

Tenants' Rights, Etc. (Scotland) Amendment Act 1980

1980 CHAPTER 61

An Act to provide for authorisation by the Secretary of State of refusal to sell certain dwelling-houses, provided for elderly persons, under the Tenants' Rights, Etc. (Scotland) Act 1980; and to make minor amendments to that Act. [13th November 1980]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Secretary of State's power to authorise refusal to sell certain dwelling-houses provided for elderly persons. 1980 c. 52.

1.—(1) In the Tenants' Rights, Etc. (Scotland) Act 1980 (hereinafter referred to as "the principal Act") section 2(2) shall be amended by adding after the words "section 3" the words "or 3A".

(2) The following section shall be inserted after section 3 of the principal Act—

"Secretary of State's power to authorise refusal to sell certain dwelling-houses provided for elderly persons.

3A.—(1) This section applies to a dwelling-house which has facilities which are substantially different from those of an ordinary dwelling-house and which has been designed or adapted for occupation by an elderly person whose special needs require accommodation of the kind provided by the dwelling-house.

(2) Where an application to purchase a dwelling-house is served on a landlord and it appears to the landlord that—

(*a*) the dwelling-house is one to which this section applies; and

(*b*) the tenant would, apart from this section, have a right under section 1 of this Act to purchase the dwelling-house,

the landlord may, within one month after service of the application to purchase or of the commencement of this section, whichever is the later, instead of serving an offer to sell on the tenant, make an appli-tion to the Secretary of State under this section.

(3) An application under subsection (2) above shall specify the facilities and features of design or adaptation which in the view of the landlord cause the dwelling-house to be a dwelling-house to which this section applies.

(4) Where the Secretary of State has received an application under this section and it appears to him that the dwelling-house concerned is one to which this section applies, he shall authorise the landlord to serve on the tenant a notice of refusal under this section, which shall be served as soon as is practicable after the said authority is given and in any event within one month thereafter.

(5) A notice of refusal served under subsection (4) above shall specify the facilities and features specified for the purposes of subsection (3) above and that the Secretary of State's authority for service of the said notice has been given.

(6) Where the Secretary of State refuses an application made under subsection (2) above, the landlord shall serve on the tenant an offer to sell under section 2(2) of this Act—

(*a*) within the period mentioned in the said section 2(2); or

(*b*) where the unexpired portion of that period is less than one month or there is not an unexpired portion of that period within one month of the Secretary of State's said refusal.

(7) In this section " elderly person " means a person of pensionable age.".

Minor amendments.

2. The principal Act shall be and shall be deemed always to have been subject to the following amendments—

(*a*) in section 4(4) after " elderly " insert " (that is to say, of pensionable age) ";

(*b*) in section 44(*b*), for " (*e*) " substitute " (*c*) ";

(*c*) in section 63(1)(*a*), for " (ii) to (v) " substitute " (iA) to (v) ";

(*d*) in section 63(2), in Case 17, in paragraph (*e*)(ii), for " (ii) to (vi) " substitute " (iA) to (v) ";

(*e*) in section 65(1)(*b*), for " 102(3) " substitute " 102(2) "; and

(*f*) in section 82, after the definition of " family " insert the following definition—

" " heritable proprietor " in relation to a dwelling-house includes any landlord entitled under section 3 of the Conveyancing (Scotland) Act 1924 (disposition, etc. by persons uninfeft) to grant a disposition of the dwelling-house; ". 1924 c. 27.

3. There shall be paid out of money provided by Parliament any increase attributable to this Act in any sums payable out of money provided under any other enactment. Public money.

4.—(1) This Act may be cited as the Tenants' Rights, Etc. (Scotland) Amendment Act 1980. Citation and extent.

(2) This Act applies to Scotland only.