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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 168 (C. 9)**

**HOUSING**

**The Housing (Scotland) Act 2001 (Commencement  
No. 4, Transitional Provisions and Savings) Order 2002**

*Made* - - - - *26th March 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. 4, 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 article 3 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 1st April 2002 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.—(1) Notwithstanding the commencement of provisions by article 2 above, the Housing (Scotland) Act 1987(2) shall continue to apply, on and after 1st April 2002, as it applied immediately before that date, but only for the purposes of an application for—

- (a) housing under Part I of that Act; or
- (b) accommodation or assistance under Part II of that Act,

made before that date.

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

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) Paragraph (1) above is without prejudice to paragraph 13 of Schedule 1 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999<sup>(3)</sup>.

St Andrew's House,  
Edinburgh  
26th March 2002

*IAIN GRAY*  
A member of the Scottish Executive

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<sup>(3)</sup> S.I.1999/1379.

## SCHEDULE

Article 2

## PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 2002

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Purpose</i>
Section 3(1)(a) and (c)	
Section 3(4)(b)	
Section 4	
Sections 8 to 10	
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

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Modifications</i>
1987 c. 26	Housing (Scotland) Act 1987	The amendments listed in paragraph 13(3) of Schedule 10 to the Act.
1992 c. 5	Social Security Administration Act 1992	The amendment listed in paragraph 17 of Schedule 10 to the Act.
1993 c. 28	Leasehold Reform, Housing and Urban Development Act 1993	The amendments listed in paragraph 20 of Schedule 10 to the Act, but only insofar as they commence the repeal of section 155(2).

**EXPLANATORY NOTE***(This note is not part of the Order)*

This Order brings into force various provisions of the Housing (Scotland) Act 2001 (“the 2001 Act”). Article 2 and the Schedule bring into force on 1st April 2002 provisions, listed in that Schedule, which relate to homelessness, common housing registers, housing lists and allocations.

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Article 3 of the Order makes transitional and savings provision so that any application for housing (under Part I of the Housing (Scotland) Act 1987) or for accommodation or assistance (under Part II of that Act) made before 1st April 2002 has the law as it was before that date applied to it.

The 2001 Act received Royal Assent on 18th July 2001. Sections 109, 110 and 113 came into force on Royal Assent.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The Housing (Scotland) Act 2001 (Commencement No. 1, Transitional Provisions and Savings) Order 2001 ([S.S.I. 2001/336](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Sections 1–2	1st October 2001
Sections 57–83	1st November 2001
Section 88	1st October 2001
Sections 90 to 94	1st November 2001
Section 95	1st October 2001
Sections 106–107	1st November 2001
Section 108	1st October 2001
Section 111	1st October 2001
Section 112 (only for the purpose of bringing into force certain paragraphs of Schedule 10)	1st November 2001
Schedules 7 to 9	1st November 2001
Schedule 10 (partially)	1st November 2001

The Housing (Scotland) Act 2001 (Commencement No. 2, Transitional Provisions, Savings and Variation) Order 2001 ([S.S.I. 2001/397](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Section 84 (only for the purpose of transferring all of the functions of Scottish Homes to the Scottish Ministers except for the functions conferred by section 1(3)(b) of the Housing (Scotland) Act 1988)	1st November 2001
Section 85	1st November 2001
Section 87	1st November 2001
Section 89	1st November 2001
Section 112 (only for the purposes of bringing into force certain paragraphs of Schedule 10)	1st November 2001
Schedule 10 (partially)	1st November 2001

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The Housing (Scotland) Act 2001 (Commencement No. 3, Transitional Provisions and Savings) Order 2001 ([S.S.I. 2001/467](#)) provides for commencement of provisions of the Act as follows:–

<i>Provision</i>	<i>Date of commencement</i>
Section 112 (only for the purposes of bringing into force certain paragraphs of Schedule 10)	19th December 2001
Schedule 10 (partially)	19th December 2001