



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART III

#### RIGHTS OF PUBLIC SECTOR TENANTS

##### *Right to buy*

VALID FROM 30/09/2002

#### **[<sup>F1</sup>61D] Limitation on right to purchase: arrears of rent, council tax etc.**

- (1) Subsections (2) and (3) apply where a tenant serves on a landlord an application to purchase at a time when the tenant, or any joint purchaser (within the meaning of section 61(6))—
  - (a) has not paid the landlord rent or any other charge lawfully due to the landlord under that or any other tenancy, or
  - (b) has not paid any sum lawfully due in respect of—
    - (i) council tax in respect of the house or any other house in the local government area in which the house is situated, or
    - (ii) water and sewerage charges in relation to the house or any other such house.
- (2) If the landlord is a local authority landlord, it is entitled (but not required) to serve on the tenant a notice of refusal under section 68.
- (3) If the landlord is a registered social landlord—
  - (a) where the sum is a sum referred to in subsection (1)(a), the landlord is entitled (but not required) to serve such a notice on the tenant,
  - (b) where the sum is a sum referred to in subsection (1)(b), the landlord shall—
    - (i) consult the local authority for the area in which the house is situated, and

---

*Status: Point in time view as at 01/04/2002. This version of this provision is not valid for this point in time.*  
*Changes to legislation: Housing (Scotland) Act 1987, Section 61D is up to date with all changes known to be in force on or before 10 May 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)*

---

(ii) serve such a notice on the tenant unless the authority agree that such a notice should not be served.]

**Textual Amendments**

**F1** S. 61D inserted (30.9.2002) by 2001 asp 10, s. 46(1); S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)

**Status:**

Point in time view as at 01/04/2002. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 61D is up to date with all changes known to be in force on or before 10 May 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.