or
 - (ii) in a case where head (i) above does not apply, is let the dwelling-house expressly on a temporary basis pending its being required for the purposes of such a fire brigade.

Dwelling-houses part of, or within curtilage of, certain other buildings

- 9 A tenancy shall not be a secure tenancy if the dwelling-house forms part of, or is within the curtilage of, a building which mainly—
 - (a) is held by the landlord for purposes other than the provision of housing accommodation ; and
 - (b) consists of accommodation other than housing accommodation.”.

- 19 In Part I of Schedule 2 (grounds on which courts may order recovery of possession of dwelling-house)—
 - (a) in paragraph 10—
 - (i) for the words "The landlord intends" there shall be substituted the words " It is intended ";
 - (ii) for the word "it" there shall be substituted the words " such demolition or work " ; and
 - (iii) for the words "do so without" there shall be substituted the words " take place without the landlord " ; and
 - (b) at the end there shall be added the following paragraph—
 - “16 The tenant is the person, or one of the persons, to whom the tenancy was granted and the landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant.”.

SCHEDULE 2

Section 25(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Building (Scotland) Act 1959 (c. 24)

- 1 In section 17(2) of the Building (Scotland) Act 1959 (restriction on effect of requirement to demolish, or carry out operations in relation to, a building), after paragraph (b) there shall be inserted the following paragraph—
 - “(bb) a building to which section 262A of the said Act of 1972 (control of demolition in conservation areas) applies ;”.

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The Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)

- 2 In the proviso to paragraph 2 of Schedule 4 to the Housing (Financial Provisions) (Scotland) Act 1972 (debts to housing revenue account in respect of loan charges payable as regards certain sold, or demolished, houses), for the words " to which the account relates and which is demolished after the coming into force of this Act or in respect of any house to which the account relates and which is " there shall be substituted the words "which, being a house to which the account related—
- (a) was demolished after the coming into force of this Act; or
 - (b) was ”.

The Land Tenure Reform (Scotland) Act 1974 (c. 38)

- 3 In section 8(7) of the Land Tenure Reform (Scotland) Act 1974 (saving)—
- (a) for the words " 1971 " there shall be substituted the words " 1984 or a secure tenancy within the meaning of the Tenants' Rights, Etc. (Scotland) Act 1980 " ; and
 - (b) for the words "that Act" there shall be substituted the words " either of those Acts ".

The Housing Associations Act 1985 (c. 69)

- 4 (1) The Housing Associations Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 8(1) (power of registered housing associations to dispose of land), after the word " buy" there shall be inserted the words " and Part I of the Tenants' Rights, Etc. (Scotland) Act 1980 (analogous Scottish provisions) ".
- (3) In section 15(1) (prohibition on payments etc. by certain registered housing associations), at the end there shall be added the words " or by section 15A of this Act".
- (4) In section 40 (index of defined expressions), after the entry relating to a shared ownership lease there shall be inserted the following entry—

“shared ownership agreement (in relation to section 106”.
Scotland)

- (5) In section 42 (projects qualifying for housing association grant r accommodation for letting, hostels), in subsection (2)(a)—
- (a) after the word " includes " there shall be inserted the words
“—(i) In England and Wales,”; and
 - (b) after the word " lease," there shall be inserted the following sub-paragraph—
“(ii) in Scotland, disposal under a shared ownership agreement,”.
- (6) In section 86 (Housing Corporation indemnities for building societies)—
- (a) in subsection (1)—
 - (i) after the words "building society" in each of the three places where they occur there shall be inserted the words " or recognised body " ; and

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- (ii) in paragraph (b), for the word " the" where it last occurs there shall be substituted the word " a ";
- (b) in subsection (2), after the words " building society " there shall be inserted the words " or recognised body ";
- (c) in subsection (5), after the words " building societies" there shall be inserted the words " or recognised bodies " ; and
- (d) at the end there shall be added the following subsections—
- “(6) In this section, " recognised body " means a body designated, or of a class or description designated, in an order made under this subsection by statutory instrument by the Secretary of State with the consent of the Treasury.
- (7) Before making an order under subsection (6) above varying or revoking an order previously so made, the Secretary of State shall give an opportunity for representations to be made on behalf of a recognised body which, if the order were made, would cease to be such a body.”.
- (7) In section 106 (interpretation), at the end there shall be added the following subsection—
- “(3) In the definition of " shared ownership agreement" in subsection (2) above, " approved" means approved by the Secretary of State after consultation with the Housing Corporation.”.
- (8) In section 107—
- (a) in subsection (3) (list of provisions of Act applying to England and Wales only), for the words "4(3)(g)" there shall be substituted the words " 4(3)(d) " ; and
- (b) in subsection (4) (list of provisions of Act applying to Scotland only), after the word " only—" there shall be inserted the words—
- “section 4(3)(h),
section 15A,”.

SCHEDULE 3

Section 25(2).

REPEALS

Chapter	Short title	Extent of repeal
10 & 11 Eliz.2. c. 37.	The Building Societies Act 1962.	In Schedule 3.3(2)(6), the word " and " where it first occurs.
1968 c. 31.	The Housing (Financial Provisions) (Scotland) Act 1968.	Section 25(1)(d).
1980 c. 52.	The Tenants' Rights, Etc. (Scotland) Act 1980.	In section 1(8), the word " and " at the end of paragraph (c).

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

Chapter	Short title	Extent of repeal
1985 c. 69.	The Housing Associations Act 1985.	<p>In section 1(11), the word " nor " at the end of paragraph (b).</p> <p>In section 10(2), the word " and " at the end of paragraph (f).</p> <p>In section 30(5), the words " and the standard rate shall be effective from the date when it is declared by the Secretary of State ".</p> <p>In Schedule 1, paragraph 1.</p> <p>Section 100.</p> <p>In section 106(2), the definition of " heritable security ".</p> <p>In section 107(3), the words "17(4), "; the words "sections 44 and 45, "; the word "(3)" where it occurs in the entry relating to section 52; and the words " section 105, ".</p>