



Housing (Scotland) Act 1987

CHAPTER 26

HOUSING (SCOTLAND) ACT 1987

PART I

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Status: Point in time view as at 01/04/1996.

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224 Recognised lending institutions.

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226 Terms of advances and administration.

227 Modifications of building society law and disapplication of provisions of the Restrictive Trade Practices Act 1976 in relation to assistance for first-time buyers.

228 Exclusion of Restrictive Trade Practices Act: agreements as to loans on security of new houses.

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230 Assistance by local authority for acquiring houses in need of repair and improvement.

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- 258 Variation or revocation of designation.
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- 264 Determination of eligibility.
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- 270 Conditions of payment of reinstatement grant.
- 271 Amount of reinstatement grant.
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- 275 Repurchase.
- 276 Repurchase by authority other than local authority.
- 277 Interest subject to right of pre-emption, etc.
- 278 Compulsory purchase compensation to be made up to 95 per cent. of defect-free value.
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- 280 Reimbursement of expenses incidental to repurchase.

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- 281 Effect of repurchase on certain existing tenancies.
- 282 Grant of tenancy to former owner-occupier.
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- 285 Request for tenancy under s.282 or 283.
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- 287 Designation of defective dwellings under local schemes.
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- 290 Duty of local housing authority to publicise availability of assistance.
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- 306 Calculation of amount payable for well- maintained houses.

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- 308 Right to and amount of payments for house not meeting tolerable standard.
- 309 Right of parties to certain agreements secured on, or related to, houses not meeting the tolerable standard to apply to sheriff for adjustment of the agreements.
- 310 Provisions as to house subject to heritable security or purchased by instalments.
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- 315 Byelaws with respect to accommodation for seasonal workers.

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316 Confirmation of byelaws.

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317 Power of entry for survey, etc.

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318 Penalty for obstructing execution of Act.

319 Penalty for preventing execution of works, etc.

320 Penalty for damage to houses, etc.

321 Liability of directors, etc. in case of offence by body corporate.

Powers of sheriff for housing purposes

322 Sheriff may determine lease in certain cases.

323 Sheriff may authorise superior to execute works, etc.

324 Procedure on applications and appeals to sheriff.

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325 Occupier or tenant may be required to state interest.

326 Service by description on certain persons whose identity is unknown and on a number of persons of one description.

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327 Disclosure of landlord's identity.

328 Duty to inform tenant of assignation of landlord's interest.

Powers of Secretary of State

329 Power of Secretary of State in event of failure of local authority to exercise powers.

330 Power of Secretary of State to prescribe forms, etc.

331 Regulations: procedure.

332 Secretary of State's power to dispense with advertisements and notices.

333 Local inquiries.

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334 Power of heir of entail to sell land for housing purposes.

335 Crown rights.

336 Limitation on liability of trustee etc. for expenses incurred by local authority.

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338 Interpretation.

339 Minor and consequential amendments, transitional provisions and repeals.

340 Citation, commencement and extent.

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SCHEDULES

SCHEDULE 1 — RULES AS TO ASSESSMENT OF COMPENSATION WHERE LAND PURCHASED COMPULSORILY IN CERTAIN CIRCUMSTANCES

- 1 —If the Lands Tribunal are satisfied that the rent of...
- 2 —If the Lands Tribunal are satisfied that the rent of...
- 3.— The local authority may tender evidence as to the matters...
- 4 —The Lands Tribunal shall (except as provided in section 15(1))...
- 5 —The Lands Tribunal shall embody in their award a statement...

SCHEDULE 2 — TENANCIES WHICH ARE NOT SECURE TENANCIES

Premises occupied under contract of employment

- 1 (1) A tenancy shall not be a secure tenancy if...

Temporary letting to person seeking accommodation

- 2 —A tenancy shall not be a secure tenancy if the...

Temporary letting pending development

- 3 —A tenancy shall not be a secure tenancy if the...

Temporary accommodation during works

- 4 —A tenancy shall not be a secure tenancy if the...

Accommodation for homeless persons

- 5 —A tenancy shall not be a secure tenancy if the...

Accommodation for asylum-seekers

- 5A (1) A tenancy shall not be a secure tenancy if...

Agricultural and business premises

- 6 —A tenancy shall not be a secure tenancy if the...

Police and fire authorities

- 7 —A tenancy shall not be a secure tenancy if the...

Houses part of, or within curtilage of, certain other buildings

- 8 —A tenancy shall not be a secure tenancy if the...

SCHEDULE 3 — GROUNDS FOR RECOVERY OF POSSESSION OF HOUSES LET UNDER SECURE TENANCIES

PART I — GROUNDS ON WHICH COURT MAY ORDER RECOVERY OF POSSESSION

- 1 —Rent lawfully due from the tenant has not been paid,...
- 2 —The tenant (or any one of joint tenants) or any...
- 3 —The condition of the house or of any of the...

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- 4 —The condition of any furniture provided for use under the...
- 5 —The tenant and his spouse have been absent from the...
- 6 —The tenant is the person, or one of the persons,...
- 7 —The tenant of the house (or any one of joint...
- 8 —The tenant of the house (or any one of joint...
- 9 —The house is overcrowded, within the meaning of section 135,...
- 10 —It is intended within a reasonable period of time to...
- 11 —The house has been designed or adapted for occupation by...
- 12 —The house forms part of a group of houses which...
- 13 —The landlord is a housing association which has as its...
- 14 —The interest of the landlord in the house is that...
- 15 (a) The landlord is the council (constituted under section 2...
- 16 —The landlord wishes to transfer the secure tenancy of the...

PART II — SUITABILITY OF ACCOMMODATION

- 1 —For the purposes of sections 48(3) and 51(3), accommodation is...
- 2 —In determining whether accommodation is reasonably suitable to the needs...
- 3 —If the landlord has made an offer in writing to...

SCHEDULE 4 — TERMS OF SECURE TENANCY RELATING TO SUBLETTING, ETC.

- 1 —A secure tenant who wishes to assign, sublet or otherwise...
- 2 —In relation to an application under paragraph 1, the landlord...
- 3 (a) The landlord shall serve on the tenant notice in...
- 4 —A tenant who is aggrieved by a refusal (other than...
- 5 —In proceedings under paragraph 4, the sheriff shall order the...
- 6 —In deciding whether a refusal is reasonable the sheriff shall...

SCHEDULE 5 — TERMS OF SECURE TENANCY RELATING TO ALTERATIONS, ETC TO HOUSE

- 1 —A secure tenant who wishes to carry out work shall...
- 2 —In relation to an application under paragraph 1, the landlord...
- 3 —The landlord shall intimate consent or refusal, and any conditions...
- 4 —In the event that the landlord fails to make intimation...
- 5 —A tenant who is aggrieved by a refusal, or by...
- 6 —In proceedings under paragraph 5, the sheriff shall order the...
- 7 —In deciding whether a refusal or a condition is reasonable...

SCHEDULE 6 — VESTING ORDER UNDER SECTION 77: MODIFICATION OF ENACTMENTS

The Town and Country Planning (Scotland) Act 1972 (c.52)

- 1 —Paragraphs 1(2), 6 to 13 and 16 to 39 of...
- 2 —The references in paragraphs 6, 7 and 37 of that...
- 3 —In paragraph 6 of that Schedule— (a) the reference to...
- 4 —The reference in paragraph 20(2) of that Schedule to the...
- 5 —In paragraph 29 of that Schedule— (a) sub-paragraph (1)(a) shall...

The Land Compensation (Scotland) Act 1963 (c.51)

- 6 —Any reference to the date of service of a notice...
- 7 —Section 25(2) shall be treated as if for the words...
- 8 —In section 30— (a) subsection (2) shall be treated as...

Status: Point in time view as at 01/04/1996.

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- 9 —Any reference to a notice to treat in section 45(2)...
- 10 —In Schedule 2, paragraph 2(1)(a) shall be treated as if...

SCHEDULE 6A — Consultation Before Disposal to Private Sector Landlord

Disposals to which this Schedule applies

- 1 (1) This Schedule applies to the disposal by a local...

Application for Secretary of State's consent

- 2 (1) The Secretary of State shall not entertain an application...

Requirements as to consultation

- 3 (1) The requirements as to consultation referred to above are...

Power to require further consultation

- 4 The Secretary of State may require the local authority to...

Consent to be withheld if majority of tenants are opposed

- 5 (1) The Secretary of State shall not give his consent...

Protection of purchasers

- 6 The Secretary of State's consent to a disposal is not...

SCHEDULE 7 —

PART I — CONSENT TO DEMOLITION OF LISTED BUILDINGS IN HOUSING ACTION AREAS, ETC.

Buildings subject to compulsory purchase orders for demolition subsequently listed

- 1 (1) In this paragraph, references to a compulsory purchase order...

Buildings acquired by agreement for demolition subsequently listed

- 2 (1) Where Part IV applies to a building purchased by...

PART II — REHABILITATION ORDERS

Application and effect of rehabilitation orders

- 3 (1) This Part of this Schedule applies to any house...

Miscellaneous provisions relative to rehabilitation orders

- 4 —Where the owner of a house to which this Part...
- 5 —Where a local authority have made a rehabilitation order they...
- 6 (1) Where— (a) land included in a compulsory purchase order,...
- 7 —A rehabilitation order may be made and confirmed notwithstanding that...

Procedure for making and confirming rehabilitation orders

- 8 —A rehabilitation order shall be made in the prescribed form...
- 9 (1) Before submitting a rehabilitation order to the Secretary of...

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- 10 (1) If no objection is duly made by any of...
11 Paragraphs 6, 15 and 16 of Schedule 1 to the...

Interpretation of this Part of this Schedule

- 12 —In this Part of this Schedule, unless the context otherwise...
PART III — APPLICATION OF ENACTMENTS RELATING TO
COMPENSATION ON COMPULSORY PURCHASE, ETC., TO
CASES UNDER PART I OR PART II OF THIS SCHEDULE

Compensation

- 13 (1) Where, under Part I or II of this Schedule,...

Extension of time limits for exercising powers under certain compulsory purchase orders

- 14 —In section 116 of the Lands Clauses Consolidation (Scotland) Act...

SCHEDULE 8 —
PART I — HOUSING ACTION AREAS

Procedure after publication of draft resolution

- 1 (1) The local authority shall have regard to any representations...
2 —Any notice authorised or required to be sent to any...
PART II — POWERS OF LOCAL AUTHORITY IN RELATION TO
ACQUISITION OF LAND FOR HOUSING ACTION AREAS
3 (1) Subject to the provisions of sub-paragraph (2), where a...

Land adjoining housing action area

- 4 —Where a local authority determine to acquire any land comprised...

Further provisions relating to acquisition of land

- 5 (1) In so far as a resolution passed under section...

Land belonging to local authority

- 6 (1) A local authority may include in a housing action...

Local authority may take possession of land

- 7 —Section 11 (which provides that a local authority may take...

Local authority may sell or lease land

- 8 —A local authority who have under Part IV or this...

Extinction of rights of way servitudes, etc.

- 9 (1) A local authority may, with the approval of the...

Provisions as to apparatus of public undertakers

- 10 (1) Where the removal or alteration of apparatus belonging to...

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Saving for telecommunication apparatus, etc.

- 11 (1) Paragraph 23 of the telecommunications code (which provides a...
PART III — COMPENSATION IN RESPECT OF LAND ACQUIRED
COMPULSORILY
- 12 (1) Where land is purchased compulsorily by a local authority...
PART IV — ADJUSTMENT OF RELATIONS BETWEEN LESSORS AND
LESSEES OF AGRICULTURAL HOLDINGS, ETC.
- 13 (1) Section 15 of the Agricultural Holdings (Scotland) Act 1991...

SCHEDULE 9 — RECOVERY OF EXPENSES BY CHARGING ORDER

- 1 —Where under sections 108(3), 131(2) and 164(4) a local authority...
2 —The annuity charged shall be such sum not exceeding such...
3 —A charging order shall be in such form as may...
4 —Every annuity constituting a charge by a charging order duly...
5 —A charging order duly recorded in the General Register of...
6 —Every annuity charged by a charging order may be recovered...
7 —A charging order and all sums payable thereunder may be...
8 —Any owner of, or other person interested in, premises on...

SCHEDULE 10 — LANDLORD'S REPAIRING OBLIGATIONS

Obligations to repair

- 1 (1) This paragraph applies to any contract (whether entered into...

*Application of paragraph 1 to houses occupied
by agricultural workers otherwise than as tenants*

- 2 —Notwithstanding any agreement to the contrary, where under any
contract...

Repairing obligations in short leases of houses

- 3 (1) In any lease of a house, being a lease...

Application of paragraph 3

- 4 (1) Subject to the provisions of this paragraph, paragraph 3...

Restriction on contracting out

- 5 (1) The sheriff may, on the application of either party...

SCHEDULE 11 — HOUSES IN MULTIPLE OCCUPATION: CONTROL ORDERS
PART I — MANAGEMENT SCHEMES

- 1 (1) A management scheme shall give particulars of all works...

Recovery by local authority of capital expenditure

- 2 (1) Account shall be kept by the local authority for...

PART II — APPEAL AND REVIEW

- 3 (1) Within 6 weeks from the date on which a...
4 (1) Without prejudice to the right of appeal against a...
5 (1) If a local authority refuse an application to revoke...
6 (1) A sheriff who revokes a control order on appeal...

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Powers of court to restrict recovery of possession

- 7 (1) The provisions of this paragraph apply where—
PART III — CONSEQUENCES OF CESSATION OF CONTROL ORDER

Transfer of landlord's interest in tenancies and agreements

- 8 (1) On and after the date on which the control...

Cases where leases have been modified while control order was in force

- 9 —If under section 185 the sheriff modifies or determines a...

Interpretation

- 10 —References in this Part of this Schedule to the control...
PART IV — RECOVERY OF EXPENSES BY LOCAL AUTHORITY
EXECUTING WORKS UNDER SECTION 164
11 (1) Sections 108(6) (exercise of power of local authority to...

SCHEDULE 12 — TERMINATION OF EXCHEQUER PAYMENTS TO LOCAL
AUTHORITIES AND CERTAIN PERIODICAL PAYMENTS
TO OTHER PERSONS

- 1 (1) No payment shall be made— (a) for the year...

2 Table

Part I — PAYMENTS TO LOCAL AUTHORITIES

Part II — PAYMENTS TO THE SCOTTISH SPECIAL HOUSING ASSOCIATION
AND DEVELOPMENT CORPORATIONS

Part III — . . .

SCHEDULE 13 — ENACTMENTS SPECIFYING EXCHEQUER
CONTRIBUTIONS

SCHEDULE 14 — ENACTMENTS SPECIFYING EXCHEQUER
CONTRIBUTIONS THAT MAY BE REDUCED, SUSPENDED
OR DISCONTINUED

SCHEDULE 15 — THE HOUSING REVENUE ACCOUNT
PART I — APPLICATION OF ACCOUNT

- 1 (1) The houses, buildings and land specified for the purposes...

PART II — OPERATION OF ACCOUNT

Credits

- 2 (1) For each year a local authority shall carry to...

Debits

- 3 —Subject to paragraph 4 of this Schedule, for each year...
4 —A local authority shall not debit to the housing revenue...

Provision of welfare services

- 4A Where in any year a local authority provide welfare services...

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Supplemental

- 5 —Any requirement of this Schedule as respects any amount to...
- 6 —A local authority may, with the consent of the Secretary...
- 7 —Where it appears to the Secretary of State that amounts...
- 8 —The Secretary of State may direct that items of income...
- 9 (1) If at any time a credit balance is shown...
- 10 —References in this Schedule to houses and other property to...

SCHEDULE 16 — THE SLUM CLEARANCE REVENUE ACCOUNT

Credits

- 1 —For each year a local authority shall carry to the...
- 2 —Where for any year a deficit is shown in the...

Debits

- 3 —For each year a local authority shall debit to the...

Supplemental

- 4 —Any surplus shown in a slum clearance revenue account at...
- 5 —A local authority may, with the consent of the Secretary...
- 6 —The Secretary of State may direct that items of income...

SCHEDULE 17 — CONDITIONS RELATING TO HOUSE LOANS

- 1 —The provisions of this Schedule shall have effect with respect...
- 2 —The advance, together with interest thereon, shall be secured by...
- 3 —The amount of the principal of the advance shall not...
- 4 —The heritable security shall provide for repayment of the principal
—...
- 5 —It shall also provide for the payment of instalments of...
- 6 —In the event of any of the conditions subject to...
- 7 —That balance may in any event be repaid at any...
- 8 —Where the advance is for any of the purposes specified...
- 9 —The advance shall not be made except after a valuation...
- 10 —No advance shall be made unless the estate or interest...
- 11 —In this Schedule, any reference, in relation to an advance,...

SCHEDULE 18 — STANDARD AMENITIES

PART I — LIST OF AMENITIES AND MAXIMUM ELIGIBLE AMOUNTS

PART II — LIMIT ON AMOUNT OF APPROVED EXPENSES FOR STANDARD AMENITIES

- 1 —Subject to paragraph 3, the total amount of approved expense...
- 2 —Subject to paragraph 4, for each of the standard amenities...
- 3 —Subject to the provisions of section 242, the maximum eligible...
- 4 —An amount shall not be allowed for more than one...

SCHEDULE 19 — CONSEQUENCES OF BREACH OF CONDITIONS OF IMPROVEMENT GRANT

- 1 —Subject to paragraphs 4 and 5, the local authority shall...
- 2 —If the local authority are satisfied that the breach of...
- 3 —If the local authority are satisfied that the breach although...

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- 4 —Upon the satisfaction of a liability of an owner of...
- 5 —On the application of the local authority, the sheriff within...
- 6 (1) In any case where in pursuance of paragraph 4,...
- 7 —In the event of a breach of any of the...
- 8 —In this Schedule, “interest” means compound interest calculated at such...

SCHEDULE 20 — ASSISTANCE BY WAY OF REPURCHASE PART I — THE AGREEMENT TO REPURCHASE

The interest to be acquired

- 1 In this Schedule, “the interest to be acquired” means the...

Request for notice of proposed terms of acquisition

- 2 —A person who is entitled to assistance by way of...

Authority’s notice of proposed terms

- 3 —The purchasing authority shall, within the period of three months...

Unreasonable terms

- 4 —Where an offer to purchase is served on the person...

Appeal

- 5 —A person so entitled who is aggrieved by the refusal...

Notice of acceptance

- 6 —The person so entitled may at any time within the...

Extensions

- 7 —The authority shall, if there are reasonable grounds for doing...

Interest acquired to be treated as if acquired under Part I

- 8 —An interest acquired by a local authority under this Part...

PART II — PRICE PAYABLE AND VALUATION

The price

- 9 (1) The price payable for the acquisition of an interest...

The value

- 10 (1) For the purposes of this Schedule, the value of...

Determination of value

- 11 (1) Any question arising under this Schedule as to the...

Certain grant conditions cease to have effect

- 12 —Where the interest to be acquired is or includes a...

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SCHEDULE 21 — DWELLINGS INCLUDED IN MORE THAN ONE DESIGNATION

Introductory

1 —This Schedule applies in relation to a defective dwelling where...

Cases in which later designation to be disregarded

2 —Where a person is already eligible for assistance in respect...

In other cases any applicable designation may be relied on

3 —Where a person is eligible for assistance in respect of...

Procedure to be followed where later designation comes into operation

4 —The following provisions of this Schedule apply where—

5 (1) The local authority shall, as soon as reasonably practicable,...

6 (1) This paragraph applies where it appears to the authority...

7 (1) This paragraph applies where a person entitled to assistance...

SCHEDULE 22 — TRANSITIONAL PROVISIONS AND SAVINGS PART I — TRANSITIONAL PROVISIONS

General

1 —The re-enactment of provisions in, and the consequent repeal of...

2 —In so far as— (a) any requirement, prohibition, determination, order...

3 —Where any enactment passed before this Act, or any instrument...

4 —Where any period of time specified in any enactment repealed...

5 (1) The general rule is that the provisions of this...

Persons holding office

6 —Any person who at the commencement of this Act is...

Security of tenure of tenants of regional councils, etc.

7 —Notwithstanding the repeal by this Act of section 16(2) and...

PART II — SAVINGS

General saving for old transitional provisions

8 —The repeal by this Act of a provision relating to...

General saving for old savings

9 (1) The repeal by this Act of an enactment previously...

Transfers under section 14 of the Housing (Homeless Persons) Act 1977

10 (1) The repeal by this Act of section 14 of...

Use of existing forms, etc.

11 —Any document made, served or issued on or after this...

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Secure tenant: reimbursement of cost of work done before 3rd October 1980

12 —The repeal of section 24(1) of the Tenants’ Rights, Etc...

Contributions under sections 106 and 121 of the Housing (Scotland) Act 1950 (c.34) and section 14 of the Housing (Scotland) Act 1962 (c.28)

13 —Contributions remain payable by the Secretary of State under sections...

SCHEDULE 23 — MINOR AND CONSEQUENTIAL AMENDMENTS

General

1 —Any reference in any previous enactment to “standard amenities” as...

2 —Any reference in any previous enactment to “tolerable standard” as...

The Crofters Holdings (Scotland) Act 1886 (c. 29)

3 —In the Schedule, in paragraph 1A, for the words “Part...

The Sheriff Courts (Scotland) Act 1907 (c. 51)

4 —In the Sheriff Courts (Scotland) Act 1907, after section 38...

The Crofters (Scotland) Act 1955 (c. 21)

5 —In Schedule 5, in paragraph 1A, for the words “Part...

The Clean Air Act 1956 (c. 52)

6

The Coal Mining (Subsidence) Act 1957 (c. 59)

7 (1) In section 1(4) (duty of Board in respect of...

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

8 —In the Sixth Schedule, in paragraph 4(b)(ii), for the words...

The Pipe-lines Act 1962 (c. 58)

9 —In section 30(2), for the words “181”, “1966” and “Part...

The Land Compensation (Scotland) Act 1963 (c. 51)

10 (1) In section 15(7), for paragraph (d) substitute the following...

The Local Government (Scotland) Act 1966 (c.51)

11 —In section 46(1) (general interpretation), in the definition of “housing...

The National Loans Act 1968 (c.13)

12 —In Schedule 4, for the words “78” and “1950” substitute...

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The New Towns (Scotland) Act 1968 (c.16)

13 (1) In section 6, subsection (6) shall cease to have...

The Clean Air Act 1968 (c.62)

14

The Post Office Act 1969 (c.48)

15 —In Schedule 4— (a) in paragraph 83(1), for “II of...

The Local Authority Social Services Act 1970 (c.42)

16 —In Schedule 1, at the end insert in column 1...

The Chronically Sick and Disabled Persons Act 1970 (c.44)

17 —In section 3(2), for the words “VII”, “1966” and “137”...

The Town and Country Planning (Scotland) Act 1972 (c.52)

18 —In section 186, for “section 26 of the Housing (Scotland)...

The Land Compensation (Scotland) Act 1973 (c.56)

19 (1) In section 27(1)(f), for the words “15(2) of the...

The Local Government (Scotland) Act 1973 (c.65)

20 (1) In section 130— (a) in subsection (1), for the...

Consumer Credit Act 1974 (c.37)

21 —In section 16(1)(ff), for the words “2 of the 1978...

Land Tenure Reform (Scotland) Act 1974 (c.38)

22 —In section 8(7), for the words “Tenants’ Rights, Etc (Scotland)...

Local Government (Scotland) Act 1975 (c.30)

23

The National Health Service (Scotland) Act 1978 (c.29)

24 —In section 100(1)— (a) in paragraph (a), for the words...

The Local Government, Planning and Land Act 1980 (c.65)

25 (1) In section 152(1)(c), for the words “1 of the...

The Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)

26 —In section 13(11), for the words “the Tenants’ Rights, Etc...

The Local Government and Planning (Scotland) Act 1982 (c.43)

27 —In section 24(2), for the words “32(1)(b) of the Housing...

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The Civic Government (Scotland) Act 1982 (c.45)

28 (1) In section 87(5), for the words “Part II of...

The Rent (Scotland) Act 1984 (c.58)

29 (1) In section 5(5), for the words “5 of the...

The Housing Act 1985 (c.68)

30 (1) In section 76— (a) in subsection (1)(a), for the...

The Housing Associations Act 1985 (c.69)

31 (1) In section 8(1), for the words “Part I of...

Airports Act 1986 (c.31)

32 —In Schedule 2, paragraph 4, for the words “56” and...

SCHEDULE 24 — REPEALS

- 1 The following abbreviations are used in this Table: Acts of...
- 2 The Table does not show the effect of Transfer of...
- 3 The letter R followed by a number indicates that the...
- 4 The entry “drafting” indicates a provision of a mechanical or...

Status:

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