

Status: Point in time view as at 28/11/2004.

Changes to legislation: Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 10 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)

SCHEDULES

SCHEDULE 20

ASSISTANCE BY WAY OF REPURCHASE

PART I

THE AGREEMENT TO REPURCHASE

The interest to be acquired

- 1 In this Schedule, “the interest to be acquired” means the interest of the person entitled to assistance by way of repurchase, so far as subsisting in—
- (a) the defective dwelling, and
 - (b) any garage, outhouse, garden, yard and pertinents belonging to or usually enjoyed with the dwelling or a part of it.

Request for notice of proposed terms of acquisition

- 2 —A person who is entitled to assistance by way of repurchase may, within the period of three months beginning with the service of the notice of determination, or that period as extended, request the purchasing authority in writing to notify him of the proposed terms and conditions for their acquisition of the interest to be acquired.

Authority’s notice of proposed terms

- 3 —The purchasing authority shall, within the period of three months beginning with the making of a request under paragraph 2, serve on the person so entitled [^{F1}an offer to purchase] in writing specifying the proposed terms and conditions including those that are reasonably necessary to enable the authority to receive a good and marketable title and stating their opinion as to the value of the interest to be acquired.

Textual Amendments

- F1** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\), s. 72\(1\), Sch. 7 para. 29](#)

Unreasonable terms

- 4 —Where an offer to purchase is served on the person so entitled and he wishes to sell but he considers that a term or condition contained in the offer to purchase is unreasonable, he may request the authority to strike out or vary the term or condition by serving on the authority, within one month after service of the offer to purchase,

Status: Point in time view as at 28/11/2004.

Changes to legislation: Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 10 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)

a notice in writing setting out his request; and if the authority agree they shall accordingly serve an amended offer to purchase within one month of service of the said notice setting out the request.

Appeal

- 5 —A person so entitled who is aggrieved by the refusal of an authority to agree to strike out or vary a term or condition or by their failure timeously to serve an amended offer to purchase may within one month of the refusal or failure apply by way of summary application to the sheriff for determination of the matter; and the sheriff may, as he thinks fit, uphold the term or condition or strike it out or vary it and where his determination results in a variation of the terms or conditions of the offer to purchase he shall order the authority to serve on the person entitled an amended offer to purchase within one month thereafter.

Notice of acceptance

- 6 —The person so entitled may at any time within the period of six months beginning with—
- (a) the service of the offer to purchase by the authority; or
 - (b) the service of an amended offer to purchase under paragraph 4; or
 - (c) the date of the determination of the sheriff;
- serve a notice of acceptance on the authority.

Extensions

- 7 —The authority shall, if there are reasonable grounds for doing so, by notice in writing served on the person so entitled, extend (or further extend) the period within which—
- (a) under paragraph 2, he may request them to notify him of the terms and conditions proposed for their acquisition of the interest to be acquired;
 - (b) under paragraph 4, he may request them to strike out or vary the term or condition;
 - (c) under paragraph 5, he may apply to the sheriff for determination of a matter; or
 - (d) under paragraph 6, he may serve a notice of acceptance on them;
- whether or not the period has expired.

Interest acquired to be treated as if acquired under Part I

- 8 —An interest acquired by a local authority under this Part of this Schedule shall be treated as acquired under section 9.

Status:

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

Changes to legislation:

Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 10 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.