
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing (Scotland) Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

- F1** Sch. 1 repealed (1.11.2001) by 2001 asp 10, s. 112, **Sch. 10 para. 14(10)**; S.S.I. 2001/397, art. 2(2), **Sch. Table** (subject to transitional provisions in arts. 3-6)

Staff

- 9 The Secretary of State shall, after consultation with the chairman or person designated to be chairman, make the first appointment of the chief executive of Scottish Homes on such terms and conditions as he may ^{F1} . . . determine; and thereafter Scottish Homes may, with the approval of the Secretary of State, make subsequent appointments to that office on such terms and conditions as it may, with the approval of the Secretary of State ^{F2} . . . determine.

Textual Amendments

- F1** Words in **Sch. 1 para. 9** repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 92(9)(b)**, Pt. IV (with art. 5)
- F2** Words in **Sch. 1 para. 9** repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 92(9)(e)**, Pt. IV (with art. 5)

- 10 (1) Subject to paragraph 11 below, Scottish Homes may appoint on such terms and conditions as it may, with the approval of the Secretary of State ^{F3} . . . determine, such other employees as it thinks fit.
- (2) Scottish Homes shall, in respect of such of its employees as it may determine, with the approval of the Secretary of State ^{F3} . . . make such arrangements for providing pensions, allowances or gratuities as it may determine; and such arrangements may include the establishment and administration, by Scottish Homes or otherwise, of one or more pension schemes.
- (3) The reference in sub-paragraph (2) above to pensions, allowances or gratuities in respect of employees of Scottish Homes includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment or loss or diminution of emoluments.
- (4) The Secretary of State ^{F4} . . . may, by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, make regulations providing for—
- (a) the transfer to, and administration by, Scottish Homes of any superannuation fund maintained by the Scottish Special Housing Association in terms of the

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- provisions of any scheme made under section 7 of the ^{M1}Superannuation Act 1972;
- (b) the modification, for the purposes of the regulations, of the said section 7 or any scheme thereunder.
- (5) If an employee of Scottish Homes becomes a member of Scottish Homes and was by reference to his employment by Scottish Homes a participant in a pension scheme administered by it for the benefit of its employees—
- (a) Scottish Homes may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of Scottish Homes whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but
- (b) if Scottish Homes determines as aforesaid, any discretion as to the benefits payable to or in respect of him which the scheme confers on Scottish Homes shall be exercised only with the consent of the Secretary of State ^{F5} . . .

Textual Amendments

- F3** Words in [Sch. 1 para. 10\(1\)\(2\)](#) repealed (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 92\(9\)\(c\)](#), Pt. IV (with art. 5)
- F4** Words in [Sch. 1 para. 10\(4\)](#) repealed (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 92\(9\)\(b\)](#), Pt. IV (art. 5)
- F5** Words in [Sch. 1 para. 10\(5\)\(b\)](#) repealed (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, [Sch. 2 Pt. I para. 92\(9\)\(d\)](#), Pt. IV (with art. 5)

Marginal Citations

- M1** 1972 c. 11.

- 11 (1) Scottish Homes shall, not later than such date as the Secretary of State may determine, make an offer of employment by it to each person employed immediately before that date by—
- (a) the Scottish Special Housing Association;
- (b) the Housing Corporation, in connection with its functions in Scotland,
- and any question as to the persons to whom an offer of employment is to be made under this paragraph shall be determined by the Secretary of State.
- (2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
- (3) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months commencing with the date on which it is made.
- 12 (1) Where a person becomes an employee of Scottish Homes in consequence of an offer made under paragraph 11 above, then, for the purposes of [^{F6}the Employment Rights Act 1996], his period of employment with the Scottish Special Housing Association or, as the case may be the Housing Corporation, shall count as a period of employment by Scottish Homes, and the change of employment shall not break the continuity of the period of employment.
- (2) Where an offer is made in pursuance of paragraph 11(1) above to any person employed as is mentioned in that paragraph, none of the agreed redundancy

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procedures applicable to such a person shall apply to him and where that person ceases to be so employed—

- (a) on becoming a member of the staff of Scottish Homes in consequence of that paragraph; or
- (b) having unreasonably refused the offer,

^{F7} . . . he shall not be treated for the purposes of any scheme under section 24 of the ^{M2}Superannuation Act 1972 or any other scheme as having been retired on redundancy.

- (3) Without prejudice to sub-paragraph (2) above, where a person has unreasonably refused an offer made to him in pursuance of paragraph 11(1)(b) above the Housing Corporation shall not terminate that person's employment unless it has first had regard to the feasibility of employing him in a suitable alternative position with it.
- (4) Where a person continues in employment in the Scottish Special Housing Association or, as the case may be, the Housing Corporation either—
 - (a) not having unreasonably refused an offer made to him in pursuance of this paragraph; or
 - (b) not having been placed in a suitable alternative position as mentioned in sub-paragraph (3) above,

he shall be treated for all purposes as if the offer mentioned in paragraph 11(1) above had not been made.

Textual Amendments

F6 Words in [Sch. 1 para. 12\(1\)](#) substituted (22.8.1996) by [1996 c. 18, ss. 240, 243, Sch. 1 para. 39](#) (with [ss. 191-195, 202](#))

F7 Words in [Sch. 1 para. 12\(2\)](#) repealed (22.8.1996) by [1996 c. 18, ss. 242, 243, Sch. 3 Pt. I](#) (with [ss. 191-195, 202](#))

Marginal Citations

M2 [1972 c. 11.](#)

- 13 (1) Any dispute as to whether an offer under sub-paragraph (1) of paragraph 11 above complies with sub-paragraph (2) of that paragraph shall be referred to and be determined by an [^{F8}employment tribunal].
- (2) An [^{F8}employment tribunal] shall not consider a complaint referred to it under sub-paragraph (1) above unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.
- (3) Subject to sub-paragraph (4) below there shall be no appeal from the decision of an [^{F8}employment tribunal] under this paragraph.
- (4) An appeal to the Employment Appeal Tribunal may be made only on a question of law arising from the decision of, or in proceedings before, an [^{F8}employment tribunal] under this paragraph.

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Textual Amendments

- F8** Words in [Sch. 1 para. 13](#) substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)](#)(with s. 16(2)); [S.I. 1998/1658, art. 2\(1\)](#), [Sch. 1](#)

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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. 25ZB25ZC inserted (temp.) by [S.S.I. 2024/89 reg. 3\(1\)\(3\)](#)
- s. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)