



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XIV

ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

Local schemes

287 Designation of defective dwellings under local schemes.

- (1) A local authority may by resolution designate as a class buildings in their area each of which consists of or includes one or more dwellings if it appears to them that—
 - (a) buildings in the proposed class are defective by reason of their design or construction, and
 - (b) by virtue of the circumstances mentioned in paragraph (a) having become generally known, the value of some or all of the dwellings concerned has been substantially reduced.
- (2) Subsection (1) does not apply to a building in a class designated under section 257 (designation by Secretary of State); but a building does not cease to be included in a class designated under this section by virtue of its inclusion in a class designated under that section.
- (3) A dwelling which is, or is included in, a building in a class so designated is referred to in this Part as a “defective dwelling”; and in this Part, in relation to such a dwelling—
 - (a) “the qualifying defect” means what, in the opinion of the authority, is wrong with the buildings in that class, and
 - (b) “the cut-off date” means the date by which, in the opinion of the authority, the circumstances mentioned in subsection (1)(a) became generally known.
- (4) A designation shall describe the qualifying defect and specify—
 - (a) the cut-off date,
 - (b) the date (being a date falling on or after the cut-off date) on which the designation is to come into operation, and

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- (c) the period within which persons may seek assistance under this Part in respect of the defective dwellings concerned.
- (5) A designation may not describe a designated class by reference to the area (other than the authority's district) in which the buildings concerned are situated; but may be so described that within the authority's area there is only one building in the class.
- (6) Any question arising as to whether a building is or was at any time in a class designated under this section shall be determined by the local authority concerned.

288 Variation or revocation of designation under local schemes.

- (1) The local authority may by resolution—
 - (a) vary a designation under section 287, but not so as to vary the cut-off date, or
 - (b) revoke such a designation.
- (2) The authority may by a variation of the designation extend the period referred to in section 287(4)(c) (period within which assistance must be applied for) whether or not it has expired.
- (3) The variation or revocation of a designation does not affect the operation of the provisions of this Part in relation to a dwelling if, before the variation or revocation comes into operation, the dwelling is a defective dwelling by virtue of the designation in question and application for assistance under this Part has been made.

289 Secretary of State's control over designation, variation or revocation.

- (1) Where a local authority have passed a resolution under—
 - (a) section 287 (designation under local scheme), or
 - (b) section 288 (variation or revocation of designation under local scheme),
 they shall give written notice to the Secretary of State of the resolution before the expiry of the period of 28 days beginning with the date on which it is passed.
- (2) The designation, variation or revocation shall not come into operation before [^{F1}the cut-off date or if it is later] the expiry of the period of 2 months [^{F1}or such longer period as the Secretary of State may direct for the purposes of this subsection under subsection (2A) below] beginning with the receipt by the Secretary of State of the notice under subsection (1).
- [^{F2}(2A) If, within the period for the time being specified in or (by virtue of the previous operation of this subsection) for the purposes of subsection (2) above, the Secretary of State is satisfied that he does not have reasonably sufficient information to enable him to come to a decision with respect to the resolution concerned, he may direct for the purposes of that subsection that it shall have effect as if for the period so specified there were substituted such longer period as is specified in the direction.]
- (3) If [^{F3}before the cut-off date or, if it is later, the expiry of the period for the time being specified in or for the purposes of subsection (2) above] the Secretary of State serves notice in writing to that effect on the authority, the designation, revocation or variation shall not come into operation.

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Textual Amendments

- F1** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 166\(4\)\(a\)](#)
- F2** [S. 289\(2A\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 166\(4\)\(b\)\(5\)](#)
- F3** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 166\(4\)\(c\)](#)

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