

*Status: Point in time view as at 27/04/2017.*

*Changes to legislation: Housing (Scotland) Act 1988, SCHEDULE 8 is up to date with all changes known to be in force on or before 19 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)*

## SCHEDULES

### SCHEDULE 8

Section 72.

#### HOUSING (SCOTLAND) ACT 1987— MINOR AMENDMENTS

1 In section 61 (secure tenant’s right to purchase) after subsection (2) there shall be inserted the following subsection—

“(2A) For the purposes of subsection (2)(c), where the house was provided by a housing association which, at any time while the house was so provided, was not a registered housing association, the association shall, if it became a registered housing association at any later time, be deemed to have been a registered housing association at all times since it first provided the house.”.

2 In section 62 (price of house being purchased by secure tenant)—

(a) in subsection (2)—

(i) after the word “by”, where first occurring, there shall be inserted the word “ either ”; and

(ii) before the word “as” there shall be inserted the words “ as the landlord thinks fit ”;

(b) in subsection (4)—

(i) after “(3)” there shall be inserted “ (a) ”; and

(ii) at the end there shall be added “; and

(b) where the house was provided by a housing association which, at any time while the house was so provided was not a registered housing association, the association shall, if it became a registered housing association at any later time, be deemed to have been a registered housing association at all times since it first provided the house.”.

3 In section 151 (interpretation of Part VII) in the definition of “house” the words from “, not being” to the end of the definition shall cease to have effect.

<sup>F14</sup> .....

#### Textual Amendments

**F1** Sch. 8 para. 4 repealed (1.4.2013) by [Local Government Finance \(Unoccupied Properties etc.\) \(Scotland\) Act 2012 \(asp 11\)](#), ss. **4(b)**, 5(2)

<sup>F25</sup> .....

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**Textual Amendments**

- F2** Sch. 8 para. 5 repealed (1.4.2013) by [Local Government Finance \(Unoccupied Properties etc.\) \(Scotland\) Act 2012 \(asp 11\)](#), **ss. 4(b), 5(2)**

**F3** 6 . . . . .

**Textual Amendments**

- F3** Sch. 8 para. 6 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **Sch. 7** (with s. 193); [S.S.I. 2009/122](#), art. 3

**F4** 7 . . . . .

**Textual Amendments**

- F4** Sch. 8 para. 7 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **Sch. 7** (with s. 193); [S.S.I. 2009/122](#), art. 3

8 In section 255 (exchequer contributions in respect of amenities) in subsection (7) after “(6)” there shall be inserted the words “ or for such other amount as may be substituted under this subsection ”.

9 In Schedule 10 (landlord’s repairing obligations)—

(a) for paragraph 1(1) there shall be substituted—

“(1) This paragraph applies to any contract (whether entered into before or after the coming into force of Schedule 8 to the Housing (Scotland) Act 1988) for letting a house for human habitation under which no rent is payable or the rent payable is less than that specified by order made by the Secretary of State.

(1A) In determining whether this paragraph applies to any contract, there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of services, repairs, maintenance or insurance unless it could not have been regarded by the parties to the tenancy as a part so payable.

(1B) An order under sub-paragraph (1) above may specify different rents in relation to—

- (a) different kinds of houses;  
 (b) different areas.

(1C) An order under sub-paragraph (1) above may specify rent by reference to such periods or such different periods or such other factors or such combinations thereof as may be specified in the order.

(1D) An order under sub-paragraph (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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- (1E) This paragraph does not apply to a contract for the letting by a local authority of any house purchased or retained by the authority under section 121 or paragraph 5 of Schedule 8 for use for housing purposes.”;
- (b) after paragraph 3(1) there shall be inserted—
- “(1A) If a lease to which this paragraph applies is a lease of a house which forms part only of a building, then, subject to sub-paragraph (1B) of this paragraph, the provision implied by this paragraph (hereinafter referred to as “the implied repairs provision”) shall have effect as if—
- (a) the reference in paragraph (a) of sub-paragraph (1) of this paragraph to the house included a reference to any part of the building in which the lessor has an interest; and
- (b) any reference in paragraph (b) of sub-paragraph (1) of this paragraph to installations in the house included a reference to installations which, directly or indirectly, serve the house and in which the lessor has an interest.
- (1B) Nothing in sub-paragraph (1A) of this paragraph shall be construed as requiring the lessor to carry out any works or repairs unless the disrepair (or failure to maintain in working order) is such as to affect the lessee’s enjoyment of the house or of any common parts.
- (1C) In sub-paragraph (1B) of this paragraph “common parts” in relation to any building or part of a building includes the structure and exterior of that building or part and any common facilities within it.”;
- (c) in paragraph 3(2) for the words from “The provision” to “provision”)” there shall be substituted the words “ The implied repairs provision ”;
- (d) after sub-paragraph (3) there shall be inserted—
- “(3A) In any case where—
- (a) the implied repairs provision has effect as mentioned in sub-paragraph (1A) of this paragraph; and
- (b) in order to comply with the provision the lessor needs to carry out works or repairs otherwise than in, or to an installation in, the house; and
- (c) the lessor does not have sufficient right in the part of the building or the installation concerned to enable him to carry out the required works or repairs,
- then, in any proceedings relating to a failure to comply with the implied repairs provision, so far as it requires the lessor to carry out the works or repairs in question, it shall be a defence for the lessor to prove that he used all reasonable efforts to obtain, but was unable to obtain, such rights as would be adequate to enable him to carry out the works or repairs.”.
- The amendments made by sub-paragraphs (b) to (d) of this paragraph do not have effect with respect to—
- (i) a lease entered into before this Act comes into force; or

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- (ii) a lease entered into pursuant to a contract made before this Act comes into force.
- 10 In Schedule 15 (housing revenue account) in paragraph 9(2) for the words “rate fund contribution” there shall be substituted the words “ contribution out of the said general fund ”.

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