

POLICY NOTE

THE TITLE CONDITIONS (SCOTLAND) ACT 2003 (RURAL HOUSING BODIES) AMENDMENT (No. 2) ORDER 2014

SSI 2014/220

The powers to make this Order are conferred by section 43(5) of the Title Conditions (Scotland) Act 2003 (“the 2003 Act”). The instrument is subject to the negative procedure.

Policy Objective

Section 43(5) of the 2003 Act provides that Scottish Ministers may prescribe such body as they think fit to be a rural housing body. A rural housing body will be able, when selling rural housing or land, to reserve a right to repurchase the property or land in the event of it coming up for sale. As a consequence, rural housing bodies will have the ability to control future sales. Ministers also have the power, under the 2003 Act, to determine that a body shall cease to be a rural housing body.

The right to repurchase may only be used over rural land. Rural land means land other than excluded land. Excluded land has the same meaning as in the Land Reform (Scotland) Act 2003, namely settlements of over 10,000 people.

This Order amends the Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Order 2004 by adding one body, Mull and Iona Community Trust, as a prescribed rural housing body.

The power to make this Order may only be exercised where the object or function, or one of the principal objects or functions, of the body concerned is to provide housing or land for housing (section 43(6) of the 2003 Act). Mull and Iona Community Trust complies with this requirement.

Previous amending Orders designating rural housing bodies were made in 2004, 2006, 2007, 2008, 2013 and 2014.

Consultation

A consultation is not required as applicants either meet the terms of the legislation or they do not.

Impact Assessments

An equality impact assessment has not been undertaken on the basis that this policy does not have any impact on equality issues.

Financial effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. With the limited information received from the BRIA process, we conclude that the impact of this Order on existing businesses in the area is generally positive. The Order enables a

further rural housing body to provide affordable housing for current and future communities. This is likely to contribute to sustaining existing businesses and may attract new businesses.

Civil Law and Legal System Division
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