



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART III

#### RIGHTS OF PUBLIC SECTOR TENANTS

##### *Powers of Secretary of State*

- 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 <sup>F1</sup> . . .; 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;

*Status: Point in time view as at 28/11/2004. This version of this provision has been superseded.*

*Changes to legislation: Housing (Scotland) Act 1987, Section 79 is up to date with all changes known to be in force on or before 11 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)*

- (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 <sup>M1</sup>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**

**F1** 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)**

**C1** S. 79 modified (13.3.1992) by S.I. 1992/325, regs. 3, 5, 7, **Sch. 1**

**Marginal Citations**

**M1** 1986 c.47.

**Status:**

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