



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART XIV

#### ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

##### *Miscellaneous*

#### **290 Duty of local housing authority to publicise availability of assistance.**

- (1) A local authority shall, within the period of 3 months beginning with the coming into operation of—
  - (a) a designation under section 257 (designation of defective dwellings by Secretary of State) or section 287 (designation of defective dwellings under local scheme), or
  - (b) a variation of such a designation,publish in a newspaper circulating in their area notice suitable for the purpose of bringing the effect of the designation or variation to the attention of persons who may be eligible for assistance in respect of such of the dwellings concerned as are situated within their area.
- (2) No such notice need be published by a local housing authority who are of opinion—
  - (a) that none of the dwellings concerned are situated in their area, or
  - (b) that no-one is likely to be eligible for assistance in respect of the dwellings concerned which are situated in their area.
- (3) If at any time it becomes apparent to a local authority that a person is likely to be eligible for assistance in respect of a defective dwelling within their area, they shall forthwith take such steps as are reasonably practicable to inform him of the fact that assistance is available.

*Status: Point in time view as at 01/10/2003.*

*Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 29 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)*

## **291 Duties of public sector authority disposing of defective dwelling.**

- (1) A public sector authority shall, where a person is to acquire a relevant interest in a defective dwelling on a disposal by the authority, give him notice in writing before the time of the disposal—
  - (a) specifying the qualifying defect, and
  - (b) stating that he will not be eligible for assistance under this Part in respect of the dwelling.
- (2) A public sector authority shall, before they convey a relevant interest in a defective dwelling in pursuance of completed missives to a person on whom a notice under subsection (1) has not been served, give him notice in writing—
  - (a) specifying the qualifying defect,
  - (b) stating, where the time of disposal of the interest falls after the cut-off date, that he will not be eligible for assistance under this Part, and
  - (c) stating the effect of subsection (3).
- (3) A person on whom a notice under subsection (2) is served—
  - (a) is not obliged to complete the conveyance before the expiry of the period of 6 months beginning with the service of that notice on him, and
  - (b) may within that period withdraw from the transaction by notice in writing to the authority to that effect.
- (4) Where a public sector authority are required to serve a notice under section 63(2), 68, 69 or 70 (landlord's response to notice claiming to exercise right to buy) in respect of a defective dwelling, the notice under subsection (1) shall be served with that notice.
- (5) A notice under subsection (1) or (2) shall, (except in the case of a notice under subsection (1) which is served in accordance with subsection (4)), be served at the earliest date at which it is reasonably practicable to do so.

## **292 Reinstatement of defective dwelling by local authority.**

- (1) Where a relevant interest in a defective dwelling has been disposed of by a public sector authority, the local authority may, before the end of the period within which a person may seek assistance under this Part in respect of the dwelling, enter into an agreement with—
  - (a) any person holding an interest in the dwelling, or
  - (b) any person who is a statutory tenant of it,
 to execute at his expense any of the work required to reinstate the dwelling.
- (2) For the purposes of this section a disposal by or under an enactment of an interest in a dwelling held by a public sector authority shall be treated as a disposal of the interest by the authority.

## **293 Death of person eligible for assistance, etc.**

- (1) Where a person who is eligible for assistance in respect of a defective dwelling—
  - (a) dies, or
  - (b) disposes of his interest in the dwelling (otherwise than on a disposal for value) to such a person as is mentioned in section 259(2) (persons qualifying for assistance: individuals, trustees for individuals and personal representatives),

*Status: Point in time view as at 01/10/2003.*

*Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 29 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)*

this Part applies as if anything done (or treated by virtue of this subsection as done) by or in relation to the person so eligible had been done by or in relation to his personal representatives or, as the case may be, the person acquiring his interest.

- (2) In sections 277 to 279 (subsidiary forms of financial assistance) references to the owner of an interest in a defective dwelling include his personal representatives.

**294 Dwellings included in more than one designation.**

The provisions of Schedule 21 have effect with respect to dwellings included in more than one designation.

**295 Application of Act in relation to lenders on security of defective dwelling.**

- (1) The Secretary of State may by regulations made by statutory instrument subject to annulment by either House of Parliament make provision for the purpose of conferring rights and obligations on any person who has granted a loan on the security of a defective dwelling where—

- (a) a power of sale is exercisable by the lender, and
- (b) the borrower is eligible for assistance in respect of the defective dwelling.

- (2) The rights that may be conferred on a lender by regulations under this section are—

- (a) rights corresponding to those conferred by this Part on a person holding a relevant interest in the defective dwelling, and
- (b) the right to require the local authority to acquire in accordance with the regulations any interest in the defective dwelling to be disposed of in exercise of the power of sale,

and the rights that may be so conferred may be conferred in place of any rights conferred on any other person by this Part.

- (3) Regulations under this section may provide that, where the conditions in subsection (1) (a) and (b) are or have been satisfied, this Part, the power of sale and any enactment relating to the power of sale in question shall have effect subject to such modifications as may be specified in the regulations.

- (4) Regulations under this section—

- (a) may make different provision for different cases, and
- (b) may make incidental and consequential provision.

**296,** ..... <sup>F1</sup>  
**297.**

**Textual Amendments**

**F1** Ss. 296, 297 repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(3), [Sch. 10](#)

**Status:**

Point in time view as at 01/10/2003.

**Changes to legislation:**

Housing (Scotland) Act 1987, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 29 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.