STATUTORY INSTRUMENTS

1975 No. 1973 (S. 267)

HOUSING, SCOTLAND

The Housing Expenditure Subsidy (Transitional Provisions) (Scotland) Order 1975

Made - - - -	*25th November* 1975
Laid before Parliament	*10th December* 1975
Coming into Operation	*31st December* 1975

In exercise of the powers conferred on me by section 215 of the Local Government (Scotland) Act 1973(**a**) and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order may be cited as the Housing Expenditure Subsidy (Transitional Provisions) (Scotland) Order 1975 and shall come into operation on 31st December 1975.

Interpretation

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

(2) In this order, unless the context otherwise requires—

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

"the 1973 Act" means the Local Government (Scotland) Act 1973;

"the 1975 order" means the Demitting Authorities (Closing of Accounts and Payment of Grants) (Scotland) Order 1975(**d**);

"demitting authority" means a county or town council which existed immediately before the coming into operation of the 1973 Act;

"successor authority" means the local authority to which the 1973 Act assigns responsibility for the exercise of a function;

"year" means, for 1974–75 and previous years, the financial year of a demitting authority, and for 1975–76 and subsequent years, the financial year of a local authority as defined by section 96(5) of the 1973 Act as amended by section 18 of the Local Government (Scotland) Act 1975(**e**).

(3) In this order, unless the context otherwise requires, expressions used which are also used in the 1972 Act shall have the same meaning as they have in that Act.

(**a**) 1973 c. 65.
(**b**) 1889 c. 63.
(**c**) 1972 c. 46.
(**d**) S.I. 1975/826 (1975 II, p. 2929).
(**e**) 1975 c. 30.

3.—(1) Section 3 of the 1972 Act as amended by section 3 and Schedule 1 of the Housing Rents and Subsidies (Scotland) Act 1975(**a**) shall have effect for the year 1975–76 and later years subject to the following provisions of this article.

(2) For the year 1975–76—

(*a*) in determining the increase in a local authority's expenditure per house in the year 1975–76, the expenditure between 16th May 1975 and 31st March 1976 shall be increased to a notional full year's equivalent, by the use of the factor 366/321, for the purpose of comparison with the previous year;

(*b*) any reference to a local authority's expenditure and houses to which the housing revenue account relates for the immediately preceding year shall be taken to be a reference to—

(i) so much of the expenditure debited to the housing revenue account for 1974–75 by a demitting authority whose functions are exercisable by the said local authority as a successor authority as is in proportion to the balances on capital account at 15th May 1975 of the said demitting authority in respect of houses to which the housing revenue account relates transferred to the said successor authority in accordance with article 12 of the 1975 order, and

(ii) the number of the said demitting authority's houses to which the said expenditure relates;

(*c*) the amount of housing expenditure subsidy payable, both in respect of any base year prior to 1975–76 and in respect of the base year 1975–76 shall be limited to 321/366ths of the subsidy calculated in accordance with section 3 of the 1972 Act as read with sub-paragraphs (*a*) and (*b*) of this paragraph.

(3) For the purpose of determining the increase in a local authority's expenditure per house in the year 1976–77 the expenditure per house in the year 1975–76 shall be the amount calculated in accordance with paragraph (2) (*a*) of this article.

4. The housing expenditure subsidy which would have been payable to a demitting authority for the year 1975–76 and subsequent years shall be apportioned to the successor authority or authorities in proportion to the balances on capital account at 15th May 1975 of the demitting authority in respect of houses to which the housing revenue account relates, transferred to each successor authority in accordance with article 12 of the 1975 order.

William Ross,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.

25th November 1975.

(a) 1975 c. 28.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes transitional provisions in relation to housing expenditure subsidy payable to local authorities under section 3 of the Housing (Financial Provisions) (Scotland) Act 1972 as amended by the Housing Rents and Subsidies (Scotland) Act 1975 to take account of—

(*a*) the new housing authorities established by the Local Government (Scotland) Act 1973 ("the 1973 Act"); and

(*b*) the alteration of the financial year of local authorities by the 1973 Act as amended by the Local Government (Scotland) Act 1975.

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