STATUTORY INSTRUMENTS

1978 No. 965 (S. 88)

HOUSING, SCOTLAND

The Housing (Forms) (Scotland) Regulations 1978

Made - - - -	*27th June* 1978
Laid before Parliament	*24th July* 1978
Coming into Operation	*15th August* 1978

In exercise of the powers conferred on me by section 197(1) of the Housing (Scotland) Act 1966**(a)** as read with, extended or applied by:—

(*a*) sections 24, 25 and 66 of and paragraph 3 of Schedule 2 to the Housing (Scotland) Act 1969**(b)**, as amended by the Housing (Financial Provisions) (Scotland) Act 1978**(c)** and

(*b*) sections 2, 9(9), 10A, 14A and 49(3) of and paragraph 7 of Schedule 2 to the Housing (Scotland) Act 1974**(d)**, as amended by the Housing (Financial Provisions) (Scotland) Act 1978,

and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Housing (Forms) (Scotland) Regulations 1978 and shall come into operation on 15th August 1978.

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

Revocation

2. Forms 29, 32, 33 and 34 in the Schedule to the Housing (Forms) (Scotland) Regulations 1974**(f)** are hereby revoked except in so far as the forms prescribed are required to be used in connection with proceedings after the date on which these regulations come into operation and consequent upon action taken before that date.

3. The forms set out in the Schedule hereto, or forms as near thereto as circumstances permit, shall be the forms to be used for the purposes of the Housing (Scotland) Act 1969 and the Housing (Scotland) Act 1974, as amended, in the cases to which those forms are applicable.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.

27th June 1978.

(a) 1966 c. 49. **(b)** 1969 c. 34. **(c)** 1978 c. 14.
(d) 1974 c. 45. **(e)** 1889 c. 63. **(f)** S.I. 1974/1982.

SCHEDULE

LIST OF FORMS

Form	*Purpose*	*Reference to section of the Act*
	Housing (Scotland) Act 1969	
1	Notice requiring the person having control of a house to execute works to remedy repair defects	24
	Housing (Scotland) Act 1974	
2	Application for Improvement Grant	2(2)
3	Application for Repairs Grant	2(2) and 10A
4	Order requiring the owner of a house to execute works of improvement	14A
5	Notice of Payment of Improvement Grant or Repairs Grant	9(9), 10A(5), 11(7)
6	Notice of Cessor or Partial Cessor of Conditions of Improvement Grant or Repairs Grant	9(9), 10(1), 10A(5), 11(7) and paragraph 7 of Schedule 2
7	Notice about a well maintained payment	30(1)

FORM 1

Form of notice to person having control of a house in serious disrepair.

WARNING: IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.

THE HOUSING (SCOTLAND) ACT 1969

To[1].....the person having control of the house[2] .....

Take notice that:—

(1) the[3].....the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that the above-mentioned house is in a state of serious disrepair; and

(2) in exercise of the powers conferred upon them by section 24(1) of the Act the local authority require you within a period of [4].....days, ending on.....19....., to execute the works necessary to rectify the following defects:—

[5]

In the opinion of the local authority the rectification of these defects will bring the house up to such a standard of repair as is reasonable having regard to the age, character and location, and disregarding the internal decorative repair, of the house.

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

[6].....

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof.)

1. The person having control of a house is defined in section 208(2) of the Housing (Scotland) Act 1966 as a person who for the time being is entitled to receive, or would, if the house were let, be entitled to receive, the rent of the house, including a trustee, tutor, curator, factor or agent.

2. Section 24(4) of the Housing (Scotland) Act 1969 provides that where a local authority are of the opinion that a house in their district is in need of repair although not in a state of serious disrepair and that it is likely to deteriorate rapidly, or to cause material damage to another house, if nothing is done to repair it, they may deem it to be in a state of serious disrepair for the purposes of section 24.

3. Any person aggrieved by this notice may, in accordance with the provisions of section 27 of the Act, appeal to the Sheriff against the notice, and may also appeal to the Sheriff against any demand for the recovery from him of expenses incurred by the local authority in executing works, or against an order made by the local authority under section 25(2) of the Act with respect to any such expenses, or against a charging order with respect to any such expenses made by the local authority in accordance with the provisions of Schedule 2 to the Act. The appeal must be brought WITHIN 21 DAYS AFTER THE DATE OF THE SERVICE OF THE NOTICE, DEMAND OR ORDER, and no proceedings may be taken by the local authority to enforce any notice, demand or order whilst an appeal against it is pending. On appeal against a demand for the recovery of expenses incurred by a local authority in executing works or against an order under section 25(2) or a charging order made by a local authority with respect to any such expenses, no question can be raised which might have been raised on an appeal against the original notice requiring the execution of the works (ie this notice).

4. Sub-section (6) of section 24 of the Housing (Scotland) Act 1969 defines "house":—

"Any reference in this Part of this Act to a house shall be construed as including a reference to a building which comprises or includes (*a*) a house or houses; or (*b*) a house or houses and other premises."

The effect of this wide definition is that in tenements or in other buildings which comprise a mixture of houses and non-housing premises, all owners or premises may be within the scope of repairs notices. That is, the owners of non-residential premises may have a responsibility for repairs to the building in which their premises are located.

5. Under section 25(1A) of the Housing (Scotland) Act 1969, local authorities can recover their expenses in carrying out repairs undertaken when owners do not themselves comply with a repairs notice under section 24 of that Act. Local authorities can apportion these expenses amongst different owners of different parts of a building, whether houses or other premises.

6. Sub-sections (2) and (3) of section 24 and sub-sections (1), (2) and (3) of section 25 provide as follows:—

(here quote sub-sections (2) and (3) of section 24 and sub-sections (1), (2) and (3) of section 25).

7. Sub-sections (1) and (2) of section 14 of the Housing (Repairs and Rents) (Scotland) Act 1954 relating to the limitation of liability of trustees, etc, for expenses of local authorities, provide as follows:—

(here quote sub-sections (1) and (2) of section 14).

8. Section 26 of the Act, which relates to the recovery by lessees of a proportion of expenses incurred in repairing a house, provides as follows:—

(here quote the whole of section 26).

NOTES FOR GUIDANCE IN COMPLETING THIS FORM

1. Insert name and address of the person having control of the house.
2. Insert such description of the house as may be sufficient for identification.
3. Insert name of local authority.
4. Insert a reasonable time, not being less than 21 days.
5. Insert the defects.
6. Insert name and designation of authorised officer.

FORM 2

Form of application to local authority for improvement grant.

READ THE NOTES ATTACHED BEFORE COMPLETING THIS FORM

This form should be completed and sent to the Council in whose area the house is situated. A separate application must be made for each separate building to be improved. (One building may of course contain a number of separate houses.)

THE IMPROVEMENT WORK SHOULD NOT BE STARTED BEFORE THE COUNCIL HAVE GIVEN APPROVAL IN WRITING TO THE APPLICATION FOR GRANT. IF YOU START WORK BEFORE THE APPLICATION IS APPROVED THE COUNCIL MAY NOT BE ABLE TO GIVE GRANT. YOU SHOULD, THEREFORE, ENSURE THAT ANY PERSON ACTING FOR YOU IN THESE MATTERS DOES NOT START WORK BEFORE YOU HAVE THE APPROVAL OF THE COUNCIL IN WRITING.

A CONSENT GIVEN FOR PLANNING OR BUILDING REGULATIONS PURPOSES WHICH MAY ALSO BE REQUIRED IS NOT SUFFICIENT.

THE HOUSING (SCOTLAND) ACT 1974

APPLICATION FOR IMPROVEMENT GRANT

I/We hereby make application to the Council for improvement grant in respect of the works proposed to be carried out on the under-mentioned property in accordance with the particulars given below and with the plans of the house (or buildings) before and after improvement and the specifications which accompany this application.

*(I/We desire payment by instalments as the work proceeds.)

Date .....Signature of [Applicant] [Agent].....

Address .....

*Delete if not applicable.

1. Address of property to be improved or converted. .....
.....

2. (*a*) Full name and address of applicant. .....
.....
.....

(*b*) Name and address of agent (if applicable). .....
.....
.....

3. Was the house built or provided by conversion after 15 June 1964? (see Note 1.) .....

4. (See Note 2.)
(*a*) State whether you are the owner or the lessee of the house, or a tenant-at-will. .....
.....

(*b*) If the lessee, when does the lease end? .....

(*c*) Has the occupier, if other than the applicant, agreed to the work being done? .....

5. (See Note 2.)

(*a*) Is the house security for a loan? .....

(*b*) If so, give name and address of lender. .....
.....
.....

(*c*) Has the lender given any necessary consent to the making of this application? .....

6. (See Note 3.)

(1) Does the application for improvement grant provide for the adaptation of a house to make it suitable for the accommodation, welfare or employment of a disabled occupant? .....

If "yes", 6(2)(*a*) and (*b*) do not apply.

(2) If the application for improvement grant relates to a building which at the date of the application already consists of or includes a house, please state:

(*a*) Whether on completion of the works the house is to be occupied by the owner? .....

(*b*) The rateable value of the house at the date of this application. .....

7. If on completion of the works the house is to be occupied by the owner, or a member of his family, will the house be his only or main residence? (See Note 4.) .....

8. (See Note 5.)

(*a*) Has grant or assistance ever been given in respect of the property under any of the enactments mentioned in section 5(5) of the Housing (Scotland) Act 1974? ....

(*b*) If so, say when. ....

(*c*) Is an application for assistance under any of these enactments pending? .....

9. Give a short description of the existing accommodation. .....
.....
.....
.....
.....

10. Is the property situated in a Housing Action Area? (See Note 11.) .....

If it is,

(*a*) Are the improvement works for which grant is sought necessary to bring the house up to the standard specified for the area. .....

(*b*) Will the house satisfy the standard specified for the area when the proposed improvement and repair works are completed? .....

If it is not,

(*c*) Is it the subject of an improvement order? (See Note 12.) .....

(*d*) Will the house satisfy the standard specified in the order when the proposed improvement and repair works are completed? .....

11. The standard amenities existing or to be provided for the first time for the exclusive use of the occupants are listed at (*a*) to (*g*) below. Enter a tick against each of the standard amenities in column A or B as appropriate. (See Notes 6 to 10).

	A Amenity already available	B Amenity to be provided for the first time
(*a*) a fixed bath or shower. If reasonably practicable the fixed bath must be in a bathroom.	.....	.....
(*b*) a hot and cold water supply at a fixed bath or shower.	.....	.....
(*c*) a wash-hand basin.	.....	.....
(*d*) a hot and cold water supply at a wash-hand basin.	.....	.....
(*e*) a sink.	.....	.....
(*f*) a hot and cold water supply at a sink.	.....	.....
(*g*) a water closet.	.....	.....

12. Do you claim that it is not practicable at reasonable expense to provide the house with all the standard amenities? (If so say why.) (See Note 6.) .....

13. (See Notes 7—9.)

Summarise works proposed and give their cost.

(*a*) Where application relates to provision of standard amenities only complete (i) and (iv). Otherwise complete (i) to (iv) where appropriate:

(i) Specify works to provide standard amenities. .....
.....
.....
.....

Cost £.....

(ii) Specify other improvement works. .....
.....
.....
.....

Cost £.....

(iii) Specify other works or repair or replacement for which grant is sought. .....
.....
.....

Cost £.....

(iv) Professional fees. £.....

14. Name and address of person who prepared the plans and specifications. .....
.....
.....

15. When is it intended the works should:
(*a*) Start? .....
(*b*) Finish? .....

16. Is the property a listed building within the meaning of Part IV of the Town and Country Planning (Scotland) Act 1972, or is it subject to a building preservation notice under section 56 of that Act? .....

NOTES

Further details of the grants available may be obtained at the offices of the local authority.

Depending on the nature of the work to be done, planning permission may have to be obtained from the local planning authority. It may also be necessary to obtain warrant from the building authority. Advice should be sought at the offices of the local authority. Approval for building regulation purposes or approval for planning purposes is not the same as grant approval.

Any grant-aided works must be carried out to the satisfaction of the Council. Inspection by officials of the Council will therefore normally be necessary.

If the local authority do not approve the application or if they fix as the amount of grant an amount less than that which may be fixed under the Statute they must notify the applicant in writing of the grounds on which they have decided to do so.

THE FOLLOWING NOTES ARE INTENDED TO ASSIST YOU IN COMPLETING THE FORM

1. Houses built or provided by conversion after 15 June 1964 will not qualify for grant except by direction of the Secretary of State.

2. The applicant must be the owner of the house or the lessee under a lease with not less than five years to run or a tenant-at-will. If the applicant is not the occupier of the house, the occupier's consent to the proposed improvements should be obtained before making the application. (In general a landlord may not carry out improvements without the consent of the tenant but see Note 11(*d*) below.) If the house is security for a loan, the building society or other lender should be notified of the application for grant. A copy of the necessary letter of consent from lender or tenant should be attached to this application.

3. Except where a house is to be adapted to meet the needs of a disabled occupant, houses with a rateable value above a prescribed limit, and which on completion of the works are to be occupied by the owner, may be excluded from grant. Further particulars may be obtained from the local authority.

4. It is a condition of grant that the house shall not be occupied by the owner or a member of his family except as his only or main residence within the meaning of section 29 of the Finance Act 1965. Broadly the effect of this provision is that second or holiday homes are not eligible for improvement grant and a breach of the conditions of grant occurs if a house becomes used as such while the conditions of grant apply.

5. Section 5(5) of the Housing (Scotland) Act 1974 provides that, where grant or assistance has been given in respect of a house under

Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (ie an improvement or standard grant),

Part I of the Housing (Scotland) Act 1974 (ie an improvement or repairs grant),

Section I of the Hill Farming Act 1946,

Section 77 of the Agriculture (Scotland) Act 1948,

Section 100(1)(*b*) of the Housing (Scotland) Act 1950,

Section 22(2) of the Crofters (Scotland) Act 1955,

Section 44 of the Housing (Financial Provisions) (Scotland) Act 1968,

any improvement grant made under the 1974 Act within 10 years of the payment of any such grant or assistance (or the final instalment of it) must be reduced by the unrepaid amount, if any, of the previous grant or assistance.

6. To qualify for a grant the house after improvement must normally be provided with all the standard amenities listed in Question 11 for the exclusive use of the occupants. If the Council consider in the circumstances of any application that all of the amenities cannot or should not reasonably be provided, they may still pay a grant provided that at least the amenities referred to at (*e*), (*f*) and (*g*) are provided but in such case applicants must give their reasons for not providing all of the amenities.

7. (*a*) The improvement works can include alteration and enlargement and such repairs and replacements as are needed, in the opinion of the local authority, for the purpose of enabling the house to attain a good state of repair.

(*b*) The proportion of the cost of repairs and replacements in the approved expense determined by the local authority in approving an application for improvement grant cannot exceed 50% of the approved expense.

8. If the Council are satisfied that after the works specified in the application are carried out the house will meet the tolerable standard and will be available for use for at least 10 years they must give grant for the provision for the first time of the standard amenities as listed in Question 11 of this form. If they are not so satisfied they may give a grant if they see fit (but see Note 6 above). The Council will not normally give a grant where they consider that the house will be available for use for less than 7 years.

9. If after the application is approved, the Council are satisfied that owing to circumstances beyond the control of the applicant the expense of the works will exceed the estimate contained in the application, they may on production of a further estimate substitute a higher amount as the amount of the approved expense.

10. If the house is to be let it may be affected by the provisions of Part VI of the Rent (Scotland) Act 1971.

HOUSING ACTION AREAS

11. The owner, lessee and/or occupier will already have been informed by the Council if the house is situated in an area for which the Council have made a final resolution declaring it to be a housing action area for improvement, or for demolition and improvement. The following conditions apply in such a housing action area:

(*a*) The Council are empowered to secure that all houses in the area (other than any to be demolished in a housing action area for demolition and improvement) are brought up to the standard which they have specified for the area. The specified standard is that houses must meet the tolerable standard and must be in a good state of repair having regard to their age, character and locality. (The state of internal decorative repair is disregarded for this purpose.) If the Council are satisfied that the houses in the area have a future life of at least 10 years they may also specify that all the houses must be provided with all of the standard amenities.

(*b*) The Council must give grant for improvement works which in their opinion are required to bring a house up to the standard specified.

(*c*) Grant will be payable on approved improvement work at the rate of 75% of the approved expense (or up to 90% if the Council considers that the applicant cannot without undue hardship finance his share of the cost).

(*d*) The owner of a house can require a tenant to vacate it if it is required for integration with other property in terms of the resolution, or to allow access or temporarily to vacate the house for such time as is needed to carry out necessary improvements or repairs. If the tenant refuses to allow access or to vacate the house the owner can apply to the Sheriff for an order requiring him to do so.

IMPROVEMENT ORDERS

12.(*a*) The Council may serve an order on the owner of a sub-tolerable standard house requiring the owner to improve the house within 180 days of the making of the order. This period may be extended if the Council are satisfied that steps are being taken, or will be taken, to carry out the works required for the house to be brought up to the tolerable standard and to be put into a good state of repair. Furthermore, if the house has a future life of at least 10 years they may also require the house to be provided with all of the standard amenities.

(*b*) The Council must give a grant for improvement works which in their opinion are required to bring the house up to the standard specified in the improvement order.

(*c*) Grant will be payable on approved improvement works at the rate of 75% of the approved expense.

(*d*) The Council may also be obliged to offer a loan towards the cost of works unmet by grant.

(*e*) Failure to carry out the necessary works within 180 days, or such longer period as the Council may approve, may lead to your house being acquired by the Council, with your agreement, or by compulsory purchase.

FORM 3

Form of application to local authority for repairs grant.

READ THE NOTES ATTACHED BEFORE COMPLETING THIS FORM

This form should be completed and sent to the Council in whose area the house is situated. A separate application must be made for each separate house to be repaired.

THE REPAIR WORK SHOULD NOT BE STARTED BEFORE THE COUNCIL HAVE GIVEN APPROVAL IN WRITING TO THE APPLICATION FOR GRANT. IF YOU START WORK BEFORE THE APPLICATION IS APPROVED THE COUNCIL MAY NOT BE ABLE TO GIVE GRANT. YOU SHOULD, THEREFORE, ENSURE THAT ANY PERSON ACTING FOR YOU IN THESE MATTERS DOES NOT START WORK BEFORE YOU HAVE THE APPROVAL OF THE COUNCIL IN WRITING.

A CONSENT GIVEN FOR PLANNING OR BUILDING REGULATIONS PURPOSES WHICH MAY ALSO BE REQUIRED IS NOT SUFFICIENT.

THE HOUSING (SCOTLAND) ACT 1974

APPLICATION FOR REPAIRS GRANT

I/We hereby make an application to the Council for repairs grant in respect of the works proposed to be carried out on the under-mentioned property in accordance with the particulars given below and with the plans of the house before and after repair and the specifications which accompany this application.

*(I/We desire payment by instalments as the work proceeds).

Date ..... Signature of (Applicant) (Agent).....

.....

Address .....

*Delete if not applicable.

1. Address of property to be repaired. .....
.....

2. (*a*) Full name and address of applicant. .....
.....
.....

(*b*) Name and address of agent (if applicable). .....
.....
.....

3. Was the house built or provided by conversion after 15 June 1964? (see Note 1.) .....

4. (See Note 2.)
   (*a*) State whether you are the owner or the lessee of the house, or a tenant-at-will. .....
   .....
   (*b*) If the lessee, when does the lease end? .....
   (*c*) Has the occupier, if other than the applicant, agreed to the work being done? .....

5. (See Note 2.)
   (*a*) Is the house security for a loan? .....
   (*b*) If so, give name and address of lender. .....
   .....
   .....
   .....
   (*c*) Has the lender given any necessary consent to the making of this application? .....

6. (See Note 3.)
   Please state:
   (*a*) Whether on completion of the works the house is to be occupied by the owner? .....
   (*b*) The rateable value of the house at the date of this application. .....

7. If on completion of the works the house is to be occupied by the owner, or a member of his family, will the house be his only or main residence? .....
   .....
   (See Note 4.)

8. Give a short description of the existing accommodation. .....
   .....
   .....
   .....

9. Is the house the subject of a repairs notice under section 24(1) of the Housing (Scotland) Act 1969?
   (See Note 5.) .....

   If it is will the repair works proposed remedy the defects specified in the repairs notice? .....

10. Is the property situated in a Housing Action Area? (See Note 8.) .....
    If it is will the house satisfy the standard specified for the area when the proposed repair works are completed? .....

11. (See Notes 7-9.)
Summarise works proposed and give their cost. (Complete *(a) or (b) or (c).*)

(*a*) If the house is in a housing action area specify repair work needed to bring the house up to the standard specified for the area. .....

Cost £.....

(*b*) If the house is the subject of a repairs notice specify repair work needed to rectify defects specified in repairs notice. (See Note 5). .....

Cost £.....

(*c*) For houses not in a housing action area and not the subject of a repairs notice, specify repair work needed to enable the house to attain a good state of repair. .....

Cost £.....

(*d*) Professional fees. £.....

12. Name and address of person who prepared the plans and specifications. .....

13. When is it intended the works should
(*a*) Start? .....
(*b*) Finish? .....

14. Is the property a listed building within the meaning of Part IV of the Town and Country Planning (Scotland) Act 1972, or is it subject to a building preservation notice under section 56 of that Act? .....

NOTES

Further details of the grants available may be obtained at the offices of the local authority.

Depending on the nature of the work to be done, planning permission may have to be obtained from the local planning authority. It may also be necessary to obtain warrant from the building authority. Advice should be sought at the offices of the local authority. Approval for building regulation purposes or approval for planning purposes is not the same as grant approval.

Any grant-aided works must be carried out to the satisfaction of the Council. Inspection by officials of the Council will therefore normally be necessary.

If the local authority do not approve the application or if they fix as the amount of grant an amount less than that which may be fixed under the Statute they must notify the applicant in writing of the grounds on which they have decided to do so.

THE FOLLOWING NOTES ARE INTENDED TO ASSIST YOU IN COMPLETING THE FORM

1. Houses built or provided by conversion after 15 June 1964 will not qualify for grant except by direction of the Secretary of State.

2. The applicant must be the owner of the house or the lessee under a lease with not less than five years to run or a tenant-at-will. If the applicant is not the occupier of the house, the occupier's consent to the proposed repairs should be obtained before making the application. (In general a landlord may not carry out repairs without the consent of the tenant but see Note 8(*e*) below.) If the house is security for a loan, the building society or other lender should be notified of the application for grant. A copy of any necessary letter of consent from lender or tenant should be attached to this application.

3. Houses with a rateable value above a prescribed limit, and which on completion of the works are to be occupied by the owner, may be excluded from grant. Further particulars may be obtained from the local authority.

4. It is a condition of grant that the house shall not be occupied by the owner or a member of his family except as his only or main residence within the meaning of section 29 of the Finance Act 1965. Broadly the effect of this provision is that second or holiday homes are not eligible for improvement or repairs grants and a breach of the conditions of grant occurs if a house becomes used as such while the conditions of grant apply.

5. Under section 24(1) of the Housing (Scotland) Act 1969, as amended by paragraph 5 of Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1978, a local authority may serve on the person having control of the house a notice requiring him to execute, within a reasonable period (not less than 21 days), works which will rectify the repair defects specified in the repairs notice. Failing compliance with such a notice the local authority may carry out the works themselves and retrieve the costs.

6. If after the application is approved, the Council are satisfied that owing to circumstances beyond the control of the applicant the expense of the works will exceed the estimate contained in the application, they may on production of a further estimate substitute a higher amount as the amount of the approved expense.

7. If the house is to be let it may be affected by the provisions of Part VI of the Rent (Scotland) Act 1971.

HOUSING ACTION AREAS

8. The owner, lessee and/or occupier will already have been informed by the Council if the house is situated in an area for which the Council have made a final resolution declaring it to be a housing action area for improvement, or for demolition and improvement. The following conditions apply in such a housing action area:—

(*a*) The Council are empowered to secure that all houses in the area (other than any to be demolished in a housing action area for demolition and improvement) are brought up to the standard which they have specified for the area. The specified standard is that houses must meet the tolerable standard and must be in a good state of repair having regard to their age, character and locality. (The state of internal decorative repair is disregarded for this purpose.) If the Council are satisfied that the houses in the area have a future life of at least 10 years they may also specify that all the houses must be provided with all of the standard amenities.

(*b*) The Council must give grant for repair works which in their opinion are required to bring a house up to the standard specified.

(*c*) Grant will be payable on approved repair work at the rate of 75% of the approved expense (or up to 90% if the Council considers that the applicant cannot without undue hardship finance his share of the cost).

(*d*) In considering whether to approve an application for a repairs grant the Council have to decide whether an applicant could pay the whole cost of the repairs without hardship. Any person applying for this grant may therefore be asked to provide details of income and other assets and commitments.

(*e*) The owner of a house can require a tenant to vacate it if it is required for integration with other property in terms of the resolution, or to allow access or temporarily to vacate the house for such time as is needed to carry out necessary improvements or repairs. If the tenant refuses to allow access or to vacate the house the owner can apply to the Sheriff for an order requiring him to do so.

FORM 4

Form of order requiring the owner of a house to execute works of improvement.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [Quote address]..... ....., or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1974

To[1]....., the owner of the house[2].....

Take notice that:—

1. the[3].....Council, the local authority for the purposes of the Housing (Scotland) Act 1974 as amended by the Housing (Financial Provisions) (Scotland) Act 1978 (hereinafter referred to respectively as "the local authority" and "the Act") are satisfied that the above-mentioned house, which is not situated in a housing action area, fails to meet the tolerable standard in the following respects:—

[4][

].

2. in exercise of the powers conferred on them by section 14A(1) of the Act, the local authority order you within a period of 180 days, ending on [5]..... .....19..... to improve the house by the execution of works:

(*a*) to bring it up to the tolerable standard;

(*b*) to put it into a good state of repair;[6] [and, in consideration of the local authority being satisfied that the house has a future life of not less than 10 years;

(*c*) to provide it with all the standard amenities which it presently lacks].

DATED..... 19.....

[7].....

NOTES FOR YOUR INFORMATION

(To be incorporated in the Order and any copies thereof.)

1. Section 14A(1) of the Housing (Scotland) Act 1974 provides that where a local authority are satisfied that a house which is not in a housing action area fails to meet the tolerable standard they may serve an Order on the owner requiring him to execute works within a period of 180 days in order to:

(*a*) bring the house up to the tolerable standard; and

(*b*) put it into a good state of repair.

In addition, if the local authority are satisfied that the house has a future life of not less than 10 years, they may at their discretion, require that the house is provided with all the standard amenities.

2. A house shall meet the tolerable standard if it:

[Insert here sub-sections (*a*) to (*i*) of section 14(1) of the 1974 Act].

3. It is for the local authority to decide what constitutes "a good state of repair". The state of internal decorative repair will be disregarded for this purpose, but the age, character and locality of the house will be taken into account.

4. The standard amenities are:

[Insert here list of standard amenities as in Part I of Schedule 1 to the 1974 Act].

5. Any person aggrieved by this Order may, in accordance with the provisions of section 26 of the Housing (Scotland) Act 1966, appeal to the Sheriff against the Order. The appeal must be brought within 21 days after the date of the service of the Order and no proceedings may be taken by the local authority to enforce the Order whilst an appeal against it is pending.

6. Under subsections (7) and (8) of section 14A of the Housing (Scotland) Act 1974 the local authority may be obliged to make an improvement grant and/or a loan towards the cost of the improvement works. Further advice should be sought from the local authority about grant and loan assistance.

7. Failure to execute the necessary improvement works within 180 days, or such period as may be determined on appeal, may lead to the local authority acquiring the house, by agreement or by compulsory purchase, in order that the necessary works may be carried out.

NOTES FOR GUIDANCE IN COMPLETING THIS FORM

1. Insert the name and residence or place of business of the owner of the house.

2. Insert such description of the house as may be sufficient for identification.

3. Insert the name of the local authority.

4. Insert the items on which the house fails to meet the tolerable standard.

5. Insert the date of expiry of the 180 day period for execution of the works.

6. Delete in so far as not applicable.

7. Insert name and designation of authorised officer.

FORM 5

Form of Notice of Payment of Improvement Grant or Repairs Grant

THE HOUSING (SCOTLAND) ACT 1974

NOTICE OF PAYMENT OF IMPROVEMENT GRANT OR REPAIRS GRANT

[1][Whereas the[2].....Council, the local authority under the Housing (Scotland) Act 1974 (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 house described in the schedule hereto. Now therefore notice is hereby given, in accordance with the provisions of section 9(9) of the Act, that:—]

[1][Whereas the[2].....Council the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as "the local authority" and "the Act") have, in accordance with the provisions of the Act, paid to[3]..... a repairs grant of £[4].....in respect of the works of repair to the house described in the schedule hereto.

Now therefore notice is hereby given in accordance with the provisions of section 9(9) as read with section 10A(5) of the Act, that:—]

1. For a period of 5 years commencing on [5].....19..... the following conditions shall be observed with respect to the said house:—

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

   (*b*) the house shall not be occupied by the owner or a member of his family except as his only or main residence within the meaning of section 29 of the Finance Act 1965;

   (*c*) all steps as are practicable shall be taken to secure the maintenance of the house in a good state of repair;

   [(*d*)[5]the house at all times at which it is not occupied by the applicant or by a member of his family will be let or kept available for letting].

2. [1][(*a*) In the event of a breach of any of the conditions specified at (*a*), (*b*), and (*c*) in paragraph 1 above at a time when they are required as aforesaid to be observed with respect to the said house, there shall on being demanded by the local authority, forthwith become payable to them by the owner for the time being of the said house the whole amount of any sums paid by the local authority by way of improvement grant or repairs grant in respect of the expenses incurred for the purpose of executing the said improvement works or works of repair together in the case of each such sum, with interest thereon (as defined in paragraph 9 of Schedule 2 to the Act) for the period from the date of payment of the [1][final instalment of the] grant by the local authority to the date of repayment of the grant to the local authority].

   [1][(*b*) In the event of a breach of the conditions specified at (*d*) in paragraph 1 above at a time when it is required as aforesaid to be observed with respect to the said house, the local authority may if they consider it reasonable for them to do so decide not to recover the sums paid by them by way of improvement grant or repairs grant or where they do not so consider, recover from the owner for the time being of the said house the whole amount of any sums paid by them by way of improvement grant or repairs grant or the appropriate amount (as defined in paragraph 9 of Schedule 2 to the Act) of the grant which may be outstanding

together with interest (as so defined) for the period from the date of payment of the [1][final instalment of the] grant by the local authority to the date of repayment of the whole amount or appropriate amount of the grant to the local authority as the case may be].

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

[6].....

SCHEDULE

All and Whole.....(in the County of.....) (in the District 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 house.

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 9(1) of the Act.
6. Insert name and designation of authorised officer.

FORM 6

Form of Notice of Cessor or Partial Cessor of Conditions of Improvement Grant or Repairs Grant

THE HOUSING (SCOTLAND) ACT 1974

Notice of [1][Partial] Cessor of Conditions of Improvement Grant or Repairs Grant

Whereas by Notice of Payment of Improvement Grant or Repairs 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 house described in the schedule hereto be observed certain conditions specified in the said Notice;

And Whereas, in accordance with the provisions of [1][section 10 of] [paragraph [3] [5] of Schedule 2 to] the Housing (Scotland) Act 1974 (hereinafter referred to as "the Act") [as read with section 10A(5) of the Act] observance of [all the conditions in] [condition (*d*) in paragraph 1 of] the said Notice of Payment has ceased to be requisite with respect to the said house;

Now therefore, the[4].....as the local authority under the Act, hereby give notice, in accordance with the provisions of paragraph 7 of Schedule 2 to the Act, that, as from[5].....19..... [1][all the conditions in] [condition (d) in paragraph 1 of] the said Notice of Payment of Improvement Grant or Repairs Grants no longer[1] [apply] [applies] to the said house.

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

[6].....

SCHEDULE

Description of the house 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. Insert the name of the local authority.

5. Insert the appropriate date of cessation of the conditions in accordance with paragraph 3 or 5 of Schedule 2 to the Act.

6. Insert name and designation of authorised officer.

7. Repeat the description contained in the schedule in the relevant recorded notice of payment of grant. A separate notice should be used for each house.

FORM 7

Form of notice about a well maintained payment

WARNING: IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR

THE HOUSING (SCOTLAND) ACT 1974

To[1] .....
[2][owner] [lessee] [occupier] of the house at[3].....

Take notice that[4].....
the local authority under the Housing (Scotland) Act 1974 in exercise of the powers conferred upon them by section 30(1) of the said Act.

[5][are satisfied that the above mentioned house has been well maintained and intend to make a payment in accordance with the subject to the calculation to be made under section 21 of the Housing (Scotland) Act 1969]

[5][are not satisfied that the above mentioned house has been well maintained and do not intend to make a payment under section 21 of the Housing (Scotland) Act 1969. You have a right to make representations to the Secretary of State about this matter, and any such representations should be made in writing to the Secretary, Scottish Development Department [6].....by[7].....19.....].

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

[8].....

NOTES FOR GUIDANCE IN COMPLETING THIS FORM

1. Insert name and address of the person to whom the notice is addressed.
2. Delete in so far as inappropriate to the particular notice.
3. Insert such description of the house as may be sufficient for identification.
4. Insert name of local authority.
5. Delete whichever is inapplicable.
6. Insert address.
7. Insert date 21 days from service of this notice.
8. Insert name and designation of authorised officer.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the forms in which improvement orders, repair notices, applications for grant and other documents should be made under the provisions of the Housing (Scotland) Act 1966, the Housing (Scotland) Act 1969 and the Housing (Scotland) Act 1974 as amended by the Housing (Financial Provisions) (Scotland) Act 1978.

The Regulations take account of the passing of the Housing (Financial Provisions) (Scotland) Act 1978 by prescribing forms etc. related to the modified repairs notice and the new improvement order. The Regulations also take account of minor modifications to the code for house improvement and repair contained in the Act of 1978.

The Regulations revoke in part the Housing (Forms) (Scotland) Regulations 1974.

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