1952 No. 2178 (S. 113)

The Housing (Forms) (Scotland) Amendment Regulations, 1952

Made - - - -	11*th December*, 1952
Laid before Parliament	16*th December*, 1952
Coming into Operation	17*th December*, 1952

In exercise of the powers conferred upon me by subsection (5) of section 114, section 122 and subsection (1) of section 172 of the Housing (Scotland) Act, 1950(a), as amended by the Housing (Scotland) Act, 1952(b), and of all other powers enabling me in that behalf, I hereby, with the consent of the Treasury, make the following regulations:—

1.—(1) These regulations may be cited as the Housing (Forms) (Scotland) Amendment Regulations, 1952, and shall come into operation on the 17th day of December, 1952.

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

2. In the Schedule to the Housing (Forms) (Scotland) Regulations, 1951(d), for Form 42 there shall be substituted the form set out in the schedule hereto.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
9th December, 1952.

We consent to these regulations,

Herbert Butcher,
T. G. D. Galbraith,
Two of the Lords Commissioners of Her Majesty's Treasury.

11th December, 1952.

SCHEDULE

FORM OF NOTICE UNDER SECTION 114 (5) OF THE HOUSING (SCOTLAND) ACT 1950 OF PAYMENT OF IMPROVEMENT GRANT

The Housing (Scotland) Acts, 1950 and 1952

NOTICE OF PAYMENT OF IMPROVEMENT GRANT

Whereas the [1] ....., (hereafter in this notice referred to as "the local authority"), in accordance with the provisions of Part VII of the Housing (Scotland) Act, 1950, (hereafter in this notice referred to as "the said Act of 1950,") as amended by the Housing (Scotland) Act, 1952 (hereafter in this notice referred to as "the said Act of 1952") have paid to [2] ..... an improvement grant of [3] ..... in respect of improvement works relating to [4] [inter alia] the dwelling described in the schedule hereto:

Now, therefore, notice is hereby given, in accordance with the provisions of subsection (5) of section 114 of the said Act of 1950 as amended by subsection (4) of section 9 of the said Act of 1952, that:—

(1) for a period of twenty years commencing on the [5] ..... day of ....., 19....., the following conditions shall, by virtue of

(a) 14 Geo. 6. c. 34.
(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 63.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1951/774; 1951 I, p. 1005.

section 114 of the said Act of 1950 as read with section 6 of the said Act of 1952, be observed with respect to the said dwelling:—

(i) the dwelling shall not be used for purposes other than those of a private dwelling-house;

(ii) the dwelling shall not be occupied except by the owner thereof or a tenant: For the purposes of this condition the occupation of the dwelling by a member of the agricultural population in pursuance of a contract of service shall be treated as occupation by the employer under the contract;

[6] (iii) the annual rent payable by a tenant of the dwelling shall not exceed the amount of [7] ..... and no fine, premium or other like sum shall be taken in addition to the rent;

(iv) the owner of the dwelling shall, on being required so to do by the local authority, certify that the foregoing conditions are being observed with respect to the dwelling, and any tenant of the dwelling shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with this condition;

(v) all reasonable steps shall be taken to secure the maintenance of the dwelling so as to be in all respects fit for human habitation;

(vi) in the event of a tenant assigning his interest in, or otherwise parting with the possession of, the dwelling, it shall not be lawful for any person in consideration thereof to make any payment other than rent or for the tenant to receive, directly or indirectly, any such payment;

(vii) if the dwelling is for the time being occupied in pursuance of a contract of service by a member of the agricultural population and if the contract is determined—

(*a*) by less than four weeks' notice given by the employer;

(*b*) by dismissal of the employee without notice; or

(*c*) by the death of either party;

the employer or his personal representative shall permit the employee (or, in the case of his death, any person residing with him at his death) to continue to occupy the dwelling free of charge from the determination of the contract until the expiration of a period of four weeks, beginning with the date on which the notice is given or, if the contract is determined otherwise than by notice, with the date on which it is determined; and

(2) in the event of a breach of any of the conditions above specified during the period during which they are required as aforesaid to be observed with respect to the said dwelling, or in the event of the voluntary alienation of the said dwelling by the owner thereof during the said period, there shall, on being demanded by the local authority, forthwith become payable to them by the owner for the time being of the said dwelling the appropriate proportion, (as defined in section 114 of the said Act of 1950), of [8] [any sums paid by the local authority by way of improvement grant in respect of the expenses incurred for the purpose of executing the said improvement works, together, in the case of each such sum, with compound interest on that proportion thereof as from the date of payment of the sum, calculated at the rate prescribed by the Secretary of State, with the consent of the Treasury, and with yearly rests] [a part of any sums paid by the local authority by way of improvement grant in respect of the expenses incurred for the purpose of executing the said improvement works bearing to the whole of such sums the same proportion that the approved proportion (as defined in section 111 of the said Act of 1950) of the approved expense (as so defined) of executing the said improvement works bears to the whole of the approved expense of executing these works, together, in the case of each part of a sum, with compound interest on the appropriate proportion thereof

as from the date of payment of the sum, calculated at the rate prescribed by the Secretary of State, with the consent of the Treasury, and with yearly rests.]

Dated this ..... day of ....., 19.....

.....

(Signature of Clerk to the local authority.)

SCHEDULE

DESCRIPTION OF THE DWELLING TO WHICH THE FOREGOING NOTICE RELATES[9]:—

Notes for guidance in completing this form

[1] Insert the name of the local authority.

[2] Insert the name, designation and address of the recipient of the improvement grant.

[3] Insert in words the appropriate amount.

[4] Omit these words if not applicable.

[5] Insert the date from which the period begins in accordance with section 114 (1) of the said Act of 1950.

[6] Omit this condition in the case of a dwelling used as a residence by a minister or full time lay missionary of any religious denomination by virtue of his office as such minister or missionary.

[7] Insert in words the appropriate amount in accordance with section 114 (1) (*c*) (i) or 114 (1) (*c*) (ii) of the said Act of 1950 as the case may be.

[8] Delete the clause which is not applicable having regard to section 114 (2) (*a*) and (*b*) of the said Act of 1950.

[9] Describe the dwelling sufficiently to identify it for the purpose of recording in the Register of Sasines, e.g., "All and Whole ..... [in the County of .....] [in the Burgh of ..... and County of .....] being [part of] the subjects described in (Disposition, etc.) by ..... in favour of ..... dated ..... and recorded in the Division of the General Register of Sasines applicable to the ..... of ..... on .....". A separate notice should be used for each resultant dwelling.

EXPLANATORY NOTE

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

Section 114 (5) of the Housing (Scotland) Act, 1950, provides that when a local authority pay an improvement grant under section 111 they shall cause to be recorded in the appropriate Register of Sasines a notice, in a form prescribed by the Secretary of State, setting out the conditions applied to the improved dwelling by section 114 (1). These conditions have been varied by section 6 of the Housing (Scotland) Act, 1952, and these Regulations prescribe an amended form of notice which takes account of the provisions of that section.