(*b*) The provision respecting the Rules Publication Act, 1893, shall have effect as if section one of that Act applied to Scotland with the substitution of the "Edinburgh Gazette" for the "London Gazette":

(*c*) The expenses of a local authority under this Act shall be defrayed out of the public health general assessment levied under the Public Health (Scotland) Act, 1897.

(9) This Act shall apply to Ireland with the following modifications:—

(*a*) The Local Government Board for Ireland shall be substituted for the Local Government Board;

(*b*) The Public Health (Ireland) Acts, 1878 to 1907, shall be substituted for the Public Health Acts; and

(*c*) The expression "medical officer of health" shall include a medical superintendent officer of health.

Short title and commencement.

2. This Act may be cited as the Rag Flock Act, 1911, and shall come into operation on the first day of July nineteen hundred and twelve.

CHAPTER 53.

An Act to amend the Law as to the Letting and Rating of small Dwelling-houses in Scotland; and for other purposes relating thereto. [16th December 1911.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation.

1. In this Act—

The expression "small dwelling-house" means a dwelling-house in a burgh or special district in which this Act is in operation, entered in the valuation roll at a yearly rent or value of—

Ten pounds or under if the population of the burgh or special district is less than twenty thousand;

Fifteen pounds or under if the population of the burgh or special district is twenty thousand and less than fifty thousand; and

Twenty-one pounds or under if the population of the burgh or special district is fifty thousand or upwards;

but shall not include any dwelling-house occupied by the owner thereof, or in which the owner resides, or any dwelling-house used as an inn or hotel, or any dwelling-house let along with land for agricultural, pastoral, or horticultural purposes, or any dwelling-house

let in conjunction with a shop, workshop, stable, or byre; nor shall it include any dwelling-house let under any contract or lease current at the passing of this Act prior to the expiration of such contract or lease:

The expression "assessing authority" includes a town council, a county council, a parish council, and every other body entitled to impose an assessment:

The expression "assessment" includes all rates, charges, and assessments imposed, assessed, or levied by an assessing authority, the proceeds of which are applicable to public local purposes and which are leviable in respect of the yearly value of lands and heritages, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of an assessment:

The expression "magistrate" includes judge of police:

The expressions "owner" and "occupier" have the meanings assigned to them respectively in the Burgh Police (Scotland) Act, 1892; provided that section fifty-eight of the Burgh Police (Scotland) Act, 1903 (which limits the obligations of factors), shall apply for the purposes of this Act as if it were herein re-enacted with the substitution of this Act for the Burgh Police Acts specified in the said section: 55 & 56 Vict. c. 55. 3 Edw. 7. c. 33.

The expression "burgh" means a royal, parliamentary, or police burgh; and the expression "population" means, in relation to an existing burgh, the population within the police boundaries thereof according to the census of nineteen hundred and eleven, and, in relation to a burgh constituted after the passing of this Act or to a special district, the population thereof as ascertained for the purposes of this Act in manner approved by the Secretary for Scotland:

The expression "special district" means a special district formed in a county under the Public Health (Scotland) Act, 1897, or the Local Government (Scotland) Acts, 1889 to 1908, for the purposes of water supply, drainage, lighting, or scavenging. 60 & 61 Vict. c. 38.

Time limit to missives.

2. No agreement, whether verbal or written, for the let of a small dwelling-house shall be binding, if the same has been made more than two months prior to the commencement of such let.

Lawful date for termination of let.

3. Notwithstanding the date of entry to any small dwelling-house, all lets of such dwelling-houses, except those for a shorter period than one month, shall terminate and shall be terminable only at noon on the twenty-eighth day of a month, or, when that day is a Sunday, on the Monday next following, and all lets of small dwelling-houses for a shorter period than one month shall terminate and shall be terminable at noon on a Monday.

Notice to terminate let.

4. Notice to terminate the let of a small dwelling-house on the day upon which the next payment of rent falls due may be given by either the owner or the occupier, and shall be given by either party in accordance with the provisions of the Sheriff Courts (Scotland) Act, 1907, with respect to notice to terminate a tenancy, but (except as herein-after mentioned) shall expire only at noon on the day upon which the next payment of rent falls due, unless that day is not a lawful date for the termination of a let under this Act, in which case it shall expire only at noon on the lawful date next following the said day: Provided that—

7 Edw. 7. c. 51.

(*a*) If the house be let for a period of more than three months, the notice shall be given at least forty days before the said day or lawful date, as the case may be; and

(*b*) If the house be let for a period of three months or less, the notice shall be given as many days before the said day or lawful date, as the case may be, as shall be equivalent to at least one third of the said period; except in the case of a let for a shorter period than one month, in which case the notice shall be given at least five days before the said day or lawful date, as the case may be.

Removal of occupier in arrear with rent.

5. Notwithstanding anything herein-before contained, if the occupier of a small dwelling-house shall at any time be in arrear with the rent of the same for a period of not less than seven days, the owner shall be entitled to give to such occupier notice to terminate the let as and from the expiry of forty-eight hours from the date of such notice, and the production of a certificate signed by or on behalf of the owner that the occupier is in arrear with rent for a period of not less than seven days shall be primâ facie evidence thereof in any process to follow thereon.

Summary application for removing

6.—(1) If any occupier shall fail to remove from a small dwelling-house upon the expiration of notice to terminate the let in terms of this Act, it shall be lawful for the owner or any person on his behalf to present to the sheriff, or other court at the passing of this Act exercising jurisdiction in summary removings, a summary application for removing, and a decree pronounced on such summary application shall have the full force and effect of a decree of removing and warrant of ejection: Provided that in any burgh where at the passing of this Act the sheriff court is the only court exercising jurisdiction in respect of summary applications, such applications in respect of small dwelling-houses may be presented to the burgh police court, and the same procedure shall be followed in that court in respect thereof as in the sheriff court.

(2) In any summary application for removing as aforesaid no delay beyond forty-eight hours shall be granted by the sheriff or magistrate to the occupier of a small dwelling-house, unless

on cause shown (which cause the sheriff or magistrate shall state in his order granting delay), or on caution for, or consignation of, the rent due being found or made as the case may be.

Provisions as to rating of small dwelling-houses.

7. Subject as herein-after provided, the provisions of all Acts applicable within the respective areas in which this Act may be in operation respecting the liability for, and the imposition and recovery by an assessing authority of, any assessment, shall subsist in full force and effect: Provided that within every such area—

(1) The occupier of a small dwelling-house shall, in no case, be liable to pay occupiers' assessment therefor in respect of any period prior to the commencement or subsequent to the termination of his occupancy, but any liability to pay occupiers' assessment, which would by law be imposed on a person occupying the small dwelling-house throughout the year from Whitsunday to Whitsunday, shall be imposed on any such occupier or successive occupiers during the year, whether their names appear in the valuation roll or not, to such extent or in such shares as shall be proportionate to the period or periods of their respective occupancies of the small dwelling-house:

(2) Subject as herein-after provided, the owner of a small dwelling-house shall be responsible for all assessments liability to pay which is imposed on the occupier thereof, and the same shall not be recovered or recoverable by the assessing authority from the occupier, but shall be recovered by the assessing authority from such owner in the same manner as provided for under existing Acts with respect to the recovery of assessments from owners, and the assessing authority shall be entitled to recover occupiers' assessments from the owner for the year from Whitsunday to Whitsunday, notwithstanding that the house may not be occupied throughout the year, and for that purpose to issue to the owner through their collector or other officer appointed by them any notice, schedule, demand note, or intimation which, under existing Acts, may be issued in respect of the year's assessments to the occupier:

(3) Notwithstanding any payment by the owner of occupiers' assessments in respect of the occupancy of a small dwelling-house, if, in respect of any period, rent or other consideration shall not be received by the owner for any small dwelling-house in respect of which such payment has been made, the owner shall, upon lodging, on or before dates to be fixed by the respective assessing authorities (one of which dates shall be fixed not earlier than the first or later than the twentieth

day of May in each year), with the clerk to any such authority, or with such other officer as such authority may appoint for the purpose, a claim for repayment, which shall set forth the period or periods during which the small dwelling-house was not let, or in respect of which, though the house was let, no payment of rent or other consideration was received by him, and a declaration to the effect that no rent or other consideration has been paid or given for such period or periods, be entitled to repayment without any unnecessary delay from such authority of the proportionate amount of such assessment for the said period or periods without prejudice to the right of the authority to make adjustments with the owner in respect of any such rent or other consideration subsequently recovered by him: Provided that, for the purpose of any qualification or franchise which depends on payment of occupiers' assessments, an occupier shall be held to be in arrear and his assessments to remain unpaid to the extent of any claim therefor (if relating to any period during the occupancy of the said occupier) under this subsection in respect of which the owner has received repayment, or which is pending at the date when notice of occupiers' assessments in arrear requires to be given under the statutes relating to such qualification or franchise, and the said occupier shall, as being in arrear to the extent aforesaid, unless he has paid such arrears to the assessing authority in terms of section eight of this Act, be included in any list of persons who have failed to pay assessments which under the Acts regulating such qualification or franchise is required to be sent to the assessor as a person who has so failed:

(4) The owner of a small dwelling-house, on receipt of a requisition from an assessing authority or such officer as they may appoint, shall, within ten days thereafter, furnish such authority with a return containing particulars of any period or periods in any year from Whitsunday to Whitsunday during which such small dwelling-house has been let, and of the occupier or successive occupiers thereof with their respective periods of occupancy and the amount of rent payable and paid by them respectively:

(5) Any owner knowingly making or causing to be made any false statement in or in connexion with any claim, declaration, or return under this section, or failing to make any such return, shall be liable, on summary conviction, to a penalty not exceeding fifty pounds:

(6) Every assessing authority shall, in respect of the occupancy of small dwelling-houses, allow to owners from

all occupiers' assessments levied on and recovered from them in place of the occupiers (less any repayments in pursuance of a claim under this section) a deduction, to cover cost of collection, on the following scale (that is to say):—

In the city of Glasgow, two pounds ten shillings per centum; and elsewhere such deduction, not exceeding two pounds ten shillings per centum, as may be fixed by the sheriff on the application of the assessing authority, or any ten or more persons having an interest, after such intimation by advertisement or otherwise as he thinks fit, and after such inquiry, if any, as he may deem necessary:

Provided that, except in the city of Glasgow, after such scale of deduction has been in operation for a period of not less than three years, it shall be competent for the assessing authority, or for any ten or more persons having an interest, to present a petition to the sheriff for reconsideration of such scale, and the sheriff, after such intimation by advertisement or otherwise as he thinks fit, and after such inquiry, if any, as he may deem necessary, shall fix and decide a scale of deduction accordingly, but after the expiry of a period of not less than five years from the date of such decision, and thereafter at intervals of not less than five years from the date of the final interlocutor by the sheriff on the reconsideration of such scale, the scale may, subject to the like procedure, be re-submitted to the sheriff for reconsideration: Provided further that the sheriff shall not fix a scale of deduction exceeding two pounds ten shillings per centum, and it shall not be competent to appeal from any decision of the sheriff under this section:

(7) Section thirty-one of the Lands Valuation (Scotland) Act, 1854, subsection (6) of section nine of the Representation of the People Act, 1884, and sections three hundred and forty-four, three hundred and forty-five, and three hundred and forty-six of the Burgh Police (Scotland) Act, 1892, and the provisions of local Acts specified in Part I. of the Schedule to this Act, shall not apply to a small dwelling-house, and the provisions of local Acts specified in Part II. of that schedule in their application to a small dwelling-house shall be subject to the modifications therein prescribed, and any corresponding provisions of other local Acts shall be read and construed subject to the like alterations so far as necessary in

17 & 18 Vict. c. 91.
48 & 49 Vict. c. 3.
55 & 56 Vict. c. 55.

order to give full effect to the purposes of this Act, and in case of doubt arising in relation to any assessing authority, whether a town council or not, as to the effect of this enactment, sections forty-five and forty-six of the Burgh Police (Scotland) Act, 1892 (which relate to the issue of provisional orders to repeal or amend local Acts) shall apply, to the purpose and effect of enabling the Secretary for Scotland, whether on the application of the assessing authority or not, to issue a provisional order in order to resolve such doubt; but no such provisional order shall be of any validity unless the same has been confirmed by Act of Parliament:

(8) An assessor acting under the Lands Valuation (Scotland) Acts shall in estimating the yearly rent or value of a small dwelling-house make allowance for the responsibility by this section imposed on owners for the payment of occupiers' assessments.

Constructive payment of rates on small dwelling-houses.

8. Every payment of an assessment by an owner under or in pursuance of the provisions of the immediately preceding section shall, notwithstanding any deduction which the assessing authority is required to allow therefrom, be deemed a payment of the full assessment or (where the owner pays by instalments) of a proportionate amount of the assessment, as the case may be, by the occupier for the purpose of any qualification or franchise which depends on such payment: Provided that, where an owner who is responsible therefor omits or neglects to pay any such assessment, or where, having paid the same, he has claimed repayment thereof in respect of any period during the occupancy of the said occupier, the occupier may pay the same to the assessing authority and deduct the amount from the rent due or accruing due to the owner, and the receipt for such assessment shall be a valid discharge of the rent to the extent of the assessment so paid; and provided further that all provisions of any Act with respect to notice to be given of occupiers' assessments in arrear shall apply to occupiers of premises capable of conferring any qualification or franchise as aforesaid, although the owners of such premises are responsible for the occupiers' assessments thereon.

Exemption from payment of occupiers' assessments on ground of poverty.

9. Nothing in this Act shall deprive any assessing authority of any power to exempt an occupier of a small dwelling-house from payment in whole or in part of any assessment on the ground of his poverty or inability to pay.

Exemptions from hypothec.

10. All bedding material as well as all tools and implements of trade used or to be used by the occupier of a small dwelling-house or any member of his family, as the means of his, her, or their livelihood, which are in the dwelling-house, and also such further furniture and plenishing in a small dwelling-house as the occupier may select to the value, according to the sheriff

officer's inventory, of ten pounds, shall be wholly exempt from the right of hypothec of the owner.

Application and adoption of Act.

11. Save as herein-after mentioned, this Act shall apply from and after the fifteenth day of May nineteen hundred and twelve, to all small dwelling-houses within the police boundaries of every royal, parliamentary, and police burgh and within every special district in Scotland: Provided that this Act shall not come into operation in any burgh having a population of less than ten thousand, or in any special district, until it has been adopted by a resolution of the town council of such burgh or county council of the county in which such special district is situated, as the case may be, at a meeting called for the purpose at any time after the passing of this Act, after one month's previous notice in a newspaper published or circulating in the burgh or special district.

Such resolution shall be published in the Edinburgh Gazette, and shall come into force as from the fifteenth day of May immediately following such publication.

Every resolution of a town council or county council in terms of this Act shall be forthwith intimated to the Secretary for Scotland.

Agreements in contravention of Act to be void.

12. Any agreement in contravention of the provisions of this Act shall be, and is hereby declared to be, null and void.

Saving. 10 & 11 Vict. c. 17.

13. Nothing in this Act contained shall prejudice or affect the provisions of section seventy-two of the Waterworks Clauses Act, 1847.

Extent and citation.

14. This Act shall extend to Scotland only, and may be cited as the House Letting and Rating (Scotland) Act, 1911.

SCHEDULE.

Section 7.

PART I.

Session and Chapter.	Title or Short Title.	Provisions not to apply.
18 & 19 Vict. c. cxviii.	The Glasgow Corporation Waterworks Act, 1855.	Section ninety-seven.
28 Vict. c. lxix.	The Glasgow Corporation Waterworks Amendment Act, 1865.	Section nine.

Session and Chapter.	Title or Short Title.	Provisions not to apply.
29 & 30 Vict. c. cclxxiii.	The Glasgow Police Act, 1866.	Section forty-six.
32 & 33 Vict. c. xlvi.	The Dundee Water Act, 1869.	Section fifty.
42 & 43 Vict. c. cxxxii.	The Edinburgh Municipal and Police Act, 1879.	Section seventy-three, so far as applying to occupiers' assessments.
44 & 45 Vict. c. lxxiii.	The Aberdeen Corporation Act, 1881.	Sections thirty-four and thirty-seven.
45 & 46 Vict. c. clxxxv.	The Dundee Police and Improvement Consolidation Act, 1882.	Section thirty-eight.
48 & 49 Vict. c. cxxiii.	The Aberdeen Corporation Water Act, 1885.	Section forty, so far as applying sections thirty-four and thirty-seven of the Aberdeen Corporation Act, 1881.
48 & 49 Vict. c. cxxxvi.	The Glasgow Corporation Waterworks Act, 1885.	Section thirty-six.
54 & 55 Vict. c. cxxiv.	The Aberdeen Corporation Act, 1891.	Section forty-one, so far as applying sections thirty-four and thirty-seven of the Aberdeen Corporation Act, 1881.
9 Edw. 7. c. cxxix.	The Greenock Corporation Act, 1909.	Sections seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, and ninety-nine.

PART II.

Session and Chapter.	Title or Short Title.	Modification of Provision.
29 & 30 Vict. c. cclxxiii.	The Glasgow Police Act, 1866.	Section forty-five to apply as if the words "the yearly rent or "value of which is above four "pounds" were omitted.