



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART XIV

#### ASSISTANCE FOR OWNERS OF DEFECTIVE HOUSING

##### *Eligibility for assistance*

#### **259 Conditions of eligibility**

- (1) Subject to the following provisions of this Part, a person to whom this section applies is eligible for assistance in respect of a defective dwelling for the purposes of this Part if—
- (a) his interest in the dwelling is that of owner ("the owner's interest"), and
  - (b) one of the following sets of conditions is satisfied.

- (2) This section applies to—
- (a) an individual who is not a trustee,
  - (b) trustees, if all the beneficiaries are individuals, and
  - (c) personal representatives.

- (3) The first set of conditions is that—
- (a) there was a disposal by a public sector authority of the owner's interest in the dwelling before the cut-off date; and
  - (b) there has been no disposal for value by any person of owner's interest in the dwelling on or after the cut-off date;

and for the purposes of this subsection where a public sector authority hold an interest in a dwelling a disposal of that interest by or under any enactment is to be treated as a disposal by the authority.

- (4) The second set of conditions is that—
- (a) a person to whom this section applies acquired the owner's interest in the dwelling on a disposal for value occurring within the period of 12 months beginning with the cut-off date;

*Status: This is the original version (as it was originally enacted).*

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- (b) on the date of that disposal he was unaware of the association of the dwelling with the qualifying defect;
- (c) the value by reference to which the price for the disposal was calculated did not take any, or any adequate, account of the qualifying defect; and
- (d) if the cut-off date had fallen immediately after the date of the disposal, the first set of conditions would have been satisfied.