EXPLANATORY NOTE

(*This Note is not part of the regulations but is intended to indicate their general purport.*)

These regulations consolidate with amendments the provisions of the House to House Collections (Scotland) Regulations, 1939 (S.R. & O. 1939 No. 1798) and the House to House Collections (Scotland) Regulations, 1940 (S.R. & O. 1940 No. 342).

The principal amendments which are shown in heavy type are:—

(1) The permission of the Secretary of State is now required before charities can promote envelope collections.

(2) The forms of receipt in the Receipt Book must in future bear both a consecutive number and the distinguishing number of the book.

(3) Where a house to house collection is made in connection with a street collection the accounts of the two collections may, if the licensing authority consents, now be submitted to the authority in combined form.

(4) Vouchers not required to accompany accounts submitted in accordance with the regulations must be retained by the promoter for three months after the accounts have been submitted to the authority, and the authority may require the vouchers to be submitted to them within that period.

HOUSING, SCOTLAND

The Housing (Declaration of Unfitness) (Scotland) Regulations, 1948

1948 No. 2225 (S. 173)

Made - - - -	30*th September*, 1948
Laid before Parliament	4*th October*, 1948
Coming into Operation	5*th October*, 1948

In exercise of the powers conferred on me by section 44 of the Housing (Scotland) Act, 1930(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Housing (Declaration of Unfitness) (Scotland) Regulations, 1948, and shall come into operation on the fifth day of October, 1948.

(a) 20 & 21 Geo. 5. c. 40.

2. The Interpretation Act, 1889(**a**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The forms set out in the Schedule to these regulations or forms substantially to the like effect shall be the forms to be used in connection with the powers and duties of the local authority for the purposes of the Housing (Scotland) Acts, 1925 to 1944(**b**), under paragraph 8 of the Fifth Schedule to the Town and Country Planning (Scotland) Act, 1945(**c**), as amended by the Town and Country Planning (Scotland) Act, 1947(**d**), in the cases to which those forms are applicable.

Dated this 30th day of September, Nineteen hundred and forty-eight.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

FORM NO. 1

Form of Declaration of Unfitness Order

Whereas the (hereinafter called " the local authority ") are a local authority for the purposes of the Housing (Scotland) Acts, 1925 to 1944;

And Whereas the house specified in the Schedule hereto is situated in the district of the local authority;

[And Whereas the said house is comprised in land designated by a development plan under the Town and Country Planning (Scotland) Act, 1947, as subject to compulsory acquisition;]

[And Whereas the said house is comprised in land which is proposed to be acquired compulsorily under subsection (2) of [section 34] [section 35] of the Town and Country Planning (Scotland) Act, 1947;]

And Whereas the said house is, in the opinion of the local authority, unfit for human habitation and not capable at reasonable expense of being rendered so fit;

Now therefore the local authority in exercise of the powers conferred on them by paragraph 8 of the Fifth Schedule to the Town and Country Planning (Scotland) Act, 1945, as amended by the Town and Country Planning (Scotland) Act, 1947, hereby declare the said house to be unfit for human habitation and not capable at reasonable expense of being rendered so fit.

This order may be cited as the ..... (Declaration of Unfitness) Order, 19.....

Given under the seal of the this day of , 19 .

(Signed) .....

(**a**) 52 & 53 Vict. c. 63.
(**b**) *See* 7 & 8 Geo. 6. c. 39. s. 8.
(**c**) 8 & 9 Geo. 6. c. 33.
(**d**) 10 & 11 Geo. 6. c. 53.

Schedule

Number on Map.	Description and situation of house	Owner or reputed owner

FORM NO. 2

Form of Notice to Owners, Superiors and Holders of Heritable Securities of the making of a Declaration of Unfitness Order

Housing (Scotland) Act, 1930

Town and Country Planning (Scotland) Act, 1945, as amended by the Town and Country Planning (Scotland) Act, 1947.

The (1) (Declaration of Unfitness) Order 19 .

To (2)

Notice is hereby given that the (3) in exercise of the powers conferred on them by paragraph 8 of the Fifth Schedule to the Town and Country Planning (Scotland) Act, 1945, as amended by the Town and Country Planning (Scotland) Act, 1947, made on the day of , 19 , and are about to submit to the Secretary of State for confirmation the above-mentioned Declaration of Unfitness Order (hereinafter referred to as "the unfitness order") declaring that the house specified in the Schedule hereto [and shown coloured ..... on the map annexed to the unfitness order] is unfit for human habitation and not capable at reasonable expense of being rendered so fit. [A copy of the unfitness order is enclosed.]

The principal grounds upon which the local authority are of opinion that the said house is unfit for human habitation and not capable at reasonable expense of being rendered so fit are set out in the said Schedule hereto.

As the house referred to in the unfitness order is comprised in land [designated by a development plan under the Town and Country Planning (Scotland) Act, 1947, as subject to compulsory acquisition] [which is proposed to be acquired compulsorily under subsection (2) of [section 34] [section 35] of the Town and Country Planning (Scotland) Act, 1947] the effect of the unfitness order if confirmed by the Secretary of State will be that the compensation to be paid for the house on a compulsory purchase thereof pursuant to any authorisation given under Part III of the Town and Country Planning (Scotland) Act, 1947, by the Minister having jurisdiction to give such authorisation, either before or within two years after the confirmation by the Secretary of State of the unfitness order, will be assessed in like manner as if it had been a dwelling-house specified in a compulsory purchase order as unfit for human habitation and purchased compulsorily under Part I of the Housing (Scotland) Act, 1930.

If, however, on a representation made to him the Secretary of State is satisfied after causing it to be inspected by one of his officers that, notwithstanding its sanitary defects, a house has been well maintained, the Secretary of State may give directions for the making by the local authority of a payment under section 58 of the Housing (Scotland) Act, 1935, in respect of such house. Any such representation for such payment must be made within three months of the claimant first becoming aware that a notice to treat has been served in respect of the house.

Any objection to the unfitness order must be made in writing to the Secretary of State on or before the (4) day of 19 . The objection must state the grounds on which it is made and should be addressed to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1.

Where any objection to the unfitness order is duly made and is not withdrawn, the Secretary of State shall, before confirming the unfitness order, consider the objection and shall, if either the person by whom the objection was made or the local authority so desire, afford that person and the authority an opportunity of appearing before and being heard by a person appointed by him for the purpose, and may then, if he thinks fit, confirm the unfitness order.

Signature of Clerk to the Local Authority.

Schedule

Description and situation of house	Principal grounds upon which the local authority are of opinion that the house is unfit

Directions for filling up this form

(1) Insert title of order.
(2) Insert name and address of person on whom notice is to be served.
(3) Insert name of local authority making the order.
(4) Insert a date not less than 28 days after date of service of the notice.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations prescribe the forms of the order and notice to be used under paragraph 8 of the Fifth Schedule to the Town and Country Planning (Scotland) Act, 1945, as amended by the Town and Country Planning (Scotland) Act, 1947.

Paragraph 8 of that Schedule as amended deals with the assessment of compensation in cases where any dwelling-house which is comprised either in designated land or in land to be acquired compulsorily under sections 34 (2) or 35 (2) of the Town and Country Planning (Scotland) Act, 1947, is, in the opinion of the local authority within whose district the house is situated, unfit for human habitation and not capable at reasonable expense of being rendered so fit. In such cases the local authority for the purposes of the Housing (Scotland) Acts, 1925 to 1944, may make and submit to the Secretary of State an order declaring the house to be unfit and incapable of being rendered fit at reasonable expense.

The effect of such an unfitness order when confirmed is that, when the house is acquired compulsorily under Part III of the Town and Country Planning (Scotland) Act, 1947, either before or within two years after the confirmation of the unfitness order, the compensation will be assessed in accordance with the provisions in Part I of the Housing (Scotland) Act, 1930 relating to the compulsory acquisition of houses which are unfit for human habitation.