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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force various provisions of the Housing (Scotland) Act 2010 (“the 2010 Act”).

The Schedule to the Order (“the Schedule”) appoints 1st March 2011 for the coming into force of sections 138 and 139, which insert provisions in the Land Tenure Reform (Scotland) Act 1974 relating to long leases and heritable securities entered into by social landlords and rural housing bodies. The related consequential amendment in paragraph 2 of schedule 2 of the 2010 Act is also commenced on this date, along with section 164, which defines a body connected to a social landlord.

The Schedule also appoints 1st March 2011 for the coming into force of sections 140, 141, 143 and 144, which amend various provisions relating to the right to buy in Part III of the Housing (Scotland) Act 1987 (“the 1987 Act”). Article 5 provides that the commencement of section 140, which makes provision protecting the right to buy of certain re-accommodated persons, does not affect applications to purchase served prior to 1st March 2011.

Article 3 applies where missives for the acquisition of a new supply social house are concluded, or a Scottish secure tenancy over a new supply social house is created, during the period beginning on 1st March 2011 and ending on 14th March 2011. In those circumstances, section 61F of the 1987 Act, which places limitations on the right to buy new supply social houses, has effect as if for section 61F(2)(d), a modified form of words was substituted. The modification requires notice to be given to tenants, but the notice does not have to be given in the prescribed form.

Article 6 provides that the commencement of section 144, which places certain limitations on the right to buy police housing, does not affect applications to purchase served prior to 1st March 2011.

The Schedule also appoints 1st March 2011 for the coming into force of a number of other provisions of the 2010 Act. These include sections making miscellaneous amendments to the Housing (Scotland) Act 2006 ([asp 1](#)), providing for tenant protection in relation to court orders for possession against landlords, providing for tenancies of police accommodation not to be Scottish secure tenancies, and amending the meaning of “local connection” for the purposes of local authority duties on homelessness in Part II of the 1987 Act.

1st April 2011 is appointed for the coming into force of various provisions of Parts 1 to 7, Part 9 and schedule 2 of the 2010 Act. The provisions commenced establish the Scottish Housing Regulator as a body corporate, make provision for its membership and proceedings, and confer certain powers and duties on the body. In some cases, these powers and duties are commenced for the limited purpose of requiring preparation of a statement or enabling consultation only. The paragraphs of schedule 2 coming into force on 1st April 2011 make amendments consequential on the establishment of the Scottish Housing Regulator. Sections 31 to 33, which confer certain duties on the Scottish Ministers in relation to the Scottish Social Housing Charter, are also commenced on 1st April 2011.

The Schedule appoints 4th April 2011 for the coming into force of section 152(3), which makes further provision for tenant protection in relation to court orders for possession against landlords. It appoints 30th June 2011 for the coming into force of section 142, which amends the provisions in Part III of the 1987 Act relating to pressured area designations and the right to buy.

Article 4 makes a transitory provision so that the term “registered social landlord” in section 165 of the 2010 Act is to be read as including a body registered under section 57 of the Housing (Scotland)

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

Act 2001, until the definition of “registered social landlord” in the 2010 Act is given full effect by virtue of the commencement of section 20 of that Act.