
Changes to legislation: Housing (Scotland) Act 1988, SCHEDULE 9 is up to date with all changes known to be in force on or before 02 March 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

SCHEDULES

SCHEDULE 9

Section 72.

CONSEQUENTIAL AMENDMENTS

Land Compensation (Scotland) Act 1973 c. 56.

- 1 In section 27(4) (right to home loss payment) after paragraph (b) there shall be inserted the following paragraph—
- “(bb) a right to occupy the dwelling as a statutory assured tenant within the meaning of the Housing (Scotland) Act 1988;”.

Local Government, Planning and Land Act 1980 c. 65.

- 2 In Schedule 28, in paragraph 10 (urban development corporations, displacement of persons), after the ^{M1}words “Rent (Scotland) Act 1984” there shall be inserted the words “ or the Housing (Scotland) Act 1988 ”.

Marginal Citations

M1 1984 c. 58.

Matrimonial Homes (Family Protection) (Scotland) Act 1981 c. 59.

- 3 In section 22 (interpretation) in the definition of “tenant” for the words “Rent (Scotland) Act 1971” there shall be substituted the words “ Rent (Scotland) Act 1984 and a statutory assured tenant as defined in section 16(1) of the Housing (Scotland) Act 1988 ”.

Rent (Scotland) Act 1984 c. 58.

- 4 In section 103 (application to sheriff)—
- (a) in subsection (1) for the words from “a summary application” to the end there shall be substituted the words “ by way of summary application ”;
- (b) in subsection (2) for the word “paragraph” there shall be substituted the words “ paragraphs 2 and ”.
- 5 In Schedule 1 (statutory tenants by succession) in paragraph 2 for the word “his” there shall be substituted the words “ that spouse’s ”.

Housing Associations Act 1985 c. 69.

- ^{F16} In section 10(2)—
- (a) in paragraph (b) for the words “2 to 7 of Schedule 1 to the Tenants’ Rights, Etc. (Scotland) Act 1980” there shall be substituted the words “ 1 to 8 of Schedule 2 to the ^{M2}Housing (Scotland) Act 1987 ”;

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(b) F2]

Textual Amendments

F1 Sch. 9 para. 6 repealed (S.) (1.11.2001) by 2001 asp 10, ss. 112, 113(1), **Sch. 10 para. 14(15)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions in art. 3)

F2 Sch. 9 paras. 6(b) and 7 repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

Marginal Citations

M2 1987 c. 26.

7 F3

Textual Amendments

F3 Sch. 9 paras. 6(b) and 7 repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

[^{F4}8 In section 39, in the definition of “secure tenancy” for the words “section 10 of the Tenants’ Rights, Etc. (Scotland) Act 1980” there shall be substituted the words “44 of the Housing (Scotland) Act 1987 ”.]

Textual Amendments

F4 Sch. 9 para. 8 repealed (S.) (1.11.2001) by 2001 asp 10, ss. 112, 113(1), **Sch. 10 para. 14(15)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions in art. 3)

[^{F5}9 In section 106(2) for the definition of “shared ownership agreement” there shall be substituted the following definition—

““shared ownership agreement” means an agreement whereby—

- (a) a pro indiviso right in a dwelling is sold to a person and the remaining pro indiviso rights therein are leased 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) pro indiviso rights in dwellings are conveyed 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 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, one of the dwellings; ”.]

Textual Amendments

F5 Sch. 9 para. 9 repealed (S.) (1.11.2001) by 2001 asp 10, ss. 112, 113(1), **Sch. 10 para. 14(15)**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table (subject to transitional provisions in art. 3)

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Housing (Scotland) Act 1987 c. 26.

F⁶10

Textual Amendments

F6 Sch. 9 para. 10 repealed (S.) (30.9.2002) by 2001 asp 10, ss. 112, 113(1), **Sch. 10 para. 14(15)**; S.S.I. 2002/321, art. 2(2), **Sch.** Table (subject to transitional provisions in arts. 3-5)

- 11 In section 64(7) (circumstances where prohibition of landlord's option to repurchase does not apply)—
- (a) in paragraph (a), after the word “sold” there shall be inserted the words “whether under this Part or otherwise”;
 - (b) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) the Secretary of State is satisfied that an unreasonable proportion of the houses sold consists of houses which have been resold and are not—
 - (i) being used as the only or principal homes of the owners; or
 - (ii) subject to regulated tenancies within the meaning of section 8 of the Rent (Scotland) Act 1984 or assured tenancies for the purposes of Part II of the Housing (Scotland) Act 1988.”.

F⁷12

Textual Amendments

F7 Sch. 9 para. 12 repealed (1.4.2010) by **Housing (Scotland) Act 2006 (asp 1)**, s. 195(3), **Sch. 7** (with s. 193); S.S.I. 2009/122, art. 3

- 13 In section 128 (recovery of possession of house to which Rent (Scotland) Act 1984 applies) after “1984” there shall be inserted the words “or in Part II of the Housing (Scotland) Act 1988”.
- 14 In section 145 (recovery of possession of overcrowded house that is let) after “1984” there shall be inserted the words “or in Part II of the Housing (Scotland) Act 1988”.
- 15 In section 177 (statutory tenant to be regarded as lessee for purposes of the Act), in paragraph (a), after “1984” there shall be inserted the words “or Part II of the Housing (Scotland) Act 1988”.
- 16 In section 180 (effect of control order), in subsection (4)—
- (a) after the words “the Act” there shall be inserted the words “and paragraph 11 of Schedule 4 to the Housing (Scotland) Act 1988 (which excludes lettings by local authorities from being assured tenancies within the meaning of the Act)”;
 - (b) after “1984” where it second occurs there shall be inserted the words “or an assured tenancy, within the meaning of the Housing (Scotland) Act 1988,”;
 - (c) for the words “protected or statutory” where they second and third occur there shall be substituted the words “protected, statutory or assured”;
 - (d) for the words “that Act” there shall be substituted the words “those Acts”.

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- 17 In section 207 (local authority’s duty to keep slum clearance revenue account) for paragraph (b) of subsection (2) there shall be substituted the following paragraph—
 - “(b) such of the expenditure of the authority in respect of houses and other property, being expenditure not included in paragraph (a), together with any income related to that expenditure as may be approved by the Secretary of State and falls within any of the following categories—
 - (i) any payment under section 308 (payments to certain owner-occupiers and others in respect of houses not meeting tolerable standard which are purchased or demolished) other than any such payment in respect of an interest in a house which has been purchased by the local authority for the purpose of bringing that house or another house up to the tolerable standard;
 - (ii) any payment under section 304 (payments in respect of well-maintained houses) other than any such payment in respect of an interest in a house which has been purchased by the local authority for the purpose of bringing that house or another house up to the tolerable standard;
 - (iii) any payment under section 234(5) or (6) (payment of removal and other allowances to person displaced);
 - (iv) such other expenditure as the Secretary of State may direct.”.
- 18 In section 311 (interpretation of sections 308 to 310), in subsection (2), in the definition of “interest” after “1984” there shall be inserted the words “ or of a statutory assured tenant within the meaning of the Housing (Scotland) Act 1988 ”.
- 19 In section 328 (duty to inform tenant of assignation of landlord’s interest), in subsection (6), after “1984” there shall be inserted the words “ and a statutory assured tenancy within the meaning of the Housing (Scotland) Act 1988 ”.
- 20 In section 338 (interpretation), in subsection (1) in the definition of “tenancy” after the word “applies” there shall be inserted the words “ and a statutory assured tenancy within the meaning of the Housing (Scotland) Act 1988 ”.

^{F8}21

Textual Amendments

F8 Sch. 9 para. 21 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 14(15); S.I. 2002/321, arts. 2(2), Sch. Table (subject to transitional provisions in arts. 3-5)

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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. 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\(4\)](#)