



Housing (Scotland) Act 1986

1986 CHAPTER 65

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An Act to amend the Tenants' Rights, Etc. (Scotland) Act 1980, the Housing Associations Act 1985 in its application to Scotland and the Building (Scotland) Act 1959; to make further provision as regards housing in Scotland; and for connected purposes. [7th November 1986.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1—12. ^{F1} **S**

Textual Amendments

F1 Ss. 1–12, 18, 21, Sch. 1 and Sch. 2 para. 2 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

Amendment of Housing Associations Act 1985

13 **S**

(1) ^{F2}

^{F3}(2)

Textual Amendments

F2 Ss. 13(1), 14–16, Sch. 2 para. 4(8)(a) repealed by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(2), [Sch. 18](#)

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 1986. (See end of Document for details)

F3 S. 13(2) repealed (1.11.2001) by 2001 asp 10, **Sch. 10 para. 12**; S.S.I. 2001/336, art. 2(3), **Sch. Pt. II** Table

14— **F4** **S**
16.

Textual Amendments
F4 Ss. 13(1), 14–16, **Sch. 2 para. 4(8)(a)** repealed by **Housing Act 1988 (c. 50, SIF 61)**, s. 140(2), **Sch. 18**

Housing Expenditure and Grants

17 **Precondition as regards use of renewal and repairs fund for certain housing expenditure.** **S**

In paragraph 22(2) of Schedule 3 to the ^{M1}Local Government (Scotland) Act 1975 (restrictions on use of capital and renewal and repair funds), after the word “restaurant” there shall be inserted the words “; and if the renewal and repair fund is used so to meet expenditure incurred by the authority in relation to any house, or other property, to which their housing revenue account relates, the amount in question shall, subject to paragraph 1(7) of Schedule 4 to the ^{M2}Housing (Financial Provisions) (Scotland) Act 1972, first to be carried to the credit of that account”.

Marginal Citations
M1 1975 c. 30.
M2 1972 c. 46.

18 **F5** **S**

Textual Amendments
F5 Ss. 1–12, 18, 21, **Sch. 1** and **Sch. 2 para. 2** repealed by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(3), **Sch. 24**

Amendment of Building (Scotland) Act 1959

F6¹⁹ **Amendment of Building (Scotland) Act 1959.** **S**

Textual Amendments
F6 S. 19 repealed (1.5.2005) by **Building (Scotland) Act 2003 (asp 8)**, s. 59(1), **Sch. 6 para. 16** (with s. 53); S.S.I. 2004/404, art. 2(1)

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 1986. (See end of Document for details)

Amendment of Land Compensation (Scotland) Act 1973

20 Compensation for person displaced from dwelling-house let under secure tenancy. S

- (1) The ^{M3}Land Compensation (Scotland) Act 1973 shall be amended in accordance with the following provisions of this section.
- (2) In section 27(1) (right to home loss payment where person displaced from dwelling)—
- (a) after paragraph (e) there shall be inserted the following paragraph—
- “(f) an order for recovery of possession of the dwelling under section 15(2) of the Tenants’ Rights, Etc. (Scotland) Act 1980, on the ground set out in paragraph 10 of Part I of Schedule 2 to that Act.”; and
- (b) after sub-paragraph (v) there shall be inserted the following sub-paragraph—
- “(vi) where paragraph (f) above applies, the landlord.”.
- (3) In section 29 (supplementary provisions about home loss payments), after subsection (7) there shall be inserted the following subsection—
- “(7AA) If a landlord recovers possession of a dwelling by agreement—
- (a) after serving notice under section 14 of the Tenants’ Rights, Etc. (Scotland) Act 1980 on the tenant specifying the ground set out in paragraph 10 of Part I of Schedule 2 to that Act; or
- (b) where, but for that agreement, it would have served such notice on him specifying that ground,
- it may, in connection with the recovery, make to him a payment corresponding to any home loss payment which it would be required to make to him if the recovery were by order under section 15(2) of that Act.”.

Marginal Citations

M3 1973 c. 56.

21 ^{F7} S

Textual Amendments

F7 Ss. 1–12, 18, 21, Sch. 1 and Sch. 2 para. 2 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

Supplemental

22 Interpretation. S

In this Act—

“the 1980 Act” means the Tenants’ Rights, Etc. (Scotland) Act 1980; and
“the 1985 Act” means the ^{M4}Housing Associations Act 1985.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 1986. (See end of Document for details)

Marginal Citations

M4 1985 c. 69.

23 Consequential, transitional and supplementary provision. **S**

- (1) The Secretary of State may by order made by statutory instrument make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or proper for giving full effect to, or in consequence of any of the provisions of, this Act.
- (2) A statutory instrument made under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) paragraph 7(a)(ii) and (b)(ii) of Schedule 1 to this Act shall have no effect as regards any case in which repayment has become exigible under subsection (1) of section 6 of the 1980 Act before the coming into force of that paragraph; but in any other case the terms of any standard security, offer to sell or concluded missives shall, in so far as they are inconsistent with the period of years specified in that subsection, or with the proportions specified in subsection (3) of that section, have effect as if so modified as to obviate that inconsistency.

24 Expenses. **S**

There shall be paid out of the money provided by Parliament any—

- (a) sums required by the Secretary of State for making grants, loans or other payments by virtue of this Act,
- (b) administrative expenses incurred by him by virtue of this Act;
- (c) increase attributable to the provisions of this Act in the sums which under any other enactment are paid out of money so provided.

25 Minor amendments and repeals. **S**

- (1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified, (being minor amendments or amendments consequential on the provisions of this Act).
- (2) The enactments specified in Schedule 3 to this Act are repealed to the extent specified in the third column of that Schedule.

26 Citation, commencement and extent. **S**

- (1) This Act may be cited as the Housing (Scotland) Act 1986.
- (2) This Act, except this section, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be so appointed for different provisions and for different purposes.
- (3) This Act applies to Scotland only.

Changes to legislation: *There are currently no known outstanding effects for the Housing (Scotland) Act 1986. (See end of Document for details)*

Modifications etc. (not altering text)

C1 Power of appointment conferred by s. 26(2) fully exercised: [S.I. 1986/2137](#), **art. 2**

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 1986. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **S**

F8
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Textual Amendments

F8 Ss. 1–12, 18, 21, **Sch. 1** and Sch. 2 para. 2 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

SCHEDULE 2 **S**

MINOR AND CONSEQUENTIAL AMENDMENTS

The Building (Scotland) Act 1959 (c. 24)

F91

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Textual Amendments

F9 **Sch. 2 para. 1** repealed (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **Sch. 6 para. 16** (with s. 53); S.S.I. 2004/404, art. 2(1)

2 F10

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Textual Amendments

F10 Ss. 1–12, 18, 21, **Sch. 1** and Sch. 2 para. 2 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

The Land Tenure Reforms (Scotland) Act 1974 (c. 38)

- 3 In section 8(7) of the Land Tenure Reform (Scotland) Act 1974 (saving)—
- (a) for the words “1971” there shall be substituted the words “ 1984 or a secure tenancy within the meaning of the ^{M5}Tenants’ Rights, Etc. (Scotland) Act 1980 ”; and
 - (b) for the words “that Act” there shall be substituted the words “ either of those Acts ”.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 1986. (See end of Document for details)

Marginal Citations

M5 1980 c. 52.

The Housing Associations Act 1985 (c. 69).

- 4 (1) The Housing Associations Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 8(1) (power of registered housing associations to dispose of land), after the word “buy” there shall be inserted the words “ and Part I of the Tenants’ Rights, Etc. (Scotland) Act 1980 (analogous Scottish Provisions) ”.
- (3) In section 15(1) (prohibition on payments etc. by certain registered housing associations), at the end there shall be added the words “ or by section 15A of this Act ”.
- (4) In section 40 (index of defined expressions), after the entry relating to a shared ownership lease there shall be inserted the following entry—

“shared ownership agreement (in relation to section 106”.
Scotland)

- (5) In section 42 (projects qualifying for housing association grant: accommodation for letting, hostels), in subsection (2)(a)—
- (a) after the word “includes” there shall be inserted the words
“(i) In England and Wales,”; and
- (b) after the word “lease,” there shall be inserted the following sub-paragraph—
“(ii) in Scotland, disposal under a shared ownership agreement,”.
- (6) In section 86 (Housing Corporation indemnities for building societies)—
- (a) in subsection (1)—
- (i) after the words “building society” in each of the three places where they occur there shall be inserted the words “ or recognised body ”; and
- (ii) in paragraph (b), for the word “the” where it last occurs there shall be substituted the word “ a ”;
- (b) in subsection (2), after the words “building society” there shall be inserted the words “ or recognised body ”;
- (c) in subsection (5), after the words “building societies” there shall be inserted the words “ or recognised bodies ”; and
- (d) at the end there shall be added the following subsections—
- “(6) In this section, “recognised body” means a body designated, or of a class or description designated, in an order made under this subsection by statutory instrument by the Secretary of State with the consent of the Treasury.
- (7) Before making an order under subsection (6) above varying or revoking an order previously so made, the Secretary of State shall give an opportunity for representations to be made on behalf of a

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 1986. (See end of Document for details)

recognised body which, if the order were made, would cease to be such a body.”.

(7) In section 106 (interpretation), at the end there shall be added the following subsection—

“(3) In the definition of “shared ownership agreement” in subsection (2) above, “approved” means approved by the Secretary of State after consultation with the Housing Corporation.”.

(8) In section 107—

- (a) F11
- (b) in subsection (4) (list of provisions of Act applying to Scotland only), after the word “only—” there shall be inserted the words—

“ F12
section 15A,”.

Textual Amendments

F11 Ss. 13(1), 14–16, Sch. 2 para. 4(8)(a) repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

F12 Words repealed by Housing Act 1988 (c. 50, SIF 61), s. 140(2), **Sch. 18**

SCHEDULE 3 **S**

REPEALS

Chapter	Short title	Extent of repeal
10 & 11 Eliz. 2. c. 37	The Building Societies Act 1962.	In Schedule 3.3(2)(b), the word “and” where it first occurs.
1968 c. 31.	The Housing (Financial Provisions) (Scotland) Act 1968.	Section 25(1)(d).
1980 c. 52.	The Tenants’ Rights, Etc. (Scotland) Act 1980.	In section 1(8), the word “and” at the end of paragraph (c). In section 1(11), the words “nor” at the end of paragraph (b). In section 10(2), the word “and” at the end of paragraph (f). In section 30(5), the words “and the standard rate shall be effective from the date

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1985 c. 69.	The Housing Associations Act 1985.	when it is declared by the Secretary of State”. In Schedule 1, paragraph 1. Section 100. In section 106(2), the definition of “heritable security”. In section 107(3), the words “17(4),”; the words “sections 44 and 45,”; the word “(3)” where it occurs in the entry relating to section 52; and the words “section 105,”.
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Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 1986.