



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 2

#### SCHEME OF ASSISTANCE FOR HOUSING PURPOSES

##### *Special cases*

#### **92 Tenants**

A tenant is not eligible for a grant or loan unless the work to which the grant or loan relates—

- (a) has, for the period of 2 years preceding the tenant's application, been the tenant's responsibility under the tenancy,
- (b) is for either of the purposes set out in paragraphs (e) and (f) of section 71(2), or
- (c) is required as a matter of urgency for the health, safety or security of the occupants of a house, including, in particular, work to—
  - (i) repair a house,
  - (ii) provide means of escape from fire or other fire precautions.

#### **93 Application to agricultural tenants etc.**

- (1) For the purposes of this Part, where the condition in subsection (2) is satisfied, a tenant, crofter, landholder or statutory small tenant is deemed to be the owner of any land or premises on the person's farm, croft or holding.
- (2) That condition is that, on the termination of the tenancy, the person would be entitled to compensation for the work to which the grant or loan relates under the Agricultural Holdings (Scotland) Act 1991 (c. 55), the Agricultural Holdings (Scotland) Act 2003 (asp 11), the Crofters (Scotland) Act 1993 (c. 44) or the Small Landholders (Scotland) Acts 1886 to 1931 as for an improvement.
- (3) Where by virtue of subsection (1) a grant or subsidised loan is made to a crofter, a landholder or a statutory small tenant in respect of work in relation to land or premises on the person's farm, croft or holding, the local authority must intimate to the landlord of the croft or holding that the grant or loan has been made, and the amount.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Subsection (5) applies where—
- (a) compensation becomes payable as for an improvement under the Crofters (Scotland) Act 1993 (c. 44) or the Small Landholders (Scotland) Acts 1886 to 1931 in respect of a house, or for work carried out in relation to a house, provided on a farm, croft or holding, and
  - (b) under section 83, conditions must at that time be observed with respect to the house otherwise than by its landlord.
- (5) The amount specified in subsection (6) is to be deducted from the amount of compensation which would be payable but for this subsection.
- (6) That amount is—
- (a) where a grant was made in relation to the house, so much of the value of the house or work as is attributable to the grant, or
  - (b) where a subsidised loan was made in relation to the house, so much of the value of the house or work as is attributable to the interest free element of that loan.
- (7) The landlord of a farm, croft or holding on which there is land or premises with respect to which conditions under section 83 must for the time being be complied with is not entitled to receive any sum by way of rent or otherwise in respect of so much of the value of the house or work as is attributable to the grant or subsidised loan.