STATUTORY INSTRUMENTS

1973 No. 757 (S.60)

HOUSING, SCOTLAND

The Housing (Forms) (Scotland) Regulations 1973

Made - - - -	*9th April* 1973
Laid before Parliament	*2nd May* 1973
Coming into Operation	*22nd May* 1973

In exercise of the powers conferred on 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) Regulations 1973 and shall come into operation on 22nd May 1973.

(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interpretation of an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

2. The Housing (Forms) (Scotland) (No. 2) Regulations 1968**(c)** and the Housing (Forms) (Scotland) (No. 2) Regulations 1968 Amendment Regulations 1969**(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.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
3rd April 1973.

We consent.

Tim Fortescue,
P. L. Hawkins,
Two of the Lords Commissioners of Her Majesty's Treasury.

9th April 1973.

(a) 1968 c. 31.
(b) 1889 c. 63.
(c) S.I. 1968/1502 (1968 III, p. 4259).
(d) S.I. 1969/1424 (1969 III, p. 4607).

SCHEDULE

LIST OF FORMS

Form	*Purpose*	*Reference to sections of the Act**
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	31(11), 43
D	Form of Discharge of Charging Order	31(11), 43

*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]£.....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] £.....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 owner of the dwelling shall, on being required so to do by the local authority, certify that the foregoing condition is 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;

(*c*) all steps as are practicable shall be taken to secure the maintenance of the dwelling in a reasonable state of repair.

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 27A(1) 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") [1][as read with section 43 of the Act] observance of the said conditions has ceased to be requisite with respect to the said dwelling;

Now therefore the[4].....as the local authority under the Act, hereby give notice, in accordance with the provision 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[5].....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[6]:—

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] Insert the name of the local authority.

[5] 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.

[6] 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 annuity of[3] £.....payable on[4].....19.....and in every year for the term of 30 years from the date of this order.

SCHEDULE

Description of Subjects[5]	Name and designation of owner	Name of occupier	Parish	County

[6]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 amount of the annuity. This is to be calculated by reference to (*a*) the sum payable as provided in section 31(2) to (4) of the Act and (*b*) a sum prescribed by the Secretary of State under paragraph 2 of Schedule 2 to the Housing (Scotland) Act 1969**(a)**.

[4] Insert a date one year from the date of the order.

[5] Describe the subjects, preferably by reference to a recorded title.

[6] See section 191(1) of the Housing (Scotland) Act 1966**(b)** as to the signing and sealing of orders.

(a) 1969 c. 34.

(b) 1966 c. 49.

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 £.....paid to them by[2].....hereby discharge the charging order for an annuity of[3] £.....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 on 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, revised 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 in consequence of amendments made to that Act by the Housing (Financial Provisions) (Scotland) Act 1972 (c. 46).

SI 1973/757
ISBN 0-11-030757-7

