

## **Reproduction of Sections 65-68 of the Housing (Scotland) Act 2001**

### *Disposal of land and related matters*

#### **65 Power of registered social landlords to dispose of land**

- (1) A registered social landlord has power by virtue of this section, but not otherwise, to dispose, in such manner as it thinks fit, of land held by it.
- (2) Subsection (1)-
  - (a) is without prejudice to Part III (the right to buy) of the 1987 Act,
  - (b) has effect subject to sections 66 to 68 and 76 of, and schedules 7 and 9 to, this Act.

#### **66 Consent required for disposal of land by registered social landlord**

- (1) The written consent of the Scottish Ministers is required for any disposal of land by a registered social landlord under section 65.
- (2) The consent of the Scottish Ministers may be given-
  - (a) generally to all registered social landlords or to a particular landlord or description of landlords,
  - (b) in relation to particular land or a particular description of land,
  - (c) in relation to a particular disposal or a particular description of disposal,and may be given subject to conditions.
- (3) In considering whether to give consent under this section the Scottish Ministers must have regard to the views expressed by those consulted under section 68.
- (4) A disposal by a landlord which requires consent under this section is valid in favour of a person claiming under the landlord despite that consent not having been given; and a person dealing with the landlord, or with a person claiming under the landlord, is not concerned to see or inquire whether any such consent has been given.
- (5) Where at the time of its removal from the register of social landlords a body owns land, this section continues to apply to that land after the removal as if the body concerned continued to be a registered social landlord.
- (6) In this section “disposal” means sale, lease, heritable security, charge or any other disposal.

**67 Disposals not requiring consent**

- (1) Section 66 does not apply to a disposal by a registered social landlord by way of-
  - (a) a lease under a Scottish secure tenancy, or what would be a Scottish secure tenancy but for schedule 1,
  - (b) a lease under a short Scottish secure tenancy,
  - (c) a lease under an assured tenancy or an assured agricultural occupancy,
  - (d) a lease under what would be an assured tenancy but for any of paragraphs 3 to 8 and 12 of Schedule 4 to the 1988 Act, or
  - (e) a disposal under Part III (the right to buy) of the 1987 Act.
- (2) The Scottish Ministers may by order specify additional disposals to which section 66 does not apply.
- (3) In this section, “assured agricultural occupancy” has the same meaning as in Part 1 of the Housing Act 1988 (c.50).

**68 Disposals of land: consultation with tenants**

- (1) This section applies where a registered social landlord proposes to make a disposal of land under section 65 other than-
  - (a) a disposal which does not require the consent of the Scottish Ministers under section 66,
  - (b) a disposal to which schedule 9 applies, or
  - (c) a disposal of an interest by way of security for a loan.
- (2) Where this section applies, the landlord must consult-
  - (a) the tenants of those of its houses included in the disposal, and
  - (b) such other persons as Scottish Ministers may require,and must inform the Scottish Ministers of the views expressed by those consulted.