



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART XVI

#### GENERAL AND MISCELLANEOUS

##### *Powers of Secretary of State*

- 329 Power of Secretary of State in event of failure of local authority to exercise powers.**
- (1) In any case where—
    - (a) a complaint has been made to the Secretary of State as respects the district of any local authority, by any four or more local government electors of the area, that the local authority have failed to exercise any of their powers under this Act in any case where those powers ought to have been exercised; or
    - (b) the Secretary of State is of opinion that an investigation should be made as to whether a local authority have so failed,the Secretary of State may cause a public local inquiry to be held.
  - (2) If, after the inquiry has been held, the Secretary of State is satisfied that there has been such a failure on the part of the local authority, he may, after giving the authority an opportunity of making representations, make an order enabling him to exercise such of those powers as may be specified in the order.
  - (3) Any expenses incurred by the Secretary of State in exercising such powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Secretary of State shall on demand be paid by the local authority to the Secretary of State and shall be recoverable as a debt due to the Crown.
  - (4) The payment of any such expenses shall, so far as the expenses are of a capital nature, be a purpose for which a local authority may borrow money.

---

**Changes to legislation:** *Housing (Scotland) Act 1987, Section 329 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (5) The Secretary of State may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the authority.
- (6) If an order made under subsection (2) is revoked, the Secretary of State may, either by the revoking order or by a supplementary order, make such provision as appears to him desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the Secretary of State in exercising the powers and duties to which the order so revoked related.

**Modifications etc. (not altering text)**

C1 S. 329 applied (27.8.1993) by 1993 c. 11, ss. 62(2)(a)(ii), 68(2).

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 329 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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\(40\)\(a\)\(b\)](#)