STATUTORY INSTRUMENTS

1968 No. 1502 (S.146)

HOUSING, SCOTLAND

The Housing (Forms) (Scotland) (No. 2) Regulations 1968

Made - - -	*5th September* 1968
Laid before Parliament	*27th September* 1968
Coming into Operation	*30th September* 1968

In exercise of the powers conferred upon me by section 31(9) (10) and (11) as read with section 43 of the Housing (Financial Provisions) (Scotland) Act 1968(a), section 54 of the said Act of 1968 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) (No. 2) Regulations 1968 and shall come into operation on 30th September 1968.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations and the regulations revoked by these regulations were Acts of Parliament.

2. Regulations 1 and 2 of and Forms 47 to 52 inclusive of the Schedule to the Housing (Forms) (Scotland) Regulations 1960(c) and the Housing (Forms) (Scotland) Amendment Regulations 1965(d) are hereby revoked except in so far as the forms therein prescribed are appropriate for the completion of proceedings commenced before the date on which these regulations come into operation.

3. 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 (Financial Provisions) (Scotland) Act 1968 in the cases to which those forms are applicable.

William Ross,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

27th August 1968.

We consent.

B. K. O'Malley,
Joseph Harper,

5th September 1968.

Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 1968 c.31.
(b) 1889 c.63.
(c) S.I. 1960/1143(1960 II, p.1617).
(d) S.I. 1965/1901(1965 III, p.5733).

SCHEDULE
LIST OF FORMS

Form	*Purpose*	*Reference to sections of the Act*[1]
A	Form of notice of payment of improvement grant or standard grant	31(9),43
B	Form of notice of cessor of conditions of improvement grant or standard grant	31(10),34(3),43
C	Form of charging order under section 31(11)	31(11),43
D	Form of discharge of charging order made under section 31(11)	31(11),43

[1]The references are to the Housing (Financial Provisions) (Scotland) Act 1968.

FORM A

Form of Notice of Payment of Improvement Grant or Standard Grant

THE HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT 1968

NOTICE OF PAYMENT OF [1][IMPROVEMENT GRANT] | [STANDARD GRANT]

[1][Whereas the[2] ....., the local authority under the Housing (Financial Provisions) (Scotland) Act 1968 (hereinafter referred to respectively as "the local authority" and "the Act") have, in accordance with the provisions of the Act, paid to[3] ..... an improvement grant of[4] ..... sterling in respect of improvement works relating to the dwelling described in the schedule hereto :

Now, therefore, notice is hereby given, in accordance with the provisions of section 31(9) of the Act, that:-]

[1][Whereas the[2] ....., the local authority under the Housing (Financial Provisions) (Scotland) Act 1968 (hereinafter referred to respectively as "the local authority" and "the Act") have, in accordance with the provisions of the Act, paid to[3] ..... a standard grant of[4] ..... sterling 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 31(9) as read with section 43 of the Act, that:-]

1. for a period of three years commencing on[5] .... 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 [1][improvement grant] [standard grant] or a member of his family; or

(ii) 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

(iii) 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 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:

Provided that this sub-paragraph 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 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 33 of the Act, 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) where the dwelling is occupied for the time being by a member of the agricultural population in pursuance of a contract of service, then if that contract is determined -

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

(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 at a time when 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 31(4) of the Act) of -

[6](a) any sums paid by the local authority by way of [1][improvement grant] [standard grant] in respect of [1][the expenses incurred for the purpose of executing the said improvement works] [the provision of standard amenities], together, in the case of each such sum, with interest (as defined in section 31(4) of the Act) on the appropriate proportion thereof for the period from the date of payment of the sum by the authority to the date of payment to the authority of the appropriate proportion of the sum.

[6](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 27(5) of the Act) of the approved expense (as so defined) of executing the said improvement works bears to the whole of the approved expense of executing those works, together, in the case of each part of a sum, with interest (as defined in section 31(4) of the Act) on the appropriate proportion of that part for the period from the date of payment of the sum by the authority

to the date of payment to the authority of the appropriate proportion of that part.

Dated ..... 19 .....

.....

(Signature of Clerk to the local authority.)

SCHEDULE

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

---

Notes for guidance in completing this form

1. Delete in so far as not applicable.
2. Insert the name of the local authority.
3. Insert the name, designation and address of the recipient of the grant.
4. Insert in words the appropriate amount.
5. Insert the date from which the period begins in accordance with section 30(1) of the Act.
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 31 (2) and (3) of the Act.
7. Describe the dwelling sufficiently to identify it for the purpose of recording in the General 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 County of .....on.....19....."

A separate notice should be used for each resultant dwelling.

FORM B

Form of Notice of Cessor of Conditions of Improvement Grant or Standard Grant

THE HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT 1968

NOTICE OF CESSOR OF CONDITIONS OF [1]*[IMPROVEMENT GRANT]. [STANDARD GRANT]*

Whereas by notice of payment of[1] [improvement grant] [standard grant] amounting to[2] ..... paid to[3] ..... dated .....19..... and recorded in the Division of the General Register of Sasines applicable to the County of ..... on ..... 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 [1][section 31(7)] [section 34(1)] of the Housing (Financial Provisions) (Scotland) Act 1968 (hereinafter referred to as "the Act")[4] observance of the said conditions has ceased to be requisite with respect to the said dwelling;

Now therefore the[5] ....., as the local authority under the Act, hereby give notice, in accordance with the provisions of [1][section 31(10)] [section 31(10) as read with section 34(3)] [section 31(10) as read with section 43] [section 31(10) as read with sections 34(3) and 43] of the Act that, as from[6] .....19....., the said conditions specified in the said notice of payment of[1] [improvement grant] [standard grant] no longer apply to the said dwelling.

Dated ..... 19 .....

.....

(Signature of Clerk to the local authority.)

SCHEDULE

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

Notes for guidance in completing this form

1. Delete in so far as not applicable.
2. Insert in words the amount of the sum as in the notice of payment of grant.
3. Insert name, designation and address of the recipient of the grant.
4. In the case of a standard grant insert the words "as read with section 43 of the Act".
5. Insert the name of the local authority.
6. Insert the appropriate date of cessation of the conditions in accordance with section 31(7) or section 34(1) of the Act, as the case may be.
7. 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.

FORM C

Form of charging order under section 31(11) as read with section 43 in respect of improvement grant or standard grant

THE HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT 1968

CHARGING ORDER

The[1]..... , the local authority under the Housing (Financial Provisions) (Scotland) Act 1968, in exercise of the powers conferred upon them by section 31(11)[2][as read with section 43] of that Act, do hereby provide and declare that the subjects described in the schedule hereto are hereby charged and burdened with payment to[1]..... or their assignees of an amount of[3] ..... sterling, payable forthwith.

SCHEDULE

Description of Subjects[4]	Name and designation of owner	Name of occupier	Parish	County

[5]Given under the seal of the[1] ..... 19 ...

.....

(Signature of Clerk to the local authority.)

Notes for guidance in completing this form

1. Insert the name of the local authority.
2. Delete in so far as not applicable.
3. Insert in words the sum payable, as provided in section 31(2)-(4) of the Act.
4. Describe the subjects, preferably be reference to a recorded title.
5. See section 19(1) of the Housing (Scotland) Act 1966 as to the signing and sealing of orders.

FORM D

Form of discharge of charging order made under section 31(11) as read with section 43 in respect of improvement grant or standard grant

THE HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT 1968

DISCHARGE OF CHARGING ORDER

The[1] .....,
the local authority under the Housing (Financial Provisions) (Scotland) Act 1968, in consideration of the sum of .....
sterling paid to them by[2] .....
hereby discharge the charging order for an amount of[3] .....
sterling made by them on.....19.....,
and recorded in the Division of the General Register of Sasines applicable to the County of ..... on..... 19 ...

[4]Given under the seal of the[1] .....19.....

.....

(Signature of Clerk to the local authority.)

Notes for guidance in completing this form

1. Insert the name of the local authority.
2. Insert the name and designation of the person making payment.
3. Insert in words the amount of the sum payable as in the charging order.
4. See section 191(1) of the Housing (Scotland) Act 1966 as to the signing and sealing of orders.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations prescribe, in relation to improvement grants and standard grants, the forms in which certain notices, a charging order and a discharge of such a charging order should be made under the provisions of the Housing (Financial Provisions) (Scotland) Act 1968.

They consolidate with minor and drafting amendments the Regulations and forms specified in Regulation 2 (other than Forms 47 and 48 of the Regulations of 1960 which are no longer required), and they take account of the consolidation of the financial provisions relating to housing in the Act of 1968.