
EXPLANATORY NOTE

(This note is not part of the Order)

This Order introduces the Scottish secure tenancy (SST), makes various transitional provisions and savings in consequence of that introduction, and sets out the circumstances in which the limitation on the right to buy from a registered social landlord (RSL) does not apply.

Section 11 of the Housing (Scotland) Act 2001 (“the 2001 Act”) gives a power to the Scottish Ministers to specify, in an order, tenancies (and landlords in relation to those tenancies) that are to be or become Scottish secure tenancies at a specified date. Article 3 of this Order specifies landlords, tenancies and a date by reference to the Schedule to the Order. Certain existing tenancies become Scottish secure tenancies on 30th September 2002.

Articles 4 and 5 of the Order make various transitional and savings provisions. Section 61A of the Housing (Scotland) Act 1987 (which is inserted by section 44 of the 2001 Act) places a limitation on the right to buy from an RSL. Article 4(1) of this Order includes provision for the circumstances when that limitation will not apply (namely, where a tenancy becomes an SST and the tenant had a pre-existing right to buy).

Article 4 also makes provision for saving certain of the right to buy provisions in the Housing (Scotland) Act 1987 for tenancies where the tenant had a pre-existing right to buy.

Article 5 makes further savings in relation to rent and rent determination.