SCOTTISH STATUTORY INSTRUMENTS

2003 No. 532

HOUSING

The Housing (Scotland) Act 2001 (Transfer of Scottish Homes Property and Liabilities) Order 2003

Made - - - -	*6th November 2003*
Laid before the Scottish Parliament - - - -	*7th November 2003*
Coming into force - -	*1st December 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 85(1) and 109(2) of the Housing (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Housing (Scotland) Act 2001 (Transfer of Scottish Homes Property and Liabilities) Order 2003 and shall come into force on 1st December 2003.

Interpretation

2. In this Order–

"the 1988 Act" means the Housing (Scotland) Act 1988(**2**); and

"Scottish Homes" means the body corporate established by section 1 of the 1988 Act(**3**).

Transfer of property and liabilities

3. All property and liabilities of Scottish Homes in relation to–

(a) the heritable property and other rights and interests specified in Part I of Schedule 1 to this Order under exception of the property specified in Part 2 of that Schedule; and

(b) the Minutes of Agreement specified in Schedule 2 to this Order,

are hereby transferred to and vest in the Scottish Ministers.

(**1**) 2001 asp 10.
(**2**) 1988 c. 43.
(**3**) Section 1 was repealed in part, and amended, by the Housing (Scotland) Act 2001, schedule 10, paragraph 14, subject to transitional and savings provisions in terms of S.S.I. 2001/397.

Consequential and supplementary provision

4.—(1) Nothing in this Order shall have the effect of completing the title of the Scottish Ministers to any land transferred by this Order, or to any other right or interest transferred by this Order, title to which requires to be completed by registration.

(2) Any property, in respect of which but for this Order–

(a) delivery or possession; or

(b) intimation of its assignation,

would be required in order to complete title to it, shall transfer to the Scottish Ministers by virtue of this Order as if at the date on which the transfer of the property by this Order takes effect the Scottish Ministers had taken delivery or possession of the property or, as the case may be, had made intimation of its assignation to them.

Transitional provision and savings

5. Without prejudice to article 3 above–

(a) the transfer by this Order of any property or liability of Scottish Homes shall not affect the validity of anything done (or having effect as if done) by or in relation to Scottish Homes before the date on which the transfer takes effect;

(b) anything (including legal proceedings) which, at the time when the transfer takes effect, is in the process of being done by or in relation to Scottish Homes may, so far as it relates to any property or liability transferred by this Order, be continued by or in relation to the Scottish Ministers; and

(c) anything done (or having effect as if done) by or in relation to Scottish Homes in connection with any property or liability transferred to the Scottish Ministers by this Order shall, if in force at the time when the transfer takes effect, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that time.

St Andrew's House, Edinburgh
6th November 2003

MARGARET CURRAN
A member of the Scottish Executive

SCHEDULE 1 Article 3

PART I

HERITABLE PROPERTY, RIGHTS AND INTERESTS TRANSFERRING TO SCOTTISH MINISTERS

1. All heritable property to which Scottish Homes is entitled except the property described in Part 2.

2. All rights and interests of Scottish Homes in relation to any grant, loan or security provided under section 2(2) of the 1988 Act.

PART II

EXCEPTED PROPERTY

Certain Securities

1. Any property rights and interests in relation to a loan or security by an individual who was formally a secure tenant, created in consequence of the exercise of a function conferred on Scottish Homes under section 1(3)b of the 1988 Act.

Middlefield – Coalburn

2. ALL and WHOLE (First) those two areas of ground lying in the Parish of Lesmahagow and County of Lanark extending to seven acres and seven hundred and sixty four decimal or one-thousandth parts of an acre or thereby Imperial Standard measure and one hundred and eighty nine decimal or one-thousandth parts of an acre or thereby Imperial Standard measure respectively being the subjects (In the First Place) and (In the Second Place) described in and disponed by Disposition by the County Council of the County of Lanark in favour of Scottish Special Housing Association Limited dated Thirty first March and recorded in the Division of the General Register of Sasines applicable to the County of Lanark on Thirteenth April both months in the year Nineteen Hundred and Thirty nine and (Second) that plot or area of ground lying in the said Parish and County containing one acre and one hundred and thirty five decimal or one-thousandth parts of an acre or thereby Imperial Standard measure being the subjects more particularly described in and disponed by and delineated in red on the plan annexed and executed as relative to Disposition by William Tennant in favour of the Scottish Special Housing Association Limited dated Twenty ninth July and recorded in the said Division of the General Register of Sasines on Seventeenth August both months in the year Nineteen Hundred and Thirty nine.

Viewpark – Coalburn

3. ALL and WHOLE that plot or area of ground in the Parish of Lesmahagow and County of Lanark being part of enclosures numbers 4642, 4643, 4643(a) and 4644 on the twenty five inch Ordnance Survey sheets, Lanarkshire XXVII 4 and 8, Revisions of Nineteen Hundred and Forty two and containing five acres and three hundred and fifty seven decimal or one thousandth parts of an acre or thereby Imperial Standard Measure being the subjects more particularly described in disponed by and delineated and contained within the boundaries edged red on the plan annexed and executed as relative to Disposition by the County Council of the County of Lanark in favour of Scottish Special Housing Association Limited Twenty fourth July and recorded in the Division of

the General Register of Sasines applicable to the County of Lanark on Twenty first August both months in the year Nineteen Hundred and Fifty six.

45 Kelso Avenue, Lesmahagow

4. ALL and WHOLE that plot of ground comprising the subjects known as Number Forty five Kelso Avenue, Lesmahagow, ML11 0BA in the County of Lanark, which plot of ground forms part and portion of ALL and WHOLE that area of ground extending to twenty one acres and one decimal or one hundredth parts of an acre of thereby in the Parish of Lesmahagow and County of Lanark lying to the east or southeast of the Eastwood and Balgray Highway Route Number C.202 and the west or southwest of the Glasgow and Carlisle Highway Route Number A.74, comprising parts of enclosures Numbers 3297 and 3307 and Enclosures Numbers 3308 and 3362a on the 1911 Edition of the Twenty five Inch Ordnance Survey Sheet, Lanarkshire XXX1 – 12; being the subjects described in, disponed by and delineated and shown within the boundaries outlined in red on the plan annexed and signed as relative to Disposition by William Harrison in favour of Scottish Special Housing Association Limited dated Thirtieth June and recorded in the Division of the General Register of Sasines applicable to the County of Lanark on Twenty sixth July, both months in the year Nineteen Hundred and Fifty two.

65 Kelso Avenue, Lesmahagow

5. ALL and WHOLE that plot of ground comprising the subjects known as Number Sixty five Kelso Avenue, Lesmahagow, ML11 0BA in the County of Lanark; which plot of ground forms part and portion of ALL and WHOLE that area of ground extending to twenty one acres and one decimal or one hundredth parts of an area or thereby in the Parish of Lesmahagow and County of Lanark lying to the east or southeast of the Eastwood and Balgray Highway Route Number C.202 and the west or southwest of the Glasgow and Carlisle Highway Roiute Number A.74, comprising parts of Enclosures Numebrs 3297 and 3307 and Enclosures Numbers 3308 and 3362a on the 1911 Edition of the Twenty five Inch Ordnance Survey Sheet, Lanarkshire XXX1 – 12; being the subjects described in, disponed by and delineated and shown within the boundaries outlined in red on the plan annexed and signed as relative to Disposition by William Harrison in favour of Scottish Special Housing Association Limited dated Thirtieth June and recorded in the Division of the General Register of Sasines applicable to the County of Lanark on Twenty sixth July, both months in the year Nineteen Hundred and Fifty two.

Burnbank – Hamilton

6. ALL and WHOLE that plot or area of ground containing three acres nineteen poles and nineteen square yards or thereby Imperial Measure situated in the Burgh of Hamilton and County of Lanark (IN THE SECOND PLACE) described in, disponed by and delineated and outlined in red and marked “Plot II” on the plan annexed and signed as relative to a Feu Contract between The Assets Company Limited and Second Scottish National Housing Company (Housing Trust) Limited dated Second and Fifth June and recorded in the Division of the General Register of Sasines applicable to the County of Lanark, Seventh July, all dates in the year Nineteen Hundred and Twenty Six.

7. ALL and WHOLE that area of ground extending to seven acres and five hundred and thirty eight decimal or one thousandth parts of an acre or thereby Imperial Standard Measure lying on the South of Burnbank Road in the Burgh of Hamilton and County of Lanark, described in, disponed by and delineated blue on the plan annexed and executed as relative to Disposition by The British Transport Commission in favour of Scottish Special Housing Association Limited dated Thirtieth January and recorded in the Division of the General Register of Sasines applicable to the County of Lanark Eighth February, both months in the year Nineteen Hundred and Fifty seven.

Crawfordyke – Carluke

8. ALL and WHOLE that plot or area of ground containing four acres and forty three decimal or one hundredth parts of an acre or thereby Imperial Standard Measure in the Parish of Carluke and County of Lanark lying partly on the south by west side of the Public Highway known as Carnwath Road leading from Carluke to Carnwath and partly on the south by west side of properties fronting Carnwath Road, being parts of enclosures Numbers 1254 and 1255 on Ordnance Sheet Lanarkshire XIX-14 Edition of 1912 being the subjects described in, disponed and shown delineated and outlined in red on the plan annexed and executed as relative to Disposition by the County Council of the County of Lanark in favour of Scottish Special Housing Association Limited dated the Tenth and recorded in the Division of the General Register of Sasines applicable to the County of Lanark on the Sixteenth both days of May in the year Nineteen hundred and Fifty six.

Cairneymount – Carluke

9. ALL and WHOLE that area of ground lying on the north side of Carnwath Road, the north and south sides of Cairneymount Road and south east side of Belstane Road in the Parish of Carluke and County of Lanark containing an area of Twenty acres and six hundred and six one thousandth parts of an acre or thereby Imperial Standard Measure, described in, disponed by and shown outlined in red on the plan annexed and executed as relative to the Feu Charter granted by James Stevenson Hamilton, Esquire, of Fairholm and Kirkton in the County of Lanark in favour of the County Council of the County of Lanark dated Twenty first October and recorded in the Division of the General Register of Sasines applicable to the County of Lanark on Seventh December, both months of the year Nineteen hundred and Thirty seven: which piece of ground above mentioned is described in and disponed by the Disposition by the County Council of the County of Lanark in favour of Scottish Special Areas Housing Association Limited dated Ninth and recorded in the Division of the General Register of Sasines applicable to the County of Lanark on Twelfth both days of August Nineteen hundred and Thirty eight.

Clickimin – Shetland

10. ALL and WHOLE that area of ground extending to one acre and forty decimal or one hundredth parts of an acre or thereby in the Burgh of Lerwick and County of Zetland, described in, disponed (In the First Place) by and delineated and edged pink and marked "Area A" on the plan marked "No 1" annexed and executed as relative to Disposition by the Provost, Magistrates and Councillors of the Burgh of Lerwick in favour of Scottish Special Housing Association Limited dated Tenth and recorded in the Division of the General Register of Sasines applicable to the Counties of Orkney and Zetland on Twenty third, both days of March Nineteen Hundred and fifty three.

11. ALL and WHOLE that area of ground extending to two acres and eight decimal or one hundredth parts of an acre or thereby in the Burgh of Lerwick and County of Zetland, described in, disponed (In the Second Place) by and delineated and edged pink and marked "Area B" on the plan marked "No 1" annexed and executed as relative to Disposition by the Provost, Magistrates and Councillors of the Burgh of Lerwick in favour of Scottish Special Housing Association Limited dated Tenth and recorded in the Division of the General Register of Sasines applicable to the Counties of Orkney and Zetland on Twenty third, both days of March Nineteen Hundred and fifty three.

12. ALL and WHOLE that area of ground extending to twenty eight decimal or one hundredth parts of an acre or thereby in the Burgh of Lerwick and County of Zetland, described in, disponed (In the Third Place) by and delineated and coloured red on the plan marked "No 2" annexed and executed as relative to Disposition by the Provost, Magistrates and Councillors of the Burgh of Lerwick in favour of Scottish Special Housing Association Limited dated Tenth and recorded in the Division of the General Register of Sasines applicable to the Counties of Orkney and Zetland on Twenty third, both days of March Nineteen Hundred and fifty three.