



Housing (Scotland) Act 2010

2010 asp 17

PART 11

CHANGE OF LANDLORD: SECURE TENANTS

130 Market value of eligible house

- (1) It is for the local authority landlord to instruct either of the following to determine the market value of an eligible house—
 - (a) the district valuer, or
 - (b) a qualified valuer nominated by the local authority landlord and accepted by the applicant.
- (2) In determining the market value of an eligible house, the valuer must have regard to the price which the house would realise if sold on the open market by a willing seller, with the following assumptions—
 - (a) that it was sold on the day on which the application to acquire the house was made,
 - (b) that it was sold subject to the tenancy held by the qualifying tenant but otherwise with vacant possession,
 - (c) that it was to be conveyed with the same right and subject to the same burdens as would apply to an acquisition under this Part,
 - (d) that the only prospective acquirers were the persons who were approved persons on the date on which the application was made, and
 - (e) that the applicant would, within a reasonable period, carry out such works as are reasonably necessary to put the house into the state of repair required by the local authority landlord's repairing obligations.
- (3) Where a valuer determines that the house would not realise any price if offered for sale in accordance with subsection (2) that price may be taken to be—
 - (a) a negative value equal to the amount which would require to be paid to an approved person in order that the approved person would willingly acquire the house, or
 - (b) where an approved person would willingly acquire the house for no consideration, nil,

*Changes to legislation: There are currently no known outstanding effects for the
Housing (Scotland) Act 2010, Section 130. (See end of Document for details)*

and the house's market value may accordingly be determined to be a negative value or nil.

- (4) Where market value is determined to be a negative value or nil—
- (a) the reference in section 129 to selling the house is to be read as a reference to disposing of it, and
 - (b) where the market value is determined to be a negative value, the obligation to pay falls on the local authority landlord.

Commencement Information

II S. 130 in force at 1.4.2012 by [S.S.I. 2012/39](#), art. 2, [Sch. 1](#) (with [Sch. 2](#))

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