



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART III

RIGHTS OF PUBLIC SECTOR TENANTS

Powers of Secretary of State

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

- (1) Subject to subsection (2), where, but for the fact that a landlord is not the heritable proprietor of land on which houses have been let (or made available for letting) by it, one or more of its tenants would have a right to purchase under section 61, the Secretary of State may by order made by statutory instrument provide that the whole of the heritable proprietor's interest in the land shall vest in the landlord.
- (2) An order under this section shall only be made where—
 - (a) heritable proprietor is a body mentioned in paragraph (a) of section 61(2); and
 - (b) the Secretary of State is of the opinion, after consultation with the heritable proprietor and with the landlord, that the order is necessary if the right to purchase is to come into being.
- (3) An order under this section shall have the same effect as a declaration under [F1section 195 of the Town and Country Planning (Scotland) Act 1997] (general vesting declarations), except that, in relation to such an order, the enactments mentioned in Schedule 6 shall have effect subject to the modifications specified in that Schedule.
- (4) Compensation under the M1Land Compensation (Scotland) Act 1963, as applied by subsection (3) and Schedule 6 shall be assessed by reference to values current on the date the order under this section comes into force.
- (5) An order under this section shall have no effect until approved by resolution of each House of Parliament.

Status: Point in time view as at 01/04/2013.

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Powers of Secretary of State is up to date with all changes known to be in force on or before 23 August 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)

^{F2}(6)

- (7) An order under this section may include such incidental, consequential or supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of this Act.

Textual Amendments

F1 Words in s. 77(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 40(1)**

F2 S. 77(6) repealed (27.7.2000) by S.I. 2000/2040, arts. 1(1), 2(1)(2), **Sch. Pt. I para. 13 Pt. III**

Marginal Citations

M1 1963 c. 51.

78 Secretary of State may give directions to modify conditions of sale.

- (1) Where it appears to the Secretary of State that the inclusion of conditions of a particular kind in offers to sell would be unreasonable he may by direction require landlords generally, landlords of a particular description, or particular landlords not to include conditions of that kind (or not to include conditions of that kind unless modified in such manner as may be specified in the direction) in offers to sell served on or after a date so specified.
- (2) Where a condition's inclusion in an offer to sell—
- (a) is in contravention of a direction under subsection (1) or
 - (b) in a case where the tenant has not by the date specified in such a direction served a relative notice of acceptance on the landlord, would have been in such contravention had the offer to sell been served on or after that date,
- the condition shall have no effect as regards the offer to sell.
- (3) A direction under subsection (1) may—
- (a) make different provision in relation to different areas, cases or classes of case and may exclude certain areas, cases or classes of case; and
 - (b) be varied or withdrawn by a subsequent direction so given.
- (4) Section 211 of the ^{M2}Local Government (Scotland) Act 1973 (provision for default of local authority) shall apply as regards a failure to comply with a requirement in a direction under subsection (1) as that section applies as regards such failure as is mentioned in subsection (1) thereof.

Modifications etc. (not altering text)

C1 S. 78 modified (13.3.1992) by S.I. 1992/325, regs. 3, 5, 7, **Sch. 1**

Marginal Citations

M2 1973 c. 65.

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79 Secretary of State may give financial and other assistance for tenants involved in proceedings.

- (1) Where, in relation to any proceedings, or prospective proceedings, to which this section applies, a tenant or purchaser is an actual or prospective party, the Secretary of State may on written application to him by the tenant or purchaser give financial or other assistance to the applicant, if the Secretary of State thinks fit to do so:

Provided that assistance under this section shall be given only where the Secretary of State considers—

- (a) that the case raises a question of principle and that it is in the public interest to give the applicant such assistance; or
 - (b) that there is some other special consideration.
- (2) This section applies to—
- (a) any proceedings under sections 61 to 84 ^{F3} . . . ; and
 - (b) any proceedings to determine any question arising under or in connection with those sections other than a question as to market value for the purposes of section 62.
- (3) Assistance by the Secretary of State under this section may include—
- (a) giving advice;
 - (b) procuring or attempting to procure the settlement of the matter in dispute;
 - (c) arranging for the giving of advice or assistance by a solicitor or counsel;
 - (d) arranging for representation by a solicitor or counsel;
 - (e) any other form of assistance which the Secretary of State may consider appropriate.
- (4) In so far as expenses are incurred by the Secretary of State in providing the applicant with assistance under this section, any sums recovered by virtue of an award of expenses, or of an agreement as to expenses, in the applicant's favour with respect to the matter in connection with which the assistance is given shall, subject to any charge or obligation for payment in priority to other debts under the ^{M3}Legal Aid (Scotland) Act 1986 and to any provision of that Act for payment of any sum into the Scottish Legal Aid Fund, be paid to the Secretary of State in priority to any other debts.
- (5) Any expenses incurred by the Secretary of State in providing assistance under this section shall be paid out of money provided by Parliament; and any sums received by the Secretary of State under subsection (4) shall be paid into the Consolidated Fund.

Textual Amendments

- F3** Words in s. 79(2)(a) repealed (30.9.2002) by 2001 asp 10, s. 112, **Sch. 10 para. 13(15)**; S.S.I. 2002/321, art. 2, **Sch.** (with transitional provisions and savings in arts. 3-5)

Modifications etc. (not altering text)

- C2** S. 79 modified (13.3.1992) by S.I. 1992/325, regs. 3, 5, 7, **Sch. 1**

Marginal Citations

- M3** 1986 c.47.

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80 Secretary of State may make contributions towards the cost of transfers and exchanges.

F4

Textual Amendments

F4 S. 80 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 168(4), 194(4), [Sch. 12 Pt. II](#)

81 Information from landlords in relation to Secretary of State's powers.

- (1) Without prejudice to section 199 of the ^{M4}Local Government (Scotland) Act 1973 (reports and returns by local authorities etc.), where it appears to the Secretary of State necessary or expedient, in relation to the exercise of his powers under sections 61 to 84 ^{F5} . . . , he may by notice in writing to a landlord require it—
- (a) at such time and at such place as may be specified in the notice, to produce any document; or
 - (b) within such period as may be so specified or such longer period as the Secretary of State may allow, to furnish a copy of any document or supply any information.
- (2) Any officer of the landlord designated in the notice for that purpose or having custody or control of the document or in a position to give that information shall, without instructions from the landlord, take all reasonable steps to ensure that the notice is complied with.

Textual Amendments

F5 Words in s. 81(1) repealed (30.9.2002) by [2001 asp 10, s. 112, Sch. 10 para. 13\(16\)](#); [S.S.I. 2002/321, art. 2, Sch.](#) (with transitional provisions and savings in [arts. 3-5](#))

Marginal Citations

M4 [1973 c.65.](#)

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