Changes to legislation: Housing (Scotland) Act 1987, PART III is up to date with all changes known to be in force on or before 13 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)



# Housing (Scotland) Act 1987

### **1987 CHAPTER 26**

## PART III S

### RIGHTS OF PUBLIC SECTOR TENANTS

Security of tenure

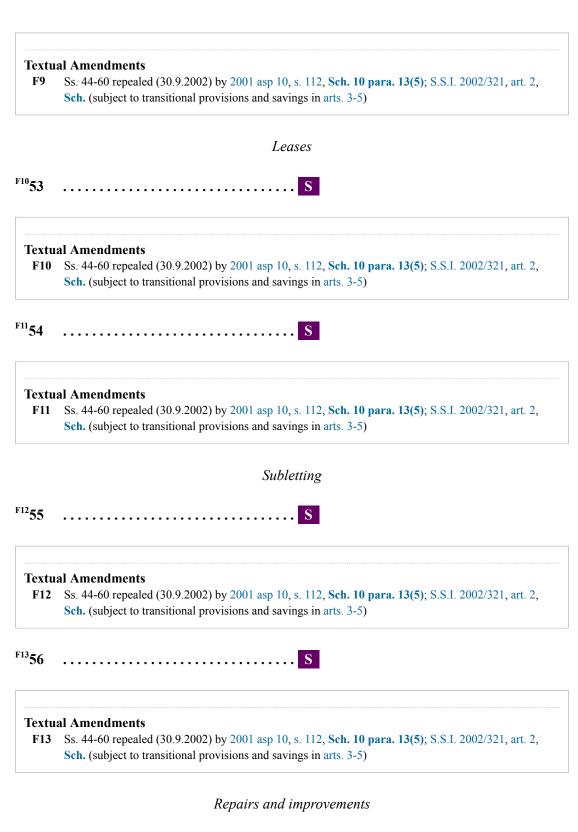
Texti	al Amendments
F1	Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, <b>Sch. 10 para. 13(5)</b> ; S.S.I. 2002/321, art. 2, <b>Sch.</b> (with transitional provisions and savings in arts. 3-5)
<sup>2</sup> 45	S
45	S
	al Amendments

### **Textual Amendments**

F3 Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(5); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in art. 3-5)

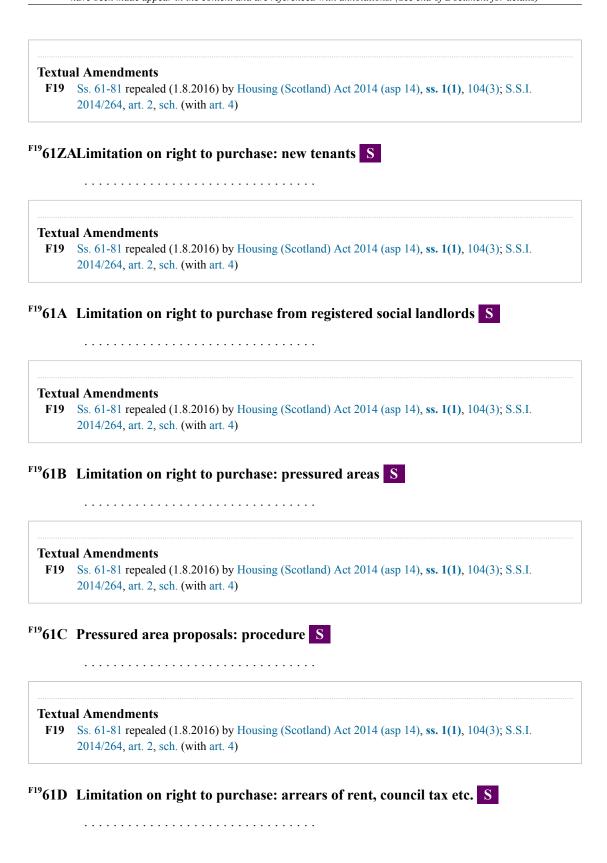
F447	S			
Torret	and Amounta			
F4	Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, <b>Sch. 10 para. 13(5)</b> ; S.S.I. 2002/321, art. 2, <b>Sch.</b> (subject to transitional provisions and savings in arts. 3-5)			
<sup>F5</sup> 48	S			
Textu F5	Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, <b>Sch. 10 para. 13(5)</b> ; S.S.I. 2002/321, art. 2,			
	Sch. (subject to transitional provisions and savings in arts. 3-5)			
<sup>F6</sup> 49	S			
	ual Amendments			
F6	Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, <b>Sch. 10 para. 13(5)</b> ; S.S.I. 2002/321, art. 2, <b>Sch.</b> (subject to transitional provisions and savings in arts. 3-5)			
<sup>F7</sup> 50	S			
F7	ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, <b>Sch. 10 para. 13(5)</b> ; S.S.I. 2002/321, art. 2, <b>Sch.</b> (subject to transitional provisions and savings in arts. 3-5)			
<sup>F8</sup> 51	S			
F8	all Amendments Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(5); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)			
Succession				
<sup>F9</sup> 52	S			

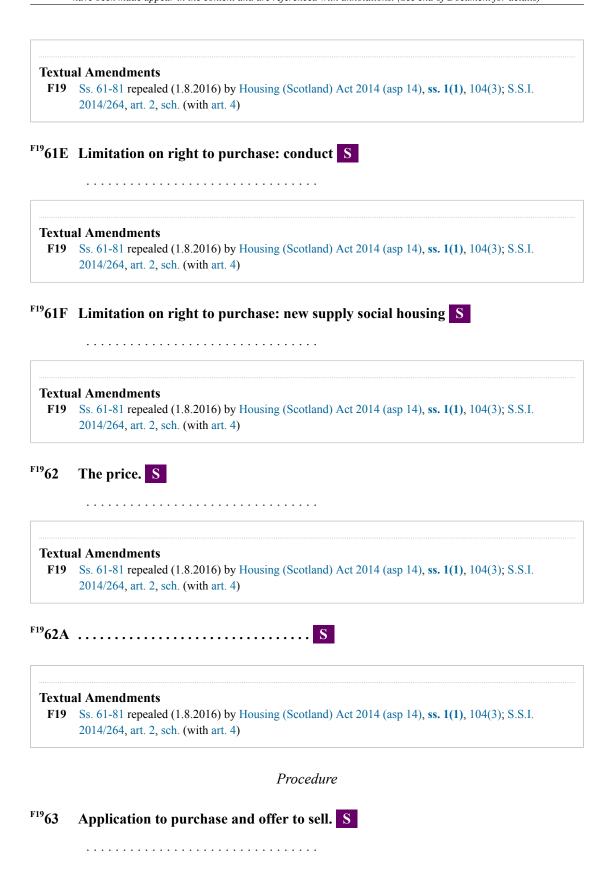
Changes to legislation: Housing (Scotland) Act 1987, PART III is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



F1457 ...... S

TD 4				
F14	al Amendments Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(5); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)			
<sup>15</sup> 58	<u>S</u>			
	al Amendments Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(5); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)			
<sup>16</sup> 58A	S			
	al Amendments Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(5); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)			
<sup>117</sup> 59	S			
Textu:	al Amendments Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(5); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)			
<sup>18</sup> 60	S			
Textu:	al Amendments Ss. 44-60 repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(5); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)			
Right to buy				
<sup>719</sup> 61	Secure tenant's right to purchase S			





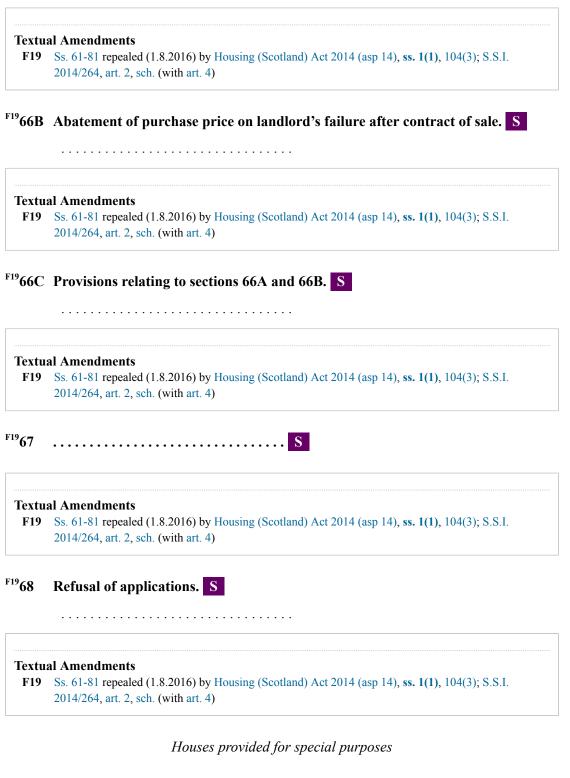
Changes to legislation: Housing (Scotland) Act 1987, PART III is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

# **Textual Amendments** F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) F1963A Information to be prescribed S **Textual Amendments** F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) F1964 **Textual Amendments F19** Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) F1965 Variation of conditions. S **Textual Amendments** F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) F1966 Notice of acceptance. S **Textual Amendments** Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I.

F1966A Abatement of purchase price on landlord's failure before contract of sale. S

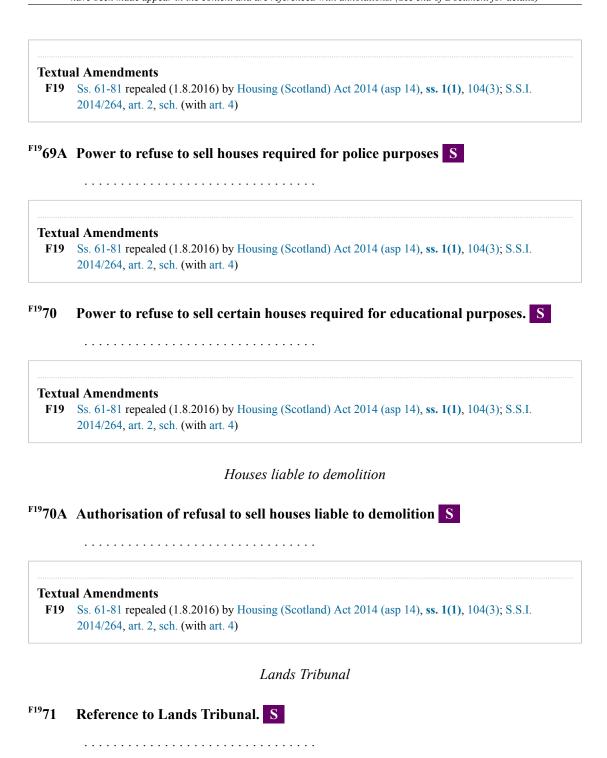
2014/264, art. 2, sch. (with art. 4)

Changes to legislation: Housing (Scotland) Act 1987, PART III is up to date with all changes known to be in force on or before 13 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)



Secretary of State's power to authorise refusal to sell certain houses provided for persons of pensionable age.

Changes to legislation: Housing (Scotland) Act 1987, PART III is up to date with all changes known to be in force on or before 13 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)



### **Textual Amendments**

**F19** Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), **ss. 1(1)**, 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)

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### Recoverability of discount

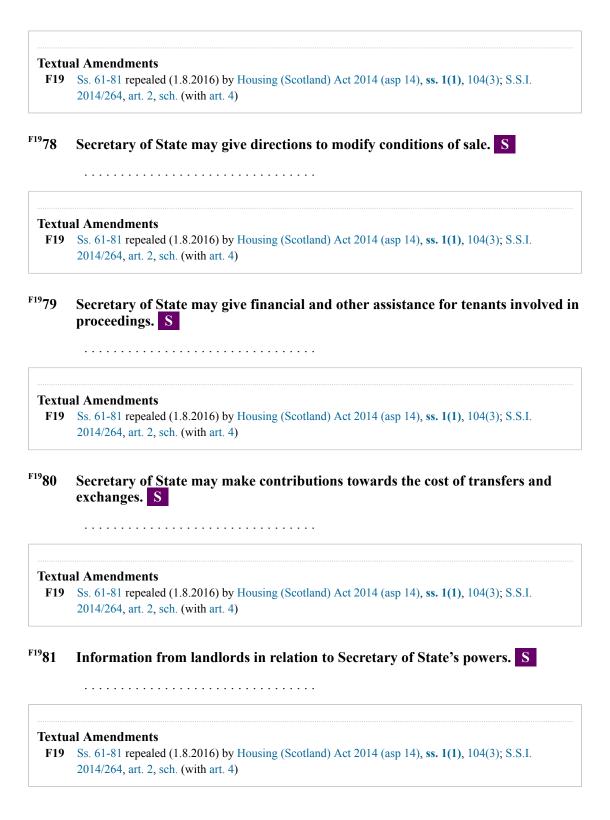
<sup>F19</sup> 72	Recovery of discount on early re-sale.				
Textu F19	Textual Amendments F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)				
<sup>F19</sup> 73	Cases where discount etc. is not recoverable . S				
Textu	al Amendments				
F19	Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), <b>ss. 1(1)</b> , 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)				
	Rent to loan scheme				
<sup>F19</sup> 73A	S				
Textu	al Amendments Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I.				
	2014/264, art. 2, sch. (with art. 4)				
<sup>F19</sup> 73B	S				
Textu	al Amendments				
F19	Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)				
<sup>F19</sup> 73C	S				
	al Amendments				
F19	Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), <b>ss. 1(1)</b> , 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)				

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<sup>F19</sup>73D ...... S **Textual Amendments** F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) F1974 **Duties of landlords.** S **Textual Amendments** F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) F1975 Agreements affecting right to purchase. S **Textual Amendments** Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) <sup>F19</sup>75A ...... S **Textual Amendments** F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4) **Textual Amendments** F19 Ss. 61-81 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), ss. 1(1), 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)

Powers of Secretary of State

Secretary of State may make provision for vesting in landlord to bring into being tenant's right to purchase house.



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## I<sup>F20</sup> Preservation of right to buy on disposal to private sector landlord] **Textual Amendments** F20 S. 81A and cross heading inserted (21.2.1992) by Housing Act 1988 (c. 50, SIF 61), s. 128; S.I. 1992/324, art. 2 **Textual Amendments** F21 S. 81A repealed (30.9.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(17); S.S.I. 2002/321, art. 2, Sch. (with transitional provisions and savings in arts. 3-5) [F22 Consultation before disposal to private sector landlord] **Textual Amendments** F22 S. 81B and cross heading inserted (21.2.1992) by Housing Act 1988 (c. 50, SIF 61), s. 135(1)(3); S.I. 1992/324, art. 2 **Textual Amendments** F23 S. 81B repealed (19.12.2001) by 2001 asp 10, s. 112, Sch. 10 para. 13(17); S.S.I. 2001/467, art. 2(2), **Sch.** Table (subject to art. 3)

### 82 [F24Interpretation of sections 14, 19 and 20] S

In  $^{F25}$ ... sections 14, 19,  $[^{F26}$  and 20], except where provision is made to the contrary,  $^{F27}$ ...

General

"family" and any reference to membership thereof shall be construed in accordance with section 83;

F28 F27 ... F27

"landlord" means a person who lets a house to a tenant for human habitation, and includes his successors in title;

F27 ... F27 ... F29

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F29
. . .
F27
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"tenancy" means any agreement under which a house is made available for occupation for human habitation, and "leases", "let" and "lets" shall be construed accordingly;

"tenant" means a person who leases a house from a landlord and who derives his right therein directly from the landlord, and in the case of joint tenancies means all the tenants.

#### **Textual Amendments**

- F24 S. 82 heading substituted (1.8.2016) by virtue of Housing (Scotland) Act 2014 (asp 14), s. 104(3), sch. 2 para. 4(8); S.S.I. 2014/264, art. 2, sch. (with art. 4)
- F25 Words in s. 82 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), sch. 2 para. 4(7)(a); S.S.I. 2014/264, art. 2, sch. (with art. 4)
- **F26** Words in s. 82 substituted (30.9.2002) by 2001 asp 10, s. 112, **Sch. 10 para. 13(18)(a)**; S.S.I. 2002/321, art. 2, **Sch.** (with transitional provisions and savings in arts. 3-5)
- F27 Words in s. 82 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), sch. 2 para. 4(7)(b); S.S.I. 2014/264, art. 2, sch. (with art. 4)
- F28 Words in s. 82 repealed (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), sch. 8 Pt. 2; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- **F29** Definitions of

"rent to loan purchaser"

and

"rent to loan scheme"

in s. 82 repealed (30.9.2002) by 2001 asp 10, s. 112, **Sch. 10 para. 13(18)(b)**; S.S.I. 2002/321, art. 2, **Sch.** (with transitional provisions and savings in arts. 3-5)

### **Modifications etc. (not altering text)**

C1 S. 82 modified (13.3.1992) by S.I. 1992/325, regs. 3, 5, 7, Sch. 1

### 83 Members of a person's family. S

- (1) A person is a member of another's family for the purposes of this Act if—
  - (a) he is the spouse [F30] or civil partner] of that person or he and that person live together as husband and wife [F31] or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex]; or
  - (b) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (2) For the purposes of subsection (1)(b)—
  - (a) a relationship by marriage [F32 or by virtue of civil partnership] shall be treated as a relationship by blood;
  - (b) a relationship of the half-blood shall be treated as a relationship of the whole blood;
  - (c) the stepchild of a person shall be treated as his child; and
  - [F33(ca) a person brought up or treated by another person as if the person were the child of the other person shall be treated as that person's child;]
    - (d) a child shall be treated as such whether or not his parents are married.

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[F34(3) Except in subsection (1)(a), references in this Act to a person's spouse include references to [F35that person's civil partner or to] another person living together with that person as husband and wife or in a relationship which has the characteristics of the relationship between husband and wife except that the persons are of the same sex.]

### **Textual Amendments**

- **F30** Words in s. 83(1)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28** para. 54(a); S.S.I. 2005/604, arts. 2(c), 4
- F31 Words in s. 83(1)(a) inserted (1.10.2001) by 2001 asp 10, s. 108(3)(a); S.S.I. 2001/336, art. 2(2), Sch. Pt. I (with transitional provisions and savings in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))
- F32 Words in s. 83(2)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), Sch. 28 para. 54(b); S.S.I. 2005/604, arts. 2(c), 4
- F33 S. 83(2)(ca) inserted (1.10.2001) by 2001 asp 10, s. 108(3)(b); S.S.I. 2001/336, art. 2(2), Sch. Pt. I (with transitional provisions and savings in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))
- F34 S. 83(3) inserted (1.10.2001) by 2001 asp 10, s. 108(3)(c); S.S.I. 2001/336, art. 2(2), Sch. Pt. I (with transitional provisions and savings in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))
- F35 Words in s. 83(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), Sch. 28 para. 54(c); S.S.I. 2005/604, arts. 2(c), 4

### **Modifications etc. (not altering text)**

- C2 S. 83 applied by Housing (Scotland) Act 1988 (c. 43, SIF 61), ss. 37(4), 52
- C3 S. 83 modified (13.3.1992) by S.I. 1992/325, regs. 3, 5, 7, Sch. 1

F3684	Service of notices.	S
<b>.</b>	S 01 1100 01 110010001	~

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### **Textual Amendments**

**F36** S. 84 repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), **ss. 1(1)**, 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)

F3784A Application of right to buy to cases where landlord is lessee. S

### **Textual Amendments**

**F37** S. 84A repealed (1.8.2016) by Housing (Scotland) Act 2014 (asp 14), **ss. 1(1)**, 104(3); S.S.I. 2014/264, art. 2, sch. (with art. 4)

### **Status:**

Point in time view as at 01/08/2016.

### **Changes to legislation:**