



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART I **S**

PROVISION OF HOUSING

Housing co-operatives

22 **Agreements for exercise by housing co-operatives of local authority housing functions.** **S**

- (1) A local authority may make an agreement with a society, company or body of trustees for the time being approved by the Secretary of State for the purposes of this section (in this section called a “housing co-operative”)—
 - (a) for the exercise by the co-operative, on such terms as may be provided in the agreement, of any of the local authority’s powers relating to land or any interest in land held by them for the purposes of this Part, and the performance by the co-operative of any of the local authority’s duties relating to such land or interest; or
 - (b) for the exercise by the co-operative, in connection with any such land or interest, of any of the local authority’s powers under section 4 or 5 (powers to provide furniture, board and laundry facilities).
- (2) An agreement to which this section applies may only be made with the approval of the Secretary of State.
- (3) The Secretary of State’s approval to the making of such an agreement may be given either generally or to any local authority or description of local authority or in any particular case, and may be given unconditionally or subject to any conditions.
- [^{F1}(4) Without prejudice to any power to let land conferred on a local authority by any enactment, the terms of an agreement to which this section applies may include terms providing for the letting of land to the housing co-operative by the local authority for a period not exceeding 20 years.]

Status: Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Housing co-operatives is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Houses on land included in an agreement to which this section applies shall continue to be included in the local authority’s housing revenue account; and neither the fact that the authority have made the agreement nor any letting of land in pursuance of it shall be treated as a ground for the reduction, suspension or discontinuance of any Exchequer contribution or subsidy under section 202.

Textual Amendments

- F1** S. 22(4) substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 1](#)

VALID FROM 01/04/1994

[^{F2}22A Management agreements with housing co-operatives. **S**

- (1) In this section “housing co-operative” has the meaning given in subsection (1) of section 22 except that the reference in that subsection to the Secretary of State’s approval shall be construed as a reference to his approval in relation to the purposes of this section.
- (2) On an application by a housing co-operative a local authority shall make an agreement with them for the performance by that housing co-operative, on such terms as may be provided in the agreement, of the local authority’s functions under section 17(1) relating to the management of houses which are subject to the agreement.
- (3) Before making such an agreement the local authority shall satisfy themselves that the housing co-operative—
 - (a) have the approval of the Secretary of State;
 - (b) are able to perform the functions competently and efficiently;
 - (c) are representative of the tenants of the houses.
- (4) Where the local authority refuse to enter into an agreement on the grounds that the housing co-operative do not satisfy paragraph (b) or (c) of subsection (3), the housing co-operative may appeal to the Secretary of State who may confirm or reverse the decision of the local authority.
- (5) Where the Secretary of State reverses the decision of the local authority, the authority and the housing co-operative shall make the agreement.
- (6) Where the local authority and the housing co-operative are unable to agree on the terms of the agreement, the housing co-operative may appeal to the Secretary of State who may determine the terms of the agreement.
- (7) An agreement to which this section applies shall be made only with the approval of the Secretary of State, which may be given either generally or to any local authority or description of local authority or in any particular case, and may be given unconditionally or subject to any conditions.]

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Textual Amendments

F2 S. 22A inserted (1.4.1994) by 1993 c. 28, s. 152; S.I. 1993/2163, art. 2, Sch. 2.

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