STATUTORY INSTRUMENTS

1973 No. 774 (S.61)

COUNTER-INFLATION

The Counter-Inflation (Rents) (Scotland) Order 1973

Made - - - -	*17th April* 1973
Laid before Parliament	*27th April* 1973
Coming into Operation	*28th April* 1973

In exercise of the powers conferred upon me by sections 2(4) and 10(2) of and paragraphs 1, 2 and 4 of the Schedule to the Counter-Inflation (Temporary Provisions) Act 1972(**a**), as read with paragraph 10 of Schedule 3 to the Counter-Inflation Act 1973(**b**) and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order, which may be cited as the Counter-Inflation (Rents) (Scotland) Order 1973, applies to Scotland and shall come into operation on 28th April 1973.

2.—(1) The Interpretation Act 1889(**c**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

"the Housing Act" means the Housing (Financial Provisions) (Scotland) Act 1972(**d**);

"the 1972 Order" means the Counter-Inflation (Rents) (Scotland) Order 1972(**e**);

"standstill period" has the same meaning as in Article 2(2) of the 1972 Order,

and any expression used in this order which is also used in Part IV of the Housing Act shall have the same meaning in this order as it has in that Part.

3. Where, during the period beginning on 6 November 1972 and ending on the expiration of the standstill period, a local authority are required by any provision of Part IV of the Housing Act to increase standard rents but are prevented, by Article 9 of the 1972 Order, from recovering any increase in the standard rent of any house in respect of the standstill period above the standard rent of that house on 5 November 1972, the following supplemental and incidental provisions shall have effect:—

(*a*) a local authority shall not be regarded as having failed effectively to discharge any of their functions under Part IV of the Housing Act by reason only of the fact that they have been prevented, by virtue of the provisions of the said Article 9, from recovering any such increase; and

(**a**) 1972 c. 74. (**b**) 1973 c. 9. (**c**) 1889 c. 63. (**d**) 1972 c. 46.
(**e**) S.I. 1972/1852 (1972 III, p. 5382).

(*b*) any increase in standard rents, which a local authority are prevented by virtue of the provisions of the said Article 9 from recovering in respect of the standstill period, shall be deemed, for the purposes of section 28(3) of the Housing Act, to have been made when it would, apart from the provisions of the said Article 9, have been so made.

4. Notwithstanding the expiration of the standstill period, the provisions of this Order shall continue in force on and after 29 April 1973.

Gordon Campbell,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

17th April 1973.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

1. This Order, which applies to Scotland, makes certain supplemental and incidental provisions to the Counter-Inflation (Rents) (Scotland) Order 1972 ("the 1972 Order"), which are expressed to continue in force on and after 29 April 1973.

2. Article 3 of the Order makes certain supplemental and incidental provisions to Article 9 of the 1972 Order so that, where a local authority are required by any provision of Part IV of the 1972 Act to increase standard rents, they should not be regarded as having failed to discharge those functions by reason only of the fact that they are prevented, by Article 9 of the 1972 Order, from recovering those increases in respect of the standstill period. Article 3 also provides that, in those cases, the date when such increases were made should be deemed for the purposes of ascertaining their anniversary date under section 28(3) of the 1972 Act, to be the date upon which they would have been made apart from the provisions of the said Article 9.

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