SCOTTISH STATUTORY INSTRUMENTS

2002 No. 321 (C. 16)

HOUSING

The Housing (Scotland) Act 2001 (Commencement No. 5, Transitional Provisions and Savings) Order 2002

Made - - - - 26th June 2002

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. 5, Transitional Provisions and Savings) Order 2002.

(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 to 5 below.

(2) The provisions of the Act which are specified in column 1 of the Schedule to this Order shall, insofar as not already in force, come into force on 30th September 2002, 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 Housing (Scotland) Act 1987(**2**) (and any regulations made thereunder) shall apply, as they applied immediately before 30th September 2002 to a tenancy in relation to which the landlord is Scottish Homes and which was created before that date, and to any tenancy created on or after that date in relation to which Scottish Homes is the landlord until such time as the tenancy is brought to an end or the house which is the subject of the tenancy is transferred to another landlord.

4. Notwithstanding the commencement of provisions by article 2 above, section 58A of the Housing (Scotland) Act 1987 and the Secure Tenants (Compensation for Improvements) (Scotland)

(**1**) 2001 asp 10.
(**2**) 1987 c. 26.

Regulations 1994(**3**) shall continue to apply to qualifying improvement work, within the meaning of that section, which is begun earlier than 30th September 2002.

5. Section 35 of the Act shall not apply in a case where an anti-social behaviour order under section 19 of the Crime and Disorder Act 1998(**4**) has been made before, and continues after, the date on which section 35 of the Act comes into force.

St Andrew's House,Edinburgh
26th June 2002

MARGARET CURRAN
A member of the Scottish Executive

(**3**) S.I.1994/632.
(**4**) 1998 c. 37.

SCHEDULE Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 30TH SEPTEMBER 2002

Column 1 *Provisions of the Act*	*Column 2* *Purposes*
Section 3	
Sections 5 to 7	
Sections 11 to 56	
Section 112	Only for the purpose of bringing into force the modifications in Schedule 10 specified in the Table below.
In Schedule 10, the modifications specified in the Table below.	

TABLE

Modifications

Chapter	*Short title*	*Extent of Modifications*
1973 c. 56	Land Compensation (Scotland) Act 1973	The amendments listed in paragraph 3 of Schedule 10 to the Act.
1974 c. 38	Land Tenure Reform (Scotland) Act 1974	The amendments listed in paragraph 4 of Schedule 10 to the Act.
1981 c. 59	Matrimonial Homes (Family Protection)(Scotland) Act 1981	The amendments listed in paragraph 7 of Schedule 10 to the Act.
1984 c. 58	Rent (Scotland) Act 1984	The amendments listed in paragraph 9(3) of Schedule 10 to the Act.
1985 c. 66	Bankruptcy (Scotland) Act 1985	The amendments listed in paragraph 10 of Schedule 10 to the Act.
1987 c. 26	Housing (Scotland) Act 1987	The amendments listed in paragraph 13(5) to (22) and (36) to (41)(b) of Schedule 10 to the Act. The amendments listed in paragraph 13(42) of Schedule 10 to the Act, but only insofar as they commence the repeal of Schedules 2 to 5.
1988 c. 43	Housing (Scotland) Act 1988	The amendments listed in paragraph 14(5)(c), (9), (12),