

**-SQA-SCOTTISH QUALIFICATIONS AUTHORITY**

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**NATIONAL CERTIFICATE MODULE DESCRIPTOR**

<b>-Module Number-</b>	<b>0092358</b>	<b>-Session-1989-90</b>
<b>-Superclass-</b>	<b>EC</b>	
<b>-Title-</b>	<b>HOUSING LAW</b>	
<b>-DESCRIPTION-</b>		
Purpose	This module enables the student who is working in housing or who has an interest in the subject area, to acquire a basic knowledge of relevant areas of housing law.	
Preferred Entry Level	61003 Communication 3 or Standard Grade in English at 3	
Learning Outcomes	<p>The student should:</p> <ol style="list-style-type: none"><li>1. explain the procedures involved in transferring ownership of heritable property;</li><li>2. describe the relationship between landlord and tenant;</li><li>3. explain the powers and duties of housing authorities and other housing organisations;</li><li>4. explain the statutory provisions relating to financial support in housing.</li></ol>	
Content/ Context	<p><u>Corresponding to Learning Outcomes 1-4:</u></p> <ol style="list-style-type: none"><li>1. The nature of heritable property and ownership: feudal land tenure; the superior and vassal.</li></ol> <p>The transaction of purchase of a dwelling: exchange of missives/content of missives, e.g.: fixtures and fittings.</p> <p>Registration: Register of Sasines; land register; standard security.</p>	

The disposition and feu disposition: real burdens/feuing conditions: servitudes (urban)/Matrimonial Homes (Family Protection) (Scotland) Act 1981.

2. The law of the landlord and tenant in Scotland: common property; joint property; liabilities and obligations. The law of the private landlord and tenant: contracts of lease and occupation; the common law obligations of the landlord and the tenant; assignation and sublettings.

Statutory Control/The Rent Acts: the introduction of the Rent Acts; protected tenancies and unprotected tenancies including short tenancies and assured tenancies; the fair rent system; rent offices and rent assessment committees; assessment of fair rents and rent increases; security of tenure; partial protection; succession to tenancies.

Local Authorities as landlords: management of local authority stock; the secure tenancy; obligations of landlord and tenant for repairs and improvements, subletting and assignation; termination and succession to Local Authority tenancy; the right to buy.

3. Homelessness: the introduction of the 1977 Act; its aims and structures - preliminary duties of housing authorities; the principal duties - procedure and enforcement; obligations to rehouse.

Area and individual housing treatment: housing action areas: closing, demolition and improvement orders; repair notices.

Scottish Homes and housing associations: the role of Scottish Homes; the law controlling housing associations' operations (financial allocation); the housing association as landlord.

Housing co-operatives and other alternative landlords.

4. Financial support in housing: housing benefits within the context of social security; Improvements Grants/Repair Grants/Insulation Grants; home loss payments and well maintained homes payments; MIRAS schemes.

Suggested  
Learning and  
Teaching  
Approaches

Learning programmes and audio visual materials could be used to allow students to monitor their own performance and to permit reinforcement and remediation.

Pamphlets, booklets and Civil Service booklets are available from the Scottish Office and Citizens Advice Bureaux and may prove useful to lecturers.

Assessment  
Procedures

Acceptable performance in the module will be satisfactory achievement of the performance criteria specified for each Learning Outcome.

In investigative exercises the student will be allowed access to resource materials. In all other exercises no access to resource materials will be allowed.

The following abbreviations are used below:

LO Learning Outcome PC Performance Criteria IA Instrument of Assessment

LO1 EXPLAIN THE PROCEDURES INVOLVED IN TRANSFERRING OWNERSHIP OF HERITABLE PROPERTY

PC The student:

- (a) distinguishes between moveable and heritable property;
- (b) explains the principal components of an offer for a property;
- (c) distinguishes between an acceptance and a qualified acceptance;
- (d) outlines the contents of a standard security;
- (e) explains the system of registration of title;
- (f) states the implications of feuing conditions;
- (g) states the main implications of the Matrimonial Homes (Family Protection)(Scotland) Act 1981.

IA Restricted Response Questions

The student will be presented with a set of 7 questions which relate closely to the performance criteria.

Satisfactory performance in this Learning Outcome will be demonstrated by a response to each question of a few lines in which is given:

- (i) an accurate statement of which items are heritable and which are moveable;
- (ii) a brief statement of the main conditions which should be included in an offer for a heritable property;

- (iii) a brief statement of what comprises both an acceptance and a qualified acceptance;
- (iv) an outline of the main obligations which would be included in a standard security;
- (v) a correct statement of the appropriate register of title with a brief explanation;
- (vi) a brief description of feuing conditions along with 2 examples;
- (vii) accurate description of 2 main implications of the Act.

## LO2 DESCRIBE THE RELATIONSHIP BETWEEN LANDLORD AND TENANT

PC The student:

- (a) describes the common law obligations of the landlord and tenant;
- (b) describes the role of the rent officer and rent assessment committee;
- (c) distinguishes between different types of tenancy;
- (d) describes statutory rights under different tenancy types;
- (e) states criteria which have to be present for a tenant to have the right to buy;
- (f) describes the procedures and benefits involved in the exercise of the right to purchase a public sector house.

## IA Case Study

The student is presented with a case study containing details of 3 different tenancy types. In 1 case the tenant will have the right to buy.

From this information the student should produce a case study report which demonstrates mastery of each and every performance criterion.

Satisfactory performance in this Learning Outcome will be demonstrated by the production of a case study report in which is given;

- (i) a concise description of 1 obligation of each of landlord and tenant;
- (ii) a concise description of the role of both the rent officer and the rent assessment committee;
- (iii) an accurate statement of each of the 3 tenancy types;
- (iv) a concise description of 1 right of the tenant peculiar to each tenancy type;
- (v) a statement of the type of tenancy and legislative requirements necessary for a tenant to have the right to buy;

- (vi) an accurate description of the procedures and benefits available to a house purchaser under current legislation.

LO3 EXPLAIN THE POWERS AND DUTIES OF HOUSING AUTHORITIES AND OTHER HOUSING ORGANISATIONS

PC The student:

- (a) describes "homelessness" in terms of existing legislation;
- (b) differentiates between intentional and unintentional homelessness;
- (c) identifies priority needs which involve rehousing;
- (d) describes the different types of housing action area;
- (e) states the powers of a local authority to fix and enforce demolition, closing and improvement orders and repair notices;
- (f) describes the relationship between Scottish Homes and housing associations.

IA Restricted Response Questions

The student will be presented with a set of 6 questions which relate closely to the performance criteria.

Satisfactory performance in this Learning Outcome will be demonstrated by a response of a few lines to each question in which:

- (i) the description of homelessness relates closely to current legislation;
- (ii) 2 examples of both intentional and unintentional homelessness, along with pertinent comment, are given;
- (iii) 3 priority areas for rehousing are correctly stated;
- (iv) reasons under which types of housing action areas may be declared are briefly stated;
- (v) a brief statement of the circumstances in which each of the orders or notice may be issued and a brief statement of powers of enforcement by the authority are given;
- (vi) Scottish Homes' authority over housing associations is concisely stated.

LO4 EXPLAIN THE STATUTORY PROVISIONS  
RELATING TO FINANCIAL SUPPORT IN  
HOUSING

PC The student:

- (a) outlines when housing benefit is available;
- (b) describes methods of payment of housing benefit in different circumstances;
- (c) differentiates between the various types of grants available for home improvements;
- (d) describes how the MIRAS scheme operates.

IA Restricted Response Questions.

The student will be presented with a set of 4 questions which relate closely to the performance criteria.

Satisfactory performance in this Learning Outcome will be demonstrated by a response of a few lines to each question in which is given:

- (i) a statement of 2 criteria which must be present for benefit to be payable;
- (ii) a statement of the methods of payment to tenants and to home owners;
- (iii) a brief statement of 2 different criteria which must be present for householders to be eligible to claim each of the 3 different types of grant;
- (iv) a concise and accurate description of how the MIRAS scheme operates.