
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Housing (Scotland) Act 2014 (“the 2014 Act”).

The Schedule to the Order (“the Schedule”) appoints 1st August 2016 for the coming into force of section 1 of the 2014 Act. The effect is that the right to buy will cease to apply to social housing from that date. The related consequential amendments in paragraphs 1, 2, 4(7) and (8), 9, 10(3), (4) and (5)(b), 14 to 16, 18(3), (6) and (7)(a) of schedule 2 to the 2014 Act are also commenced on this date.

Article 4 makes saving provision to provide that where an application to purchase has been submitted before that date, it can continue to be progressed under the legislation that is otherwise revoked. This saving provision also ensures that a person who has purchased at a discount requires to repay some or all of that discount in any subsequent sale or disposal of the property within three years.

The Schedule appoints 13th November 2014 for the coming into force of sections 86(1) and 86(2) of the 2014 Act (for the purposes of enabling the Scottish Ministers to make orders under section 10A(3B)(a) of the Title Conditions (Scotland) Act 2003 and under section 13(3B)(a) of the Tenements (Scotland) Act 2004). It also appoints 16th December 2014 for section 86 to come into force for all remaining purposes.

20th November 2014 is appointed for the coming into force of sections 1(2) and (3), 2, 4(2), 6(2), 7(1)(b), 14(1), 20, 23(1), 24, 26(7), 28, 46, 61, 62, 64, 65, 70, 77, 82, 85(3) and (4), 94, 95, 96, 97, 98 and 103 (for the purpose of commencing the following paragraphs), paragraphs 3, 4(1) to (4) and (9)(b), 5(1) and (3), 10(1) and (5)(a), 12, 13, 17, 18(1), (2), (4), (5) and (7)(b) of schedule 2. Of these provisions, the following are commenced only partially: sections 1(3), 4(2), 6(2), 62, 64, 65, 77, 82, 97 and 103.

Article 3 provides that section 104A of the Housing (Scotland) Act 2010 (introduced by section 98 of the 2014 Act) will not apply where an application for consent has already been made to Scottish Housing Regulator under section 93 of the 2010 Act.

Article 5 provides that the commencement of section 2, with respect to the amendment made to section 61F of the Housing (Scotland) Act 1987, does not affect applications to purchase served prior to 20th November 2014.

Article 6 preserves Case 7 of Part 1 of Schedule 2 to the Rent (Scotland) Act 1984, without the amendments introduced by paragraph 3 of schedule 2 to the 2014 Act, in relation to any certificate granted by the Scottish Ministers prior to 20th November 2014.

Sections 100, 101, 102, 104 and 105 of the 2014 Act came into force on 1st August 2014. Section 93 of the 2014 Act comes into force on 1st October 2014. The remaining provisions of the 2014 Act will come into force on such date or dates as the Scottish Ministers appoint.