STATUTORY INSTRUMENTS

1965 No. 1901 (S. 103)

HOUSING, SCOTLAND

The Housing (Forms) (Scotland) Amendment Regulations 1965

Made - - - -	28*th October* 1965
Laid before Parliament	9*th November* 1965
Coming into Operation	10*th November* 1965

In exercise of the powers conferred upon me by sections 114(5) and (7), 122, and 172(1) of the Housing (Scotland) Act 1950(a), as read with sections 6 and 9 of the Housing (Scotland) Act 1952(b), section 10 of the Housing (Repairs and Rents) (Scotland) Act 1954(c), section 22 of the House Purchase and Housing Act 1959(d), section 15 of the Housing (Scotland) Act 1962(e), and section 55 of the Housing Act 1964(f) 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 1965 and shall come into operation on 10th November 1965.

(2) The interpretation Act 1889(g) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. The Housing (Forms) (Scotland) Regulations 1960(h) shall be amended as follows:—

In the Schedule for Form 49 there shall be substituted the form set out in the Schedule hereto.

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

St Andrew's House,
Edinburgh, 1.
27th October 1965.

We consent.

G. H. R. Rogers,
J. McCann,
Two of the Lords Commissioners of Her Majesty's Treasury.

28th October 1965.

(a) 14 Geo. 6. c. 34. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c.63. (c) 2 & 3 Eliz. 2. c.50.
(d) 7 & 8 Eliz. 2. c.33. (e) 10 & 11 Eliz. 2. c.28. (f) 1964 c.56.
(g) 52 & 53 Vict. c.63. (h) S.I. 1960/1143 (1960 II, p.1617).

SCHEDULE

Form 49

Form of Notice of Payment of Improvement Grant or Standard Grant

THE HOUSING (SCOTLAND) ACTS 1950 to 1964

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 1964 (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, as read with sections 15 and 17 of the Housing (Scotland) Act 1962 and sections 45, 46, 47 and 49 of the Housing Act 1964 (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 section 114(5) of the Housing (Scotland) Act 1950 as amended by section 9 of the Housing (Scotland) Act 1952[4]:—

(1) for a period of three 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 time at which it is not occupied—

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

(ia) where the applicant is a trustee within the meaning of the Trusts (Scotland) Act 1921, by a person who under the trust is interested in the dwelling or the proceeds of sale thereof, or by a member of the family of such a person, 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 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;

this condition shall not apply to a dwelling held upon trust for any charitable purpose within the meaning of the Income Tax Act 1952, so long as it is occupied or kept available for occupation for that purpose.

(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.

hh

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 or recording in the Register of Sasines, e.g., "All and Whole..... ..... [in the County of.....] [in the Burgh of ..... and the 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.)

Section 114(5) of the Housing (Scotland) Act 1950, as amended, provides that, when a local authority pay an improvement grant under section 111 of that Act, or a standard grant under Part III of the House Purchase and Housing Act 1959, 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 house. These conditions have been amended by section 15 of the Housing (Scotland) Act 1962, and by section 55 of the Housing Act 1964, and these Regulations prescribe an amended form of notice which takes account of the amendments.