
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 308 (C. 25)

HOUSING

**The Housing (Scotland) Act 2006 (Commencement
No. 6 and Transitional Provision) Order 2008**

Made - - - - 16th September 2008

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 191(2) and 195(3) of the Housing (Scotland) Act 2006⁽¹⁾.

Citation

1. This Order may be cited as the Housing (Scotland) Act 2006 (Commencement No. 6 and Transitional Provision) Order 2008.

Interpretation

2. In this Order—
“the 2006 Act” means the Housing (Scotland) Act 2006.

Commencement of provisions

3. The day appointed for the coming into force of the provisions of the 2006 Act specified in Column 1 of the Table below is as shown in Column 2, but where a particular purpose is specified in relation to any provision in Column 3, that provision comes into force on that day only for that purpose.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Sections 73, 77 and 79	29th September 2008	Only for the purpose of enabling regulations to be made.
Sections 98 to 119 and Schedule 3	1st December 2008	

(1) 2006 asp 1.

Transitional provision

4.—(1) Sections 98 to 118 of the 2006 Act do not apply in respect of a house which is on the market when this Order comes into force, but only for so long as it remains on the market.

(2) “On the market” and “remains on the market” have the meanings given in section 119 of the 2006 Act.

St Andrew’s House,
Edinburgh
16th September 2008

S. MAXWELL
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Housing (Scotland) Act 2006 (“the 2006 Act”).

Sections 73, 77 and 79 permit the Scottish Ministers to make regulations in connection with local authority grants and loans for housing purposes. These provisions, so far as allowing regulations to be made, come into force on 29th September 2008.

Sections 98 to 119 create duties on the part of sellers of houses or their agents to provide information about the house, with provision for a penalty charge in the case of a breach of the duties. Section 111 gives effect to Schedule 3 which contains procedure for penalty charge notices. These provisions come into force on 1st December 2008.

The transitional provision in article 4 has the effect that if a house is already on the market on the commencement date, the duties in sections 98, 99(1), 101(2) and 106(3) of the 2006 Act to possess and produce documents and give information to potential buyers do not apply for so long as the house remains on the market. Section 119 of the 2006 Act gives the meaning of “on the market” and “remains on the market”.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 176 and 177	29th January 2006	2006/14
Sections 178 and 180	17th May 2006	2006/252
Sections 70, 175, 185, 193 and 194	5th July 2006	2006/395
Sections 52, 53, 54, 55, 56, 57, 63(1), 64(6), 65(3) and (4), 181(1)(c) and (5), 182, 184, 186, 187, 188 and 189	4th December 2006	2006/395 and 2006/569
Sections 22(5), 64(7), 65(5), 66(1) and (4), 99, 104, 105, 111(3), Schedule 2, paragraph 8 and Schedule 3, paragraph 2 (partially)	4th December 2006	2006/395 and 2006/569
Sections 167 to 171, 179	28th May 2007	2007/270
Sections 12 to 29, 36 to 39, 58, 59(2) to (5), 60, 61, 63(2) to (9), 64(1) to (5) and (7), 65(1), (2) and (5), 66, 67, 172 to 174 181(2), (4) and (6), 183, Schedule 2	3rd September 2007	2007/270
Section 192 (partially)	3rd September 2007	2007/270

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule 6, paragraphs 4, 5, 7, 8, 16, 17 and 19	3rd September 2007	2007/270
Schedule 7 (partially)	3rd September 2007	2007/270