SCOTTISH STATUTORY INSTRUMENTS

2001 No. 396

HOUSING

The Housing (Scotland) Act 2001 (Transfer of Scottish Homes Property etc.) Order 2001

Made - - - -	*29th October 2001*
Laid before the Scottish Parliament - - - -	*30th October 2001*
Coming into force - -	*20th November 2001*

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 etc.) Order 2001 and shall come into force on 20th November 2001.

Interpretation

2. In this Order, "Scottish Homes" means the body corporate established by section 1 of the Housing (Scotland) Act 1988(**2**).

Transfer of property and liabilities

3. All rights and interests of Scottish Homes in, and all liabilities of Scottish Homes in relation to, the property specified in the Schedule to this Order and the contents thereof, shall hereby transfer to and vest in the Scottish Ministers.

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 for the purpose of making it a real right.

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

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

(a) delivery or possession; or

(b) intimation of its assignation,

would be required in order to complete title to it, shall transfer to and vest in 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 had made intimation of its assignation to them, as the case may be.

Transitional provision and savings

5. Without prejudice to article 3 above–

(a) the transfer by this Order of any property, right, interest 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, right, interest or liability transferred by this Order, be continued by or in relation to the Scottish Ministers;

(c) anything done (or having effect as if done) by or in relation to Scottish Homes in connection with any property, right, interest 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
29th October 2001

J M BAILLIE
A member of the Scottish Executive

SCHEDULE

Article 3

PROPERTY TRANSFERRING TO THE SCOTTISH MINISTERS

Raw Holdings, East Calder

1. ALL and WHOLE (First) that area of ground described in and delineated and outlined in red on the plan annexed to Disposition by the Secretary of State for Scotland in favour of Scottish Special Housing Association Limited dated 29th August and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on 27th September both months in the year 1968; (Second) that area of ground described in and delineated and coloured pink and marked "Plot Number 1" on the plan annexed to Disposition by the County Council of the County of Midlothian in favour of Scottish Special Housing Association dated 11th and recorded in the said Division of the General Register of Sasines on 25th both days of February 1970; (Third) that area of ground described in and delineated and coloured pink and marked "Plot Number 2" on the said plan annexed to Disposition by the County Council of the County of Midlothian in favour of Scottish Special Housing Association dated and recorded as aforesaid and (Fourth) that area of ground described in and delineated and outlined in red and coloured pink on the plan annexed to Disposition by the Secretary of State for Scotland in favour of Scottish Special Housing Association dated 15th February and recorded in the said Division of the General Register of Sasines on 17th March both months in the year 1972; UNDER EXCEPTION of (One) the dominium utile of all parts of the said subjects of which feus have been granted; (Two) that area of ground described in and coloured red on the plan annexed to Disposition by Scottish Special Housing Association in favour of Scottish Gas Board dated 11th May and recorded in the said Division of the General Register of Sasines on 24th June both months in the year 1971; (Three) that area of ground described in Disposition by Scottish Homes in favour of West Lothian Council dated 4th and recorded in the said Division of the General Register of Sasines on 29th both days of February 2000; (Four) those 2 areas of ground described in Disposition by Scottish Homes in favour of Weslo Housing Management Limited dated 21st February and recorded in the said Division of the General Register of Sasines on 9th March both months in the year 1994 and (Five) the area of ground described in and delineated on the plan annexed to Feu Disposition by Scottish Special Housing Association in favour Craig Developments Limited dated 15th April and recorded in the said Division of the General Register of Sasines on 13th May both months in the year 1986.

Hospital Site, Castlepark, Irvine

2. ALL and WHOLE that excepted area of ground delineated in red on the plan annexed to Feu Disposition by Scottish Homes in favour of Ayrshire North Community Housing Association Limited registered in the Land Register of Scotland under Title Number AYR 30867.

Tarryholme 1, 2, 3, Irvine

3. ALL and WHOLE that plot or area of ground known as "Tarryholme 1, 2, 3" and shown edged in red on the plan annexed to Feu Disposition by Irvine Development Corporation in favour of Scottish Homes dated 3rd and recorded in the Division of the General Register of Sasines applicable to the County of Ayr on 9th both days of October 1996; but excepting therefrom ALL and WHOLE the sewage pumping station the solum of which is shown coloured green on the said plan.

Ground at Stonylee Road, Cumbernauld

4. ALL and WHOLE those areas of ground comprising the site of the former blocks of dwellinghouses known as 177A-177T Stonylee Road, 186A-186T Stonylee Road and 202A-202T Stonylee Road, Cumbernauld and forming part of the subjects registered under Title Number