



Local Government and Housing Act 1989

1989 CHAPTER 42

PART IX

MISCELLANEOUS AND GENERAL

Miscellaneous housing provisions

178 Application of secure tenant's right to buy to cases where landlord is lessee: Scotland

- (1) In section 76 of the Housing (Scotland) Act 1987 (duty of landlords to provide information to secure tenants)—
- (a) in subsection (1)(a)—
 - (i) for the word “not” there shall be substituted the word “neither”; and
 - (ii) after the word “house” there shall be inserted the words “nor holds the interest of the landlord under a registered lease of the house or of land which includes it”;
 - (b) in subsection (2) for the words “heritable proprietor of the house” there shall be substituted the words “either the heritable proprietor of the house or the holder of the interest of the landlord under a registered lease of the house or of land which includes it”; and
 - (c) in subsection (3)(b) at the end there shall be inserted the words “or a local authority is the holder of the interest of the landlord under a registered lease of the house or of land which includes it.”
- (2) After section 84 of that Act there shall be inserted the following section—

“84A Application of right to buy to cases where landlord is lessee

- (1) Sections 61 to 84 (but not 76 or 77) and 216 (the “right to buy” provisions) shall, with the modifications set out in this section, apply so as to provide for—

Status: This is the original version (as it was originally enacted).

- (a) the acquisition by the tenant of a house let on a secure tenancy of the landlord's interest in the house as lessee under a registered lease of the house or of land which includes it or as assignee of that interest; and
- (b) the obtaining of a loan by the tenant in that connection,

as these sections apply for the purposes of the purchase of a house by the tenant from the landlord as heritable proprietor of it and the obtaining by the tenant of a loan in that connection.

- (2) References in the right to buy provisions to the purchase or sale of a house shall be construed respectively as references to the acquisition or disposal of the landlord's interest in the house by way of a registered assignment of that interest and cognate expressions shall be construed accordingly.
- (3) The reference in section 61(2)(b) to the landlord's being the heritable proprietor of the house shall be construed as a reference to the landlord's being the holder of the interest of the lessee under a registered lease of the house or of land which includes it.
- (4) References in the right to buy provisions to the market value of or price to be paid for a house shall be construed respectively as references to the market value of the landlord's interest in the house and to the price to be paid for acquiring that interest.
- (5) References in section 64(1) to the tenant's enjoyment and use of a house as owner shall be construed as references to his enjoyment and use of it as assignee of the landlord's interest in the house.
- (6) The reference in subsection (4) of section 64 to an option being offered to the landlord or to any other person to purchase the house in advance of its sale to a third party shall be construed as a reference to an option being offered to have the interest acquired by the tenant re-assigned to the landlord or assigned to the other person in advance of its being disposed of to a third party; and the references in subsection (5) and (9) of that section to an option to purchase shall be construed accordingly.
- (7) In this section and section 76—
 - “registered lease” means a lease—
 - (a) which is recorded in the general register of sasines; or
 - (b) in respect of which the interest of the lessee is registered in the Land Register of Scotland
 - under the Registration of Leases (Scotland) Act 1857; and
 - “registered assignment” means, in relation to such a lease, an assignment thereof which is so recorded or in respect of which the interest of the assignee has been so registered.”