HOUSING, SCOTLAND

1959 No. 1611 (S. 92)

The Housing (Forms) (Scotland) Amendment Regulations, 1959

Made - - - -	14*th September*, 1959
Laid before Parliament	18*th September*, 1959
Coming into Operation	19*th September*, 1959

In exercise of the powers conferred upon me by subsection (5) and subsection (7) of section 114, section 122, and subsection (1) of section 172 of the Housing (Scotland) Act, 1950(a), as amended by section 9 of the Housing (Scotland) Act, 1952(b) and as read with section 22 of the House Purchase and Housing Act, 1959(c), 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, 1959, and shall come into operation on the 19th day of September, 1959.

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

2. The forms set out in the Schedule hereto or forms as near thereto as circumstances admit shall be the forms to be used for the purposes of the Housing (Scotland) Acts, 1950 to 1959(e) in the cases to which those forms are applicable.

3.—(1) In the Schedule to the Housing (Forms) (Scotland) Regulations, 1951(f) the titles to Forms 42 and 45 in the List of Forms, the Form 42 and the Form 45 shall be omitted.

(2) The Housing (Forms) (Scotland) Amendment Regulations, 1952(g) are hereby revoked.

(3) The Housing (Forms) (Scotland) Amendment Regulations, 1955(h) and the Housing (Forms) (Scotland) Amendment Regulations, 1958(i) in so far as they relate to the said Forms 42 and 45, but to that extent only, are hereby revoked.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
8th September, 1959.

We consent,

Michael Hughes-Young,
Graeme Finlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

14th September, 1959.

(a) 14 Geo. 6. c. 34. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 63. (c) 7 & 8 Eliz. 2. c. 33.
(d) 52 & 53 Vict. c. 63. (e) *See* s. 32 (1) (*b*) of 7 & 8 Eliz. 2. c. 33.
(f) S.I. 1951/774 (1951 I, p. 1005). (g) S.I. 1952/2178 (1952 I, p. 1157).
(h) S.I. 1955/288 (1955 I, p. 960). (i) S.I. 1958/30 (1958 I, p. 1234).

SCHEDULE

FORM OF NOTICE OF PAYMENT OF IMPROVEMENT GRANT OR STANDARD GRANT

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

NOTICE OF PAYMENT OF IMPROVEMENT GRANT*/STANDARD GRANT*

*Whereas the [1]..... (hereinafter in this notice referred to as "the local authority") in accordance with the provisions of the Housing (Scotland) Acts, 1950 to 1959 (hereinafter in this notice referred to as "the said Acts") have paid to [2]..... an improvement grant of [3]..... in respect of improvement works relating to the dwelling(s) described in the schedule hereto:

*Whereas the [1]..... (hereinafter in this notice referred to as "the local authority") in accordance with the provisions of Part III of the House Purchase and Housing Act, 1959 (hereinafter in this notice referred to as "the Act of 1959") have paid to [2]..... a standard grant of [3]..... in respect of the provision of standard amenities in 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 Housing (Scotland) Act, 1950 as amended by section 9 of the Housing (Scotland) Act, 1952[4]:—

(1) for a period of ten years commencing on the [5]..... day of ..... 19....., the following conditions shall be observed with respect to the said dwelling:—

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

(*b*) the dwelling shall, at all times at which it is not occupied—

(i) by the applicant for the improvement grant*/standard grant* or a member of his family; or

(ii) by a person who on the death of the applicant has (whether or not in consequence of a disposition by will) become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or in the proceeds of a sale thereof, or by a member of the family of such a person; or

(iii) by a person who after the expiration of three years from the beginning of the period during which the said conditions are to be observed has become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or in the proceeds of a sale thereof, or by a member of the family of such a person; or

(iv) by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant;

be let or kept available for letting;

(*c*) the annual rent payable by a tenant of the dwelling shall, subject to the provisions of section 10 of the Rent Act, 1957, not exceed the rent recorded in respect of the dwelling in the Register of Rents kept by the local authority in accordance with the provisions of section 21 of the Housing and Town Development (Scotland) Act, 1957, and no fine, premium or other like sum shall be taken in addition to the rent;

(*d*) 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;

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

(*f*) 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 ;

(*g*) 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—

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

(ii) by dismissal of the employee without notice ; or

(iii) 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, 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 Housing (Scotland) Act, 1950, of[6]—

(*a*) any sums paid by the local authority by way of improvement grant*/ standard grant* in respect of [the expenses incurred for the purpose of executing the said improvement works],* [the provision of standard amenities]* together, in the case of each 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 or

(*b*) 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)

* Delete as necessary.

SCHEDULE

Description of the dwelling to which the foregoing notice relates[7] :—

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 grant.

3. Insert in words the appropriate amount.

4. In the case of a standard grant insert the words " as read with section 22 of the Act of 1959 ".

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

6. In the case of standard grant delete clause (*b*) and in any other case delete the clause which is not applicable having regard to section 114 (2) (*a*) and (*b*) of the said Act of 1950.

7. 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.

FORM OF NOTICE OF CESSOR OF CONDITIONS OF IMPROVEMENT GRANT OR STANDARD GRANT

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

NOTICE OF CESSOR OF CONDITIONS OF IMPROVEMENT GRANT*/STANDARD GRANT*

Whereas by notice of payment of improvement grant*/standard grant* (amounting to .....) to [1]..... dated the ..... day of ..... 19..... and recorded in the Division of the General Register of Sasines applicable to the ..... on the ..... day of ..... 19....., it is provided that there shall with respect to the dwelling described in the schedule hereto be observed the conditions specified in the said notice;

And Whereas, in accordance with the provisions of [subsection (3) of section 114]* [subsection (1) of section 115]* of the Housing (Scotland) Act, 1950,[2] observance of the said conditions has ceased to be requisite with respect to the said dwelling;

Now, therefore, the [3]..... as the local authority concerned hereby give notice, in accordance with the provisions of [subsection (7) of section 114 of the said Act of 1950]* [subsection (7) of section 114 as read with subsection (3) of section 115 both of the said Act of 1950]* [subsection (7) of section 114 of the said Act of 1950 as read with section 22 of the said Act of 1959]* [subsection (7) of section 114 as read with subsection (3) of section 115 both of the said Act of 1950 and as read with section 22 of the said Act of 1959]* that as from the [4]..... day of ..... 19....., the said conditions specified in the said notice of payment of improvement grant*/ standard grant* no longer apply to the said dwelling.

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

.....
(Signature of Clerk to the local authority)

* Delete as necessary.

SCHEDULE

Description of the dwelling to which the foregoing notice relates[5]:—

Notes for guidance in completing this form

1. Insert name, designation and address of the recipient of the grant.

2. In the case of a standard grant insert the words " as read with section 22 of the House Purchase and Housing Act, 1959 ".

3. Insert the name of the local authority.

4. Insert the appropriate date of cessation of the conditions in accordance with section 114 (3) or section 115 (1) of the Act of 1950, as the case may be.

5. Repeat the description contained in the schedule in the relevant recorded notice of payment of improvement or standard grant. A separate notice should be used for each dwelling.

EXPLANATORY NOTE

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

Part III of the House Purchase and Housing Act, 1959, in making provision for payment of standard grants applies thereto sections 114 (5) and (7) of the Housing (Scotland) Act, 1950, in the same way as these sections apply to the making of improvement grants under section 111 of the Act of 1950. These regulations prescribe amended forms of notices which are to be recorded in the Register of Sasines when either type of grant is paid and also when the conditions applied to a house on the making of a grant are no longer applicable.

1959 No. 1349 (S. 83)

The Housing (Register of Rents) (Scotland) Amendment Regulations, 1959

Made - - - -	29*th July*, 1959
Laid before Parliament	10*th August*, 1959
Coming into Operation	11*th August*, 1959

In exercise of the powers conferred upon me by subsection (1) of section 21 of the Housing and Town Development (Scotland) Act, 1957(a) and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Housing (Register of Rents) (Scotland) Amendment Regulations, 1959, and shall come into operation on the 11th day of August, 1959.

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

2. The Schedule to the Housing (Register of Rents) (Scotland) Regulations, 1958(c) shall have effect subject to the following amendments :—

(1) At the end of the title to Part II there shall be added " or improved with assistance by way of standard grant under Part III of the House Purchase and Housing Act, 1959."(d)

(2) After sub-paragraph (ii) of paragraph (*f*) of Part II there shall be added :—

" (*g*) Name and address of person to whom standard grant was paid under section 19 of the House Purchase and Housing Act, 1959 (hereinafter referred to as " the Act of 1959 ").....

.....

(a) 5 & 6 Eliz. 2. c. 38. (b) 52 & 53 Vict. c. 63. (c) S.I. 1958/80 (1958 I, p. 1255).
(d) 7 & 8 Eliz. 2. c. 33.