SCOTTISH STATUTORY INSTRUMENTS

2001 No. 397 (C. 17)

HOUSING

The Housing (Scotland) Act 2001 (Commencement No. 2, Transitional Provisions, Savings and Variation) Order 2001

Made - - - - 29th October 2001

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. 2, Transitional Provisions, Savings and Variation) Order 2001.

(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 6 below.

(2) The provisions of the Act which are specified in the Schedule to this Order shall, in so far as they are not already in force, come into force on 1st November 2001 but, where a particular purpose in relation to any such provision is specified in column 2 of that Schedule, that provision shall come into force on that day only for that purpose.

Transitional Provisions and Savings

3. Notwithstanding the commencement of section 84 of, and the related modifications in Schedule 10 to, the Act, the Housing (Scotland) Act 1988(**2**) shall continue to have effect on and after 1st November 2001, as it had effect immediately before that date, for the purpose of–

(a) enabling Scottish Homes to exercise the functions conferred upon it by section 1(3)(b) of the Housing (Scotland) Act 1988, subject to such modifications as are necessary or expedient for that purpose; and

(**1**) 2001 asp 10.
(**2**) 1988 c. 43.

(b) enabling the Scottish Ministers to exercise the functions conferred upon them by that Act in relation to Scottish Homes, subject to such modifications as are necessary or expedient for that purpose.

4. Without prejudice to the generality of article 3 above, Scottish Homes shall continue to exercise the function conferred upon it by section 1(3)(e) of the Housing (Scotland) Act 1988 but only in connection with the functions of an ombudsman with responsibilities in respect of bodies providing housing accommodation and related services.

5. Without prejudice to the generality of article 3 above, section 2(5) and (7) of the Housing (Scotland) Act 1988 shall continue to apply.

6. Without prejudice to the generality of article 3 above, paragraphs 10 and 17 of Schedule 1 to the Housing (Scotland) Act 1988 shall continue to apply.

Variation

7. The Housing (Scotland) Act 2001 (Commencement No. 1, Transitional Provisions and Savings) Order 2001(**3**) is hereby varied as follows:

(a) the reference to paragraph 14(5)(b) of Schedule 10 to the Act in the Table of Modifications is deleted; and

(b) after article 3(2), the following paragraphs are inserted:

"(3) Notwithstanding the commencement of Part 3 of, and Schedules 7 and 8 to, the Act by virtue of article 2(3) above, references in that Part and those Schedules to the Financial Services Authority shall be construed as references to the assistant registrar of friendly societies for Scotland until section 19 of the Financial Services and Markets Act 2000(**4**) comes into force.

(4) Notwithstanding the repeal of section 24 of the Housing Associations Act 1985(**5**) by virtue of article 2(3) above, the Registered Housing Associations (Accounting Requirements) (Scotland) Order 1999(**6**) shall continue to have effect as if–

(a) references in that Order to a registered housing association are to a registered social landlord; and

(b) references in that Order to Scottish Homes are to the Scottish Ministers;

until the earlier of–

(i) the date on which an Order made under paragraph 13 of Schedule 7 to the Act comes into force; or

(ii) the date on which guidance is issued under section 79 of the Act in relation to the accounting and auditing requirements of registered social landlords.".

St Andrew's House,Edinburgh
29th October 2001

J M BAILLIE
A member of the Scottish Executive

(**3**) S.S.I. 2001/336.
(**4**) 2000 c. 8.
(**5**) 1985 c. 69.
(**6**) 1999/1073.