SCOTTISH STATUTORY INSTRUMENTS

2003 No. 434 (C. 21)

HOUSING

The Housing (Scotland) Act 2001 (Commencement No. 7, Transitional Provisions and Savings) Order 2003

Made - - - - 8th September 2003

The Scottish Ministers, in exercise of the powers conferred by sections 109(2) and 113(1) and (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 interpretation

1.—(1) This Order may be cited as the Housing (Scotland) Act 2001 (Commencement No. 7, Transitional Provisions and Savings) Order 2003.

(2) In this Order "the Act" means the Housing (Scotland) Act 2001.

Commencement of Provisions

2.—(1) This article has effect subject to the provisions of articles 3 and 4 below.

(2) The provisions of the Act which are specified in column 1 of the Schedule shall, in so far as they are not already in force, come into force on 1st October 2003 but, where a particular purpose in relation to any such provision is specified in column 2 of the Schedule, that provision shall come into force on that day only for that purpose.

Transitional provisions and savings

3. Notwithstanding the commencement of provisions by article 2 above, the 1987 Act (and any order or regulations made thereunder) shall continue to have effect on or after 1st October 2003 as they had effect immediately before that date in the classes of case set out in article 4 below.

4.—(1) The case of any application for improvement grant, repairs grant or grant for a means of escape from fire in a house in multiple occupation under Part XIII of the 1987 Act where an application has been approved by a local authority before 1st October 2003.

(2) The case where–

(a) before 1st October 2003, a local authority has–

(**1**) 2001 asp 10.

(i) made an improvement order in respect of a house under section 88 of the 1987 Act;

(ii) passed a draft resolution declaring that the area in which a house is situated is a housing action area under section 90 or 91 of the 1987 Act;

(iii) served a notice in respect of a house under section 108 of the 1987 Act; or

(iv) served a notice in respect of a house under section 162 of the 1987 Act; and

(b) within two years of the date of the order, draft resolution or, as the case may be, service of the notice as mentioned in sub-paragraph (a) above, the local authority–

(i) make an improvement grant under section 88(7) or section 250(6) of the 1987 Act as a consequence of the order or draft resolution; or

(ii) approve an application for grant under section 248(1)(a) or 249(1)(a) of the 1987 Act,

and the grant applicant elects to accept that grant and has not, prior to that acceptance, made any application under the provisions which are brought into force by this Order.

St Andrew's House, Edinburgh
8th September 2003

MARGARET CURRAN
A member of the Scottish Executive