

*Status: Point in time view as at 01/10/1996.*

*Changes to legislation: Housing Act 1988, SCHEDULE 16 is up to date with all changes known to be in force on or before 01 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 16

Section 135.

#### SCHEDULE TO BE INSERTED IN THE <sup>M1</sup>HOUSING (SCOTLAND) ACT 1987

##### Commencement Information

**II** Sch. 16 wholly in force at 21.2.1992 see s. 141(2) and S.I. 1992/324, art. 2

##### Marginal Citations

**M1** 1987 c. 26.

#### “SCHEDULE 6A

#### CONSULTATION BEFORE DISPOSAL TO PRIVATE SECTOR LANDLORD

##### *Disposals to which this Schedule applies*

- 1 (1) This Schedule applies to the disposal by a local authority of an interest in land as a result of which a secure tenant of the local authority will become the tenant of a private sector landlord.
- (2) For the purposes of this Schedule the grant of an option which if exercised would result in a secure tenant of a local authority becoming the tenant of a private sector landlord shall be treated as a disposal of the interest which is the subject of the option.
- (3) Where a disposal of land by a local authority is in part a disposal to which this Schedule applies, the provisions of this Schedule apply to that part as to a separate disposal.
- (4) In this paragraph “private sector landlord” means a person other than one of those set out in sub-paragraphs (i) to (iv) and (viii) and (ix) of paragraph (a) of subsection (2) of section 61.

##### *Application for Secretary of State’s consent*

- 2 (1) The Secretary of State shall not entertain an application for his consent under section 12(7) to a disposal to which this Schedule applies unless the local authority certify either—
  - (a) that the requirements of paragraph 3 as to consultation have been complied with, or
  - (b) that the requirements of that paragraph as to consultation have been complied with except in relation to tenants expected to have vacated the house in question before the disposal;and the certificate shall be accompanied by a copy of the notices given by the local authority in accordance with that paragraph.

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- (2) Where the certificate is in the latter form, the Secretary of State shall not determine the application until the local authority certify as regards the tenants not originally consulted—
- (a) that they have vacated the house in question, or
  - (b) that the requirements of paragraph 3 as to consultation have been complied with;
- and a certificate under sub-paragraph (b) shall be accompanied by a copy of the notices given by the local authority in accordance with paragraph 3.

*Requirements as to consultation*

- 3 (1) The requirements as to consultation referred to above are as follows.
- (2) The local authority shall serve notice in writing on the tenant informing him of—
- (a) such details of their proposal as the local authority consider appropriate, but including the identity of the person to whom the disposal is to be made,
  - (b) the likely consequences of the disposal for the tenant, and
  - (c) the effect of section 81A and the provision made under it (preservation of right to buy on disposal to private sector landlord) and of this Schedule,
- and informing him that he may, within such reasonable period as may be specified in the notice, which must be at least 28 days after the service of the notice, make representations to the local authority.
- (3) The local authority shall consider any representations made to them within that period and shall serve a further written notice on the tenant informing him—
- (a) of any significant changes in their proposal, and
  - (b) that he may within such period as is specified (which must be at least 28 days after the service of the notice) communicate to the Secretary of State his objection to the proposal,
- and informing him of the effect of paragraph 5 (consent to be withheld if majority of tenants are opposed).

*Power to require further consultation*

- 4 The Secretary of State may require the local authority to carry out such further consultation with their tenants, and to give him such information as to the results of that consultation, as he may direct.

*Consent to be withheld if majority of tenants are opposed*

- 5 (1) The Secretary of State shall not give his consent if it appears to him that a majority of the tenants of the houses to which the application relates do not wish the disposal to proceed; but this does not affect his general discretion to refuse consent on grounds relating to whether a disposal has the support of the tenants or on any other ground.
- (2) In making his decision the Secretary of State may have regard to any information available to him; and the local authority shall give him such information as to the representations made to them by tenants and others, and other relevant matters, as he may require.

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*Protection of purchasers*

- 6 The Secretary of State’s consent to a disposal is not invalidated by a failure on his part or that of the local authority to comply with the requirements of this Schedule.”

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