



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART III

RIGHTS OF PUBLIC SECTOR TENANTS

Lands Tribunal

71 Reference to Lands Tribunal.

(1) Where—

- (a) a landlord who has been duly served with an application to purchase fails to issue timeously either an offer ^{F1} . . . to sell (even if only such offer ^{F1} . . . to sell as is mentioned in paragraph (d)) or a notice of refusal; or
- (b) the Lands Tribunal has made a determination under section 65(3) (variation of terms of offer to sell) and the landlord has failed to issue an amended offer to sell within 2 months thereafter; or
- (c) the Lands Tribunal has made a finding under section 68(4) (refusal of right to purchase) or has made an order under subsection (2)(b) of this section and the landlord has not duly progressed the application to purchase in accordance with that finding or, as the case may be, order, within 2 months thereafter; or
- (d) a landlord has served an offer ^{F1} . . . to sell whose contents do not conform with the requirements of paragraphs (a) to (e) of section 63(2) (or where such contents were not obtained in accordance with the provisions specified in those paragraphs) ^{F1} . . .

the tenant (together with any joint purchaser) may refer the matter to the Lands Tribunal by serving on the clerk to that body a copy of any notice served and of any finding or determination made under this Part, together with a statement of his grievance.

(2) Where a matter has been referred to the Lands Tribunal under subsection (1), the Tribunal shall consider whether in its opinion—

- (a) any of paragraphs (a) to (c) of that subsection apply, and if it so finds it may—

Status: Point in time view as at 28/11/2004.

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Lands Tribunal is up to date with all changes known to be in force on or before 11 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)

- (i) give any consent, exercise any discretion, or do anything which the landlord may give, exercise or do under or for the purposes of sections 61 to 84; and
 - (ii) issue such notices and undertake such other steps as may be required to complete the procedure provided for in sections 63 and 65 to [F266C];
- and any consent given, any discretion exercised, or anything done, under the foregoing provisions of this subsection shall have effect as if it had been duly given, exercised or done by the landlord; or
- (b) paragraph (d) of that subsection applies, and if it so finds it may order the landlord to serve on the tenant an offer ^{F1}. . . to sell, in proper form, under section 63(2) ^{F1}. . . within such time (not exceeding 2 months) as it may specify.
- (3) Nothing in this section shall affect the operation of the provisions of any other enactment relating to the enforcement of a statutory duty whether under that enactment or otherwise.

Textual Amendments

- F1** Words in s. 71(1)(a)(d)(2)(b) repealed (30.9.2002) by 2001 asp 10, s. 112, **Sch. 10 para. 13(11)(a)(i)(ii)(b)(ii)**; S.S.I. 2002/321, art. 2, **Sch.** (subject to transitional provisions and savings in arts. 3-5)
- F2** Words in s. 71(2)(a)(ii) substituted (30.9.2002) by 2001 asp 10, s. 112, **Sch. 10 para. 13(11)(b)(i)**; S.S.I. 2002/321, art. 2, **Sch.** (subject to transitional provisions and savings in arts. 3-5)

Modifications etc. (not altering text)

- C1** S. 71 modified (13.3.1992) by S.I. 1992/325, regs. 3, 5, 7, **Sch. 1**

Status:

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Changes to legislation:

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