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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 532**

**The Housing (Scotland) Act 2001 (Transfer of  
Scottish Homes Property and Liabilities) Order 2003**

**Citation and commencement**

1. This Order may be cited as the Housing (Scotland) Act 2001 (Transfer of Scottish Homes Property and Liabilities) Order 2003 and shall come into force on 1st December 2003.

**Interpretation**

2. In this Order—

“the 1988 Act” means the Housing (Scotland) Act 1988(1); and

“Scottish Homes” means the body corporate established by section 1 of the 1988 Act(2).

**Transfer of property and liabilities**

3. All property and liabilities of Scottish Homes in relation to—

(a) the heritable property and other rights and interests specified in Part I of Schedule 1 to this Order under exception of the property specified in Part 2 of that Schedule; and

(b) the Minutes of Agreement specified in Schedule 2 to this Order,

are hereby transferred to and vest in the Scottish Ministers.

**Consequential and supplementary provision**

4.—(1) Nothing in this Order shall have the effect of completing the title of the Scottish Ministers to any land transferred by this Order, or to any other right or interest transferred by this Order, title to which requires to be completed by registration.

(2) Any property, in respect of which but for this Order—

(a) delivery or possession; or

(b) intimation of its assignation,

would be required in order to complete title to it, shall transfer to the Scottish Ministers by virtue of this Order as if at the date on which the transfer of the property by this Order takes effect the Scottish Ministers had taken delivery or possession of the property or, as the case may be, had made intimation of its assignation to them.

**Transitional provision and savings**

5. Without prejudice to article 3 above—

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(1) 1988 c. 43.

(2) Section 1 was repealed in part, and amended, by the Housing (Scotland) Act 2001, schedule 10, paragraph 14, subject to transitional and savings provisions in terms of [S.S.I. 2001/397](#).

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) the transfer by this Order of any property or liability of Scottish Homes shall not affect the validity of anything done (or having effect as if done) by or in relation to Scottish Homes before the date on which the transfer takes effect;
- (b) anything (including legal proceedings) which, at the time when the transfer takes effect, is in the process of being done by or in relation to Scottish Homes may, so far as it relates to any property or liability transferred by this Order, be continued by or in relation to the Scottish Ministers; and
- (c) anything done (or having effect as if done) by or in relation to Scottish Homes in connection with any property or liability transferred to the Scottish Ministers by this Order shall, if in force at the time when the transfer takes effect, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that time.

St Andrew's House, Edinburgh  
6th November 2003

*MARGARET CURRAN*  
A member of the Scottish Executive