



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART I

PROVISION OF HOUSING

Acquisition and disposal of land

12 Powers of dealing with land acquired or appropriated for purposes of this Part.

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part, then, without prejudice to any of their other powers under this Act, the authority may—
 - (a) lay out and construct roads and open spaces on the land;
 - (b) subject to subsection (5), sell or lease the land or part of the land to any person under the condition that that person will erect on it in accordance with plans approved by the local authority, and maintain, such number of houses of such types as may be specified by the authority, and when necessary will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority;
 - (c) subject to [F¹subsections (5) and (7)], sell or lease the land or excamb it for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange;
 - (d) subject to subsections (5) and (7), sell or lease any houses or any part share thereof on the land or erected by them on the land, subject to such conditions, restrictions and stipulations as they may think fit to impose in regard to the use of the houses or any part share thereof, and on any such sale they may agree to the price being secured by standard security over the subjects sold.
- (2) Where a local authority sell or lease land under subsection (1), they may contribute or agree to contribute towards the expenses of the development of the land and the

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laying out and construction of roads on the land, subject to the condition that the roads are dedicated to the public use.

- (3) Where a local authority have acquired a building which may be made suitable as a house, or a right or interest in such a building, they shall forthwith proceed to secure that it is so made suitable either by themselves executing any necessary work or by selling or leasing it to some person subject to conditions for securing that he will so make it suitable.
- (4) Where a local authority acquire any land for the purposes of section 9(1)(d)(iv), they may, subject to subsection (5), sell or lease the land to any person for the purpose and under the condition that that person will carry out on the land, in accordance with plans approved by the authority, the works with a view to the carrying out of which the land was acquired.
- (5) A local authority shall not, in the exercise of their powers under subsection (1)(b), (c) or (d), or subsection (4), dispose of land which consists or forms part of a common or open space or is held for use as allotments, except with the consent of the Secretary of State.
- (6) For the purposes of subsection (5), the consent of the Secretary of State may be given either generally to all local authorities, or to any class of local authorities, or may be given specifically in any particular case, and (whether given generally or otherwise) may be given either unconditionally or subject to such conditions as the Secretary of State may consider appropriate.
- (7) Notwithstanding anything in section 27(1) of the ^{M1}Town and Country Planning (Scotland) Act 1959 (power of local and other public authority to dispose of land without consent of a Minister), a local authority shall not, in the exercise of their powers under subsection [^{F2}(1)(c) or (d)], sell or lease any [^{F3}land, house or part share thereof] to which the housing revenue account kept under section 203 relates except with the consent of the Secretary of State unless [^{F4}, in the case of a house, it is one] to which section 14 applies; and, in giving his consent to such transactions as are referred to in this subsection, the Secretary of State may make general directions or a direction related to a specific transaction.
- (8) Subsection (7) shall not apply [^{F5}, in the case of a house,] where—
 - (a) the house is being sold to a tenant or to a member of his family who normally resides with him (or to a tenant together with members of his family, as joint purchasers); or
 - (b) the requirements of section 14(2)(b) are satisfied.
- (9) Subject to the provisions of the Town and Country Planning (Scotland) Act 1959, section 74 of the ^{M2}Local Government (Scotland) Act 1973 (which makes provision as to price and other matters relating to the disposal of land by local authorities) shall, subject to subsection (10), apply to any disposal of land by a local authority in the exercise of their powers under subsection (4), as it applies to the like disposal of land by a local authority within the meaning of the said Act of 1973 in the exercise of any power under Part VI of that Act.
- (10) The said section 74 shall not apply to the disposal of a house by a local authority, being a disposal in relation to which subsection (7) has effect.
- (11) For the purposes of this section land shall be taken to have been acquired by a local authority in the exercise (directly or indirectly) of compulsory powers if it was

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acquired by them compulsorily or was acquired by them by agreement at a time when they were authorised by or under any enactment to acquire the land compulsorily; but the land shall not be taken to have been so acquired, if the local authority acquired it (whether compulsorily or by agreement) in consequence of the service in pursuance of any enactment (including any enactment contained in this Act) of a notice requiring the authority to purchase the land.

Textual Amendments

- F1** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(a\)](#)
- F2** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(b\)\(i\)](#)
- F3** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(b\)\(ii\)](#)
- F4** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(b\)\(iii\)](#)
- F5** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 77\(c\)](#)

Modifications etc. (not altering text)

- C1** S. 12 excluded by [Local Government Act 1988 \(c. 9, SIF 81:1\)](#), s. 26(5)(c)
- C2** S. 12(7) restricted (1.11.2001) by [2001 asp 10](#), s. 76(2); S.S.I. 2001/336, art. 2(3), [Sch. Pt. II](#) (subject to [art. 3](#))
S. 12(7) restricted (1.11.2001) by [2001 asp 10](#), s. 76(1), [Sch. 9 para. 2\(1\)](#); S.S.I. 2001/336, art. 2(3), [Sch. Pt. II](#) (subject to [art. 3](#))

Marginal Citations

- M1** 1959 c. 70.
- M2** 1973 c. 65.

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Changes and effects yet to be applied to :

- s. 12(7) by [2001 asp 10 s. 76\(2\)](#)
- s. 12(7) by [2001 asp 10 Sch. 9 para. 2\(1\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)