

Changes to previous guidance to disposals

Category	Change	Section reference
Legislation	References in the guidance have been updated to reflect the Housing (Scotland) Act 2001.	Section 3
Leases	All leases are now covered by General Consent, subject to certain conditions. Previously only some commercial leases were included.	Section 4.1 b Schedule of General Consent Part 1 (5)
Private finance	All disposals by way of standard security or floating charge for private finance now require specific consent.	Section 5.3
Property acquired from a local authority (previously covered by section 12A of the 1987 Act)	Section 66 of the Act includes disposals of land purchased from local authorities. This was previously approved under separate consent procedures relating to Section 12A of the 1987 Act. Therefore no separate application is now needed for the disposal of land that was acquired from a local authority.	No reference
Scottish Homes LSVT contracts	An extra process was previously needed for disposals under contract for Scottish Homes transferred stock. This will no longer apply and all S66 disposals will be processed in the same way.	No reference
Land surplus to requirements	The value of untenanted land surplus to requirements that can be disposed of has increased from £2,000 to £5,000. Disposals of small areas of land to bring the boundaries in line with title are now covered by General Consent.	Schedule of General Consent Part 1 (2)(c) Schedule of General Consent Part 1 (2)(e)

Category	Change	Section reference
Voluntary Sales to Sitting Tenants	Once a Voluntary Sales Policy has been approved by Communities Scotland, subsequent disposals are now covered by General Consent.	Schedule of General Consent Part 1 (3)(e)
Rights of Way	There is an extension to the scope within the General Consent regarding Rights of Way, Servitudes, Wayleaves, Excambions and surrendering a right that an RSL has in land that it doesn't own.	Schedule of General Consent Part 1 (6)
Nominal corrections to a previous consent	General Consent can be used to make corrections (if not changes) to an existing consent.	Schedule of General Consent Part 2 (1a)